

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, March 17, 2014
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, March 17, 2014 at the Ferguson Township Municipal Building. In attendance were:

Board:	Drew Clemson, Vice Chairman	Staff:	Mark Kunkle, Township Manager
	Elliott Killian		David Pribulka, Assistant Manager
	Steve Miller		Diane Conrad, Chief of Police
	Janet Whitaker		

Others in attendance included: Heather Bird, Recording Secretary; Jeanne Fudrow, Citizens Input; Mark Torretti and Mark Shelow, St. John's Catholic Academy Lighting; George Pytel

II. CALL TO ORDER

Mr. Clemson called the Monday, March 17, 2014, regular meeting to order at 7:00pm.

III. CITIZENS INPUT

Ms. Jeanne Fudrow of 927 West Whitehall Road, Unit 4, Borough resident spoke about her concerns with the Toll Brothers Campus Living Project. She is not convinced that at this time another student housing complex is needed. The location is not close to campus or shopping. Would like the building to not exceed three stories and preferably be only two stories high in order to consistent nearby housing complexes. A four story structure would be an imposing and undesirable view in what should be a park like setting.

Mr. Killian responded that many of the students are living in crowded in apartments in the downtown area.

Mr. Kunkle stated that the Planning Commission will have their first review of the Toll Brothers Campus Living PRD at its meeting on March 24, 2014. On April 21, 2014 the Board will have a Public Hearing for the plan.

IV. PUBLIC HEARING – ORDINANCES

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 27, ZONING, PART 2, DISTRICT REGULATIONS, SECTION 210, CORRIDOR OVERLAY DISTRICT REQUIREMENTS, BY DELETING THE EXISTING SECTION AND SUBSTITUTING THEREFORE A NEW SECTION 210, CORRIDOR OVERLAY DISTRICT REQUIREMENTS.**

Mr. Kunkle stated that during the process of approval of the developments within the Terraced Streetscape and Traditional Town zoning areas staff recognized there was a duplication of the requirements along certain corridors in adjacent developments. The regulations in the Corridor Overlay were in contrast with the Traditional Town Development regulations. The Planning Commission and staff recommend that sections of the Corridor Overlay on the West side of Blue Course Drive, along Old Gatesburg Road between Science Park Road and Blue Course Drive and those areas along West College Avenue that are within the Corridor Overlay be removed, all other areas that have a Corridor Overlay regulation would remain unchanged.

Mr. Killian made a motion to ADOPT Ordinance #983 amending Chapter 27, Section 210 Corridor Overlay District requirements. Mr. Miller seconded the motion.

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

2. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 15, MOTOR VEHICLES, PART 2, TRAFFIC REGULATIONS, AS FOLLOWS: SECTION 205, TRAFFIC SIGNALS AT CERTAIN LOCATIONS, BY ADDING TRAFFIC SIGNALS AT THE INTERSECTIONS OF (1) SCIENCE PARK ROAD AND OLD GATESBURG ROAD; (2) SCIENCE PARK ROAD AND DRIVEWAY 225 SCIENCE PARK ROAD; (3) BLUE COURSE DRIVE AND HAVERSHIRE BOULEVARD; (4) WHITEHALL ROAD AND RESEARCH DRIVE; (5) WHITEHALL ROAD AND BLUE COURSE DRIVE.**

Mr. Kunkle stated that Chapter 15 is the section of the Township's codified ordinances that keep track of the motor vehicle regulations where the Township has implemented certain regulations. This keeps track of the signalized intersections within the Township.

Mr. Killian made a motion to ADOPT Ordinance #984 amending Chapter 15, Motor Vehicles, Part 2, Traffic Regulations by adding traffic signals at certain locations to the Code of Ordinances. Ms. Whitaker seconded the motion.

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

V. PUBLIC HEARING – RESOLUTIONS

1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE DISPOSITION OF SPECIFIC PUBLIC RECORDS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES ISSUED JULY 16, 1993 AND AS AMENDED DECEMBER 16, 2008.**

Mr. Kunkle stated that this is an annual process the Township goes through in order to keeps its records in compliance with the record retention act of the Commonwealth, allows for the disposition of records after maintaining them for a certain number of years.

Mr. Killian made a motion to ADOPT Resolution #2014-10 authorizing the disposition of specific public records in accordance with the procedures set forth in the retention and disposition schedule for records of Pennsylvania municipalities. Ms. Whitaker seconded the motion.

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

2. **PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2013-13 AND AUTHORIZING THE TOWNSHIP TO EXECUTE AN AMENDED AGGREGATION AGREEMENT BETWEEN CENTRE COUNTY (County) AND FERGUSON TOWNSHIP (Township) FOR THE PURPOSES OF FILING A GRANT APPLICATION WITH THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN ALTERNATIVE FUELS INCENTIVE GRANT (AFIG) PROGRAM GRANT TO CONVERT VEHICLES TO BI-FUEL USING BOTH COMPRESSED NATURAL GAS AND GASOLINE.**

Mr. Kunkle stated that the Board passed a resolution at the end of 2013 to apply for the CNG grant. The Department of Environmental Protection returned the aggregation agreement for changes to the document including the name of the grant and adding that vehicles converted under this grant must be held by the municipality for a minimum of 4 years.

Mr. Killian made a motion to ADOPT Resolution #2014-11 approving an amended Aggregation Agreement for an Alternative Fuels Incentive Grant. Mr. Miller seconded the motion.

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

I. COMMUNICATIONS TO THE BOARD

Mr. Killian received appreciation to the Township about the Rock Springs Water Company meeting the Township helped facilitate.

Ms. Whitaker received a letter from Meals on Wheels inviting the Board of Supervisors to participate in the program, Community Champions Day, Friday, March 28th from 10-11 by delivering meals to senior citizens in our community.

II. ACTION ITEMS

1. APPOINTMENT OF PLANNING AND ZONING DIRECTOR

Mr. Kunkle stated that under Article 3, Section 3.03(1) of the Home Rule Charter the Manager is authorized to appoint, suspend and remove all employees. The appointment, suspension and removal of all department heads are subject to approval by the Board of Supervisors. The Director of Planning and Zoning is a department head position. Upon completion of the advertising and interviewing process for the position, Mr. Kunkle is recommending Maria, Tranguch as the new Director of Planning and Zoning effective April 1, 2014. Maria comes to the Township from the New Jersey Conservation Foundation. She received her BA degree in International and Environmental studies from Muhlenberg College and a Masters' degree in City and Regional Planning from the University of Pennsylvania.

Mr. Killian made a motion to APPROVE the appointment of Maria Tranguch as the Ferguson Township Director of Planning and Zoning effective April 1, 2014. Ms. Whitaker seconded the motion.

The motion passed unanimously.

2. DISCUSSION OF ATHLETIC FIELD LIGHTING – 3406 WEST COLLEGE AVENUES

Mr. Kunkle stated that on March 10th the Township received a letter from Mark Torretti, PennTerra Engineering, representing SJM Enterprises. This property is located off of West College Avenue just below the former Shields Motor building. A number of years ago a football field facility was constructed on the property and is located in the general commercial zoning district. Ecolawn is currently occupying the front building on the property. The applicant is asking the Township to allow the installation of field lighting to be used for St Joseph's Catholic Academy football program. The school began playing organized athletics last year and this would be an opportunity for the school to have a facility to play on.

Mark Torretti, PennTerra, stated that at this time they would like to know the concerns and opinions of the Board before they get into a full lighting design and engineering. The anticipation is to install six poles for lighting. The school would use this facility about six games in the year. This field would not be used for practice just as a game field.

Mr. Killian confirmed that the property is zoned general commercial.

Ms. Whitaker asked who would maintain the lights after installation. Mr. Torretti stated that the property owner would maintain the lights.

Mr. Miller stated that he has no problem with lights but is concerned with amount of parking available at the site. Mr. Torretti stated that at this time there is a clear area for approximately 50 parking stalls.

Mr. Mark Shelow, St Joseph's Catholic Academy, stated that the school is a single A school and the team last year had 18 players. The school has 100 students and they play schools comparable to this in size. Last year they had approximately 200-300 people attend an event. Mr. Kunkle stated that private fields require 25 parking stalls. He also stated that the Township would like more information about restroom facilities and seating.

Mr. Mark Shelow stated that in the past they brought in portable bathroom facilities and temporary bleachers and many people came with lawn chairs. The first scheduled game is August 29, 2014.

Mr. Killian made a motion to REFER THIS REQUEST to the Planning Commission for review and a recommendation to the Board of Supervisors. Ms. Whitaker seconded the motion.

The motion passed unanimously.

3. ADOPT A ROAD APPLICATION – THOMAS ADAMS AND FAMILY

Mr. Kunkle stated that the Township has had this program for a number of years. This would be for a two year agreement, agreeing to complete road side cleanup a minimum of two times per year.

Mr. Killian made a motion to APPROVE the application for participation in the Adopt A Road program by Thomas S. Adams and family. Mr. Miller seconded the motion.

The motion passed unanimously.

4. RESIGNATION OF ROBERT ETHELLES – ZONING HEARING BOARD

Mr. Kunkle stated that Mr. Etchells submitted his resignation with a term expiring December 31, 2015. The Township has a small pool of applicants for the Authorities, Boards and Commissions but at this time none of these applicants have expressed an interest in being on the Zoning Hearing Board. The Township would like to advertise to seek applicants for this position.

The Board consensus was to advertise for this position.

5. CONTRACT 2014-C8 PAVEMENT MARKINGS

Mr. Kunkle stated that bids for Contract 2014-C8 were opened on March 11th. The Township received bids from Alpha Space Control for \$162,806.95, Williams and Willman \$206,824.32, Interstate Road Management \$247,677.29. The Township's share of this contract is \$65,217.43 and the total budget is \$72,000. Alpha Space Control is the low bidder and has received this bid in past years. The balance of the contract will be due from other municipalities.

Mr. Killian made a motion to AWARD Contract 2014-C9 to Alpha Space Control Company in the amount of \$162,806.95. Ms. Whitaker seconded the motion.

Mr. Miller asked if the other municipalities participating have to approve this. Mr. Kunkle stated that each municipality handles that differently. The Township would only be responsible for their portion of the contract if another municipality backed out of the agreement.

The motion passed unanimously.

6. APPROVAL TO TRANSFER OWNERSHIP OF 2000 TARCO LEAF COLLECTOR TO BENNER TOWNSHIP

Mr. Kunkle stated that the Township has a piece of equipment that is no longer being utilized and Benner Township has a need for this equipment. In 2000 the Township received a 90% grant for this equipment. The Township received approval from the Department of Environmental Protection to transfer the equipment and grant requirements to Benner Township.

Mr. Killian made a motion to APPROVE the transfer of ownership of a 2000 Tarco Leaf Collector to Benner Township. Mr. Whitaker seconded the motion.

The motion passed unanimously.

7. APPROVAL OF FEBRUARY 2014 VOUCHER REPORT

Mr. Killian made a motion to APPROVE the February 2014 voucher list. Mr. Miller seconded the motion.

The motion passed unanimously.

8. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda which includes the February 2014 Treasurer's Report. Ms. Whitaker seconded the motion.

The motion passed unanimously.

VI. REPORTS

1. Manager

Mr. Kunkle reported that on March 5th staff met with Thomas Committa Associates and facilitated meetings with several design professionals, property owners and realtors that have interest in the Terraced Streetscape and Traditional Town Development zoning districts. These meeting were to receive feedback on each of the districts regulations to help identify impediments in the zoning districts to remove regulations in our regulations that may dissuade future work in these districts.

Tomorrow, March 18th, Mr. Kunkle and Mr. Pribulka will be hosting a working group regarding the Rock Springs Water Company.

2. Public Works Director---

Mr. Kunkle stated that the Township met with Thistlewood Homeowner's Association about the street trees and are working towards a solution.

3. Planning and Zoning

Mr. Kunkle stated that the Township received a revised plan from Centre Area Transportation Authority, revised Whitehall Road Regional Park and the Toll Brothers Planned Residential Plan.

4. Chief of Police

Chief Conrad stated that the Part One crimes were only 4 for the month. Part two crimes are down. Total crime calls for February were 45 compared to 88 in 2013. Other calls were down and DUI's remained the same. General assistance calls were also down. Traffic stops and citations are up.

Other notes were that every year the Department has an annual in service training. The booking and finger printing rate is the highest in the state at 98.8%. The State Patty's Day calls were down this year compared to prior years.

5. COG Committee Reports

a. Finance

Mr. Miller stated that they had a discussion of the CATA budget. They are recommending a 3% increase in municipal contributions for next year. We are basically required to increase contributions in order to continue to receive federal and state funding matches. The committee also discussed the new COG accounting software. No decisions regarding that were made.

b. Parks Capital

Mr. Miller stated that the Parks maintenance facility at Whitehall Road Regional Park was discussed. The selected layout will cost a total of \$2.5 million and the financing is yet to be determined. The building should be constructed in coordination with the park itself. The next step will be to have an architect prepare the bid documents. Another topic was the road connection at Hess softball field. Trans Associates, at a cost of \$3900, will be retained to look at the traffic in and out of the field. The cost of that study will be shared by COG and Harris Township. The final discussion was on how to approach groups that want to contribute money to regional parks that will go toward a specific project. For example, Centre Soccer is considering a fund raiser to upgrade to artificial turf one of the at the new Whitehall Road Regional Park. What would the formula be for matching this contribution?

c. Public Safety

Ms. Whitaker stated that the committee discussed the code service agreement due to another municipality soliciting help from COG. The emergency management director talked about the 880 MHz radio system changeover. Steve Bair gave an update on fire protection and stated that the new tanker is now in service and that on March 28th a meeting will take place regarding the annual controlled burn of the Scotia game lands.

d. Public Services & Environmental

Mr. Killian stated that the committee discussed the opportunity for a \$5 million energy prize/grant. Municipalities can apply for this by measuring their energy rates currently used and attempts to reduce their usage. A question raised was could COG as a whole apply for the grant, this was referred to the Executive committee. Continued talks about the new refuse and recycling contract, a change was made to 8 bags (or trash bins) as a limit for regular service. Lastly, the committee discussed the current efforts of the commercial recycling programs with a current participation rate of 89%.

III. MINUTES

Mr. Killian made a motion to APPROVE the March 3, 2014 Regular Meeting Minutes. Mr. Miller seconded the motion.

The motion passed unanimously.

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. Clemson adjourned the regular meeting at 8:24 pm.

Respectfully submitted,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 04/07/2014