

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

Tuesday, February 18, 2014

7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, February 18, 2014 at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Mascolo, Chairman
Drew Clemson, Vice Chairman
Elliott Killian
Steve Miller
Janet Whitaker

Staff: Mark Kunkle, Township Manager
David Pribulka, Assistant Manager
David Modricker, Public Works Director
Diane Conrad, Chief of Police

Others in attendance included: Heather Bird, Recording Secretary; William Keough, Greg Shufan, Dave Smith, UAJA and John Sepp, PennTerra Engineering.

II. CALL TO ORDER

Mr. Mascolo called the Tuesday, February 18, 2014, regular meeting to order at 7:00pm.

III. CITIZENS INPUT

Mr. Dave Smith, University Area Joint Authority, came to invite supervisors and residents to a "Stormwater Management: Looking for Innovative Solutions" workshop at the Visitors Center on March 19th.

IV. PUBLIC HEARING – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA RECOGNIZING APRIL 26, 2014 AS THE 18TH ANNUAL WATERSHED CLEANUP DAY IN CENTRE COUNTY.

Mr. Kunkle stated that this day has been sponsored by the Township for a number of years and the Township has participated in the Watershed Cleanup Day through providing resources and this goes toward our MS4 efforts for stormwater.

Mr. Killian made a motion to ADOPT Resolution #2014-06 recognizing April 26, 2014 as the 18th Annual Watershed Cleanup Day in Centre County. Ms. Whitaker seconded the motion.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Killian: YES; Mr. Mascolo: YES; Mr. Miller: YES; Ms. Whitaker: YES

2. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING A SPONSORSHIP POLICY.

Mr. Pribulka stated the Board previously reviewed and provided feedback on this policy. This policy is designed to permit the Township to accept or reject sponsorship for specific projects. This comes together as the Township is currently seeking funding for the S&A Baseball field lighting project. One of the changes to the draft include that this policy would be different as it pertains to Centre Region Park and Recreation owned/leased properties per Mr. Ron Woodhead.

Ms. Whitaker asked how does this affect any conflict of interest between the Township and a sponsor. Mr. Kunkle responded to this that the Township reserves the right to reject any sponsorship offers.

Mr. Miller made a motion to ADOPT Resolution #2014-07 adopting a sponsorship policy. Mr. Killian seconded the motion.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Killian: YES; Mr. Mascolo: YES; Mr. Miller: YES; Ms. Whitaker: YES

3. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING AN EMAIL POLICY FOR THE BOARD OF SUPERVISORS.

Mr. Kunkle stated this policy was reviewed at the Board's February 3rd worksession. In the past Board members received email from the Township and other associated agencies through their personal email accounts. In order to standardize the way we are communicating Township business, email addresses have been established for each of the Board members. These will be used for all communication with the Board members. This policy also covers the record retention of the emails as well as the Pennsylvania Right-to-Know.

Mr. Killian made a motion to ADOPT Resolution #2014-08 adopting an email policy for the Board of Supervisors. Ms. Whitaker seconded the motion.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Killian: YES; Mr. Mascolo: YES; Mr. Miller: YES; Ms. Whitaker: YES

V. PUBLIC HEARINGS – OTHER

1. A CONDITIONAL USE HEARING TO ESTABLISH A FLAG LOT FOR THE TRESSLER SUBDIVISION COMMUNICATIONS TO THE BOARD

Mr. Kunkle stated the Tressler subdivision will establish two flag lots that would access the properties off North Nixon Road. Flag lots under the zoning ordinance are a conditional use and have six criteria set forth by the zoning ordinance for the Board's consideration when considering creation of the flag lots. Staff stated that the proposed flag lots meet the criteria needed based on the zoning ordinance. The Planning Commission considered this at their February 10th meeting and recommended approval by the Board of Supervisors.

Mr. Killian made a motion to APPROVE the creation of two flag lots on the Tressler Subdivision. Mr. Clemson seconded the motion.

The motion passed unanimously.

VI. ACTION ITEMS

1. TRESSLER SUBDIVISION AND SEWAGE FACILITIES PLANNING MODULE PLAN LAST DATED JANUARY 23, 2014 PLAN DEADLINE APRIL 13, 2014.

Mr. Kunkle stated this plan proposes that a 9.42 acre lot be subdivided into four lots, three new and one residual lot located at 910 North Nixon Road. The three new lots are intended to be retained by the owners. The Department of Environmental Protection (DEP) requires that the plan be accompanied by a sewage facilities planning module. One of the comments of DEP is that there may be presence of scrub oak shrub, which is designated as a special concern by DCNR and recommend that be looked at closely with the on-lot septic systems. In addition, lot number two would require a modification because it does not currently meet the lot width and depth as required under the ordinance. The Planning Commission has recommended that the

Board grant that modification for plan approval. The Tresslers have offered for dedication an additional 8 ½ feet of right-of-way on the West side of North Nixon Road.

Mr. Killian made a motion to APPROVE the modification of the lot width and depth of Lot 2 as well as the applicants dedication of an additional 8 ½ feet of right-of-way for North Nixon Road and APPROVE the Tressler Subdivision and Sewage Planning Module subject to the outstanding conditions as set forth by the Planning Commission in the Director of Planning and Zoning memorandum dated February 12, 2014. Mr. Miller seconded the motion.

The motion passed unanimously.

2. DOLBIN TO BERRENA REPLOT, PLAN LAST DATED FEBRUARY 3, 2014.

Mr. Kunkle stated this subdivision is really a re-plot of the property line between properties. This error occurred when the western property was being timbered and an access road was installed. This access road was incorrectly put across the property line.

Mr. Killian made a motion to APPROVE the Dolbin to Berrena re-plot subject to the completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memorandum dated February 12, 2014. Ms. Whitaker seconded the motion.

The motion passed unanimously.

3. FYE SUBDIVISION AND SEWAGE FACILITIES PLANNING MODULE PLAN LAST DATED JANUARY 10, 2014 PLAN DEADLINE MAY 19, 2014.

Mr. Kunkle stated this is a subdivision of property to finalize the Fye estate. The two brothers that are beneficiaries have determined the appropriate subdivision of the property. The Zoning Hearing Board has granted a variance on the actual location of the floodplain on the property subject to the condition that the floodplain would have to be further delineated if either of the properties has a structure built on it or is further subdivided. The property is being divided into three parcels, a .54 acre open space parcel on the north side of Tadpole Road, a lot that has an existing structure of 59 acres and the balance of 79.4 acres. The parcels do have frontage along Deibler Road and Tadpole Road. In the review process there was an oversight with regard to requiring the additional right-of-way. The applicant has been requested to provide 8 ½' easements for the right-of-way. Mr. Greg Sufran, Fye estate representative, commented about an additional request for waiver of sidewalks.

Mr. Killian made a motion to APPROVE the Fye Subdivision Plan subject to completion of the outstanding conditions set forth in the Director of Planning and Zoning memo dated February 12, 2014 and further providing an offer of dedication of 8 ½ feet of additional right-of-way along the frontage of Lots 29C, 29D and 29E fronting on Tadpole Road and Deibler Road, and further providing a modification to delineate potential wetlands on the parcel until further subdivision or a building permit is applied for any of the created parcels and a note to this effect be placed on the plan and a modification granted for sidewalks. Mr. Miller seconded the motion.

The motion passed unanimously.

4. 1386 NORTH ATHERTON STREET LAND DEVELOPMENT PLAN, PLAN LAST DATED JANUARY 14, 2014, PLAN DEADLINE APRIL 18, 2014.

Mr. Kunkle stated this property is located at 1386 North Atherton Street at the corner of North Hills Place and North Atherton Street. The property is owned by Richard Shore and located in the office commercial zoning district. This plan proposes adding an additional 10 parking

spaces to accommodate the office use. The Planning Commission has recommended approval of the plan.

Mr. Killian made a motion to APPROVE the 1386 North Atherton Street land development plan subject to the completion of the outstanding conditions as recommended by the Planning Commission and set forth in the Director of Planning and Zoning memorandum dated February 12, 2014. Mr. Clemson seconded the motion.

The motion passed unanimously.

5. S & A CORPORATE HEADQUARTERS LAND DEVELOPMENT PLAN, PLAN LAST DATED JANUARY 13, 2014 PLAN DEADLINE MARCH 6, 2014.

Mr. Kunkle stated this plan proposes the addition of 11,117 square feet to the existing property located at 2123 Old Gatesburg Road. The plan includes adding a few additional parking stalls and removed the future building that was on the land development plan.

Mr. John Sepp, PennTerra Engineering, stated that at the Planning Commission meeting he pointed out that a note was revised to say that the building facade would comply with the corridor overlay regulations as opposed to entirely being brick.

Mr. Killian made a motion to APPROVE the S & A Corporate Headquarters land development plan subject to the completion of the outstanding conditions as recommended by the Planning Commission and set forth in the Director of Planning and Zoning memorandum dated January 14, 2014. Mr. Miller seconded the motion.

The motion passed unanimously.

6. CONTRACT 2014-C15 BLUE COURSE DRIVE/WEST COLLEGE AVENUE SAFETY IMPROVEMENT PROJECT

Mr. Modricker stated that on February 22nd staff opened bids for Contract 2014-C15, West College Avenue / Blue Course Drive Safety Improvement Project. The project is intended to increase the safety of vehicular traffic at the signalized intersection. Safety would be increased by installing a five section head instead of a three section head so it would introduce a protected, prohibited left turn on south bound Blue Course. This is in response to requests and crash data. Along with the project the timing of the intersection will be optimized. The bids opened were over budget. The Township received two bids, Kuharchik Construction, Inc. \$51,378 and Tel-Power, Inc. \$64,754.50. The engineer's estimate for the contract was \$33,735.60. You may recall that the 2014 budget the line item included was for \$35,000 grant. The Township would need to allocate additional funding to proceed with the project.

Mr. Mascolo confirmed the overage to be \$16,378.

Mr. Clemson asked where these funds would come from? Mr. Kunkle stated this project is lumped in with all Capital projects and he is confident that these funds will be available through lower costs on future projects.

Mr. Clemson made a motion to ALLOCATE additional funding and AWARD Contract 2014-C15 to Kuharchik Construction, Inc. in the amount of \$51,378. Mr. Killian seconded the motion.

The motion passed unanimously.

7. REQUEST FROM SPRING CREEK WATERSHED COMMISSION FOR C-NET SPONSORSHIP

Mr. Kunkle stated in past years the Board has sponsored two of the Spring Creek Watershed Commissions meetings. For 2014 they are requesting the Township to continue to sponsor two meetings.

Mr. Killian made a motion to AGREE to sponsor two Spring Creek Watershed Commission meeting to be broadcast on C-Net in calendar year 2014. Mr. Miller seconded the motion.

The motion passed unanimously.

8. REVIEW CANDIDATES FOR APPOINTMENT TO THE PLANNING COMMISSION

Mr. Killian stated that after interviewing the candidates he and Mr. Miller have decided to recommend Lisa Strickland.

Mr. Miller stated that all three of the applicants were qualified but they felt that at this time Ms. Strickland will be the best candidate for the Planning Commission.

Mr. Killian made a motion to APPOINT Lisa Strickland to the Planning Commission for a term ending December 31, 2017. Mr. Miller seconded the motion.

The motion passed unanimously.

9. APPROVAL OF JANUARY 2014 VOUCHER REPORT

Mr. Killian made a motion to APPROVE the January 2014 voucher list. Mr. Clemson seconded the motion.

The motion passed unanimously.

VII. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda including the January 2014 Tresurer's Report and a Surety Reduction for Old Gatesburg Extension for \$125,458. Mr. Miller seconded the motion.

The motion passed unanimously.

VIII. REPORTS

1. Manager

Mr. Kunkle reported on two items. Next week, February 27th from 6:30 to 8:30, the Township has facilitated a meeting of the customers of the Rock Springs Water Company. The meeting will be held at the Fairbrook United Methodist Church. Postcards were sent out last Friday and we have received notification that residents have received these. Interviews started today and will continue tomorrow for the Director of Planning and Zoning position. If all goes well he will be back to the Board with a recommendation in early March.

2. Public Works Director

Mr. Modricker stated that he has three items to discuss. First item is that staff has received requests to improve safety at the intersection of Martin Street and Park Crest Lane, in particular there is a CATA bus stop with heavy ridership with pedestrians crossing in the evening. There has been discussion about the best way to proceed. After Mr. Modricker meets with West Penn

Power and CATA again lights may be required by resolution to be installed with original cost to Township but then divided among the four affected property owners.

Second item is in regards to Thistlewood street trees. Staff received a request to replace street trees in Thistlewood and the response provided by the Township has been asked by the Homeowners' Association to be re-consider the Township's position. The trees were planted in the utility easement instead of in the tree easement. These trees were not supposed to be in the right-of-way due to a drainage swale. Mr. Modricker stated that there are a few hurdles including trees are currently on private property and the correct location for these is in a drainage swale. You can get waivers from land owners for those and possibly relocate to drainage swale with specific tree types. The Board would like more information before committing to adding this project to the street tree planting. Mr. Kunkle added that a planting plan also needs to be developed.

Third item is that the Township will be having an Open House on Monday, March 3rd, 4:30 – 6:30, on the scheduled paving projects in the Township for 2014.

Lastly, PennDot is accepting applications for the Pennsylvania Transportation Alternatives Program. Eligible projects would include bike facilities. Projects to consider may include sidewalks in West College Avenue. The Board agreed they would like the Streetscape project on West College Avenue be what Dave would attempt to get money for.

3. Chief of Police

Chief Conrad stated that in January part one crimes are almost double from 2013 at 13. Most were assaults, two were resisting arrests. Part two crimes were 41 in 2014 compared to 57 in 2013. Other calls for service included particularly high alarm calls. With so many buy your own alarms, an increase may be seen and the ordinance would need to be amended to reflect this. Traffic citations were up, parking tickets were down and criminal arrests were down for the month. Notes included lots of training in January including 80 attendees at the interrogation skills course, ran a four day class on prescription drugs, hosted the annual CIT training. There was a 21 year old drug overdose in the Township, which is still under investigation.

4. COG Committee Reports

a. Executive

Mr. Mascolo stated because there was so little on the agenda the General Forum meeting was cancelled. They did have an executive session on the Borough changing the rental permits process

b. Finance

Mr. Mascolo stated the committee had a preliminary presentation by CATA about an increase in municipal funding for the 2014-2015 CATA budget. Discussed the fund balance policy and everyone agreed this was needed and asked for recommendations from the Directors of the various agencies. They also reviewed fixed assets and vehicle maintenance reports.

c. Human Resources

Ms. Whitaker stated that due to the weather the quorum gathered late in the meeting and not voting was completed.

d. Public Safety

Mr. Clemson was unable to attend but he shared with the Board to watch out for the TV ads for Alpha Fire.

e. Public Services and Environmental

Mr. Killian stated the committee had a snow day and the Ad Hoc committee will begin tomorrow to discuss organic curbside collection.

IX. MINUTES

VII. ADJOURNMENT

Mr. Killian made a motion to ADJOURN the meeting. Ms. Whitaker seconded the motion.

The motion passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Mascolo adjourned the regular meeting at 8:24 pm.

Respectfully submitted,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 03/03/2014