

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, July 21, 2014  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, July 21, 2014 at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	Richard Mascolo, Chairman	<b>Staff:</b>	Mark Kunkle, Township Manager
	Drew Clemson, Vice Chairman		David Pribulka, Assistant Manager
	Steve Miller		Diane Conrad, Chief of Police
	Janet Whitaker		Maria Tranguch, Director of Planning and Zoning

*Others in attendance included:* Heather Bird, Recording Secretary; Eric Endresen, Director of Finance; Steven Watson, Penn State University; Eileen and Mark Kline, Citizens Input; Dylan Wadlington, Citizens Input; Christine Bailey and Wes Glebe

### II. CALL TO ORDER

Mr. Mascolo called the Monday, July 21, 2014, regular meeting to order at 7:00pm.

### III. CITIZENS INPUT

Dylan Wadlington began by thanking the Board for lowering the speed limit on the main street in Pine Grove Mills. He stated that he is a remodeler contractor and lately he has noticed more basement walls collapsing in the Township due to excessive water from neighboring properties. He did some research and realized the importance of small watersheds and wetlands and how they can help to control the water problems. He will forward articles to Ms. Tranguch about the importance of maintaining these small waterways.

### IV. PUBLIC HEARINGS – RESOLUTIONS

- 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REQUIRING THE INSTALLATION OF STREET LIGHTING AT THE INTERSECTION OF MARTIN STREET AND PARK CREST LANE AND ASSESSING THE COSTS OF THE INSTALLATION AND OPERATING COSTS TO THE ADJACENT PROPERTY OWNERS IN ACCORDANCE WITH THE FERGUSON TOWNSHIP CODE OF ORDINANCES, CHAPTER 21, STREETS AND SIDEWALKS, PART 4, STREET LIGHTS.**

Mr. Kunkle stated the Board requested that staff proceed with the resolution allocating costs to the adjacent property owners. The resolution will provide the following assessments Park Crest Terrace \$3,338.64, CSC Northland \$2,421.67, Martin Street Associates \$866.79 and State College Park Apartments \$2,641.91 for a total capital project of \$9,269.02. Township staff will begin coordinating with West Penn Power for the installation of this light upon approval from the Board.

Mr. Clemson made a motion to ADOPT Resolution #2014-23 requiring the installation of a street light and assessment of associated costs to adjacent property owners at the intersection of Martin Street and Park Crest Lane. Ms. Whitaker seconded the motion.

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

## **V. PUBLIC HEARINGS**

### **1. A PUBLIC HEARING ON A CONDITIONAL USE APPLICATION FOR PROPERTY AT 1445 WEST COLLEGE AVE.**

Ms. Tranguch stated that Penn State University is applying for a conditional use for 1445 West College Avenue for a mixed Martial Arts Studio in the 7800 square feet of retail space in the building. The reason for the conditional use request is because in the Terraced Streetscape District regulations if a use is not specifically included or excluded a conditional use must be applied for in order to use the facility for that use. The conditions for the conditional use include Penn State installing landscaping on the east side of the lot within one year of occupancy, if a parking problem arises the Township may require Penn State to develop the adjacent lot for additional parking, all appropriate plans will be submitted for signs and lighting and that the intended use is for training and will not be used as a place of assembly for matches.

Mr. Clemson made a motion to *APPROVE* a mixed martial arts studio as a conditional use at 1445 West College Avenue with the following conditions: (1) That Penn State install landscaping on the east side of the lot within one year of tenant occupancy. (Part 3A of the original conditional use agreement dated November 7, 2011) (2) That if a parking problem arises, at the sole discretion of the Township, Penn State will either consolidate tax parcel 24-004-051C with tax parcel 24-004-051 and develop additional parking on the consolidated lot or documentation of the reservation of parking spaces must be provided in the form of a shared parking agreement (3) All appropriate plans/materials will be submitted to the Township for the approval of signage for the new business (4) All appropriate plans/materials will be submitted to the Township for the approval of lighting for the new business (5) That the intended use of the facility is as a studio for training and instruction and will not be used as a place of assembly. Mr. Miller seconded the motion.

Mr. Dylan Wadlington questioned the lack of an ability to hold an event that may benefit increasing membership.

Mr. Clemson stated that the business could hold an event at another location that allows for places of assembly.

Mr. Mascolo stated that the main condition is to not allow for competitive events.

The motion passed unanimously.

## **VI. COMMUNICATIONS TO THE BOARD**

## **VII. ACTION ITEMS**

### **1. SECOND QUARTER FINANCIAL REPORT – MR. ERIC ENDRESEN, DIRECTOR OF FINANCE**

Mr. Endresen presented the 2<sup>nd</sup> quarter financial report for the Township. The Township financials for 2014 are strong, General Fund is healthy and the remaining funds are on budget. Some annual payments are collected early in the year for example the Township real estate taxes have the majority paid by the end of April as well as receiving the full amount of liquid fuels funds in April. In comparing fund balances from June of 2013 and June 2014 there is a significant reduction in capital fund balance which was due to the Whitehall road project as well as \$2 million in transfers over the last two years from the general fund to the Capital Reserve Fund. These are one time activities so the fund balances should improve in the remainder of

2014 and 2015. Tax revenues are the main source of income for the Township and continue to grow as the Township population grows. Without the population growth the Township would be in a much different financial standing. Some notable transactions for the second quarter include completing the Township's fifth Comprehensive Annual Financial Report (CAFR) which has been submitted to the Government Finance Officers Association (GFOA) for consideration, the Township has received four consecutive awards for the CAFR, transfer taxes have exceeded budget thus far this year due to commercial property sales, the Township refinanced the remaining fund balance on the 2009 bond saving approximately \$35,000, new police and public works radios have been upgraded due to county system upgrade with a total cost of approximately \$100,000 and the Whitehall Road expenditures are winding down. Coming up in the last half of the year there will be 2014 construction projects the annual General Fund transfers to Capital Reserve Fund and Ag Preservation Funds to maintain fund balances.

Mr. Miller questioned the amount of real estate collected, if it is in range with what is expected. Mr. Endresen responded yes, we are within 1% of what is expected.

Mr. Kunkle thanked Mr. Endresen and finance staff on the completion of the CAFR.

## **2. DISCUSSION OF NO PARKING REGULATION ON A PORTION OF ROUTE 45**

Chief Conrad stated the request for new parking regulations is due to the new Musser Gap Trail Crossing. At this time there are no destination points and so people are parking along the berm of the road to explore the new trail, which creates a safety hazard for those individuals crossing Route 45. A ribbon cutting will occur in the fall. The request is for no parking anytime signs for 1000 feet each direction from the trail crossing. A highway occupancy permit from PENN DOT will need to be obtained in order to install the signs. A parking lot will be available but it is not currently available.

Mr. Miller made a motion to AUTHORIZE staff to apply for a highway occupancy permit. Ms. Whitaker seconded the motion.

The motion passed unanimously.

## **3. WEBPAGE UPDATE – DAVID PRIBULKA, ASSISTANT TOWNSHIP MANAGER**

Mr. Pribulka stated that at the end of 2013 the Ferguson Township Strategic Plan was adopted providing staff with goals for 2014. Goal number six stated to improve communication and community engagement. Staff has been working with EvoGov to create and launch a more functional Township website. Community Communications Coordinator, Diana Griffith, has been using Constant Contact to monitor the usage of the Township website. Google analytics provided a summary of the web visits per month over a six month period. Usage of the site has been fairly steady with over 26,000 visits with approximately half of these are new visitors. The report also shows the bounce rate which is a measure of those individuals that go to website and immediately get back off. A good bounce rate is 30 percent or less. The electronic newsletter list has grown tremendously at almost 500 people and approximately 60 to 70 percent open rate. Mr. Pribulka gave a brief demonstration of what the new Township website will look like.

Ms. Christine Bailey, resident 115 Butz Street, stated the Planning Commission minutes from the Township website were not currently available.

#### **4. DISCUSSION OF REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM (RACP)**

Mr. Kunkle stated over the past several months Township staff has been in contact with local realtors, design professionals and potential investment developers regarding the West College Avenue are in the Terraced Streetscape District (TSD). Staff has been made aware of a state sponsored grant program called the Redevelopment Assistance Capital Program (RACP) that may provide funding to leverage a redevelopment project in the TSD. This source of funding is not a familiar source of funding that Township staff has utilized in the past. Projects that are eligible for this funding must be included in the Capital Budget Itemization Act that lists the eligible projects by county for application and funding. Typical funding for residential type projects is not eligible, but Act 77 of 2013 has recently authorized RACP funding for mixed use projects. The application process is very rigorous and outside the scope of Township staff expertise. The last round of applications was filed in February and a new round will occur late this year or early next year. Mr. Kunkle has been in contact with a consulting firm that has familiarity with making applications through this process and the creation and submission of the business plan. This business plan must be reviewed and approved before the Township could get invited to submit an application for this funding. Does the Township have any interest in potentially being a sponsor of a project should it be selected by the Commonwealth Financing Authority to move forward after approval of a business plan. The project that has been envisioned by one of the developers that has interest in the Terraced Streetscape District is for construction of a parking deck to support a mixed use development. The funding sought would be approximately \$5 million with required 50% match by the developer. The developer provided Mr. Kunkle with the following explanation of the project. The RACP funding would be used to subsidize the cost of the structured parking deck required to make the project work. The project pro forma indicates that the project has a marginal return based on the high cost of land there (\$5.5 million) and the need for some structured parking; which while necessary, does not directly return on itself. The RACP program is written for economic development projects like this; whereby a \$5 million grant will help leverage a \$45 million private investment, which will positively impact the corridor, surrounding market and tax base long term. In thinking about this and what the Board may consider as to entering into a position where they would be a project sponsor, Mr. Kunkle came up with the following conditions for which the Township might proceed. (1) Properties involved in the prospective developer's project should be under an agreement of sale or option and an equitable interest in the properties should be established. (2) Prospective developer enters into an agreement to fund the cost of a Township selected consultant to prepare the required Business Plan. (3) If Business Plan is approved by CFA, prospective developer shall enter into an agreement to fund the cost of preparation and submission of an application for the RACP funding. The application will specifically identify the required matching funds to be provided by the prospective developer. (4) If Township is required to enter into a contract with consultant to prepare Business Plan and further application for RACP funding the prospective developer shall be required to establish an escrow of funds with the Township in the amount of 150% of the consultant's fee.

Mr. Clemson asked what stage is the developer at in conceptually planning. Mr. Kunkle stated that they have some conceptual plans and they believe they have an investment group.

Mr. Clemson asked Mr. Kunkle based on your expertise and information, what is the probability of this project being considered? Mr. Kunkle stated that one thing the Township has in its favor is that the Township has not been considered for RACP funding in the past. A lot of this would also weigh on the business plan itself. Mr. Clemson stated it does not seem to be a large drain on Township time and no effect on Township money.

Mr. Mascolo asked if an estimate for consulting fee has been determined. Mr. Kunkle stated not at this time.

Mr. Clemson stated this is something the Township should look further into.

Mr. Wes Glebe, resident, expressed concerns about the liability on the Township if the proper parking structure is not chosen. Mr. Mascolo responded that this would be not be an independent parking structure, this would be in a structure that included a mix such as apartments and parking.

Mr. Mascolo stated he is in support of this to assist a developer in getting a \$5 million grant.

Ms. Whitaker questioned if this is the next logical step in the streetscape district with or without a grant.

Mr. Clemson stated that if a developer is willing to submit a plan that fits the Terraced Streetscape regulations and with a grant available, whether this was the planned next step it appears to be the appropriate step to take.

Ms. Whitaker stated she is concerned that if the developer does this structure and then rest of the area is not developed what may happen to this structure.

Mr. Miller stated that this is a good plan and the Township should look further into this.

Mr. Mascolo, Mr. Clemson and Mr. Miller are in full support of pursuing this, Ms. Whitaker is concerned and has questions.

Mr. Kunkle will approach the developer to see what the next steps will be.

#### **5. CONTRACT 2014-C5 HOMESTEAD PARK PICNIC PAVILION**

Mr. Kunkle stated that this contract is to remove the existing pavilion and construct a new ADA compliant pavilion with ADA access. The apparent low bidder is LandServ Inc. with a bid price of \$72,795.

Mr. Mascolo asked the primary reason for the replacement? Mr. Kunkle stated the structure is heavily worn and also needs the ADA accessibility updated.

Mr. Kunkle stated that the ADA requirements have caused the cost to exceed the amount in the budget. The Township does have the funds in budget to meet the bid amount.

Mr. Clemson made a motion to AWARD Contract 2014-C5 Homestead Park Pavilion replacement in the amount of \$72,795 to LandServ Inc. Ms. Whitaker seconded the motion.

The motion passed unanimously.

#### **6. REFUND OF PROPERTY TAXES DUE TO DOUBLE ASSESSMENT**

Mr. Kunkle stated the Board received a letter from the Centre County assessment office advising the Township that a double assessment error occurred on tax parcel 24-004-055 owned by Lisa Campbell. The double assessment occurred on the years 2008 through 2013 and the total refund of Township tax is \$300.73.

Mr. Miller made a motion to AUTHORIZE a refund of property taxes for tax parcel 24-004-055 due to double assessment for the years 2008-2013 in accordance with the letter dated July 1, 2014 from the Centre County Assessment office in the amount of \$300.73. Mr. Clemson seconded the motion.

The motion passed unanimously.

#### **7. APPROVAL OF JUNE 2014 VOUCHER REPORT**

Mr. Clemson made a motion to APPROVE the June 2014 voucher list. Ms. Whitaker seconded the motion.

The motion passed unanimously.

#### **8. CONSENT AGENDA**

Mr. Clemson made a motion to APPROVE the consent agenda which included the June 2014 Treasurer's Report and a payment authorization for Alpha Space Control Co., Inc in the amount of \$35,453.41. Mr. Miller seconded the motion.

The motion passed unanimously.

### **VIII. REPORTS**

#### **1. Manager**

Mr. Kunkle stated that Board members have received the proposed 2015-2018 Capital Improvement Program Budget on July 10<sup>th</sup>, worksessions have been scheduled for July 24<sup>th</sup> and 29<sup>th</sup> at 6pm for review. On July 19<sup>th</sup> the Township held the third Coffee and Conversation event was held. Eight visitors came in 8-9:30. One resident was from Park Hills/Park Forest with a list of questions and concerns from the neighborhood residents. One concern was in regards to outdoor fire pits and how they affect those with breathing problems. Other issues discussed were refuse and recycling, Westfield Park development, speed limit enforcement and access to parks and bikeways.

#### **2. Planning and Zoning Director**

Ms. Tranchuch stated that the Planning Commission met on Monday July 14<sup>th</sup>. No plans were on the agenda for approval. The Commission did hear the Conditional Use request for 1445 West College Avenue. The next meeting should include the Centre Area Transportation Authority Plan. Currently staff now has seven plans under review and six plans conditionally approved. In June 34 permits were issued which is slightly more than the 28 issued in May. The total fees collected for these permits were \$1,755.

#### **3. Chief of Police**

Chief Conrad stated that the crime calls for June were lower for Part One crimes and up a little for Part Two crimes for a total of 60 as opposed to 52 last June. Year to date is under last years. Other calls for service are lower than last year and year to date. Traffic citations, parking tickets, traffic stops, arrests and miscellaneous were all lower except traffic stops which were up 4%. Four officers participated in the Special Olympics torch run. Seven officers participated in the annual bike rodeo, June 7<sup>th</sup>, at Weis Markets. The department received certificates of appreciation for the Township and Officer Slater for enforcement efforts in 2013. Office Slater alone made 255 traffic stops. Sergeant Hendrik was accepted into the Leadership of Centre County Class beginning this fall and leading into next year. Chief Conrad participated in a planning workshop for the Centre Region emergency operations training session and attended the annual meeting for Penn State football season.

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

##### **a. Executive**

Mr. Mascolo stated the committee meeting is scheduled for tomorrow at noon. The committee will be reviewing the items to be submitted to the General Forum which includes the 2015 Program Plan, contract for General Forum Room audio video upgrades, transportation plan update and some discussion on updating the regional development capacity report.

##### **b. Finance**

Mr. Mascolo stated the committee did a preliminary review of Program Plan on what is being proposed for the 2015 budget. An update was provided on the COG Finance Department. COG is forming its own finance department and has hired new staff and has contracts with vendors for accounting and payroll services.

##### **c. Park Capital**

Mr. Mascolo stated the committee reviewed Oak Hall Regional Park and the stormwater runoff controls for the park. These controls for the park are not complete at this time. Minor revisions were submitted to the contractor to improve stormwater controls. The committee received a presentation from the Centre Region Community Tennis Association on their updated strategic tennis plan, which includes building an indoor tennis facility at the Whitehall Regional Park.

Mr. Miller commented on the Oak Hall Park regarding stormwater. At this time major improvements have been done to prevent the stormwater runoff on the roadway.

##### **d. Public Services and Environmental**

Mr. Miller attended this meeting where the committee discussed extending the refuse and recycling contract from 5 years to 7 years, allowing time for the conversion to natural gas vehicles. The maximum contract is 5 years for a Class 2 Township. The contract is out to bid with a 5 year contract. The committee received a presentation from Mark Whitfield and Joann Shaeffer on European recycling efforts. Europeans are far more advanced in recycling than we are.

#### **IX. MINUTES**

Ms. Whitaker made a motion to APPROVE the July 7, 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 8:27 pm.

Respectfully submitted,



Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 08/04/2014