

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, July 7, 2014
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, July 7, 2014 at the Ferguson Township Municipal Building. In attendance were:

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

Staff: Mark Kunkle, Township Manager
David Pribulka, Assistant Manager
David Modricker, Director of Public Works
Maria Tranguch, Director of Planning and Zoning
Diane Conrad, Chief of Police

Others in attendance included: Heather Bird, Recording Secretary; Steve Watson, Penn State – Action Item 3 and 6; Scott Yocum, Martin Street Associates, Action Item 2; Bob Myers, Action Item 3; Jim VanHorn; Barbara Yener, Action Item 1; John Rodgers, Citizens Input; Blake Ketchum, Citizens Input; Ray Clevenger, Kathy Fescemyer, Ryan Shreckengast, Steve Sheaffer, Action Item 1

II. CALL TO ORDER

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

III. CITIZENS INPUT

Mr. John Rodgers, resident of 3064 Chownings Court in Stonebridge, commented on the resurfacing done on Chownings Court. The neighborhood had some confusion on what was happening with the road. The neighborhood did not understand that the work would be done in two phases and Thursday, July 4th at the neighborhood parade they were only viewing the completion of phase one. Since this time, Mr. Rodgers had spoken with individuals at the Township and was informed that they second phase would smooth the road and complete the process. Mr. Rodgers congratulated the staff on their efficiency and knowledge with the situation and thanked staff for following up with his questions.

Dr. Blake Ketchum, resident, is an Environmental Scientist and a gardener expressed concerns with the current weed ordinance in the Township. The current ordinance was written 38 years ago. The determination on whether or not vegetation is acceptable in Ferguson Township hinges on four words in the ordinance and are weed, edible, ornamental and usefulness. None of these words are defined in the ordinance. Weed depends on the land use, milkweed for example could be a very important source of food for endangered butterfly but in a farmers field would be viewed as a weed. Whether or not a plant is edible is not defined, most plants have edible components for example Bull Thistle, has an edible root and tastes similar to asparagus. Would this be accepted by the ordinance? Plants are allowed in Ferguson Township if they are considered useful but this is not defined in the current ordinance. Are plants considered useful if they provide support for pollinators, are enjoyable to look at, enrich the soil with nitrogen or deep roots and organic matter or if they assist in water filtration to protect our streams or wetlands. Without proper definitions included in the Ordinance Township residents do not know what they can or cannot plant. Currently the Township is enforcing an ordinance that does not have proper definitions. Ms. Ketchum as a Township resident would like to know clearly what she is permitted to plant and where these plants may be planted. A native landscape ordinance, if allowed, could help support pollinators, build deeper, richer soil, help keep the water filtered and build beautiful complex landscapes. Ms. Ketchum has a home located above a wetland in Ferguson Township. She would like to see those residents who would like to have a native

landscape have a well-defined ordinance as to the allowable species they may plant in their gardens.

Mr. Miller would like to have the Planning Commission look into changing of the weed ordinance to include better definitions because he supports these types of gardens.

Mr. Clemson stated that it has been a very long time since the ordinance has been changed and it should be revisited.

Mr. Mascolo stated that he would not like these types of gardens in his neighborhood.

Ms. Whitaker stated she does not have any problem with these types of gardens as long as the garden is maintained.

Mr. Mascolo stated that the Township will hold off on any further ticketing or citation until the Planning Commission reviews the ordinance.

IV. PUBLIC HEARINGS – RESOLUTIONS

- 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN AUTOMATED RED LIGHT ENFORCEMENT (ARLE) PROGRAM PROJECT FUNDING AGREEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND THE COMMONWEALTH OF PENNSYLVANIA**

Mr. Kunkle stated that grant funding in the amount of \$8925 will be used toward the installation of LED pedestrian crossing lights at West College Avenue / Corl Street, West College Avenue / Science Park Road and Circleville Road / Science Park Road. This is the third ARLE project grant the Township has received since 2010. Part of the legislation that was passed with the law stated that portions of the red light violation funding would be placed into a fund that the Commonwealth would distribute to those municipalities applying for safety improvements at traffic intersections.

Mr. Miller stated that he will not be voting in support of this because he is not in support of the Automated Red Light Enforcement so he does not support the funding for this grant.

Mr. Clemson made a motion to ADOPT Resolution #2014-22 authorizing the Chairman and Secretary to execute an Automated Red Light Enforcement (ARLE) Program Project Funding Agreement No. 02D969. Ms. Whitaker seconded the motion.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Mascolo: YES; Mr. Miller: NO; Ms. Whitaker: YES

V. COMMUNICATIONS TO THE BOARD

Mr. Mascolo had a request from the Science Park Pool for a speaker for the 50th anniversary.

VI. ACTION ITEMS

1. TEMPORARY NO PARKING REGULATIONS ON CUL-DE-SACS

Mr. Modricker stated that in January the Board passed a temporary resolution that included no parking regulations at 22 different locations. This was in response to an incident where a plow truck operator was trapped in his vehicle for four hours after backing into a power line. The operator was going in reverse because he was unable to turn around in the cul-de-sac due to a parked car in the roadway. In January the Board passed a 90 day temporary parking restriction

but due to snow operations and temperatures the public works crew was unable to post the signs. Beginning in June the Public Works Crew began to post the signs. Eight of the twenty-two sign locations have been posted. Due to questions and concerns from residents no further signs have been installed. Mr. Modricker heard from residents on Old Farm Lane stating their concerns with the no parking restrictions.

Mr. Clemson stated that staff should take a look at the nature of the 22 locations in questions.

Ms. Whitaker stated that public safety is paramount. She did read the Schaeffer's letter and agreed that their request was sensible. The restrictions should be revisited to determine if all of the roads need this restriction. The vehicles for public works and other emergency vehicles continue to get larger. Does the Township take this into consideration? Mr. Modricker stated that yes the Township does take this into consideration and has many various sized vehicles to accommodate the various street sizes.

Mr. Mascolo stated that primarily the problems occur during snow removal. Mr. Mascolo stated that he agrees that these roads should be clear of vehicles during storms of more than 2 inches of snow.

Mr. Modricker stated that the Township already requires a vehicle be removed from the side of the roadway when there are more than 2 inches of snow. In the past some of the problem areas have been actually posted to remind residents to remove vehicles.

Mr. Clemson questioned if the Township should post signs when an ordinance is already in effect.

Chief Conrad stated that if the Township would like to ticket these vehicles it would be best to have these areas posted with no parking.

Ms. Barbara Yener, resident 619 Old Farm Lane, stated that she appreciated the discussion. Certain cul-de-sacs do not need this restriction and Old Farm Lane would be one of these. This road also does not have overhead power lines. She suggested with snow that the Township install some reflecting poles, like in Patton Township on Ridgewood, to outline the cul-de-sac in order for the plow driver to clearly see the outline of the roadway and allow for full clearing of snow.

Mr. Modricker restated that after 2 inches of snowfall no parking is allowed on the roadway for 24 hours after the completion of the snowfall.

Mr. Ray Clevenger, resident of Owens Drive, stated that very rarely vehicles park at the end of the roadway. The no parking signs that were installed gave him the impression that this was a permanent 24/7 no parking restriction. He also stated that at the end of Owens Drive there is enough space to install a turn-around and he would like to see this occur. He does not have any issues with the no parking during snow restriction. Mr. Modricker would agree that a turn-around on Owens Drive would be appropriate.

Ms. Kathy Fescemyer, resident of 621 Old Farm Lane, stated that she would like to see ticketing of those individuals parking during snow and tow if not removed. This would eliminate the need for a 24/7 no parking zone.

Mr. Ryan Shreckengast, resident of Old Farm Lane, recommended that the number of signs posted be reduced if the signs remain.

Mr. John Rodgers, Chownings Court stated that he would like to see the snow only restriction because in Stonebridge it is actually better to park on cul-de-sac as opposed to main thru streets.

Mr. Steve Sheaffer, resident of Old Farm Lane, stated that he sent a letter regarding this issue. He restated that each road is different and should be looked at separately. He stated that this resolution singled out these roadways from all other roadways in the Township that have roads that are not as wide.

Mr. Kunkle suggested that the installed sign have bags placed over them until a final solution is determined.

The Board recommended that the signs have a bag placed over the existing signs.

2. MARTIN STREET / PARK CREST LANE STREET LIGHT

Mr. Kunkle stated on May 5th the Board directed staff to provide cost information to the adjoining property owners regarding the installation of a street light at the intersection of Martin Street and Park Crest Lane. A letter along with a spreadsheet describing the cost of installation that would be the obligation of the affected property owners was sent to the adjoining property owners on May 12, 2014. This request for a street light was generated by residents and a Public Works employee from an adjacent municipality. A follow up discussion with Centre Area Transportation Authority also helped to determine the need for a street light at this intersection.

Mr. Scott Yocum, Martin Street Associates, does not feel the company should have to pay for the installation of a street light. The business property is well lite and had approval from the Township for the lighting of the property. Also this street light could cause the corner of the property to have more illumination than allowed.

Mr. Clemson made a motion to AUTHORIZE staff to prepare a resolution requiring the installation of a street light and the assessment of associated costs to adjacent property owners at the intersection of Martin Street and Park Crest Lane. Mr. Miller seconded the motion.

The motion passed unanimously.

3. HAWBAKER PAVILION LAND DEVELOPMENT PLAN, PLAN LAST DATED MARCH 21, 2014 PLAN DEADLINE AUGUST 20, 2014

Ms. Tranguch stated that this land development plan is to put a pavilion, approximately 5,000 square feet, on the golf course property near the club house and amphitheater. The Planning Commission approved the plan with the conditions stated in the memorandum provided to the Board.

Mr. Miller made a motion to APPROVE the Hawbaker Pavilion Land Development Plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated July 7, 2014. Ms. Whitaker seconded the motion.

The motion passed unanimously.

**4. SAYBROOK PHASE 10 SUBDIVISION PLAN, PLAN LAST DATED MAY 30, 2014
PLAN DEADLINE SEPTEMBER 30, 2014.**

Ms. Tranguch stated the Saybrook Phase 10 final subdivision plan is for 10 single family homes. This will be the final Phase in the Saybrook plan. A few comments remain unresolved.

Mr. Kunkle stated in regards to the request for modification staff met with PennTerra and S&A regarding the site distance criteria. In the end the solution agreed upon is to design the road with current design standards with a slight change in the configuration of the inlets along the roadway. The inlets will be indented and not in a straight line. This allows the designer to avoid placing the catch basins over the sewer lines. This will solve the problem without the need for a modification.

Mr. Clemson made a motion to APPROVE the Saybrook Phase 10 Subdivision Plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated July 7, 2014. Mr. Miller seconded the motion.

The motion passed unanimously.

**5. THE LANDINGS, PHASE 1B, PLAN LAST DATED JUNE 2, 2014 PLAN DEADLINE
SEPTEMBER 30, 2014**

Ms. Tranguch stated the Landings Phase 1B final land development plan is for 21 single family homes. The remaining comments are mostly administrative along with a few regarding ADA ramps. Staff received a new submission addressing these.

Mr. Clemson made a motion to APPROVE The Landing Phase 1B plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated July 7, 2014. Mr. Miller seconded the motion.

The motion passed unanimously.

6. PENN STATE CONDITIONAL USE REQUEST – 1445 WEST COLLEGE AVENUE

Ms. Tranguch stated the conditional use request is for property located at 1445 West College Avenue. The request is to use this property for a mixed martial arts studio. This location is within the Terraced Streetscape District and as stated in the regulations, if a use is not specifically permitted a conditional use must be granted. The closest item to a mixed martial arts studio is a health club, which would be permitted.

Mr. Mascolo asked if this facility will be used for training or matches. Mr. Steve Watson, Penn State University, stated that this would be for a training venue.

Mr. Clemson made a motion to REFER the conditional use request of the Pennsylvania State University for a Mixed Martial Arts use at 1445 West College Avenue to the Ferguson Township Planning Commission. Ms. Whitaker seconded the motion.

The motion passed unanimously.

7. VARIANCES

a. J. ALLEN WITHERITE II – 135 WEST CHESTNUT STREET, PINE GROVE MILLS

Mr. Kunkle stated the variance request is to subdivide the property and requested a variance from the requirement of installing sidewalks along the frontage of the property. Currently no sidewalks exist on West Chestnut Street.

Mr. Miller made a motion to REMAIN NEUTRAL on the variance application for property at 135 West Chestnut Street in relationship to the Chestnut Street subdivision plan but PROVIDE the Zoning Hearing Board with a memorandum requesting that the Zoning Hearing Board place a condition on a variance, if granted, that would retain the Board's ability to require sidewalks by resolution at any time in the future. Ms. Whitaker seconded the motion.

The motion passed unanimously.

b. STEPHEN AND KAREN FORD – 2426 TARA CIRCLE

Mr. Kunkle stated the applicants are requesting a variance to allow an encroachment into the rear yard setback of 7.5 feet to allow for a roof over a patio. The current rear yard setback is 75 feet from the rear property line.

Mr. Miller made a motion to REMAIN NEUTRAL on the variance application for property at 2426 Tara Circle. Mr. Clemson seconded the motion.

The motion passed unanimously.

8. CONSENT AGENDA

Mr. Clemson made a motion to APPROVE the consent agenda which included the May 2014 Treasurer's Report, payment authorizations for Alpha Space Control., Inc. in the amount of \$26,534.58, Glenn O. Hawbaker in the amount of \$184,153.37 and New Enterprise Stone and Lime Co. Inc. in the amount of \$208,473.06. Ms. Whitaker seconded the motion.

The motion passed unanimously.

VI. REPORTS

1. Manager

Mr. Kunkle stated that on June 25th, Township staff, met with about 20 officers of several homeowners associations to discuss matters of mutual concern. Topics discussed included potential changes to the Township's Noise Ordinance, weekend football rentals and if these should require a permit, introduction to the Tree Ordinance, discussion of maintenance responsibilities for common areas and dusk to dawn pole lights, and internal traffic control signage. Feedback from those in attendance was very positive and staff received numerous comments of appreciation. The Board will be receiving of the 2015-2019 Capital Improvement Program budget and worksessions on the proposed budget have been set for July 24th and 29th beginning at 6 p.m. each evening in Conference Room 2. Agendas for both worksessions will be forthcoming. Lastly, a reminder of the Centre County Economic Summit to be held on July 9th, 5pm at the Match Factory in Bellefonte.

2. Public Works Director

Mr. Modricker stated staff is working on revisions to 2015-2019 Capital Improvement Plan. Staff was successful in securing a grant to purchase a truck with a grapppler system. The Township is partnering with Patton Township on this grant. The equipment will be stationed here at Ferguson Township and a schedule will be worked out with Patton Township for use. Rosemont Drive / Selders Circle project is under construction. Electrical conduit has been installed. Road paving projects are well under way. The Homestead Park Pavilion bids will be opened tomorrow. The sinkhole repair on Valley Vista has been completed by Public Works but the sag in the road will be completed by contract work so the road is a smooth surface.

3. Planning and Zoning Director

Ms. Tranguch stated the Planning Commission met on June 23rd with the primary discussion based on the three land development plans presented to the Board on this agenda. Currently six plans are under review that will need to be heard by the Board.

4. COG Committee Reports

a. Human Resources

Ms. Whitaker stated the Human Resource committee met on July 2nd. The draft job description for the Human Resource Officer was approved. The committee discussed compensation adjustments for key personnel positions. The COG Executive Director made the recommendations based on a survey, data analysis review and agency experience in hiring and retaining qualified individuals. No final decisions have been made, but if approved they would be retroactive to July 1st.

VII. MINUTES

Ms. Whitaker made a motion to APPROVE the June 16, 2014 Regular Meeting Minutes. Mr. Miller seconded the motion.

The motion passed unanimously.

VII. ADJOURNMENT

Mr. Clemson made a motion to ADJOURN the meeting. Mr. Miller 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 8:36 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 07/21/2014