#### FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda Tuesday, February 21, 2023 7:00 PM

#### **MEETING PARTICIPATION OPTIONS**

**VIRTUAL:** 

**IN-PERSON:** 

Join Zoom Meeting Link:

**Ferguson Township Municipal Building** 

https://us02web.zoom.us/j/83406305774

Main Meeting Room 3147 Research Drive State College, PA

Meeting ID: 834 0630 5774 Zoom Access Instructions

I. CALL TO ORDER

- II. PLEDGE OF ALLEGIANCE
- III. ANNOUNCEMENTS
- IV. PUBLIC INPUT
- V. APPROVAL OF MINUTES
- VI. AUTHORITIES, BOARDS, AND COMMISSION REPORTS
- VII. SPECIAL REPORTS
- VIII. COG AND REGIONAL COMMITTEE REPORTS
- **IX. STAFF REPORTS**
- X. UNFINISHED BUSINESS
  - 1. Public Hearing Ordinance amendment to Ch. 22 and Ch. 27 wireless communications facilities
  - 2. Public Hearing Resolution to approve RPOS Plan Update
  - 3. Discussion Solar Power Purchasing Agreement Commitment
  - 4. Discussion use of funds from PCCD

#### XI. NEW BUSINESS

- 1. Consent Agenda
- 2. Proclamation to recognize Black History Month 2023
- 3. Appointment of Ferguson Township Representative for the C-Net Board Of Directors
- 4. Appointment of Ferguson Township Representative for the CATA Board Of Directors
- 5. Request for Consideration of a Modification/Waiver—3049 Enterprise Drive (TP: 24-004-070Q-0000)
- 6. Farmstead View Preliminary Subdivision Plan Denial
- 7. Review of prefinal Greenbriar-Saybrook Park Master Plan
- 8. Review of prefinal Fairbrook Park Master Plan
- 9. Final Land Development Plan MP Machinery
- 10. Review of ABC Workplans for Pine Grove Mills Small Area Plan Advisory Committee (PGMSAP AC), Planning Commission, and Tree Commission
- 11. Update on Pine Grove Mills Bicycle and Pedestrian Improvement Project
- 12. Review CRCOG Budget Timeline & Budget Priorities
- 13. Board member request discussion on Township's financial health



Ferguson Township Board of Supervisors Tuesday, February 21, 2023

- XII. COMMUNICATIONS TO THE BOARD
- XIII. CALENDAR ITEMS
- XIV. ADJOURNMENT



### TOWNSHIP OF FERGUSON

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### BOARD OF SUPERVISORS Regular Meeting Agenda Tuesday, February 21, 2023 7:00 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ANNOUNCEMENTS
- IV. PUBLIC INPUT
- V. APPROVAL OF MINUTES
  - 1. February 7, 2023 Board of Supervisors Regular Meeting Minutes
- VI. AUTHORITIES, BOARDS, AND COMMISSION REPORTS
  - 1. Schlow Library Board of Trustees Ms. Susan Werner

5 minutes

### VII. SPECIAL REPORTS

- 1. Diversity, Equity, and Inclusionary Initiatives and Acknowledgements Black History Month,
- 2. Township and Fiscal Responsibility none.
- 3. Community and Economic Development none.
- 4. Environment none.

#### VIII. COG AND REGIONAL COMMITTEE REPORTS

#### 1. COG COMMITTEE REPORTS

15 minutes

- a. Human Resources Committee cancellation notice
- b. Finance Committee
- c. Climate Action & Sustainability Committee
- d. Public Safety
- e. Centre Region Parks and Recreation Authority
- f. Executive Committee

#### 2. OTHER COMMITTEE REPORTS

5 minutes

#### IX. STAFF REPORTS

15 minutes

- a. Manager's Report
- b. Public Works Director
- c. Planning & Zoning Director
- d. Chief of Police

#### X. UNFINISHED BUSINESS

1. A PUBLIC HEARING OF TOWNSHIP OF FERGUSON, CENTRE PENNSYLVANIA TO ADOPT ORDINANCE **AMENDING** CHAPTER ANSUBDIVISION AND LAND DEVELOPMENT; SECTION 5B01.1.C.(3), STANDARDS, CHAPTER 27, ZONING; SECTION 205.1, RURAL AGRICULTURAL (RA), SECTION 205.2, RURAL RESIDENTIAL (RR), SECTION 205.3, AGRICULTURAL RESEARCH (AR), SECTION 205.4, FOREST/GAME LANDS (FG), SECTION 205.13, GENERAL COMMERCIAL (C), SECTION 205.14, INDUSTRIAL (I), SECTION 205.15, LIGHT INDUSTRY, RESEARCH AND DEVELOPMENT (IRD) DISTRICT QUICKS, SECTION TRADITIONAL TOWN DEVELOPMENT, AND SECTION 710, 303.3.A.(1)(d), WIRELESS COMMUNICATIONS FACILITIES

Jenna Wargo, Director of Planning and Zoning

5 minutes

#### **Narrative**

Provided with the agenda is the draft amendment to Chapter 22, Subdivision and Land Development, Section 5B01.1.C.(3), Standards; and Chapter 27, Zoning, Section 303, Traditional Town Development, and Section 710, Wireless Communication Facilities as authorized for advertisement for a public hearing on January 17, 2023. This amendment focused on updating the code to reflect technological advances since the Wireless Communications Facilities Ordinance was last amended in 2015 and resolve digital disparities within the Township that COVID-19 exposed.

This amendment includes updates to the following quickviews to permit Communications Facilities and Towers in the following zoning districts: 1) Rural Agricultural (RA) 2) Agricultural Research (AR) 3) Rural Residential (RR) 4) General Commercial (C) 5) Forest/Gamelands (FG) 6) Industrial (I) 7) Light Industry, Research and Development (IRD)

All local, regional, and county agencies reviewed the amendment, and those comment letters are attached to the memorandum from the Planning Director, dated February 14, 2023. Planning Commission reviewed the updated draft at the January 23, 2023 regular meeting and recommended approval to the Board of Supervisors.

Recommended motion: That the Board of Supervisors adopt the Ordinance.

#### Staff Recommendation

That the Board of Supervisors *adopt* the Ordinance.

2. A PUBLIC HEARING OF TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA TO ADOPT A RESOLUTION APPROVING THE RECREATION, PARKS, AND OPEN SPACE PLAN UPDATE OF 2023 COMPLETED BY HRG

Jaymes Progar, Assistant Township Manager

5 minutes

#### **Narrative**

The Recreation, Parks and Open Space (RPOS Plan) provides a long-term outlook and vision for Ferguson Township parks, recreation facilities, and open space. The update drives near-term and long-range planning, ensuring Township parks provide recreational opportunities for all members of our community, while directing decision-making and resources toward a defined vision for the future. The Township's last update to the RPOS Plan was in 2009.

Ferguson Township engaged Herbert, Rowland & Grubic, Inc. (HRG) to lead this initiative beginning in August of 2021. HRG worked closely with the Parks and Recreation Committee to undertake a planning process that explores general growth, development, and redevelopment of open space, parks, trails, and recreation in the Township. HRG also engaged citizen input at the Winter Market in November of 2021 and the Municipal Mixer at Greenbriar Saybrook Park in August of 2022. A joint work session with the Board of Supervisors took place in July of 2022. This effort also featured a

resident survey as well as a number of key stakeholder interviews with Centre Region Parks and Recreation, residents, and local youth sports associations.

The result of these efforts provides Ferguson Township parks with a mission statement, goals, and a plan to achieve those goals. Included with the updated RPOS Plan are recommendations, a priority matrix, and finance options to guide the maintenance and growth of the Township's municipal park system. The RPOS Plan was presented to the Board of Supervisors for review and discussion at the February 7, 2023, Regular Meeting. The RPOS plan presented this evening for approval is updated with the Board's comments.

Recreation, Parks, and Open Space Plan Update

Recommended motion: That the Board of Supervisors adopt the RPOS Plan.

#### Staff Recommendation

That the Board of Supervisors *adopt* the resolution.

### 3. CONTINUED DISCUSSION ON THE SOLAR POWER PURCHASING AGREEMENT COMMITMENT TO INVEST IN SOLAR ENERGY 15 minutes

David Modricker, Director of Public Works

#### Narrative

The Centre Region Council of Governments (CRCOG) Solar Power Purchase Agreement Working Group reviewed proposals and will make a recommendation to CROG and the participating municipalities and school district regarding award of a power purchase agreement. Economics remain viable. A volume commitment is required by each participant. As electric market prices increase, there is more financial benefit to having solar power. 50 percent solar participation is considered, by the consultant, to be the most risk neutral financially. If net zero or carbon neutrality is a goal, then 75% to 100% for an electric consumption volume commitment is a better position. In addition, participants are asked to decide if they are interested in buying the associated Renewable Energy Credits (RECs). Recorded presentations to COG and State College Area School District (SCASD) should be available to viewing.

Recommended motion: That the Board of Supervisors approves \_\_\_ percentage of total electric consumption to allocate to the solar power purchase agreement.

#### **Staff Recommendation**

That the Board of Supervisors *determine* amount to invest in solar energy.

#### 4. CONTINUED DISCUSSION ON USE OF FUNDS FROM PCCD

Chief Petrick and Township Manager

10 Minutes

#### **Narrative**

At the regular meetings held on January 17, 2023 and February 7, 2023, the Board received presentations from FTPD on a Pennsylvania Commission on Crime and Delinquency (PCCD) Grant tentatively awarded for use of funds to purchase automated license plate readers and tethered drone.

The Automated License Plate Readers (ALPR) would be strategically placed throughout the township with their primary focus being on traffic volume and identifying serious public safety concerns. These cameras would be interconnected with a Law Enforcement nationwide database (NCIC) and would identify stolen vehicles, missing or

endangered persons, AMBER & SILVER alerts, felonious arrest warrants associated with a specific vehicle, and vehicles identified by FTPD or surrounding agencies as being involved in criminal activity. A majority of the APLR's would be affixed to poles and powered via solar. All hardware and software would be owned and maintained by the vendor, FLOCK Safety. FLOCK SAFETY would not have access to the data. Necessary permitting costs would be covered by the vendor. The vendor meets CJIS compliance requirements. The grant would cover expenses related to the APLR's for two years as a lease.

The FTPD also proposes to purchase a tethered drone that would be mounted to a marked FTPD unit. The drone is tethered to the patrol vehicle and can only "fly" above the patrol vehicle up to a maximum height of 150 feet. It is powered by the patrol vehicle and does not have the ability to move, with the exception of up or down, and can only go where a police vehicle can go. This unit is assigned to the daylight and evening shift sergeants and will be utilized during normal patrol activities. Two of the most notable benefits of having a tethered drone is: no FAA pilot's license is required and having the ability to rapidly deploy in emergent situations (missing persons, critical incidents, fire scenes, accident reconstruction, etc.) in which time is a factor. In a vast majority of incidents, quick response by Law Enforcement (and other emergency service providers) is paramount and can oftentimes determine the outcome of the incident. This drone provides Law Enforcement (and Fire when appropriate) the ability to see the missing person in the woods, see the hot spots on a house fire, monitor large crowds for potential violence and/or terrorist events, to see the hostage suspect fleeing from a residence, and much, much more. The tethered drone will not be weaponized. Deployment of the tethered drone must be approved by a police supervisor.

Both service agreements have been reviewed by the Township Solicitor for comments. FTPD Policies for the Automated License Plate Reader Cameras and Unmanned Aerial Vehicle (UAV-Drone) have been reviewed by Township Manager and Chief John Petrick.

Recommended motion: That the Board of Supervisors approve the acceptance of PCCD funds for purchase of tethered drone and automated license plate readers to be utilized at two intersections.

#### **Staff Recommendation**

That the Board of Supervisors **approve** the acceptance of PCCD funds for purchase of tethered drone and automated license plate readers to be utilized at two intersections.

#### XI. NEW BUSINESS

#### 1. CONSENT AGENDA

5 minutes

- a. October 2022 Voucher Report
- b. November 2022 Voucher Report
- c. December 2022 Voucher Report
- d. Board member request request for discussion on regulating of burning of motor oil (March 21)
- e. Board member request request for parking study on Diebler Road (March 21)
- f. Board member request request for discussion on CATA bus stop on Blue Course Drive (March 21)
- g. December 2022 Treasurer's Report for acceptance

# 2. A PROCLAMATION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA TO OFFICIALLY RECOGNIZE BLACK HISTORY MONTH OF 2023

Lisa Strickland, Chair

5 minutes

#### **Narrative**

Provided with the agenda is a proclamation to officially recognize Black History Month 2023.

Recommended Motion: That the Board of Supervisors adopt the proclamation.

#### Staff Recommendation

That the Board of Supervisors *adopt* the proclamation.

### 3. APPOINTMENT OF FERGUSON TOWNSHIP REPRESENTATIVE FOR THE C-NET BOARD OF DIRECTORS 5 minutes

Centrice Martin, Township Manager

#### Narrative

Provided with the agenda packet is an application submitted by Ms. Leslie Liang to serve as the Ferguson Township Representative on the C-NET Board for the consideration of the Board of Supervisors.

Recommended Motion: That the Board of Supervisors appoint Leslie Liang to serve as the Ferguson Township Representative on the C-NET Board of Directors.

#### Staff Recommendation

That the Board of Supervisors *appoint* Ms. Leslie Liang to the C-NET Board of Directors.

# 4. APPOINTMENT OF FERGUSON TOWNSHIP REPRESENTATIVE FOR THE CENTRE AREA TRANSPORTATION AUTHORITY (CATA) BOARD OF DIRECTORS 5 minutes Centrice Martin, Township Manager

#### **Narrative**

Provided with the agenda packet is an application submitted by Mr. Omari Patterson to serve as the Ferguson Township Representative on the CATA Board for the consideration of the Board of Supervisors.

Recommended Motion: That the Board of Supervisors appoint Omari Patterson to serve as the Ferguson Township Representative on the CATA Board of Directors.

#### Staff Recommendation

That the Board of Supervisors *appoint* Mr. Omari Patterson to the CATA Board of Directors.

## 5. REQUEST FOR CONSIDERATION OF A MODIFICATION/WAIVER—3049 ENTERPRISE DRIVE (TP: 24-004-070Q-0000)

10 minutes

Jenna Wargo, Director of Planning and Zoning

On February 2, 2023, M. Todd Giddings requested a waiver from Chapter 22-5C01.1.B.—Off-Street Parking and Loading. This section of the ordinance includes the parking calculations for required parking spaces on a site.

Mr. Giddings has requested a change in use zoning permit at the building located at 3049 Enterprise Drive (TP: 24-004-070Q) for his tenant, Integrated Bodywork School of Massage Therapy. The property is zoned Light Industry, Research and Development (IRD). This change in use results in the

need for one additional parking space on site. The approved land development plan for this property included 34 parking spaces and the change in use would require Mr. Giddings to provide 35 parking spaces.

Mr. Giddings operates his business out of this building and Bodywork School of Massage Therapy has been operating at this site for the last 7 years. Mr. Giddings hasn't experienced the parking lot full at any point during that time and is requesting a waiver from the one additional parking space to be provided.

Planning Commission reviewed this request at the February 13, 2023 regular meeting and recommended approval to the Board of Supervisors. Staff have reviewed the request and is recommending approval with no conditions.

Recommended Motion: That the Board of Supervisors approve the request for waiver from §22-5C01.1.B.—Off-Street Parking and Loading for 3049 Enterprise Drive from adding one (1) additional parking space on the site.

#### Staff Recommendation

That the Board of Supervisors that the Board of Supervisors approve the request for waiver.

## 6. FARMSTEAD VIEW PRELIMINARY SUBDIVISION PLAN DENIAL Jenna Wargo, Planning and Zoning

10 minutes

On July 29, 2021, Penn Terra Engineering, Inc., submitted a preliminary subdivision plan on behalf of their client, Farmstead Developer, LLC. The parcel is located at 139 Farmstead Lane (TP: 24-022-306-0000) and is zoned Single-Family Residential (R-1). The parcel is currently a 3.03-acre lot, and the applicant proposed to subdivide the property into six (6) residential lots and one (1) stormwater retention lot.

On April 19, 2022, The Board conducted a conditional use hearing for Lot 1 (103 Farmstead Drive) to permit the creation of the flag lot. This subdivision plan was approved with conditions at the June 21, 2022, regular meeting. In December 2022, this property transferred ownership and the applicant doesn't wish to move forward with the plan. Staff has included in the agenda the outstanding conditions that haven't been met and is recommending the Board deny the plan.

Recommended motion: That the Board of Supervisors disapprove the Farmstead View Preliminary Subdivision Plan on the basis that is does not comply with specific standards and regulations set forth in Chapter 22, Subdivision and Land Development, as included in the memorandum from the Planning Director, dated June 14, 2022.

#### Staff Recommendation

That the Board of Supervisors *deny* the plan.

# 7. REVIEW AND AUTHORIZATION FOR ADVERTISEMENT OF PUBLIC HEARING TO APPROVE THE GREENBRIAR-SAYBROOK PARK MASTER PLAN 20 minutes Jaymes Progar, Assistant Township Manager

#### **Narrative**

In August 2021, the Township engaged consultant Herbert, Rowland & Grubic to conduct an update to the Recreation, Parks, and Open Space Plan, led by Tracy Strickland. An addendum to that project included the master planning process for Greenbriar Saybrook Park. Since that time, HRG engaged citizens via multiple public input events including the Municipal Mixer held at the park in August of

2022. Additional input was received from the Parks and Recreation Committee to deliver a draft master plan to the Board of Supervisors. Attached to this agenda is a copy of the Greenbriar Saybrook Park Draft Master Plan. Ms. Strickland will present this plan and answer any questions pertaining to the plan. The Board is asked to authorize advertisement of a public hearing to consider approval of the Greenbriar Saybrook Park Master Plan by resolution at the March 7 Regular Meeting.

Recommended motion: That the Board of Supervisors authorize a public hearing on the draft Greenbriar Saybrook Park Master Plan for March 7, 2023.

#### Staff Recommendation

That the Board of Supervisors that the Board of Supervisors authorize a public hearing on the draft Greenbriar Saybrook Park Master Plan for March 7, 2023.

### 8. REVIEW AND AUTHORIZATION FOR ADVERTISEMENT OF PUBLIC HEARING TO APPROVE THE FAIRBROOK PARK MASTER PLAN 20 minutes

Jaymes Progar, Assistant Township Manager

#### **Narrative**

In August 2021, the Township engaged consultant Herbert, Rowland & Grubic to conduct an update to the Recreation, Parks, and Open Space Plan, led by Tracy Strickland. An addendum to that project included the master planning process for Fairbrook Park. Since that time, HRG engaged citizens via multiple public input events including the Municipal Mixer in August of 2022. Additional input was received from multiple stakeholder groups as well as the Parks and Recreation Committee to deliver a draft master plan to the Board of Supervisors. Attached to this agenda is a copy of the Fairbrook Park Draft Master Plan. Ms. Strickland will present this plan and answer any questions pertaining to the plan. The Board is asked to authorize advertisement of a public hearing to consider approval of the Fairbrook Park Master Plan by resolution at the March 7 Regular Meeting.

Recommended Motion: That the Board of Supervisors authorize a public hearing on the draft Fairbrook Park Master Plan for March 7, 2023.

#### Staff Recommendation

That the Board of Supervisors that the Board of Supervisors authorize a public hearing on the draft Fairbrook Park Master Park Master Plan for March 7, 2023.

### 9. FINAL LAND DEVELOPMENT PLAN – MP MACHINERY

15 minutes

Jenna Wargo, Planning and Zoning

#### **Narrative**

Provided with the agenda is the MP Machinery and Testing Final Land Development Plan, dated January 24, 2023. The land development plan is located at 2161 Sandy Drive (TP: 24-433-007-0000). The parcel is approximately 1.436 acres and is zoned Light Industry, Research and Development (IRD).

This plan proposed the construction of an 8,088 SF addition to the existing building. On January 3, 2023, the Board of Supervisors reviewed and approved with conditions the preliminary land development plan. Planning Commission reviewed the plan at the February 13, 2023 regular meeting and recommended approval to the Board of Supervisors.

Township staff have reviewed the submission and is recommending approval with conditions as attached to the Planning Director's memorandum dated February 8, 2023.

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Recommended motion: That the Board of Supervisors approve the MP Machinery and Testing Final Land Development Plan with conditions as described in the Planning Director's memorandum dated February 8, 2023.

#### Staff Recommendation

That the Board of Supervisors *approve* the MP Machinery and Testing Final Land Development Plan with conditions.

10.REVIEW FOR APPROVAL OF AUTHORITIES, BOARDS, AND COMMISSIONS (ABC) WORKPLANS FOR PINE GROVE MILLS SMALL AREA PLAN ADVISORY COMMITTEE (PGMSAP AC), PLANNING COMMISSION, AND TREE COMMISSION 15 minutes Centrice Martin, Township Manager

#### **Narrative**

The workplan for the Pine Grove Mills Small Area Plan Advisory Committee, Planning and Commission and Tree Commission are provided within the agenda packet.

Recommended motion: That the Board of Supervisors approve the workplan for the Pine Grove Mills Small Area Plan Advisory Committee, Planning Commission, and Tree Commission.

#### Staff Recommendation

That the Board of Supervisors *discuss* the workplans presented by the ABCs.

11.UPDATE ON PINE GROVE MILLS BICYCLE AND PEDESTRIAN IMPROVEMENT
PROJECT - Transportation Alternative Set-Aside (TASA) Program
10 minutes
David Modricker, Director of Public Works

#### **Narrative**

In 2022, the Township received notification that the construction cost of the mobility and safety improvements in Pine Grove Mills would be funded through the Transportation Alternative Set-Aside (TASA) program. The mobility improvements include widening the shoulder with bike lanes on a section of SR45, sidewalk installation on a section of SR26 (Water Street), sharrows on a section of SR45 and a section of Nixon Road, and the addition of a rapid rectangular flashing beacon on Nixon Road near Sunday Drive. The Township is in coordination with PennDOT engineering staff to discuss the project, PennDOT policies, regulations, and process for the consultant selection for design of the project. The Township budgeted \$200,000 of funds for the engineering design must be completed by the end of the year to be compliant with the TASA program. The cost estimate for the engineering design is anticipated to be approximately \$385,000. Staff is negotiating the fee proposal to explore cost reduction measures as well as reviewing the proposal with consideration to descoping the project without compromising the funds awarded through the TASA program. However, to accomplish the current scope of work within the time limits of the project, it is possible that a future budget amendment may be necessary if design costs exceed budget before the end of the year. There is no action requested by the Board this evening on this item.

#### Staff Recommendation

That the Board of Supervisors *receive* the update on the Pine Grove Mills mobility improvement project.

# 12.REVIEW OF THE CENTRE REGION COUNCIL OF GOVERNMENT (CRCOG) BUDGET GUIDELINE, TIMELINE, AND BUDGET PRIORITIES 20 minutes

Centrice Martin, Township Manager

#### **Narrative**

Provided with the agenda packet is the agenda for the Finance Committee's regular meeting held on February 9, 2023. The members of the Finance Committee agreed to continue discussing the proposed budget timeline, guidelines, and drafted priorities at their next meeting in March.

#### Staff Recommendation

That the Board of Supervisors *discuss* the CRCOG Budget guideline, timeline, and budget priorities.

### 13.BOARD MEMBER REQUEST – DISCUSSION ON TOWNSHIP'S FINANCIAL HEALTH AND OPTIONS FOR BUDGET MANAGEMENT 25 minutes

Lisa Strickland, Supervisor

#### Narrative

Continuation of the discussion of the financial health of the Township and the budget management options as proposed by the Manager during the 2023 budget work sessions. The need as described by the manager, to close the gap in revenue and expenditures and stabilize fund balances, can be addressed in several ways - as a step-down process, reprioritization and through budget caps. This discussion will support the Manager in evaluating and determining best options with input and possible recommendations from the Board.

#### **Staff Recommendation**

That the Board of Supervisors *discuss* the Township's financial health and options for budget management.

#### XII. COMMUNICATIONS TO THE BOARD

#### XIII. CALENDAR ITEMS - MARCH

- 1. Parks and Recreation Committee, March 9
- 2. Planning Commission, March 12, 27
- 3. Terraced Streetscapes Project Public Hearing, March 15
- 4. Tree Commission, March 20
- 5. Pine Grove Mills Small Area Plan Advisory Committee, March 23

#### XIV. ADJOURNMENT