

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, January 4, 2010
7:22 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the year on Monday, January 4, 2010 at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Killian, Chairman
Steve Miller, Vice Chairman
Robert Heinsohn
Bill Keough
George Pytel

Staff: Mark Kunkle, Township Manager
Trisha Lang, Director of Planning and Zoning
David Modricker, Director of Public Works

Others in attendance included: Marsha Buchanan, Recording Secretary; John Walsh, Educational Property Group; Alex Belavitz, Registered Architect and Urban Planner; Dave Palmer, S&A Homes Inc.; Albert Drobka; and Marc McMaster.

II. CALL TO ORDER

Mr. Killian called the January 4, 2010 Regular Meeting to order at 7:22 pm.

III. PUBLIC HEARINGS – RESOLUTIONS

1. A RESOLUTION OF THE BOARD OF SUPERVISORS OF FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, RATIFYING THE TOWNSHIP'S EXECUTION OF AN OPTION AGREEMENT FOR THE ACQUISITION OF THE FUTURE RIGHT OF WAY OF OLD GATESBURG ROAD BETWEEN S&A HOMES, INC. AND THE TOWNSHIP OF FERGUSON

This Option Agreement preserves the Township's ability to acquire at a future date at a fixed cost right of way shown as Old Gatesburg Road on the Township's Official Map. Although not typical, in this case the Option Agreement is being recorded since the current property owner intends to sell the lots affected by the right of way.

Mr. Keough made a motion to adopt Resolution 2010-1, ratifying the Township's execution of an Option Agreement for the acquisition of the future right of way of Old Gatesburg Road between S&A Homes Inc. and Ferguson Township. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

2. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING A REVISED AND UPDATED COMPREHENSIVE RECREATION, PARKS AND OPEN SPACE PLAN

Ms. Lang said this is an update to the previous plan. The former standards are not supposed to be used to measure a community's consistency or compliance with the amount of park land in the community, so the Township will take a different approach next time. This time the study has identified that at the present time the location and amount of park land within the community is sufficient to accommodate growth until the year 2020. This document is scheduled for an update in 2012.

Mr. Pytel made a motion to adopt Resolution 2010-2, revising and updating the Comprehensive Recreation, Parks and Open Space Plan. Mr. Miller seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTIONS NUMBERED 2009-1, 2009-4, AND 2009-15, AND ESTABLISHING A NEW SCHEDULE OF FEES

Mr. Kunkle said annually staff reviews the fee schedule for various services provided by and to the Township. He provided a brief overview on updates that were made to the fee schedule.

Mr. Kunkle said it is customary for the Board to adopt the Ferguson Township fees and the Code Administration fees at the same time. Mr. Keough said he supports the fees that the Township itself is charging, but he is currently not supportive of the Code Office's fee schedule. He would prefer to adopt the fees separately. Mr. Kunkle said resolutions do not need to be advertised, so the Board could amend the resolution any way they desire. Mr. Miller and Mr. Killian are inclined to go with the Code fees as approved by the Finance Committee. Mr. Pytel supports it for now, but wants to make sure it is revisited in June 2010.

Mr. Pytel made a motion to adopt Resolution 2010-3, amending the Township's Fee Schedule for 2010. Mr. Heinsohn seconded the motion. With Mr. Heinsohn and Mr. Keough voting no, and Mr. Killian, Mr. Miller, and Mr. Pytel voting yes, the motion passed.

4. PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE CHAIR AND SECRETARY TO EXECUTE A LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND NORTHEASTERN ITS, SETTING FORTH THE TERMS AND CONDITIONS FOR OCCUPANCY AND MAINTENANCE OF RIGHT OF WAY USE

Mr. Kunkle said the Township recently received a license agreement that had been proposed to Northeastern ITS for occupancy of the Township's right of way for the construction of a fiber-optic network that is part of a 455-mile system from Ohio to New Jersey. Since this is a 10-year license agreement, it should be treated as the Cable Franchise Agreement, which was adopted by resolution of the Board. This license agreement would be for a 10-year term to occupy the right of way in the Township. It will be subject to a highway occupancy permit, inspection, etc. This allows them to occupy the Township's right of way in a designated area.

Mr. Miller made a motion to approve Resolution 2010-4, authorizing the Chair and Secretary to execute a license agreement between Ferguson Township and Northeastern ITS, setting forth the terms and

conditions for occupancy and maintenance of right of way use. Mr. Pytel seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

IV. COMMUNICATIONS TO THE BOARD

Mr. Miller noted the following:

- He received an email about a turning lane at Science Park and Pine Hall roads. Mr. Kunkle has asked Mr. Modricker to look into that. The letter mentioned that had the Township gone to a different light before going with this, which was not an appropriate use of funds. Mr. Miller pointed out that the light farther up on Science Park Road was installed by the developer of the property and was paid for under that development. The Township did not commit any funds to that project.
- He commented on the article in the newspaper about the Borough recycling compost of household organic materials. A citizen urged him not to get involved with something along those lines. He assured her that would not come up for discussion for a number of years.
- Finally, he received a concern about undergraduate student housing related to the potential rezoning along West College Avenue.

Mr. Pytel noted the following:

- He received complaints from residents about the intersection of Tadpole Road and Fairbrook being dangerous due to fast-moving traffic and suggested that a study be done in order to make the intersection safer. Mr. Modricker said this intersection has been looked at in the past as far as safety improvements. The current upgrade of Whitehall Road does not include any change in that intersection. In the past, they installed oversized stop signs and other signs. The only lighting there currently is a light that is actually owned and operated by the church. Mr. Keough agreed that the increased traffic on the west end of Tadpole Road in recent years is significant.

Mr. Heinsohn noted the following:

- Several residents who watch Board meetings on C-Net have asked him if “omni-directional microphones” can be used since voices are often inaudible when Board members turn their heads to speak. Mr. Killian suggested going through a sound test and/or proper training for the current microphones. Mr. Kunkle said he will arrange for that.
- Two suggestions for improving communication with the ABC's came as a result of interviewing candidates for those committees – a) it is suggested that the Chairman of the Planning Commission be added to the Board's meeting agenda in case the Commission Chairman wishes to comment. Mr. Keough clarified that each week the Commission selects a representative from the Planning Commission to attend the Board of Supervisors meeting, but it is not necessarily the Chairman; and b) applications to the Zoning Hearing Board do not contain sufficient important information needed by the Board to reach a decision. It is suggested that a member of the Board (or Township Manager) attend the Zoning Hearing Board meetings to convey missing background information.
- Finally, there are instances when Homeowners Associations fail to satisfy the association's requirements. The residents could be served better if there were formal procedures, mechanisms and sanctions to insure the requirements are enforced.

V. ACTION ITEMS

1. PRESENTATION ON WEST COLLEGE AVENUE REZONING AND ESTABLISHMENT OF NEW ZONING DISTRICT

At their meeting on September 15, 2008, the Board voted to forward comments to Mr. Walsh and to authorize commencement of the proposal to evaluate the current zoning and develop new language that would allow for new development and encourage reinvestment in the corridor. Below is summary of the efforts regarding this project to ensure that Board members support the contents of the draft prior to releasing this information for public comment.

Ms. Lang provided a brief overview of this project. They anticipate making some changes in phases. Many worthwhile discussions have been held as part of the planning process for this project. She said they are seeking input at this time in order to make necessary clarifications before getting input from land owners and bringing this back to the Board for additional discussion.

John Walsh, Educational Property Group, introduced Alex Belavitz, Registered Architect and Urban Planner, who was a key player in all of this. Mr. Belavitz provided context and background to this effort. He presented an overview of the Design Guidelines for the Ferguson Township Terraced Streetscape District, a plan based on new urbanism and neo-traditional design standards. He said there is a clear methodology in this project. This is a document that will serve to create a foundation to the West College Avenue Corridor. The Terraced Streetscape District becomes a highly attractive idea if planned with sensitivity. The purpose of these guidelines is to provide the Township a means of approving projects that are empathetic with the principles provided here.

Mr. Miller commented that he does not believe there is any real objection to the concept. The Board is going to be looking at the details over the next several weeks.

2. PRESENTATION ON VALLEY VISTA DRIVE PARKING STUDY

Mr. Modricker provided an overview of the study that was completed. He read the summary and recommendations. Based on the information collected, it is the recommendation of the Township Engineer that parking be restricted at all times on both sides of Valley Vista Drive between Circleville Road and Bachman Lane and on both sides of Science Park Road from Circleville Road to the Tudek/Circleville bike path, approximately 400 feet south of the intersection. This section of roadway is currently posted as No Parking under a 90-day temporary ordinance. If the Board would adopt a resolution for No Parking under this there would be no required changes in the signage.

Mr. Pytel made a motion to accept the parking study completed by the Public Works Engineering Section to restrict parking on portions of Valley Vista Drive and Science Park Road and further to authorize advertisement of an ordinance amending Chapter 15 of the Code of Ordinances to establish the No Parking restriction. Mr. Miller seconded the motion. The motion passed unanimously.

3. PINE HALL TOWN CENTER TERMS AND CONDITIONS

Staff has been discussing the contents of this agreement for quite some time and believes there to be general consensus on the majority of issues. Some concerns remain with regard to the coordination of certain infrastructure with the adjacent Circleville TTD site, the provision and administration of workforce housing units, and the amount of off-street parking accommodated in surface parking lots. The Planning Commission reviewed both the General Master Plan and the Terms & Conditions and recommended that the Board approve these items subject to any remaining conditions.

Ms. Lang said the transportation improvements are in a separate agreement. It is indicated in the terms and conditions that they are applicable to the plan. Mr. Kunkle said the major transportation improvements deal with the intersections of Science Park Road/Valley Vista Drive and Pine Hall Road/Science Park Road. They are looking at approximately \$300,000 for the total project. He said these are off-site improvements, so there will be a negotiated cost-sharing involved.

Mr. Kunkle added that there are changes being suggested to the terms and conditions that staff may not feel comfortable recommending to the Board. Of major concern is workforce housing. There is a desire by the developer not to have workforce housing at all. But that was a key component of Ferguson Township's TTD. Ms. Lang agreed, saying the developer is not satisfied that the Township does not have an adequate program in place. She informed their consultant that she is not comfortable negotiating this and if they really wish to have relief from the entire requirement of the ordinance, they need to ask for an ordinance amendment.

Mr. Kunkle said there are three principles that staff made clear to both property owners – They must have 1) shared open space; 2) interconnectivity from a transportation standpoint; and 3) control of storm water. Ms. Lang said developers show connectivity to Circleville Road in the last phase of their development. The Township wants to reserve the right to have them make that connection earlier than the last phase. If that occurs, there is the chance that it could be a shared cost. Mr. Kunkle clarified that this would potentially be a surety situation. He said the Board has the ability to continue the public hearing past January 18th if these terms and conditions are not addressed by then. A suitable arrangement can be reached before the master plan is considered.

Mr. Miller asked if it would be useful to have Board members present at upcoming meeting with the developer. Mr. Kunkle said yes, as long as the developer and his representatives are in town. Mr. Miller and Mr. Keough volunteered to attend these meetings.

4. AGRICULTURAL BUFFER YARD AMENDMENT/DEVELOPMENT OF REGIONAL IMPACT

During 2009 the Board of Supervisors authorized the preparation of a Development of Regional Impact to eliminate a required 200-foot agricultural buffer yard where Ag zoned property is re-zoned to a zoning district for residential purposes and the re-zoned tract is adjacent to RA or Forest and Game Lands zoned property. On December 1, 2009 the Planning and Zoning Director submitted to the CRPA a report in accordance with the Centre Region Act 537 Plan called Development of Regional Impact (DRI) Report.

Ms. Lang provided an update on the DRI process. In summarizing the impacts, they found six different properties in the Township that could take advantage of removing the buffer. In doing so they could accommodate an additional 218 dwelling units in the municipality within the growth boundary. Everyone they contacted identified the ability to service the additional users without any significant impact to their services.

Mr. Killian restated the Board's options – 1) keep the 200-foot buffer; 2) remove the buffer completely; or 3) mandate a lesser buffer.

Mr. Pytel made a motion to lower the buffer requirement from 200 feet to a 50-foot buffer yard on both sides with a vegetative buffer within that buffer zone to protect the farmer. Mr. Killian seconded the motion. With Mr. Keough and Mr. Heinsohn voting no, and all others voting yes, the motion passed, recommending an amendment to reduce the buffer requirement from 200 feet to 50 feet.

Ms. Lang clarified that, if there is not an existing lot with an existing 200-foot buffer, a deck would not be permissible under this proposal for a house that is within 2 feet of the buffer. Ms. Lang said the Township does not require the buffer enforcement to be anywhere except on the plan of record. She said when the Township gets to the point of acting on the amendment, there will be a public hearing that will be advertised, but it is not a rezoning, so there is no posting and there is no advertising in terms of individual notification of property owners. A resident would need to find out about this on their own.

Mr. Kunkle asked if the Board wants to proceed with the DRI. Board members said yes. Mr. Keough asked if there will be any opportunity for the dissenting opinion to present its case as the DRI moves forward. Mr. Miller said when the DRI goes to COG, it will be discussed at an open meeting, and anyone will be permitted to speak. Mr. Kunkle said the General Forum's action on that is advisory only.

5. CONSENT AGENDA

- a. Payment Authorization to Breneman in the amount of \$7,563.88
- b. Time Extension for S&A Subdivision Tax Parcel 24-4-23 until March 30, 2010

Mr. Heinsohn made a motion to approve the Consent Agenda. Mr. Miller seconded the motion. The motion passed unanimously.

VI. REPORTS

a. Manager

- The Township participated in the purchase of the James Rogers agricultural conservation easement on December 22, 2009 and contributed \$29,691 of the total \$791,760 purchase price of total acreage.
- Township staff has been working on an agreement with PADOT to clarify the relationship and responsibilities of the parties as they relate to the North Atherton Street ITS project to place video camera, transit signal priority, and message boards along the corridor. This project is expected to have final design completed by March 2010, let for bid on May 2010, and construction completed between October and December 2010.

b. Public Works Director

- Mr. Modricker updated the Board on status of all current contracts and Township maintenance.

I. MINUTES

1. December 7, 2009 Board of Supervisors Regular Meeting Minutes

Mr. Heinsohn made a motion to approve the December 7, 2009 Regular Meeting minutes. Mr. Miller seconded the motion. The motion passed unanimously.

2. December 14, 2009 Board of Supervisors Regular Meeting Minutes

Mr. Heinsohn made a motion to approve the December 14, 2009 Regular Meeting minutes. Mr. Miller seconded the motion. The motion passed unanimously.

II. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Killian adjourned the January 4, 2010 Regular Meeting at 11:05 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 01/18/2010