

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, December 1, 2014  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, December 1, 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; Ron Woodhead, Whitehall Road; Fred Henry, Homan Land Development Plan; Kim Moore, Ron Lucas, Dan Sieminski, Roxie Nestlerode, Mike Misselwitz, Jon Williams, John Sepp, Richard Keyser, Deanna Nardozzo, Horacio Perez-Blanco, Cottages at State College

### II. CALL TO ORDER

Mr. Clemson called the Monday, December 1, 2014 regular meeting to order at 7:00 pm.

### III. CITIZENS INPUT

### IV. PUBLIC HEARINGS – ORDINANCES

### V. PUBLIC HEARINGS – RESOLUTIONS

#### 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, APPROVING A SEWAGE FACILITIES PLANNING MODULE FOR THE HOMAN LAND DEVELOPMENT PLAN.

Mr. Kunkle stated this plan is in conjunction with the land development plan approved on November 17<sup>th</sup> by the Board for a pet care facility located at 3473 Shingletown Road. On-lot sewage disposal systems have been reviewed and approved by the sewage enforcement officer along with the sewage planning module.

Mr. Killian made a motion to ADOPT Resolution 2014-36 approving a sewage facilities planning module for the Homan Land Development Plan. Ms. Whitaker seconded the motion.

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

### VI. PUBLIC HEARINGS – OTHER

#### 1. A PUBLIC HEARING ON THE PROPOSED 2015 TOWNSHIP BUDGET

Mr. Kunkle presented the 2015 Township budget. He began by thanking the Board and staff for their work in preparing the budget. On November 3<sup>rd</sup> the Board received the proposed budget and conducted two worksessions on November 19<sup>th</sup> and 20<sup>th</sup>. Tonight the Board will consider adopting a tentative 2015 budget with the final adoption occurring Monday, December 8<sup>th</sup>.

Beginning the budget overview Mr. Kunkle reviewed some of the accomplishments and initiatives from the current year.

The Township has been fortunate to continue to grow and have new revenues to cover increased costs. This has resulted in the Township's ability to keep tax rates the same for the 8<sup>th</sup> consecutive year. The General Fund expenditures are projected to increase by 3.48% and expenditures for the total budget are expected to increase by 1.76%. The 2014 estimated General Fund Balance is \$3,999,264. Revenues for 2015 are projected at \$10,574,704 while expenditures are projected to be \$11,122,983. To balance the budget the General Fund will be using \$548,279 of fund balance

leaving a fund balance of \$3,450,985 or 31% of expenditures. The total budget anticipates revenues of \$11,997,863 and total net expenditures of \$12,947,716. Revenue projections for years 2016 – 2018 are provided and reflect mainly changes in grant funding expected for projects in those years. Revenues from taxes are expected to remain stable. The total increase in revenues is \$806,963 net of transfers. Taxes represent 65% of total revenues. The Township anticipates incurring a small amount of debt in the amount of \$295,000 through the Pennsylvania Infrastructure Bank Loan Program to meet the local share of the West College Avenue Streetscape Project. Total expenditures net of transfers are projected to increase \$315,247 for a total of \$12,947,716, an increase of 2%. The Township contributes a significant amount of funds to the Centre Region Council of Governments, in 2015 this contribution is \$1,682,842 or 26.6% of the total local government funding of the 2015 COG budget.

The following are significant changes for 2015. Personal costs represent some of the major cost drivers of the budget. Although base wage increases are very close to the consumer price index of 1.7% other cost drivers such as health insurance, work compensation insurance and pension contributions significantly exceed this benchmark, directly healthcare and insurance increase is due to an 11% cost increase over 2014. This includes the addition of four new employees. Workers compensation insurance is trending down but is reflective of prior years' claims. 2015 should be a water make year for significant pension contributions. Some of the budgeted capital projects include the Rosemont Drive box culvert; Selders Circle repaving; Wyoming Lane, Circleville Road, Wyandotte Lane, Delaware Road, Kansa Avenue, Suburban Avenue and Park Lane overlays for a total of \$581,000. The Township will also look at the design of the intersection of Valley Vista Drive and Bachman Lane and Suburban Avenue stormwater and study the intersection of Science Park Road and Sandy Drive for a total of \$98,000. The Township equipment replacements and additions total \$300,675 and building and grounds expenditures are anticipated to be \$132,400 including the construction of the fire training trailer storage facility. The Township has some debt; the General Obligation note will be paid in full in 2016, while the regional parks debt is part of the aquatics facility and two regional parks. It is likely than additional regional debt will be acquired when the Parks and Recreation maintenance facility is completed.

Mr. Killian made a motion to ADOPT the tentative 2015 Township Budget with any additional changes for final adoption of the budget on Monday, December 8, 2014. Mr. Miller seconded the motion. The motion passed unanimously.

## **2. A PUBLIC HEARING ON THE COTTAGES AT STATE COLLEGE PLANNED RESIDENTIAL DEVELOPMENT**

Ms. Tranguch stated that the proposed plan is located on three parcels of land located off of Whitehall Road for a total of 43.7 acres. The applicant is proposing cottage style housing. The proposal consists of 268 units, 1,093 beds and has an average density of 6.1 units per acre. On November 19<sup>th</sup> staff met with the applicant to discuss the first round of review comments. The applicant was asked to provide which comments would need to be discussed as part of the ordinance and which comments would be negotiated as part of the terms and conditions. A Planned Residential Development (PRD) is a different process in that something from the subdivision and land development ordinance that the developer is unable to comply with; the developer can negotiate relief or modification of this as part of the terms and conditions.

The following lists the items that were discussed.

The number of unrelated individuals per household. The Zoning ordinance definition of a family permits no more than three unrelated individuals to occupy a single family, duplex, two units dwelling, or townhome. This plan is requesting an average of 4.08 unrelated individuals per household.

The drainage way onsite is governed by the Township's Riparian Buffer Ordinance, which stipulates that grading may not occur within the 50 foot floodplain buffer. The plan, as it is represented cannot be completed without grading into the riparian buffer area. Toll Brothers is working closely with Dan Jones, who is consulting with regional professionals on appropriate plantings for the riparian area.

A number of review comments were generated because the parking provided in the original plan was greater than what was required under the PRD regulations and greater than what was recommended in the study provided. There were 1,120 parking stalls provided which equals 1.02 stalls per bed. The parking study provided which reviewed similar developments including The Retreat, recommended .8 stalls per bed. Review comments generally recommended bringing the number of stalls per bed down to the study recommendation rate because of the sensitivity of the land as it is within a Zone II Wellhead protection area and more impervious surface makes the well susceptible to more contaminants.

Within the Common Open Space section of the PRD ordinance the location, size, shape, and character of the open space are stipulated in a reference to the Subdivision and Land Development Ordinance (SALDO). The stipulations to which is refers in the SALDO specify a certain shape, soil type, and slope. The current plan, as proposed does not meet these requirements. Due to the fact that there is a specific stipulation within the PRD ordinance, this is an area in which Toll Brothers will need to apply for a variance.

Township staff is working with Toll Brothers to come to a solution on the timing of ownership and approvals. Typically a subdivision and final PRD approval are not granted to individuals that are not the fee simple owners of property. Toll Brothers agreement with Penn State currently would not transfer the land until after the subdivision and final PRD approval is granted.

Mr. Jon Williams, Williams and Associates, stated that after a meeting with staff agreements were made on many items but some outstanding issues do remain. The riparian buffer will be worked on in conjunction with Dan Jones, Landscape Architect, to make it an area beneficial to the project and the neighboring farm land. The traffic issues will be worked out and negotiated with staff. The plan originally requested 1.02 parking stalls the developer has agreed to eliminate 50 to 60 parking places, taking the parking stalls down to .95 spaces per bedroom. Removing these parking stalls allowed for some additional water quality measures that were not originally on the plan submitted. The new plan submission will include some changes such as relocation of some of the active recreation space in response to comments received. A three story six-plex unit was moved away from the property line also in response to comments. The new submission with these changes is anticipated to be submitted in the next week. Mr. Williams pointed out where the eight feet sound privacy fence and plantings along the adjacent property will be located. The plantings will be deciduous trees approximately 2-3 inches and 12-15 feet high.

Mr. Kunkle asked if some of the plantings would be on the Tussey View Estates side of the fence. Mr. Williams replied that they would be willing to plant on both sides. Mr. Kunkle suggested getting an opinion from the residents of Tussey View Estates.

Mr. Clemson swore in two individuals, Roxie Nestlerode and Horacio Perez-Blanco, who wished to make comments on the plan.

Ms. Nestlerode, Tussey View Estate representative, commented that the willingness of the developer to work with the neighboring property is appreciated. She confirmed what the best method would be to provide the opinions on the buffer. Mr. Clemson stated the information should be presented in writing and Mr. Kunkle stated the information should be submitted from the official representative of the association.

Mr. Perez-Blanco stated his concern about the development. He is concerned with the traffic impacts along Blue Course Drive, the number of individuals permitted in a residence and he would like further economic justification for the project. With the cheapest comparable rental price at \$900 he is not too certain that the economics are there considering the distance of the property from campus. Mr. Williams stated market analysis, vacancy rates and student demographics were studied to determine the success of this project. He stated the price per bedroom for this project will be approximately \$500 - \$900 a month. Mr. Killian stated that in the Centre Region rental units are 95% occupied indicating the need for more rentals. Mr. Williams responded to the traffic issues stating that traffic studies on a dozen different intersections were completed to determine the effects of the development on traffic. Mr. John Sepp, PennTerra Engineering, pointed out that a large portion of the residents in the development will be using CATA for transportation. Mr. Williams and Mr. Sepp responded to the four unrelated individuals per home, this is something that would be typically allowed in an apartment complex. Since this project includes smaller style complexes this amount is not typically allowed. This will be requested in the terms and conditions and allow similar occupancy to student dominant rentals.

Ms. Tranguch stated that when the Municipal Planning Code (MPC) incorporated the Planned Residential Development (PRD) it was a way to encourage a diversity of housing types and flexibility within typical subdivision and land development. Ms. Tranguch stated that developers negotiating for an item such as the four unrelated in a unit is exactly what the MPC envisioned with the PRD. Also, please keep in mind that the PRD process is a give and take process.

Mr. Kunkle questioned the ownership and final plan approvals; will there need to be a modification with the University agreement of sale. Mr. Williams stated that in his experience the final PRD would be approved with a condition that the agreement of sale must be completed in order for the final PRD to be officially recorded.

Mr. Killian made a motion to CONTINUE the Public Hearing on the Cottages at State College planned Residential Plan until 7pm, January 5, 2015. Ms. Whitaker seconded the motion.

The motion passed unanimously.

## **VII. COMMUNICATIONS TO THE BOARD**

Ms. Whitaker received a comment from a resident about a Discovery Space Ad on the Township website presenting a program that was not actually available. This was determined to be on another website since the Township site does not have ads.

## **VIII. ACTION ITEMS**

### **1. CONSENT AGENDA**

Mr. Killian made a motion to APPROVE the consent agenda including Payment Authorizations for Asphalt Paving Systems \$23,293.03 (Microsurfacing) and LandServ Inc. \$73,545 (Homestead Park Pavilion); Surety Reductions for Saybrook Phase 9A \$55,200 and Saybrook Phase 9B \$26,500 and Time Extensions for Hunters Chase Phase 8 and the Homan Land Development Plan. Mr. Miller seconded the motion.

The motion passed unanimously.

## **XI. REPORTS**

### **1. Manager**

Mr. Kunkle stated the with TAP Grant award for the West College Avenue Streetscape Project Mr. Kunkle will begin working on a PA Infrastructure Bank Loan application to meet the Township's share of the grant award and project. As indicated in the budget presentation the loan is anticipated

to be approximately \$295,000 with a 10 year term, the Board had put aside \$150,000 in prior years toward this project. The PIB loan will be applied for with an interest rate of 1% over prime. Staff has advertised an ordinance to amend the Wireless Communications Facilities ordinance for public hearing on December 8th. Also attached to this report is the ABC re-appointment and vacancies for 2015. Mr. Kunkle congratulated Ms. Tranguch on achieving her American Institute of Certified Planners designation.

Mr. Killian confirmed the number of vacancies for the ABC's. Mr. Kunkle confirmed that there is an opening as the Schlow Centre Region Library representative and one opening for an alternate on the Zoning Hearing Board.

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

Mr. Modricker stated the Public Works Department completed its fifth round of leaf collection and they will continue to collect throughout the week unless they need to switch to winter operations. The next meeting of the Tree Commission is January 19<sup>th</sup> at 5:30pm in Conference Room 2 at the Township Building. Work on Rosemont Drive and Selders Circle will be cleaned up and secured for the winter. Work at Homestead Park has been completed.

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

Ms. Tranguch stated the Planning Commission has not met since last Board meeting; they are scheduled to meet Tuesday, December 2<sup>nd</sup>. Currently there are 10 plans in the department, five conditionally approved and five have yet to be heard by the Board. Currently staff is working on reviewing four minor alteration plans and was prepping for the Zoning Hearing Board meeting. The only variance for that meeting was cancelled so there will be no December meeting.

## **4. COG Committee Reports**

### **a. Transportation and Land Use**

Mr. Miller stated the committee met today, December 1<sup>st</sup>. The main topic of discussion was the Bicycle Advisory Committee. The main goal of the bicycle committee is bicycle safety and education. The committee also received a report on the regional bike plan. As of now they have mapped all the existing bike paths and bike lanes and will be creating a map to include all the future paths as well. These maps can be found on a link through the Transportation and Land Use agenda.

## **X. MINUTES**

Mr. Killian made a motion to APPROVE the November 17, 2014 Regular Meeting Minutes. Mr. Miller seconded the motion. The motion passed unanimously.

## **XI. 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. Clemson adjourned the regular meeting at 8:04 pm.

Respectfully submitted,



---

Mark Kunkle, Township Manager  
For the Board of Supervisors  
Date approved by the Board: 12/08/2014