

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

Monday, August 18, 2014

7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, August 4, 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 Modricker, Director of Public Works
Maria Tranguch, Director of Planning and Zoning
Diane Conrad, Chief of Police
Eric Endresen, Director of Finance

Others in attendance included: Heather Bird, Recording Secretary; John Sepp, PennTerra; Dave Palmer, S & A; Bob Poole, S & A; Scott Brown, Stormwater Ordinance; June Gallagher; Bonnie Wood; Tony Marusiak; Tracy Bayletts, CIP – Piney Ridge; Richard Bayletts; Joe Viglione, COG; Daryl Wiest

II. CALL TO ORDER

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

III. CITIZENS INPUT

IV. PUBLIC HEARINGS – ORDINANCES

1. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT, PART 2, DEFINITIONS SECTION 202 DEFINITIONS; PART 4 PLAN REQUIREMENTS, SECTION 401, PRELIMINARY PLAN CONTENTS AND REVIEW; PART 5, DESIGN AND IMPROVEMENT STANDARDS, SECTION 513, PUBLIC USE AND SERVICE AREAS; REPEALING CHAPTER 26, WATER, PART 1, STORMWATER MANAGEMENT AND APPENDICES A and B IN THEIR ENTIRETY AND ADOPTING A NEW CHAPTER 26, WATER, PART 1, STORMWATER MANAGEMENT AND APPENDICES A, B AND C AND AMENDING CHAPTER 27, ZONING, PART 3, RURAL DISTRICTS, SECTION 303 AGRICULTURAL RESEARCH DISTRICT, SECTION 304, FOREST AND GAMELANDS, PART 4, RESIDENTIAL DISTRICTS, SECTION 407, PLANNED RESIDENTIAL DEVELOPMENT (PRD) DISTRICT, PART 7, MIXED USE DISTRICTS, SECTION 701, TRADITIONAL TOWN DEVELOPMENT (TTD), SECTION 702, PLAN PROCESS AND PROCEDURE, SECTION 703, TERRACED STREETScape (TS) DISTRICT.**

Mr. Kunkle stated the Board previously received a presentation on revisions to the Stormwater Management Ordinance as well as changes to Chapter 22, Subdivision and Land Development and Chapter 27, Zoning. Given this past summers' torrential downpours, the importance of stormwater management has become clear and the effects of ineffective stormwater management on downstream properties. This ordinance amendment and changes to the Subdivision and Land Development Ordinance are being required by the Department of Environmental Protection for the Township's NPDES MS4 permit. The changes to the Stormwater Management Ordinance were completed on a regional basis. The ordinance has been reviewed by the Centre Regional Planning Agency and the initial ordinance was reviewed by DEP, Williamsport office. Some of the changes to the Stormwater Management Ordinance include the following:

- regulated activities is revised to include land disturbance
- new and revised definitions
- a new term 'Stormwater Management Site Plan' has been added

- reference to the DEP stormwater best management practices manual for design of stormwater management facilities
- the municipal engineer may determine impacts on downstream adjacent properties and require that the developer obtain a stormwater easement
- revision to pond capture volumes for capture depths greater than 18" up to a maximum of 36" will require a qualified professional to prepare a geotechnical hydrogeological report
- a waiver of recharge volumes will require under drain facilities with the use of amended topsoil to provide filtration
- requirement that up to 20% of existing impervious be considered pervious for pre-development flows
- requirement added for non-residential structures to be 25 feet from a stormwater facility
- section 703, maintenance responsibilities, requiring shared stormwater management facilities to be placed on a separate lot
- new appendices C, Stormwater Management Agreement, this modifies our current Stormwater Management Agreement to be consistent with the new ordinance and regulations

The Township faces an August 31st deadline for adoption of this ordinance. Any changes requested to the ordinance would need to be made after this adoption.

Mr. Killian questioned the 20% impervious being considered pervious. Mr. Scott Brown, NTM Engineering, stated that the provision related to treating 20% of the existing impervious must be treated as meadow which increases the required level of control. This would only be in cases where downstream flooding occurs and the Township Engineer has recommended this be looked at, it would not be for every case.

Mr. Killian made a motion to ADOPT Ordinance #990 amending Chapters 22 and 27 and adopting a new Chapter 26 and related appendices for Stormwater Management regulations. Mr. Miller seconded the motion.

Mr. John Sepp, PennTerra Engineering, stated that he sees four problems with the proposed ordinance. The first concern is the location of stormwater facilities where they would be required to be located on a separate fee simple lot. Currently these facilities tend to be located on an easement or in the right-of-way. These facilities being located on a separate lot would create a loss of acreage for property owner lots and would be owned and maintained by the homeowners' association. Mr. Kunkle questioned property owners placing sheds, play sets, etc. in the required drainage areas. Mr. Sepp suggested that the deed or homeowners association agreement could include language to prohibit these types of items being located in this area. Mr. Kunkle stated the Township often sees fences located in these areas and these fences may interfere with the function of the drainage areas. Ms. Tranguch asked for a ratio of land lost for example four acres out of what amount. Mr. Sepp stated that four acres would be out of significant amount of acreage but you have to take into mind the setbacks and other issues. Mr. Killian questioned the setbacks. Mr. Kunkle stated that those may have to be addressed by reducing the rear yard setbacks or create a variance for every lot. Mr. Bob Poole of S & A Homes stated that this loss of land is a large problem by decreasing the amount of developable lots.

Mr. Sepp stated the second concern he has is the 18" versus 36" capture volume and its impact on subdivision and land development plans. Over the last ten years developers have been required to infiltrate water back into the ground. The current ordinance allows for 36" depth while as the new ordinance allows for 36" only after a geological test to show the land is not going to be prone to sinkholes. If the allowable about is only 18" without the geological test the developer would lose more land in development, making a detention basin up to three building lots. Mr. Poole stated that

again this issue just as the previous would create a loss of monies for developers. He would make a recommendation to leave these first two items as they are in the current ordinance. Mr. Kunkle said this is just a clarification for interpretation purposes.

Mr. Sepp states the third concern he has is in Section 803.G Enforcement, the proposed ordinance would withhold an occupancy permit until stormwater issues have been addressed to the Township's satisfaction, he would propose this clarify by saying that an occupancy permit shall not be issued until the stormwater facility is in the phase in which the permit is requested or constructed in accordance with the approved site plan and/or current Township ordinances. Mr. Poole agreed that this does need clarification as to avoid future conflicts.

Mr. Sepp's final concern is related to appeals. This is in the current ordinance and has been a concern. Currently and in the proposed ordinance it states that any person by any action of the Township can appeal to the Zoning Hearing Board, he believes this should go to the Board of Supervisors and not the Zoning Hearing Board.

Mr. Kunkle stated that the Township Engineer would need to look into these concerns as well as the Board of Supervisors. He stated that in relation to the pond depth, 36" would still be allowed with hydrogeological testing proving it to be effective. In relation to the easement areas, this should be able to be looked at and revised in a way that would be good for both the Township and the developers.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Killian: YES; Mr. Mascolo: 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 CREATING A CHAPTER 25 TREES, AMENDING CHAPTER 21 STREETS AND SIDEWALKS, CHAPTER 22 SUBDIVISION AND LAND DEVELOPMENT AND CHAPTER 27 ZONING.

Mr. Kunkle stated the Board received a new Chapter 25 which also impacted Chapter 21, Streets and Sidewalks; Chapter 22, Subdivision and Land Development and Chapter 27, Zoning related to the placement of trees. The new ordinance consolidates regulations related to public and private trees under one Chapter and references two resolutions related to approved species and varieties of trees for planting and regulations and standards for arbor work. This ordinance has also been reviewed by the Centre Regional Planning Agency in accordance with the Articles of Agreement. The ordinance designates the Department of Public Works as the lead department for implementation of the ordinance. It creates a Tree Commission consisting of five members appointed by the Board of Supervisors. The ordinance places responsibility for identification of hazardous and nuisance trees on public and private property with the Director of Public Works, the Township Arborists or other professional certified arborist and the discharge of any appeals with the Tree Commission and Board of Supervisors. Further the ordinance provides for protection of public trees, provides for issuance of permits for planting, removal or pruning of public trees, provides for easements where public trees will be planted on private property and provides for violation and penalty clauses. The Tree Commission will have responsibilities for review and comment on tree planting plans for both subdivision and land development submissions.

Mr. Clemson made a motion to ADOPT Ordinance #991 amending the Code of Ordinances by creating Chapter 25 Trees; amending Chapter 21, Streets and Sidewalks; Chapter 22, Subdivision and Land Development and Chapter 27, Zoning. 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 – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING AN APPROVED LIST OF TREE SPECIES, CULTIVARS AND HYBRIDS FOR STREET AND PARK PLANTING.

Mr. Kunkle stated this resolution goes with the Chapter 25 Tree Ordinance. The Township currently has an approved list of tree species, cultivars and hybrids used within the public right-of-ways and parks. The updated list takes into consideration the Township's need for replacing diseased trees. This list will continue to be updated to keep a good mix of trees that are not prone to disease.

Mr. Killian made a motion to ADOPT Resolution #2014-24 establishing an approved list of tree species, cultivars and hybrids for street and park plantings. 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 PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING REGULATIONS AND STANDARDS FOR ARBOR WORK

Mr. Kunkle stated this is the second related document to the Chapter 25 Tree Ordinance. This resolution establishes the guidelines for how a tree should be cared for, pruned and installed.

Mr. Killian made a motion to ADOPT Resolution #2014-25 establishing regulations and standards for arbor work. Mr. Miller seconded the motion.

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET FOR THE YEARS 2015 THROUGH 2019.

Mr. Kunkle stated the Capital Improvement Program Budget is not an appropriation of funds but a financial planning document. At this time no appropriation of funds has been made for the items include in the plan. Two worksessions have been completed in preparation of this document. When preparing a financial forecast it is always important to look at the impact of the anticipated expenses as related to the fund balance. Historically the projections for the General Fund balance have shown a continual decline. In actuality the General Fund balance has remained stable if not grown. Staff has taken a very critical look in evaluating this five year plan and has made certain modifications to include the use of strategic debt and reallocation of transfers to keep fund balances within the limits recommended by GFOA standards with no increase in tax rates. Overall fund balances remain positive during this five year period. The Township revenue projections come from a variety of sources with tax revenue providing the greatest percentage comprising 63% of the \$47,357,000 in tax revenues. It should be noted that a reallocation of tax revenues transferred from the General Fund to the Transportation Improvement Fund is being proposed in this five year plan. This reallocation will keep the General Fund balance within the range of GFOA standards; will recognize the increased costs of personnel and operating costs of the Township and regional programs while not impacting significantly Public Works projects related to infrastructure, maintenance and repair. This reallocation will be finalized with the adoption of the 2015 budget. Again no tax increases are proposed. This CIP projects both operating and capital costs for a five

year period. The total five year plan projects expenditures of \$75,324,000. Of this total, capital expenditures represent 19.2% of the overall expenditures or \$14,515,000. Capital expenditures are broken down into seven major areas: Administration, Finance, Planning, Public Works, Police, IT and Parks and Recreation. Administration includes capital expenses for the main meeting room, conference room improvements, an updated community survey and strategic plan and the replacement of an administrative vehicle. Finance expenses anticipate the implementation of a new workflow software. IT expenses include new document management and the replacement of one server. Planning has budgeted for a consultant to assist with the zoning and SALDO regulations and office furniture for the assistant community planner. Police Department include replacement of current patrol vehicles and the addition of one new vehicle as well as the conversion cost related to compressed natural gas, participation in new regional records management and mobile data system, upgrades to the interview rooms audio and video systems and evidence inventory tracking software. Public Works Department includes no road projects including public buildings and grounds projects related to the construction of a new public works building and the resurfacing of multiple roadways, the construction of a left turn lane or roundabout at the intersection of Valley Vista Drive and Bachman lane and is dependent on non-Township funding. The Township also has anticipated debt including the Centre Region parks maintenance facility, a new public works building and finally improvements of the Terraced Streetscape District. In personnel the Township anticipates one new patrol officer and the promotion of one officer to sergeant, two new public works maintenance crew members, an arborist and an assistant community planner.

Mr. Killian made a motion to ADOPT Resolution #2014-26 approving the Capital Improvement Program Budget for the years 2015-2019. Mr. Miller seconded the motion.

Mr. Daryl Wiest, 104 Ramblewood, stated his interest in tennis courts. He would like to see this item included in the CIP budget. Mr. Kunkle stated that \$75,000 is indicated in the budget toward this project. It is in the year 2016. Mr. Mascolo stated if the other residents of Fairbrook would also like to see tennis courts they could make this suggestion as a community.

Mr. Tony Marusiak, Kansa Drive, stated he is representing the large group of residents in attendance at the meeting. They are here to offer their support to the CIP and especially the proposed stormwater work on Kansa Drive.

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

4. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE AN AGILITY AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

Mr. Kunkle stated agility agreements have been done for a number of years and are used to swap services and to acquire materials. An example would be the Township street sweeping West College Avenue and in exchange they would give us a value and it may provide us the use of equipment and/or salt.

Mr. Killian made a motion to ADOPT Resolution #2014-27 authorizing the Chairman to execute an Agility Agreement between the Township and PADOT. Mr. Clemson seconded the motion.

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

VI. ACTION ITEMS

1. FOXPOINTE PRD, SECTION 1D, HUNTERS CHASE, PHASE 8 (PLAN LAST DATED JULY 15, 2014; PLAN DEADLINE NOVEMBER 9, 2014.

Ms. Tranguch stated this plan for Hunters Chase, Phase 8 is part of the Foxpointe Planned Residential Development. This plan proposed to create 14 single family lots on 3.242 acres at 4.08 units per acre. The entire section consists of 46.9 acres and 166 single family units. The remaining conditions consist mainly of administrative.

Mr. Killian made a motion to APPROVE the Hunters Chase, Phase 8 subdivision plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated August 13, 2014. Ms. Whitaker seconded the motion.

The motion passed unanimously.

2. 2015 COG PROGRAM PLAN

Mr. Kunkle stated that at the Board's last meeting the members completed review of the COG Program Plan for projected projects and expenditures in the upcoming year. A draft memorandum was provided to the Board to summarize their comments made on the Program Plan. Tonight the Board will discuss and make comment on the COG CIP Budget.

Mr. Mascolo began the review.

- page 12 – reconfiguration of code office - taking lobby area and making office space – Mr. Mascolo questioned if this can wait until the Park and Recreation maintenance building was built where Centre Region office staff could be relocate.
- page 68 viii – vehicles – add a second fire safety trailer – Mr. Mascolo asked if this be funded over 3 years and per Mr. Viglione 2/3 was already funded for this trailer.
- vehicle replacement – does not feel age is not a good criteria for replacement – main goal to provide safe vehicles. Even if vehicle is on CIP plan it should be reviewed based on condition of vehicle not just the age, Mr. Clemson agreed to this as well as Mr. Viglione.
- page 54c1 – Library – communication equipment – telephone system, is there problems with this?
- page 54d.2 – replace library ILS software - current ILS has been kept passed its time – is whole county library changing?
- redesign library website in 2018? Was this just completed in 2014? Does this need updated? Mr. Viglione stated that the digital library needs to be kept up to date.
- page 54e5 - replace library identification system in 2016 – estimated useful life is five years. Why does this only have a life of five years?
- page 54f5,7,8,9 replace furniture in sections of the library – children's library in front, statement? Why every 5 years, is this for looks or function?
- page 20 alpha fire company – 2013 Chevy Tahoe, replaced in 2018 – what is the mileage and repair costs? Does this really need replaced?
- page 25 – pools – 48f1 – adding amenities to Welch pool – is this for one or two units? Why only at Welch?
- Mr. Clemson – parks equipment – questioned why not using a contracting service? Tractors seem to be quite expensive.
- Mr. Kunkle questioned Mr. Viglione if the revenue table includes any grant revenue funding? Mr. Viglione stated that it does not include any grant funding. In regards to the emergency generator for Assembly of God Church, indicates 80% could be funded by federal funds; "Will that project be contingent on the grant funding?" Mr. Viglione stated he believes it is contingent on the grant funding.

3. TREE COMMISSION APPOINTMENT

Mr. Kunkle stated the Board has taken a number of actions regarding this Commission. The Board needs to appoint two Board members to interview applicants for the new Tree Commission. The Board selected Elliott Killian and Janet Whitaker to complete the interviews. The closing date for applications will be the first or second week in September.

4. APPROVAL OF JULY 2014 VOUCHER REPORT.

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

The motion passed unanimously.

A. CONSENT AGENDA

Mr. Clemson made a motion to APPROVE the consent agenda which included the July 2014 Treasurer's Report and three time extensions for the following plans: Saybrook, Phase 10; The Landings, Phase 1B and the Richard L. Fye Estate Subdivision. Mr. Miller seconded the motion.

The motion passed unanimously.

VII. REPORTS

1. Manager

Mr. Kunkle stated the Township has begun closing on three agricultural conservation easements. Two occurred August 18th and the last one will occur on August 20th. The easements are for the farms of Campbell for 181.3 acres, Ripka 107.85 acres and the Stewart/Christ for 26.88 acres. The Township is partnering with Centre County on the acquisition of these agricultural easements. The Township received a review of its 2014 budget submission to the Government Finance Officers Association for distinguished budget recognition. This was the first year for Township submission and although the Township was not successful in obtaining the recognition staff received excellent feedback on presenting the budget in future years. The Share the Path event is scheduled for September 4th at 2pm on the McKee Street/Clinton Avenue bike path at Sunset Park.

2. Planning and Zoning Director

Ms. Tranguch stated the Planning Commission met on Monday, August 11th and discussed the Hunters Chase Phase 8, a rezoning request which the Board will hear at its September 2nd meeting and minor changes to the Turnberry Phase 1 and 2A. Current land development plans include eight that have not been heard by the Board, six plans that have been conditionally approved but not fully conditioned and one plan awaiting signatures. Mr. Mascolo asked if the temporary cell tower for Ag Progress Days was permitted and Ms. Tranguch confirmed that it was.

3. Chief of Police

Chief Conrad stated that July calls were lower by three calls, due to two less burglaries and one less theft. Part one crimes were down year to date, part two calls were the same as last year. Total for both crimes were down by seven percent compared to last year. Other calls for service which account for six times the crime calls are up six percent for the month and down two percent for the year. Process services and records keeping are down this month and year to date traffic citations and stops are up. Officer Jeff White received his Bachelors of Science Degree in Sociology and Criminal Justice from Lock Haven. Detective Mayer has met with Jennifer Shadle missing person's mother two times on the case. The Township had two resident fires due to lightning strikes. Chief attended the Chief of Police annual conference. The main topics were on school safety and ways to reduce crime in the community. Mr. Kunkle complemented the Police on their reaction to the bomb scare in the Township.

4. COG Committee Reports

a. Human Resources

Ms. Whitaker stated the committee met on August 6th and accepted the 2015 budget recommendations from the COG Employee Relations Committee in the amounts of \$8,375 for employee wellness programs and \$4,320 for employee relations activities. The committee continued to look at new job description for a new human resource officer. The committee approved a new job description and job title for Head of Patron Services for the library. The old job was title Head of Circulation. The new job will require a Masters Degree in library science. Finally they reviewed the proposed 2015 COG Salary Schedule.

b. Public Safety

Mr. Clemson stated the committee met Wednesday August 13th with Frank Holderman, Bellefonte Borough, as the newest member. The committee discussed a couple big items that included a 100 foot aerial truck for Alpha Fire. The COG received a letter from the manufacture requesting that the aerial ladder truck be taken out of service because of instances throughout the country with similar vehicles where injuries have occurred. Currently the vehicle it is out of service and options are being looked at for what will be done in the future. The public safety training center has had issues with Centre County and CPI and their compliance with the agreement.

c. Public Services and Environmental

Mr. Killian stated the committee talked at length on the refuse and recycling contract. Two bids were received, one from Advanced Disposal and one from a local hauler. The contract will be going to Advanced Disposal and will be converting to CNG fueled trucks. The Energy Coordinator position will be removed from the budget. Ferguson Township was not the only municipality to have concerns with the position. The future cost of refuse will go down but recycling will go up. They also discussed concerns with stormwater at the Whitehall Road Regional Park.

IX. MINUTES

Mr. Clemson made a motion to APPROVE the August 4, 2014 Regular Meeting Minutes. Mr. Killian 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. Mascolo adjourned the regular meeting at 8:56 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 09/02/2014