

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, November 17, 2014  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, November 17, 2014 at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	Drew Clemson, Vice Chairman	<b>Staff:</b>	Mark Kunkle, Township Manager
	Janet Whitaker		David Pribulka, Assistant Township Manager
	Elliott Killian		David Modricker, Director of Public Works
	Steve Miller		Maria Tranguch, Director of Planning and Zoning

*Others in attendance included:* Heather Bird, Recording Secretary; Al Drobka, Mark Torretti, Scott Yocum, 1000 West College Avenue; Fred Henry, Homan Land Development Plan; Steve Jackson, State College Borough Water Authority; George Henning, Schlow Library; Marc McMaster; Gene and Donna Weller, Re-zoning; Fay Kormani, Zoning; Stephen Hanawalt, Clinton Parking Restrictions; Ronald Beyer, S & A Park; Tom Taracani; Terry Williams, Re-Zoning

### II. CALL TO ORDER

Mr. Clemson called the Monday, November 17, 2014, regular meeting to order at 7:00 pm.

### III. CITIZENS INPUT

### IV. ABC REPORTS

#### 1. MR. STEVE JACKSON, STATE COLLEGE BOROUGH WATER AUTHORITY (SCBWA)

Mr. Jackson stated that he last reported to the board on April 21<sup>st</sup>. The SCBWA continues to provide high quality water for a reasonable price to its customers. The Authority was awarded the Area Wide Optimization Program Award for Water Quality by the Pennsylvania Department of Environmental Protection in August. The Authority remains fiscally sound with year-to-date revenue as of October 31<sup>st</sup> of \$5.8 million and expenses to date of \$3.7 million. Water production was up slightly over 2013 for a total of 4.99 million gallons per day. The total available supply for the region is 9.1 million gallons per day with the average daily use in peak months at 5.4 million gallons per day and the annual average at 3.6 million gallons per day. The major renovation involving water main on College Avenue in downtown State College was completed on time and under budget and the Selders Circle in Ferguson Township storm sewer work has been completed. As part of the Turnberry Project, water main extensions on Northwick and Southwick were approved on October 16<sup>th</sup>. Other extensions were made for The Landings and Phase 10 of Saybrook in September. Storm sewer design continues for the new Whitehall Road Regional Park. The student housing project at Whitehall Road and Blue Course Drive Extension was reduced from 1500 units to 268 so the storm sewer design has been resubmitted. The Authority has had a total of 157 new connections year to date with 40 of those in Ferguson Township and a total cumulative connections of 14,395. One issue that is coming before the Authority is the possibility of contributing to the Clearwater Conservancy's purchase of the Scotia Barrens land parcel in Patton and Halfmoon Townships. The Authority is engaged in its long-range planning process. The original plan was completed in May 2004 with updates in 2006 and 2009 and most recently in August 2014. The growth of the population in the Authority's customer base, if it continues to grow according to current projections, could exceed 100,000 people in 2025. That would make the SCBWA a large water system and subject to greater regulator control by the Pennsylvania Department of Environmental Protection. The Authority is beginning a pilot study for a water treatment system at the Nixon-Kocker well field. The pilot study will cost \$225,000 and is scheduled to begin March 2015 with a final report in September 2015. The final issue is of Slab

Cabin Run and its designation by the PA Fish and Boat Commission as a high quality fishery. In the long term the designation would probably affect its upstream source at Shingletown Run Reservoir. The Department of Environmental Protection water allocation permit for the reservoir expires in 2017 and given the designation makes the renewal problematic. Production could shift to other well fields.

Mr. Killian asked what the future plans are for Atherton Street? Mr. Jackson replied that at this time there are no specific plans.

Mr. Kunkle asked that Mr. Jackson pass along to the Authority the Townships' appreciation for the Authority's cooperation on the Selders Circle and Rosemont Drive project and the participation in the review of The Cottages.

## **2. MR. GEORGE HENNING, SCHLOW CENTRE REGION LIBRARY**

Mr. Henning stated the library is doing well, continues to achieve goals and remains on budget. A full time development position is included in the coming years' budget. The library continues to raise funds on its own to supplement the monies received from the community. Currently they are approaching 10% of the funds used by the library. The full time development position should assist with the fundraising and the hope is to surpass the 10% in future years. In the meantime the Board and The Friends of the Library will be revising the system that is currently used for fundraising. The annual year end fund drive has raised \$33,000 through today, meeting the amount included in the budget for 2014. E-books are a large portion of the library usage with year to date numbers at 62,310 withdraws of e-books as compared to 29,000 last year. The cost of an e-book is 2 to 10 times what your cost would be for the book. Other items that occur at the library include presentations such as research unplugged, which just finished. The website, schlow.org, is the digital branch of the library. Last year a significant amount of money was put into reorganizing the website and with the new site the number of people looking at the site has gone up 65% and the number of users up 89%. The mobile sessions (smartphone/tablets) have also increased. An analysis of users on the website showed that user satisfaction was up to nine when previously at seven. The number of people using the website continues to grow. The website also has many of the magazines that are received at the library.

Mr. Clemson thanked Mr. Henning for his service as a representative for Schlow Centre Region Library.

## **3. MR. JOHN SPYCHALSKI, CENTRE AREA TRANSPORTATION AUTHORITY**

Mr. Spychalski stated the ridership on the fixed route system finished out the fiscal year with substantial ridership of over 7 million passengers, but July and August recorded a 6.2% decrease in ridership. This decline was due to several road closures within the community. However, September 2014 recorded a 3.6% increase in ridership on the fixed route system. This favorable trend should continue throughout the remainder of the year due in part to the distribution of off-campus student housing. Penn State recently extended its Ride for Five program to graduate students which increased the Ride for Five ridership by more than 30%. While not a huge part of the overall CATA ridership the Authority does operate a Penn State football shuttle. The shuttle included a set fare of \$1.75 fare. This resulted in an increase in transit passes for older adults. The CATA equipment includes new 40 foot buses. They were approved to receive 40 but at first were only able to purchase 28 buses, adding two more later and now with the Act 89 funds, PennDot made a commitment to CATA to acquire the remaining ten (six of these currently onsite and the remaining four expected before year end). In addition to the 40 foot units, CATA has taken delivery of five cut-aways, similar to the CATA ride units. The CATA building project is under way, permits have been obtained. The first step will be to get the remaining administration staff relocated into trailers so they can begin demolition of the building. CATA has received a grant for lighting improvements at 14 bus stops in Ferguson Township.

## **V. PUBLIC HEARINGS – ORDINANCES**

### **1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE FERGUSON TOWNSHIP ZONING ORDINANCE AND ZONING MAP BY CHANGING TO GENERAL COMMERCIAL (C) THE ZONING CLASSIFICATION OF 6.68 ACRES ALONG NORTH ATHERTON STREET AND BLUE COURSE DRIVE.**

Ms. Tranguch stated the proposed rezoning is for 6.68 acres consisting of seven parcels along North Atherton Street. The parcels are located on the west side, between Blue Course Drive and North Hills Place, and are currently zoned office commercial, which include such businesses as professional offices, banks, clinics. The proposal is to rezone from Office Commercial (OC) to General Commercial (C) which would include businesses such as restaurants, eating establishments and pet care facilities. The proposal was originally submitted for one 3.4 acre parcel. Staff recommended rezoning all seven parcels. This was presented to the Planning Commission and the recommendation from the Commission was to rezone only the requested parcel because the remaining parcels increased the buffer for the Overlook Heights neighborhood. Subsequently, Township staff consulted with legal counsel and it was determined that this single parcel rezoning create a spot zoning issue. Staff and the Centre Region Planning Commission has recommended the rezoning all seven parcel.

Mr. Gene Weller, owner of 1380 North Atherton Street, stated he would like to keep his business in the district and questioned what impact the rezoning would this have on the taxes on the property. Mr. Kunkle stated that the property value is not based upon the zoning. The assessed value would only increase if the property/building were improved or reassessed..

Mr. Terry Williams, representative of the property owner, stated the original request was for only 24-12-18. The same owner of lot 18 owns 12-12-16 and has offered a letter in support of the re-zoning as well as the owner of 24-12-12. This entire length on this side of North Atherton Street in Ferguson Township is zoned General Commercial with these parcels being the last remaining. This would unify the area. Very little change will occur with the activity on North Atherton Street, General Commercial offers more flexibility but not anything too far stretched.

Mr. Killian stated that he is opposed to this rezoning. He would like to come up with a new zoning district, such as a corridor commercial with aesthetic design elements.

Mr. Miller made a motion ADOPT Ordinance #995 amending the Ferguson Township Zoning Ordinance and Zoning Map by changing to General Commercial (C) the zoning classification of 6.68 acres along North Atherton Street and Blue Course Drive. Ms. Whitaker seconded the motion.

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

## **VI. PUBLIC HEARINGS – RESOLUTIONS**

### **1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, NAMING THE STATE COLLEGE TEENER LEAGUE BASEBALL FACILITY THE LOUIS E. SILVI BASEBALL COMPLEX.**

Mr. Kunkle stated the State College Teener League field began its operation sometime in the mid-1940s. Mr. Sherm Lutz allowed the development of one of the first hard ball fields in the area. The field itself hasn't changed much except by volunteer improvements. Recently the Township acquired ownership of the field and has been working with Dr. Dan Jones, Landscape Architect, to development a Master Plan for the facility. The Township has been very fortunate to be in touch with the Louis E. Silvi Foundation and staff proposed naming the baseball complex in honor of Mr. Silvi.

Mr. Tom Taracani, representing the Louis E. Silvi Foundation, stated Mr. Silvi was a long time manager of the Nittany Lion Inn and a longtime resident of the community. Mr. and Mrs. Silvi had no children and when he passed a fund was setup in the foundation with the goal to improve the life of kids. Mr. Silvi was very passionate about organized baseball and the Foundation felt that this was a great organization to donate to and were honored to have the field memorialize Mr. Louis E. Silvi.

Mr. Killian made a motion to ADOPT Resolution 2014-34 re-naming the State College Teener League baseball facility the Louis E. Silvi Baseball Complex. Ms. Whitaker seconded the motion.

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

**2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, APPROVING A MASTER PLAN FOR THE LOUIS E. SILVI BASEBALL COMPLEX PREPARED BY DANIEL JONES, LANDSCAPE ARCHITECT AND LAST DATED NOVEMBER 2014.**

Mr. Kunkle stated the Board reviewed the Master Plan at its October 6<sup>th</sup> meeting. The Master Plan is for a portion of the complex which is owned by Ferguson Township. The park will include 117 parking spaces, the opportunity for an indoor baseball facility, respects the need for a tot area and allows for outdoor seating at the concession stands. Much of the plan will be determined on how quickly Park Center Boulevard is extended.

Mr. Killian made a motion to ADOPT Resolution 2014-35 approving the Master Plan for the Louis E. Silvi Baseball Complex prepared by Daniel Jones Landscape Architect last dated November 2014. Ms. Whitaker seconded the motion.

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

**VII. COMMUNICATIONS TO THE BOARD**

Mr. Killian spoke to Todd Erdley, Videon, about the difficulty exiting Sandy Drive onto Science Park Road. Mr. Killian questioned the proposed intersection.

Mr. Modricker stated it has been discussed but any improvements were scheduled to be further out than the five year Capital Improvement Plan.

Ms. Whitaker spoke to two residents from Tanager Drive in Greenleaf Development about a similar issue with exiting onto Science Park Road.

Mr. Miller as President of Clearwater Conservancy announced the Musser Gap Path is officially open and Clearwater Conservancy completed the purchase of 281 acres of land along the ridge of Tussey between Musser Gap and Shingletown Gap bringing the addition to Rothrock State Forest of approximately 1,000 acres.

**VIII. ACTION ITEMS**

**1. CLINTON AVENUE NO PARKING DISCUSSION**

Mr. Modricker stated that in 2004 a traffic study was completed and a warrant for no parking was met with cart-way width as the criteria. The restrictions included in the study stated that it met restrictions for no parking at all times. In 2005 the Board adopted an ordinance restricting the parking on Clinton Avenue. Staff's position is that warrants are met to provide a parking restriction due to the safety of plow operators and the difficulty in making the turn onto Clinton.

Mr. Killian stated the petition submitted was to get the corner of Curtin and Clinton posted. Mr. Killian proposed allowing parking on the south side to allow parking for access to the McKee Street bike path by avoiding parking on the other streets.

Mr. Modricker stated no sight distance studies have been completed and would need to be done in order to see if any parking is warranted on Clinton Street.

Mr. Kunkle stated he received a phone call from Don Curtis, resident, offering his support of the no parking on both sides of Clinton Avenue.

Ms. Whitaker asked if there was any room at the park for a small parking lot. Mr. Kunkle responded that the park is less than .5 acre and is a neighborhood destination.

Mr. Miller is in support of leaving the no parking in place under the approved ordinance.

Mr. Clemson would like to leave it posted no parking under ordinance and if it begins to be a problem with parking then it could be reevaluated.

Mr. Steve Hanawalt, resident of 1311 Curtin Street, stated he is a tenant of the property and the petition was submitted for safety. He confirmed that many vehicles do park there to access the bikeway. The south side of Clinton Avenue has a large walkway. He stated that by eliminating the parking on Clinton, it will push those people to park on the side streets. Mr. Kunkle asked if he has noticed an effect since the road was posted. Mr. Hanawalt responded that yes parking is moving up Curtin Street. Ms. Conrad asked if residents park along Curtin Street. Mr. Hanawalt stated several houses up residents do park on the street.

## **2. HOMAN PET CARE FACILITY LAND DEVELOPMENT PLAN, PLAN LAST DATED OCTOBER 22, 2014, PLAN DEADLINE JANUARY 20, 2015**

Ms. Tranguch stated that Joseph and Delorse Homan propose to have a pet care facility at 3490 Shingletown Road. The proposal would develop about one acre out of a total tract of 149 acres. The proposal included 30 indoor pet run areas and an outdoor area for exercise. Currently the plan has four gravel parking spaces with access off Shingletown Road. A pet care facility is an allowable use within the district. Staff received feedback from the Planning Commission on how any sound will be diffused. Any pet care facility within 1000 feet from a neighboring property must provide proof on how they will diffuse the noise. The applicant stated the elevation and landscape buffer should suffice in controlling the noise. The Planning Commission recommended that the applicant should consult an acoustical engineer and/or Morton Builders (the contractors of the building) to see what if anything should be done in assisting with sound diffusion.

Mr. Clemson asked how far away the neighboring property is. Ms. Tranguch responded approximately 700 feet.

Mr. Killian questioned the topography of the site. Mr. Fred Henry, applicants registered surveyor, stated the site is located right along Shingletown Road 13 feet below the roadway service, the driveway is lined with trees. The tree line along the driveway and driveway surface will help to dampen any noise. The facility is a Morton building designed specifically for use as a dog kennel.

Mr. Kunkle asked if there is an outdoor run area. Mr. Henry responded that yes there will be an outdoor area for exercise.

Mrs. Amanda Homan, facility operator, stated that the outdoor exercise runs will be located on the right side of the building so the building itself will also assist with shielding the noise. The runs will have four feet high walls blocking the site of neighboring dogs to eliminate barking.

Chief Conrad asked if she will be permitted to keep the dogs inside during the evening hours. Ms. Homan stated that yes between the hours of 7pm to 7am there will be no dogs outside.

Ms. Stacy Bird, 3493 Shingletown Road, is the neighboring property owner, stated that the dogs will be barking a lot. The existing vegetation is all deciduous except the tree line that surrounds her property. She would like to see coniferous trees be planted to assist with the sound.

Mr. Modricker stated that if you plan on using vegetation as a sound barrier, don't have unrealistic expectations. Vegetative barriers may not provide the noise mitigation desired. Ms. Homan would plant trees or install a privacy fence.

Mr. Clemson stated a fence may worsen the noise if it is not the correct material.

Ms. Homan clarified the location of the trees.

Mr. Modricker stated his unofficial recommendation would be to plant vegetation as close to the sound as possible on top of a dirt mound.

Mr. Killian made a motion to APPROVE the Homan Pet Care Facility Land Development Plan subject to completion of the outstanding conditions as set forth by the Director of Planning and Zoning memorandum dated November 11, 2014 and include a condition to plant of coniferous and/or raised plantings and/or acoustic fencing located on the north and west side of the property. Mr. Miller seconded the motion.

The motion passed unanimously.

### **3. 1000 WEST COLLEGE AVENUE LAND DEVELOPMENT PLAN, PLAN LAST DATED NOVEMBER 10, 2014, PLAN DEADLINE FEBRUARY 8, 2015**

Ms. Tranguch stated that 1000 West College Avenue is the first Terraced Streetscape land development plan to come before the Board and proposed building a four story at the corner of Butz Street and West College Avenue on a half-acre piece of land. The first floor proposed 2,997 square feet of commercial space with the upper floors to have 15 two bedroom units and three one bedroom units. The street wall and sidewalk reflect the vision of the TSD as a pedestrian friendly district. Behind the building are 31 porous parking spaces. The outstanding comments are more numerous than standard. The lighting portion of the plan was held up to determine the type of lighting to be used throughout the district. There has been discussion on the structural soil placed in the planting beds. The concern from the applicant was that the structural soil under the sidewalk could compromise the structural stability of the building.

Mr. Mark Torretti, PennTerra Engineering, stated that several comments have been answered along with the lot consolidation that is currently in process. Mr. Torretti briefly went over the layout of the plan. The first floor will be used for commercial space. A corridor will go through the building to the rear of the building with entrances to the commercial space. The upper floors will have residential units. The streetscape will meet the ordinance with the planters. Three full size planters will be along College Avenue. Working with PennDot, two of the planters cannot include street trees due to the site distance.

Ms. Tranguch pointed out that the benches and trash receptacles chosen will be those used throughout the whole district.

Mr. Kunkle asked how much of the building will be retail. Mr. Torretti responded that approximately 3,000 square feet will be retail and the building has a total of 18 units.

Mr. Killian stated he would like the trash cans to incorporate trash and recycling. He also questioned the number of parking stalls. Mr. Torretti stated that he believed trash/recycling are available with the same design and the parking requirements are different than normal zoning districts. In the future a parking structure will hopefully be built to supplement the parking on each site. At this time the residents that will likely reside in the building will not all require a parking stall.

Mr. Killian made a motion to APPROVE the 1000 West College Avenue Land Development Plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated November 11, 2014. Mr. Miller seconded the motion.

The motion passed unanimously.

#### **4. DEMONSTRATION OF NEW TOWNSHIP WEBSITE – MR. DAVID PRIBULKA, ASSISTANT TOWNSHIP MANAGER**

Mr. Pribulka stated the new website is scheduled to go live on Wednesday, November 19<sup>th</sup>. The project took approximately one year in development. The new site will be hosted by EvoGov. It will be compatible with all mobile devices. Mr. Pribulka demonstrated the new website including the new features of the site such as the new parks page has an interactive map of the parks in the Township and gives general information about each of the parks.

#### **5. APPROVAL OF OCTOBER 2014 VOUCHER REPORT**

Mr. Killian made a motion to APPROVE the October 2014 voucher list. Ms. Whitaker seconded the motion.

The motion passed unanimously.

#### **6. CONSENT AGENDA**

Mr. Killian made a motion to APPROVE the consent agenda including the October 2014 Treasurer's Report, payment authorizations for Alpha Space Control Co., Inc for \$28,146.48 and Kuharchik Construction for \$29,313 and a surety release for CVS in the amount of \$158,059. Mr. Miller seconded the motion.

The motion passed unanimously.

### **XI. REPORTS**

#### **1. Manager**

Mr. Kunkle extended congratulations to Dave Modricker and Dave Pribulka for the work put into receiving a \$777,753 grant for construction of a 12 foot sidewalk and street light on West College Avenue between Buckout Street and Corl Street. Although the Township was not successful in its Mobility grant application, this project will begin to put together the West College Avenue streetscape and improve the safety of pedestrians. Staff has scheduled a PRD Plan submission review for The Cottages development by Toll Brothers. We hope to clarify any of the review comments and identify

areas of concern. Letters have been sent to the various members of the Township Authorities, Boards and Commissions to determine vacancies for 2015.

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

Mr. Modricker stated that in addition to the \$777,000 grant that the Township received through the TAP program CATA received \$50,000 to install lights at the CATA bus stops. In terms of leaf collection, public works has or will have completed 3<sup>rd</sup> round of the Township. This week should be starting on 4<sup>th</sup> round around the Township. Staff has finalized comments on the traffic calming policy which will soon go to the Planning Commission and Board of Supervisors. Currently staff is conducting interviews for four road worker vacancies. The Township custodian of 14 years will be retiring. Tonight was the first meeting of the newly created Tree Commission.

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

Ms. Tranguch stated the Planning Commission met on Monday, November 10<sup>th</sup> and heard both of the plans the Board heard tonight, recommending approval for both. The Commission also discussed Penn States idea to expand the uses within the Ag district. Currently nine land development plans under review with only four remaining that have not been heard by the Board. Currently staff has two submissions for ordinance changes and staff anticipates that Penn State may submit an ordinance amendment application for the Ag District. Another rezoning request has been received for Circleville Road to change from R to R3. 42 permits were issued in October for a total of \$2,872 collected.

## **4. Chief of Police**

Chief Conrad stated Part One Crimes included one more this year than last year, overall still down. Other crime calls for service are down. Non-Crime calls are down a bit, putting us under in every category at the end of October. Traffic citations are down by 1%. Lots of parking tickets were issued this month, mainly due to not parking with traffic in the Heights development. Traffic stops and criminal arrests are down, while hearings are up. At the end of September, the first eight weeks of the semester meetings began. A notable item is that alcohol overdoses are still going up. The accident at the bottom of Pine Grove Mountain had several citations issued. Received a yearly report from Centre County Booking Center is operating within cost and the Township will not be asked to make a contribution this year. The International CIT conference was held in California.

## **5. COG Committee Reports**

### **a. Public Safety / Public Services and Environmental**

Mr. Clemson stated that this joint committee meeting was attended by himself and Mr. Killian. All of the public services divisions get together (municipalities, utilities, PennDot) to talk about upcoming activities. Discussed the road closure in Harris Township and the efficiency of how roads are closed in the area.

### **b. Transportation and Land Use**

Mr. Miller was unable to attend the meeting but the agenda included discussing the budget and an update on the redevelopment in the community.

## **X. MINUTES**

Mr. Killian made a motion to APPROVE the November 3, 2014 Regular Meeting Minutes. Ms. Whitaker seconded the motion.

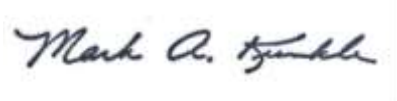
The motion passed unanimously.

**XI. ADJOURNMENT**

Mr. Killian 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. Clemson adjourned the regular meeting at 9:42 pm.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark A. Kunkle", is enclosed within a thin black rectangular border.

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Mark Kunkle, Township Manager  
For the Board of Supervisors  
Date approved by the Board: 12/01/2014