

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, September 02, 2014
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, September 02, 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 Township Manager
David Modricker, Director of Public Works
Maria Tranguch, Director of Planning and Zoning

Others in attendance included: Heather Bird, Recording Secretary; George Pytel; Gene Weller; Rich Shore; Terry Williams; Dave Palmer, S & A; Joe Lichty, Pine Hall Phase 2A; Fred Henry, Homan LDP; Jeremy Hartley

II. CALL TO ORDER

Mr. Mascolo called the Tuesday, September 02, 2014, regular meeting to order at 7:00 pm.

III. CITIZENS INPUT

IV. PUBLIC HEARINGS – ORDINANCES

1. A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, PART 4, GENERAL PARKING REGULATIONS, SECTION 403 PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS

Mr. Kunkle stated this ordinance will allow the Public Works department to post and the Police Department to enforce no parking on Butternut Street, Chestnut Street East and West, North Kirk Street, Harold Drive East and West, Ravendale Road, West Blade Drive, Ramblewood Road, Greenlee Lane, Owens Drive, Corl Street, East Aaron Drive, Suburban Avenue, Science Park Court and Pine Hall Court. All of these locations are streets or roads that have cul-de-sacs or hammerhead turnarounds. During winter operations it has become difficult for Township Public Works to operate in these areas. It has been determined that the best way to eliminate parking issues is to post for no parking during all periods.

Mr. Killian made a motion to ADOPT Ordinance #992 amending Chapter 15 Motor Vehicles and Traffic, Part 4, General Parking Regulations, Section 403, Parking Prohibited at all times in certain locations. 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 TEMPORARY PARKING REGULATIONS ON PA ROUTE 45 – SHINGLETOWN ROAD

Mr. Kunkle stated Board members have had discussions on this matter over the last several months. The Musser Gap Trail will connect Whitehall Road with Rothrock State Forest with a crossing on Route 45. PennDot has issued a permit for the crossing to be established. Currently the trail does not have a defined beginning on Whitehall Road and the parking for the trail at the Rothrock State Forest has been interrupted due to logging. There have been concerns about people parking along

Route 45 near the crossing and blocking the site distance of individuals using the trail. PennDot does not have any objections to the posting of the signs. The signs will be posted 1000 feet east and west of the crossing and installed by Penn State's contractor. Subsequent to an adoption of an ordinance a parking study will need to be completed to determine exact distances from the trail crossing to establish no parking.

Mr. Killian made a motion to ADOPT Resolution #2014-28 establishing temporary parking regulations on PA Route 45 – Shingletown Road. Mr. Miller seconded the motion.

Mr. Killian asked about the location of a parking lot and the amount of vehicles the parking lot will hold. Mr. Kunkle stated the lot is located on the hill above the trail crossing and should fit approximately around 30 vehicles.

Mr. Miller stated the location off Route 45 was not designed to be a terminal point to the path but more of a through area. Once the new Whitehall Road Regional Park is open it should be the main starting point.

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

2. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN TO EXECUTE AN AGREEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND STONEBRIDGE PROPERTY OWNERS ASSOCIATION, STATE COLLEGE LITTLE LEAGUE AND S & A CUSTOM BUILT HOMES, INC. AND THOMAS A. SONGER, PARTNERS t/d/b/a JOHNSON FARM ASSOCIATES ESTABLISHING MAINTENANCE RESPONSIBILITY OF STORMWATER DRAINAGE FACILITY AND PARKING FACILITY.

Mr. Kunkle stated the Stonebridge V Land Development Plan has been conditionally approved by the Board. The conditional approval included the construction of a parking facility on Stonebridge Section 7, where the State College Little League fields are located. With the elimination of parking on Bristol Avenue due to the designation of a turn lane and the construction of the Senior Living project there was a need to establish additional parking at the Little League field. Johnson Farm Associates agreed to construct an approximately 48 stall parking lot as well as pave the existing gravel lot adjacent to the concession stand. This plan includes a reestablishment of the natural stormwater drainageway which includes a drainage area from Harner Farm to Haymarket Park. Upon further study it was determined that Johnson Farm Associates and the Township will jointly enhance the stormwater detention facilities within the park as part of the conditional approval for Stonebridge Phase V. The location of the Little League fields is the open space for the Stonebridge PRD and is subject to a license agreement between Johnson Farm Associates, Stonebridge Property Owners Association, State College Little League, and the Township. Stonebridge Property Owners Association wants to establish the maintenance obligations of the parking facility and the stormwater drainage area. The State College Area Little League has agreed to assume responsibility of these items. The Township is a party in this agreement for the sole purpose of facilitating any disputes. The Township will be the sole determiner in the remedy of any disputes, specifically of the parking facilities.

Mr. Killian made a motion to ADOPT Resolution #2014-29 authorizing the Chairman to execute a Maintenance Agreement between the Stonebridge Property Owners Association, Johnson Farm Associates, the State College Little League and Ferguson Township. Ms. Whitaker seconded the motion.

Mr. Miller asked about the stormwater runoff on the access road. Mr. Modricker stated the gravel area will be removed and returned to a grass drainage way. Mr. Kunkle stated it will be returned to its natural drainage condition.

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

3. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO EXECUTE A JOINT EXERCISE OF POWERS AGREEMENT AND AN ASSOCIATE MEMBERSHIP AGREEMENT WITH THE NATIONAL JOINT POWERS ALLIANCE.

Mr. Kunkle stated the National Joint Powers Alliance is a national cooperative purchasing agency that has been able to aggregate a variety of items through cooperative purchasing. In order for the Township to purchase an item through the Alliance a membership is required.

Mr. Killian made a motion to ADOPT Resolution #2014-30 authorizing the Chairman to execute a Joint Exercise of Powers Agreement and Associate Membership Agreement. Mr. Miller seconded the motion.

Mr. Clemson pointed out that this membership does not cost the Township any funds.

Mr. Mascolo questioned the amount of money the Township will save for purchasing through the Alliance. Mr. Kunkle stated administratively the Township will save by not having to advertise and use staff time for bidding the project. Typically there is a significant discount but the only way to actually compare the amount of savings would be to also put the item out to bid and compare to the cooperative purchasing price.

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

VI. COMMUNICATIONS TO THE BOARD

Mr. Mascolo discussed the rezoning on North Atherton Street with one resident.

VII. ACTION ITEMS

1. PINE HALL PHASE 2A SPECIFIC IMPLEMENTATION PLAN REVISION PLAN LAST DATED JUNE 24, 2014, PLAN DEADLINE OCTOBER 12, 2014.

Ms. Tranguch stated this Specific Implementation Plan is part of the larger Pine Hall TTD Master Plan. Recently Pine Hall Phase 2A plan was approved. This plan will add all of the private amenities, sewer laterals, landscaping and specifications of driveways and buildings that was noted on the original Phase 2A plan as illustrative. The developer had submitted the plan with these items as illustrative so the builder could submit the plan for the specifics. The plan will include ten townhomes, split into two buildings with one unit containing six townhomes and one building with 6 townhomes. Few comments remain to be resolved.

Mr. Mascolo questioned the location of parking for each building. Mr. Joe Lichty, Design Engineer, responded that the parking is in the rear of the buildings as freestanding garages for the center units and the end units have an attached garage.

Mr. Killian made a motion to APPROVE the Pine Hall Phase 2A Revised Specific Implementation Plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated August 27, 2014. Mr. Miller seconded the motion.

The motion passed unanimously.

2. PRESENTATION OF REZONING ANALYSIS FROM OFFICE COMMERCIAL TO GENERAL COMMERCIAL ON NORTH ATHERTON STREET

Ms. Tranguch stated that on August 11th the rezoning request for tax parcel for 24-12-18 was discussed to the Planning Commission. The request was sent out for regional review and upon further consideration the research was expanded to include all seven parcels located within the area. The Planning Commission recommended rezoning just the parcel included in the original request. Ms. Tranguch stated that if this one parcel only were rezoned it could increase the chance of a spot zoning challenge for the Township. Ms. Tranguch stated that if the Board chooses to not rezone the seven parcels she recommends at a minimum including the three lower parcels.

Mr. Clemson asked what would hold the Board back from rezoning all seven properties on the Giant side of Atherton Street? Ms. Tranguch stated that was her original recommendation to rezone all seven parcels.

Mr. Clemson asked Mr. Gene Weller, property owner, what his thoughts were about the rezoning. Mr. Weller stated at this time he plans to continue to be located there and is here obtaining information.

Mr. Kunkle stated that a rezoning would broaden the options for the development of the parcels and it does not preclude the existing businesses from operating in their current state.

Mr. Clemson does not like the mixed zoning of Office Commercial and General Commercial in the area, he would like all of the parcels to be zoned the same.

Mr. Miller questioned if there is anything that the property owner would lose in terms of rights or zoning options if the property were rezoned. Ms. Tranguch stated that everything that can be done in Office Commercial can be done in the General Commercial District.

Ms. Whitaker asked if any of these parcels are homeowner occupied. Ms. Tranguch stated that three of the parcels are tenant occupied under a non-conforming use.

Mr. Terry Williams, Attorney for RioCan, the applicant, stated the request is specifically for the one parcel. The Planning Commission voted 6-1 to move this rezoning to the Board. The difference between Office Commercial and General Commercial for RioCan is that they would like to build a restaurant. The parcel is 3.54 acres; under Office Commercial for a restaurant to be constructed it must be approved by the Board of Supervisors and must be constructed with less than 1200 square feet of floor space, which would be small for the large parcel. In addition the zoning ordinance for Office Commercial prohibits alcohol sales and outdoor seating. No matter what is constructed on this parcel will still be approved through the Township zoning and land development guidelines. This parcel of land would make sense to be rezoned to General Commercial. Mr. Williams asked the Board to move this request on to Public Hearing.

Mr. Miller asked if there are any problems with rezoning a parcel if there is not a request from the property owners. Mr. Kunkle stated that no there does not need to be request.

Mr. Kunkle stated the Board would need to hold a public hearing for this rezoning if the Board would like to move forward. The Board's options include indicating what their opinions on the matter are and referring it back to the Planning Commission for public hearing notifying adjacent property owners or the Board could move the request to public hearing as part of an ordinance and receive public comment then.

Mr. Mascolo stated that he backs the idea of rezoning all seven parcels on the Giant side of North Atherton Street. Mr. Clemson agreed with Mr. Mascolo.

Mr. Richard Shore, resident, stated that currently he is leasing the corner lot with a firm chance to purchase the property. He supports the rezoning of the property to General Commercial.

Mr. Mascolo asked if the Township could limit access to North Atherton Street. Mr. Kunkle responded that the Township could not limit access for those parcels that front onto Atherton Street and have no alternate access to the properties.

Mr. Kunkle questioned if the Board would extend the Corridor Overlay to North Hills Place. Ms. Tranguch stated that a Corridor Overlay is mainly for aesthetic values in terms of setbacks and landscaping.

Mr. Pytel, resident, stated that the Office Commercial is getting smaller and smaller over time. He would support the Board rezoning all seven parcels to General Commercial. He would not recommend leaving just a couple parcels zoned Office Commercial.

Mr. Killian stated that the Board is only considering two ideas; maybe the Board should consider a zoning type there such as a Traditional Town Development. Mr. Kunkle stated that the Township is not limited to the existing zoning the Township could create a new zoning district. Mr. Miller would only support this idea if the full Township was going to be reviewed. Mr. Clemson agreed with that.

The Board consensus, 4 out of 5 members, support staff preparing an ordinance for public hearing to rezone all seven parcels to General Commercial

3. DISCUSSION OF BIKEWAY WINTER MAINTENANCE

Mr. Kunkle stated the question of winter bikeway maintenance is a topic that staff has questioned beginning last year and this year. The bikeway system in the region has grown significantly, are improved, paved and have heavy utilization. Should the Township consider expanding the winter bikeway maintenance program? Currently the Township maintains a small connecting bike path between Vairo Boulevard and Suburban Avenue, the McKee Street/Clinton Avenue bike path, Tudek/Circleville bike path beginning at West Aaron Drive and west of that to Greenbriar and all connecting to Park Avenue West and onto Penn State Campus. The other areas that have potential for maintenance include the Science Park Road Area, Pine Hall, Old Gatesburg Road Extension, all of Blue Course Drive, Havershire Drive, Bristol Avenue from West College Avenue to Blue Course Drive. Depending on the day/time of the week these paths can be heavily used. At this point in time staff does not have a cost analysis for maintaining these additional bikeways.

Mr. Killian stated that staff needs to develop some kind of survey to determine how much the bike path is actually being used. Mr. Clemson stated the best method would be observational studies.

Mr. Miller stated that last year he had a request for Bristol Avenue.

Ms. Whitaker stated the regional bike coalition should be in charge of this. She is more concerned with the Township clearing the roadways. Mr. Miller commented that if you don't clear the bike paths the bicyclists may be on roadway, creating a danger.

Mr. Clemson stated that a cost should be calculated for this.

Mr. Modricker stated last year the Police Department requested Havershire and Blue Course be cleared because individuals were walking on the roadway because the bike path was not cleared.

Mr. Pytel, resident, stated that when clearing all the bike paths the cross country skiers may be bothered. He stated if the bikeways are clear more people will use it, but be sure to monitor the use.

Mr. Miller favored winter maintenance on Bristol Avenue, Science Park Road, Blue Course Drive and Havershire Drive. The Board agreed with Mr. Miller

4. AUTHORIZE SALE OF 1997 INTERNATIONAL SINGLE AXLE DUMP TRUCK

Mr. Kunkle stated the administrative code requires that any equipment, supplies and materials that are valued over \$10,000 would be sold through competitive bidding and be authorized by the Board of Supervisors. Although the 1997 Single Axle Dump Truck has low miles the frame for the truck is not in top condition.

Mr. Killian made a motion to AUTHORIZE the sale of a 1997 International Single Axle Dump Truck. Mr. Clemson seconded the motion.

Mr. Clemson questioned if the frame is comprised to the point where it would not pass state inspection. Mr. Modricker stated that he was not confident of that but would recommend removing inspection sticker and selling the truck as is.

The motion passed unanimously.

5. CONSIDER TIME EXTENSION FOR STONEBRIDGE PRD SENIOR LIVING APARTMENTS LAND DEVELOPMENT PLAN

Ms. Tranguch stated Stonebridge V has already had three post conditional approval time extensions. The Board's policy is to only allow for three post conditional approval time extensions. This plan will expire on September 8th however for precautionary reasons the plan would like to have one more time extension. Ms. Tranguch stated she felt confident that within the next two weeks the plan would be complete.

Mr. Killian made a motion to GRANT a fourth time extension for the Stonebridge PRD Senior Living Apartments Land Development Plan. Ms. Whitaker seconded the motion.

The motion passed unanimously.

6. VARIANCE APPLICATION – HOMAN LAND DEVELOPMENT PLAN

Ms. Tranguch stated the variance application is for a land development plan for a pet care facility. The applicant submitted a variance application to not build sidewalks along the Route 45. Typically sidewalks are not required in the RA district but because this is for commercial use, the ordinance does require sidewalk installation.

Mr. Killian made a motion to REMAIN NEUTRAL on the variance application but provide the Zoning Hearing Board requesting the Zoning Hearing Board to condition any variance for sidewalks by reserving the Board of Supervisors right to require sidewalks in the future by resolution. Mr. Miller seconded the motion.

The motion passed unanimously.

I. REPORTS

1. Manager

Mr. Kunkle stated the Zoning Hearing Board heard the request for the 1000 West College Avenue on August 19th. The Board granted variances for the relocation of the benches and trash receptacle, relief from planting in the first two planters and to allow for 79.6 percent impervious coverage but denied a variance regarding the requirement for the building to have a reduced height wall along Butz Street. Staff has begun preparation for the Township budget and considered worksession dates November 18th – 20th. Board members received an early copy of the Township Fall 2014 Newsletter. Finally attached to the report is an invitation to the Centre County Association of Township Officials dinner.

2. Public Works Director

Mr. Modricker stated the Township received resignation from Robert Tussey, Road Foreman. Mr. Tussey will be retiring in one month. The new street lighting at Martin Street and Park Crest Lane project is moving along. The Township will await a billing invoice from West Penn. Rosemont and Selders have waterline work to be completed. Road paving projects are substantially complete. Homestead Park pavilion work should begin soon. The revisions to the traffic light at Blue Course and College Avenue will begin the week of September 8..

3. Planning and Zoning Director

Ms. Tranguch stated the Planning Commission met and discussed Pine Hall 2A that the Board heard this evening. Mr. Ressler, Zoning Officer, attended a floodplain conference. Currently the Planning and Zoning Department has seven plans not yet heard by the Board and eight plans conditionally approved.

4. COG Committee Reports

a. Finance

Mr. Mascolo stated that the committee reviewed the comments on the COG Program Plan. The COG Finance Director will be providing the committee with a list of all combined comments. The committee approved the new bank accounts to move to COG from the Borough. The committee reviewed the COG investment policy which was forwarded to the Forum for approval. Also discussed was the impact of the Alpha 100 foot Aerial Fire Truck. The Capital Improvement Plan changes were reviewed and authorization was given to replace the furnace at the Patton Township Fire Department station. The library requested \$12,000 be added to the budget for a strategic plan development and the library also asked for energy conservation improvements be added to the Capital Plan. Both of these requests were authorized.

b. Public Safety

Mr. Clemson stated the committee met September 2, 2014 and although he did not attend he reviewed the agenda. The request to hire a Deputy Director of Codes was withdrawn in response to the municipal comments. In regards to the 100 foot aerial truck that was removed from service. The manufacturer has indicated that while they are working on identifying and fixing the problem the process will be months. This truck was supposed to last until 2033.

IX. MINUTES

Mr. Killian made a motion to APPROVE the August 18, 2014 Regular Meeting Minutes with a correction to page 3, paragraph 2, line 2, change without to withhold. Mr. Clemson 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 8:46 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 09/15/2014