

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, June 2, 2014  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, June 2, 2014 at the Ferguson Township Municipal Building. In attendance were:

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

**Staff:** Mark Kunkle, Township Manager  
David Pribulka, Assistant Manager  
David Modricker, Director of Public Works  
Maria Tranguch, Director of Planning & Zoning

*Others in attendance included:* Heather Bird, Recording Secretary; Darrel Zaccagni, Variance; Annsusan Brewer, Special Events Permit

### II. CALL TO ORDER

Mr. Mascolo called the Monday, June 2, 2014, regular meeting to order at 7:00pm.

### III. PUBLIC HEARINGS – RESOLUTIONS

#### 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, CERTIFYING PROVISION OF LOCAL MATCH FOR STATE OPERATING AND CAPITAL FINANCIAL ASSISTANCE TO THE CENTRE AREA TRANSPORTATION AUTHORITY AND REPEALING RESOLUTION 2013-19

Mr. Kunkle stated that annually the Board is requested to adopt the resolution authorizing its local match for the state operating and capital financial assistance for the Centre Area Transportation Authority. For fiscal year 2014-2015 the operating budget contribution is \$92,760, an increase of 7.83% or \$6,739. In regard to the capital contribution, the share is \$17,992 an increase of \$5,103 or 39.5% over last fiscal's year's contribution. The total contribution of the operating and capital share is \$110,752 which represents 23.8% of the total municipal shares contributed toward the local match.

Mr. Killian made a motion to ADOPT Resolution #2014-19 certifying provision of local match for state operating and capital financial assistance to the Centre Area Transportation Authority for fiscal year 2014-2015. Ms. Whitaker seconded the motion.

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

### IV. ACTION ITEMS

#### 1. DISCUSSION OF DRAFT AMENDED STORMWATER MANAGEMENT ORDINANCE – RON SEYBERT, TOWNSHIP ENGINEER

Mr. Seybert stated that the primary reason for the amendments to the stormwater management ordinance is to certify to Department of Environmental Protection (DEP) that our ordinance meets the requirements to comply with our Municipal Separate Storm Sewer System (MS4) permit. Ferguson Township along with other municipalities and permit holders worked together to incorporate the required changes. The ordinance will need to be adopted by the end of August in order to provide the certification to DEP.

The following are the items Mr. Seybert highlighted from the amended ordinance:

- statement of findings, rewording to comply with DEP checklist

- change under section 104, land disturbances, may need a stormwater management plan
- Section E –lists exemptions such as farming
- minor land disturbances – 10% of the site, less than 5,000 square feet
- single family homes are still exempt - erroneous permits
- updated definitions, removed redundancy
- new item, significant drainage way – definition added
- new term - stormwater management site plans – these are for individual site plans
- page 25, lands that are completely impervious – allows the Township to consider part of this land a meadow condition
- page 31 - pond capture water - depth of allowed amount of water to store in basins in order to reduce the risk of sinkholes
- page 34 – pond capture – changed the previous credit for a basin with an underdrain, DEP model ordinance says no credit should be allowed
- page 47 erosion/settlement requirements – can't use sedimentation basin for stormwater
- page 52 change in requirement for width of the berm for basins
- describes who is qualified to sign and seal an agreement – changed to a qualified person or qualified professional such as landscape architects and landscape surveyors

Mr. Killian questioned if all of the municipalities will have the same exact ordinance. Mr. Seybert responded that the ordinances will not be exactly the same but the majority of information included will be the same.

Mr. Miller made a motion to AUTHORIZE advertisement for public hearing a stormwater management ordinance amendment for July 7, 2014. Mr. Killian seconded the motion. The motion passed unanimously.

## **2. DISCUSSION OF TREE ORDINANCE AND RELATED RESOLUTIONS**

Mr. Modricker stated that the proposed ordinance will define authorized activities by Department of Public Works, such as tree plantings and establish a Tree Commission. This Commission would be a five member board and responsibilities of the Commission would include recommend tree species, education, tree planting plans, acceptance of grants, discussion of the commission appeal process, land development and subdivision planting plans. A subcommittee, comprised of two Commission members, would review land development and subdivision plan to determine if and when they would need to be brought before the Commission. The ordinance also includes regulations for hazardous and nuisance trees, protection of public trees, removing and pruning of public trees, replacement trees, easements, violations and penalties. Included with the adoption of the ordinance two resolutions would also need to be approved. One resolution includes a tree planting list that developers could select from to plant in the right-of-way and buffers. The other resolution would establish a guide for arbor work, including tree pruning, tree care and tree specifications.

Ms. Whitaker congratulated those that created these documents.

Mr. Kunkle commented that the Board should discuss the appeals process of the Tree Commission.

Mr. Clemson questioned if a tree were to have Oak Wilt and is designated to come down by the Tree Commission, what would happen? Mr. Modricker stated that this process would be the same; the property owner would be responsible for the cost of removal unless in the public right-of-way, in such case the Township would cover the cost.

Mr. Mascolo stated that he is opposed to the creation of a tree commission.

Mr. Killian, in response to Mr. Mascolo, question at what point would it be a financial value to have a Tree Commission. Mr. Modricker stated that the time is now to set it up so it is established for the future. In the future the Township may have need for an arborist on staff. With the growth of the urban forest and then time allotted for calls and issues with trees in the Township.

Mr. Killian asked how many times is Al Sam, State College Borough Arborist, consulted by the Township. Mr. Modricker stated that he consults him often and has used up most of the allotted time for the year at this point.

Mr. Clemson stated the Township should look into the details of adding an arborist to staff for the future.

Ms. Whitaker confirmed that the State College Borough also has a Tree Commission.

The Board agreed that they would handle the appeals of the Tree Commission.

Mr. Clemson made a motion to AUTHORIZE advertisement for public hearing the ordinance and related resolutions for an upcoming Board of Supervisors meeting. Ms. Whitaker seconded the motion. The motion passed unanimously.

### **3. DISCUSSION OF AMENDED FIRE LANE ORDINANCE REGULATIONS**

Mr. Kunkle stated there has been a lot of discussion about the fire lanes regulations in the Township and after review the current ordinance needed modification to clearly designate the fire lane locations, who can designate fire lanes and the fees for a ticket or a citation. The new fines would include a fire lane ticket at \$25 and a citation ranging from \$50 to \$200.

Mr. Clemson stated the ordinance should include if these fire lanes will include the designation between no parking, no stopping, no standing.

Mr. Miller would be opposed to a designation of no stopping, unless it is required by fire lane regulations.

Ms. Whitaker would like the signs to post the fine amounts.

Mr. Killian questioned the difference between a ticket and a citation. A ticket is more of a courtesy allowing time for the individual to pay, a citation would be issued when an individual fails to pay the ticket.

Mr. Clemson asked if the fire chief can issue tickets.

Mr. Kunkle will come back to the Board with answers to the questions raised above.

### **4. DISCUSSION OF AMENDED SIDEWALK ORDINANCE**

Mr. Kunkle stated this amendment is occurring because of the results of a recent case before the District Judge. A wooden retaining wall collapsed onto a sidewalk in the Township and after a significant amount of time a notice of violation was issued to the property owner. The owner appealed the violation to the District Judge. The District Judge ruled against the Township stating that the ordinance was not clear as to the amount of the sidewalk obstructed. In this

current case the coverage was about 70% of the sidewalk. The amendment would clearly state that the obstruction does not need to be the full width of the sidewalk. The amendment also includes snow removal and icing of sidewalks, including downspouts that are directed onto sidewalks.

Mr. Killian made a motion to ADVERTISE for public hearing the amended sidewalk ordinance. Mr. Miller seconded the motion. The motion passed unanimously.

## **5. DISCUSSION OF REVISED CENTRE REGION CODE ARTICLES OF AGREEMENT**

Mr. Kunkle stated that this has been referred to the Board by the COG General Forum. The purpose is to allow Bellefonte Borough be able to contract COG for Code services. These new Articles of Agreement need to be adopted by the Board.

Mr. Killian made a motion to AUTHORIZE advertisement for public hearing for an ordinance to the revised Centre Region Code Articles of Agreement. Mr. Miller seconded. The motion passed unanimously.

## **6. MID-YEAR UPDATE ON STRATEGIC PLAN OBJECTIVE AND ACTION ITEMS**

Mr. Pribulka stated that the Board adopted a revised strategic plan at the end of 2013. The purposed of the strategic plan is to provide guidance to staff on policies and action steps. Staff has made a lot of progress on these goals. Following is a review of the goals and the completed items:

- #1 financial stability, highest percentage complete at 63%, staff is using using metrics the Board discussed to evaluate the Townships current financial standing including net revenue trending and debt to income ratio. The Township has a new accounting software, allowing for better reporting.
- #2 maintain adequate staffing – the Township did contract services for snow removal for Turnberry and staff continues to evaluate renting versus purchase of equipment, work regionally to determine the demand on services
- #3 model of community and economic development – the Terraced Streetscape District and the Traditional Town Development district are currently being redesigned by staff. The Township has internship opportunities, working to improve the quality of plan review comments
- #4 service delivery – achievements include leverage resources to encourage volunteer support of Alpha, Township Police Chief is involved in the new Child Advocacy Center and Centre County Domestic and Sexual Violence Task Force and legislation for the local police use of radar.
- #5 ensure Ferguson Township has adequately zoned land – new Tyler permitting software is up and running
- #6 utilize new and traditional media to encourage involvement from residents – The Township has a new IT consultant, a Community Communications Coordinator and holding regular events including Coffee and Conversation and Homeowner Associations forums
- #7 Ferguson Township Police Department recognized as an accredited law enforcement – just under halfway through the policy manual, the accreditation tracking software, the fob system and cameras are half completed
- #8 actively participate in regional programs – offering organic collections, regional police services and training implemented, continue to identify local animal shelters, larger capital purchases
- #9 – strive to be prepared to respond to unpredictable events to ensure minimal disruption – Township remains in compliance with MS4 NPDES permits, winter

maintenance will be expanded to include all bike paths next winter, COOP (Continuity of Operations Plan) is completed

- #10 hopes to maintain some of the most pristine and open space and developed parks in Pennsylvania – street tree ordinance is near completion, Whitehall Road regional park has been conditionally approved, the Township Engineer has completed stormwater facility inspections to meet MS4 requirements.

## **7. ADOPT-A-ROAD APPLICATION – MEGAN ORIENT**

Mr. Kunkle stated the application for participation in Adopt-A-Road submitted by Megan Orient for a portion of Vario Boulevard from Bergman Court to the Township line. The Adopt-A-Road participant will be acknowledged with a sign on the roadway.

Ms. Whitaker made a motion to APPROVE the application for participation in the Adopt-A-Road program by Megan Orient. Mr. Killian seconded the motion. The motion passed unanimously

## **8. CONTRACT 2014-E4 UPFIT SINGLE AXLE TRUCK**

Mr. Modricker stated the bids were opened publicly on May 27<sup>th</sup> for a Peterbilt single axle truck. Three bids were received for this contract including Valley Fab and Equipment for \$83,147.78, Bradco Supply Company for \$81,535.50 and Maxwell Truck and Equipment LLC for \$77,268. This contract is for the upfitting of the truck. Both the upfitting and the cab and chase are within the budget amount.

Mr. Mascolo asked for clarification on what the upfit includes. Mr. Modricker stated this would include items such as the plow attachments, hydraulics for dump, salt spreader system and all of the pulleys.

Mr. Killian made a motion to AWARD Contract 2014-E4 Upfit Single Axle Truck in the amount of \$77,268 to Maxwell Truck and Equipment LLC. Mr. Clemson seconded the motion. The motion passed unanimously

## **9. VARIANCES/APPEALS**

### **1. VARIANCE – DARREL ZACCAGNI – 100 MEADOWVIEW DRIVE**

Mr. Kunkle stated this variance is a request to alleviate the responsibility of the property owner to construct a sidewalk along Meckley Drive. Currently no other sidewalks exist along Meckley Drive.

Mr. Killian made a motion to REMAIN NEUTRAL on the variance application of Darrel Zaccagni for property located at 100 Meadowview Drive but request the Zoning Hearing Board to place a condition on a variance if approved preserving the Board of Supervisors authority to require a sidewalk in the future. Ms. Whitaker seconded the motion. The motion passed unanimously.

### **2. VARIANCE – CENTRE HOLDINGS, LP – 2123 OLD GATESBURG ROAD**

Mr. Kunkle stated this variance is to place two temporary 24 x 60 office trailers on the property while the expansion of the existing property occurs for a time to not exceed six months.

Mr. Killian made a motion to REMAIN NEUTRAL on the variance application of Centre Holdings LP for property located at 2123 Old Gatesburg Road. Mr. Miller seconded the motion. The motion passed unanimously.

### **3. CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS – 311 DEIBLER ROAD AND WEST WHITEHALL ROAD**

Mr. Kunkle stated this variance is for construction of a 300 foot lattice tower with 9' lightning rod, 11.5' by 30; equipment shelter, utility board and 8' chain link fence. The first variance is to construct the lattice type tower which is not in compliance with the Township's zoning ordinance, relative to communication towers, which requires these to be self-supporting monopole towers. The second variance request is from the buffer yard requirement.

Mr. Miller recommended opposing the buffer exception.

Mr. Killian made a motion to OPPOSE the variance to construct a lattice type tower in lieu of a monopole tower as required by the ordinance absent any evidence that a 300' cell tower is required and that lattice type towers are prohibited by the ordinance, and that the Board REMAIN NEUTRAL on the variance request for buffer plantings at the proposed tower site. Ms. Whitaker seconded the motion. The motion passed unanimously.

### **10. SPECIAL EVENTS PERMIT – STONEBRIDGE 4<sup>TH</sup> OF JULY PARADE**

Mr. Kunkle stated this is for the moving closure of some of the roads in the Stonebridge neighborhood. The following conditions have been included with the approval; two police officers would need to be assigned at the Association's expense and only authorized personnel are allowed to direct traffic especially on Stonebridge Drive.

Mr. Killian made a motion to APPROVE the Special Events Permit for Stonebridge 4<sup>th</sup> of July Parade. Mr. Miller seconded the motion. Then motion passed unanimously.

### **11. CONSENT AGENDA**

Mr. Killian made a motion to APPROVE the consent agenda which included a payment authorization for Alpha Space Control in the amount of \$39,690.32 and a time extension for College Court Apartments. Mr. Clemson seconded the motion. The motion passed unanimously.

## **VI. REPORTS**

### **1. Manager**

Mr. Kunkle reported the Board has received a letter of appreciation and recognition as a platinum partner in the 3B33 initiative. The Board also received a letter from the Pennsylvania Department of Environmental Protection to the University Area Joint Authority on the Wasteload Management Report, which has been accepted. The Toll Brothers PRD plan is on hold. Toll Brothers is considering taking on another venture partner and the current plan will likely be revised and modified. Mr. Kunkle advised them of the public hearing is scheduled June 16<sup>th</sup>. A new timetable may take the public hearing on the Tentative PRD Master Plan into late August early September.

### **2. Public Works Director**

Mr. Modricker stated the Township paving projects have started. Maintenance activities include brush collections. Valley Vista and Science Park had a sink hold that is currently being worked on. This week it is expected that the test pits in the stormwater basins for the Old Gatesburg Road Extension project will be filled by hand.

### **3. Planning and Zoning**

Ms. Tranguch stated the Planning Commission did not meet on Tuesday, May 27. Currently Ms. Tranguch is working on the comments for the 10 plans under review to get them to the Planning Commission.

### **4. COG Committee Reports**

#### **1. Transportation and Land Use**

Mr. Miller was unable to attend the meeting. The two items on the agenda were the Atherton Street progress and the Bike Plan. Mr. Miller will be meeting with Ms. Trish Meek, CRPA Transportation Planner, for the details of the meeting.

#### **2. Public Services and Environmental – Special Meeting**

Mr. Killian stated this meeting was specifically about the energy grant. The Commission decided to not proceed with the grant and to withdraw. Citi Green was made the advisory group. Dedicate resources for energy efficiency conservation and sustainable energy for submission to the program plan.

### **5. Other Non-COG Regional Committees**

#### **1. CCMPO**

Mr. Miller stated that there has been a change in the funding structure and the state will be picking up a larger portion of the funding. The State Route 322 project has been officially added to the Long Range Transportation Plan so it can move forward as funding becomes available. The 2015-2018 Transportation Improvement Plan update will be completed in the coming months

#### **2. SPRING CREEK WATERSHED**

Mr. Miller stated that Todd Giddings did an update on the way the whole Watershed works. This presentation is available on C-Net.

### **VII. MINUTES**

Mr. Killian made a motion to APPROVE the May 5, 2014 Regular Meeting Minutes. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Killian made a motion to APPROVE the May 19, 2014 Regular Meeting Minutes. Ms. Whitaker seconded the motion. The motion passed unanimously.

### **VII. ADJOURNMENT**

Mr. Killian made a motion to ADJOURN the meeting. Mr. Clemson 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 8:47 pm.

Respectfully submitted,

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Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 06/16/2014