

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, April 6, 2015  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, April 6, 2015, at the Ferguson Township Municipal Building. In attendance were:

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

*Others in attendance included:* Heather Bird, Recording Secretary; Duke and Monica Gastiger, John LeClair, Gayle Sunday, Michelle Spiering, Mark Hayes, Cathy Vandenberg, Bonnie Wood, Dorothy Pelick, Robert and Jeffrey Kurland, Alan Nattucato, Sarah Potter, Sherry Minarchick, Andrea Chronister, Pam Steckler, Bill Hechinger, Zachary Berger, Pat and Kathy Ward, Laura Dininni

### II. CALL TO ORDER

Mr. Clemson called the Monday, April 6, 2015, regular meeting to order at 7:00 pm.

### III. CITIZENS INPUT

Mr. Duke Gastiger commented to the Board about the prior meetings he and his wife have attended regarding an ordinance amendment to allow for the start of their reFarm Cafe located at the property of Dr. John LeClair. He asked the Board for help in moving the process forward. Ms. Monica Gastiger pointed out the time that has been invested into this project and asked the Board what could be done. Ms. Tranguch stated that she submitted the proposed ordinance changes to Autumn at the Centre Region Planning Agency. Autumn drafted language for a conditional use. Ms. Tranguch received this draft from Autumn and is compiling the information. She anticipates having the information back to Autumn by the end of the week.

Mr. Michael Marx, 1425 East Park Hills Avenue, discussed with the Board the business challenge he is currently encountering in Ferguson Township. Mr. Marx proposed the introduction of food trucks into the Ferguson Township ordinance. Mr. Kunkle stated the Township has had food trucks/concession stands over the years in the Township. He discussed Mr. Marx current business and the fact that this issue was not solely about food trucks but about the alleged operation of the food truck business from his home as a home occupation. Mr. Clemson suggested staff look into what the Township can do for this type of business. Mr. Miller clarified what type of regulation Mr. Marx is looking for. Mr. Marks stated there should be distinct guidelines on what a food truck is permitted to do in Ferguson Township. Ms. Whitaker asked if he requested this in any other Townships. Mr. Marx stated that most Townships don't have any restrictions or regulations on food trucks and the Borough of State College does have clear cut guidelines on the use and operation of food trucks. Mr. Killian suggested regional food truck guidelines. The Board would like staff to look into the use of food trucks in the Township and the incorporation of this into the Township ordinance as necessary.

### IV. PUBLIC HEARING – ORDINANCES

## **V. PUBLIC HEARINGS – RESOLUTIONS**

### **1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA RECOGNIZING APRIL 25, 2015 AS THE 19<sup>TH</sup> ANNUAL WATERSHED CLEANUP DAY IN CENTRE COUNTY.**

Mr. Kunkle stated the resolution designates April 25<sup>th</sup> as the 19<sup>th</sup> Annual Watershed Cleanup Day in Centre County. In the prior 18 years over 300 volunteers have assisted with the removal and proper disposal of nearly 2,913 tons of waste and trash. The Township has participated in the annual watershed cleanup day since its inception. Following the cleanup day, Township crews will assist by loading and hauling the waste and trash picked up by the volunteers to the Centre County Transfer Station.

Mr. Miller recommended calling Clearwater Conservancy to get scheduled in a group to assist with the cleanup.

Mr. Killian made a motion to adopt Resolution #2015-10 recognizing April 25, 2015 as the 19<sup>th</sup> Annual Watershed Cleanup Day in Centre County. 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 AUTHORIZING THE DISPOSITION OF SPECIFIC PUBLIC RECORDS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES ISSUED JULY 16, 1993 AND AS AMENDED DECEMBER 16, 2008.**

Mr. Kunkle stated this is an annual process the Board goes through to dispose of certain records that are not required to be retained. Most records on the list are from 2006 – 2007. This allows the removal of these records from the Township storage facility.

Ms. Laura Dininni, 784 Beaver Branch Road, stated she was unable to see the list of records and requested access to see the list of files before they were destroyed to see if they had anything related to information she is gathering in the Township. Upon learning what records were included on the disposition list Ms. Dininni had no further inquiry.

Mr. Killian made a motion to adopt Resolution #2015-11 authorizing the disposition of specific public records in accordance with the procedure set forth in the Retention and Disposition Schedule for Records of PA Municipalities. Mr. Miller seconded the motion.

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

### **3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ACCEPTING AN EASEMENT AGREEMENT BETWEEN PATRICIA GAYLE SUNDAY (GRANTOR) ON TAX PARCEL 24-18-025 AND FERGUSON TOWNSHIP.**

Mr. Kunkle stated the resolution is between Patricia Gayle Sunday of 667 Kansa Avenue owner of tax parcel 24-18-025 and the Township to provide for a permanent easement for drainage purposes which provides for adequate stormwater management along Kansa Avenue. The Board met on March 16<sup>th</sup> about the larger project in Piney Ridge. The stormwater improvements along Kansa Avenue will require an outlet of the drainage that goes across Ms. Sunday's property and exits onto the adjacent property.

Mr. Killian made a motion to adopt Resolution #2015-12 accepting an easement agreement between Patricia Gayle Sunday and Ferguson Township. Ms. Whitaker seconded the motion.

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

**4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REQUIRING THE INSTALLATION OF SIDEWALKS ON TAX PARCELS 24-004C-034; 24-004C-035; 24-004C-036 ON WEST COLLEGE AVENUE.**

Mr. Kunkle stated the Board received a presentation on March 16<sup>th</sup> regarding the installation of a sidewalk along West College Avenue. Prior to this discussion Board members and Township staff had received several communications from Township residents that utilized the CATA transit service and the difficulty accessing the CATA bus stop on West College Avenue just north of Bristol Avenue. Access to this bus stop is difficult due to missing sidewalk along three properties owned by Zimmerman Development Company. The Public Works Director has visited the proposed location for construction of the missing sidewalk, prepared cost estimates and obtained photographic information that was presented to the Board. Following discussion of this matter the Board directed staff to prepare a resolution requiring the installation of sidewalks pursuant to Chapter 21 Streets and Sidewalks, Part Two.

Mr. Killian made a motion to adopt Resolution #2015-13 requiring the installation of sidewalks on tax parcels 24-004C-034; 24-004C-035 and 24-004C-036 on West College Avenue. Mr. Miller seconded the motion.

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

**VI. COMMUNICATIONS TO THE BOARD**

Mr. Clemson received some communication regarding the Toll Brothers project.

**VII. ACTION ITEMS**

**1. CORRECTIVE PLAN –ANNA H. DREIBELBIS SUBDIVISION LOTS 1, 2 & 3.**

Ms. Tranguch stated the original plan had a note on it that would only allow for two lots to have direct access onto Whitehall Road. When the third lot wanted to development they were told they could not because of the note on the plan indicating only two direct accesses to Whitehall Road. The applicant completed a corrective plan to include access to Whitehall Road for the third lot.

Mr. Killian made a motion to APPROVE the Corrective Plan for Lots #1, #2 and #3 Anna H. Dreibelbis Subdivision. Ms. Whitaker seconded the motion. The motion passed unanimously.

**2. CHESTNUT STREET SUBDIVISION PLAN (PLAN LAST DATED OCTOBER 10, 2013; PLAN DEADLINE APRIL 6, 2015)**

Ms. Tranguch stated the plan submitted was to subdivide a property on Chestnut Street in Pine Grove Mills. The applicant has informed the Township that they will not be submitting any further plans for this project.

Mr. Killian made a motion to DENY APPROVAL of the Chestnut Street Subdivision Plan based on the plan deficiencies set forth in the Director of Planning and Zoning memorandum dated April 1, 2015. Mr. Miller seconded the motion. The motion passed unanimously.

### **3. DISCUSSION OF PINEY RIDGE CAPITAL PROJECT CONTRACT 2015-C1**

Mr. Modricker stated approximately \$240,000 was budgeted for improvements in the Piney Ridge area predominantly paving and some stormwater improvements along Kansa Drive. The project is designed with an estimated cost just under the budgeted amount. As it stands the project includes some base work by the Public Works crews and by contract the road would be milled and overlay with drainage improvements would be completed on Kansa Drive. During the open house for the project 17 residents were in attendance. At the prior Board meeting there was a discussion on back lot drainage and roadside work. The back lot drainage is not included in the capital project. If the Board would like to add additional improvements in the neighborhood including a roadside swale and driveway improvements the cost of the project would increase by approximately \$140,000. This project can proceed as planned and budgeted and be put out for bid this week, if the additional improvements were added the project will need to be redesigned and have the work completed next year.

Mr. Killian asked if the driveway work would be done within the public right of way. Mr. Modricker responded yes it is in the right-of-way. Mr. Killian would like the project to be moved to the future budget in order for the improvements to be completed.

Mr. Miller asked if the swale will take care of the problem. Mr. Modricker stated a survey has not been completed yet and the assessment is based on topography of the land and field views. The biggest challenge will be keeping vehicles out of the swales until they are established.

Ms. Whitaker stated she is leaning toward the installation of a swale but would like the survey to be completed. Mr. Modricker stated that the Board would not commit the funds for the project until the survey was completed.

Mr. Clemson summarized that the consensus of the Board is to complete all of the improvements.

Ms. Andrea Chronister, 620 Kansa Avenue, stated her property receives the worst of the water, flooding the front yard and pooling water under her driveway. She would like to see further surveys and possibly a drain near her property.

Ms. Sherry Minarchick, 621 Kansa Avenue, confirmed that Ms. Chronister's property does have the worst water. She is concerned with the effectiveness of the swales.

Ms. Cathy Vandenberg, 649 Kansa Avenue, stated that she also gets water at the end of her driveway. She also commented about the stream restoration behind the properties stating that a resident in the neighborhood will be working to gain a grant to fix the stream bed.

Ms. Laura Dininni, 784 Beaver Branch Road, suggested engaging Clearwater Conservancy to see if any other options are available to help with the water.

### **4. FERGUSON TOWNSHIP MS4 STORMWATER MANAGEMENT PROGRAM – RON SEYBERT, PE, TOWNSHIP ENGINEER**

Mr. Ron Seybert, Township Engineer, presented the Stormwater Management Program. He explained what a MS4 permit is. The Environmental Protection Agency (EPA) established rules for water quality and passed those requirements onto the state. The EPA then issues permits to municipalities for the Municipal Separate Storm Sewer System (MS4). The Stormwater Management Program has six minimum control measures.

The first control measure is education and outreach which requires a written plan. This includes newsletters, brochures, posters in the Township building, Spring Creek Watershed maps and fact sheets. Ms. Whitaker asked if this is being presented to kids as part of the education. Mr. Seybert stated they partner with Millbrook Marsh which targets elementary kids. Ms. Laura Dininni commented that the Township should target businesses through the public.

The second control measure is public involvement and participation which requires a written plan. This involves written involvement, providing opportunities; hold one public meeting per year. The Township does this through legal notices, press releases, website, newsletters and constant contact. The participation is through public work groups, storm drain labeling, water quality monitoring, volunteer clean-up and public meetings. Ms. Sarah Potter, resident asked about the volunteer clean-up and how the notice is released, would that be through Constant Contact. Mr. Seybert stated that information would come from the Spring Creek Watershed Association.

The third control measure is illicit discharge detection and elimination. This is locating stormwater flows aren't actual stormwater flows. The stormwater ordinance allows for enforcing and taking action against those who are illicitly discharging. This requires the Township maintaining a storm sewer system map. Specific strategies include the storm sewer system map, ordinance prohibiting illegal discharges, inspecting outfall screening; investigate complaints and a procedure to eliminate illicit discharge. Mr. Kunkle asked if a sump pump was an illicit discharge. Mr. Seybert said that would not be because it is clean ground water. Ms. Pam Steckler asked if when a dumpster's lid remains open and it rains causing dirty water to exit the bottom of the dumpster. Mr. Seybert stated that if the dirty water is getting to the storm system then it would be an illicit discharge. Mr. Pat Ward, resident, asked if blow off water from a water line is illicit. Mr. Seybert stated he would have to look into that but he thinks it is exempt. Mr. Bill Hechinger discussed the Toll Brothers project and the effects on the water in the community. Ms. Steckler asked who is responsible if something happens to the wells.

The fourth control measure is construction site runoff management. This portion of the Stormwater Management Program is administered by DEP. The Township has a memorandum of understanding with the Centre County Conservation District to handle these issues.

The fifth control measure is post construction stormwater management. The Township has an ordinance that regulates the stormwater management of a development site. The Township goes above and beyond some of the state requirements. The Township encourages best management practice (BMP), ordinance requirements and ownership/maintenance/inspection. The Township is required to maintain a BMP map, which includes all permitted BMPs since 2003. Ms. Laura Dininni asked if a BMP includes mud from a construction site. Mr. Seybert stated if this is related to construction this would be handled under number five through the county.

The sixth and final control measure is pollution prevention / good housekeeping. This requires developing, implementing and maintaining written operation and training programs. A specific strategy includes fleet management of the Township.

Lastly, Mr. Seybert discussed the Chesapeake Bay Pollution Reduction Plan. This is a new plan and it is to come up with ways to reduce impacts on the Chesapeake Bay. There are four components to this plan and two of the components are not applicable to Ferguson. Monitoring riparian buffers and tree planting contribute to this plan.

#### **5. CONTRACT 2015-C8 LINE PAINTING**

Mr. Modricker stated the bids were opened for 2015-C8 Line Painting on March 31<sup>st</sup> and two bids were received from Alpha Space Control Inc. \$205,799.53 and Traffic and Safety Signs Inc. \$350,836.21. Ferguson Township's share of the contract is \$74,429.40 and within the budget of \$76,300.

Mr. Killian made a motion to AWARD Contract 2015-C8 Line Painting to Alpha Space Control in the amount of \$205,799.53. Mr. Miller seconded the motion. The motion passed unanimously.

#### **6. REAL ESTATE TAX REFUND, TAX PARCEL #24-008A-014A**

Mr. Kunkle stated the Township received a communication from the Centre County Assessment Office advising the Township that this property owned by Henry and Loretta B. Gambocurta has been double assessed for tax years 2009-2014 and should receive a refund in the amount of \$35.63.

Mr. Killian made a motion to APPROVE a refund of Township Real Estate Taxes in the amount of \$35.63 for tax parcel #24-008A-014A. Ms. Whitaker seconded the motion. The motion passed unanimously.

### **VIII. REPORTS**

#### **1. Manager**

Mr. Kunkle stated last year Board remembers might recall a tractor trailer carrying cars came off Pine Grove Mountain and crashed into a home located at 115 West Pine Grove Road. The property was being destroyed today and allows the pedestrian sidewalk to be reopened. The Board received a letter from Discovery Space thanking the Township for its 2015 contribution. The Township received the approved Findings of Fact and Terms and Conditions for The Cottages Planned Residential Development that was accepted on March 27<sup>th</sup>.

On April 20<sup>th</sup> the Board will have a public hearing on a budget amendment due to audit adjustments.

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

Ms. Tranguch stated the Planning Commission meeting was cancelled for March 23<sup>rd</sup>. Currently staff has 12 land development plans under review. Thistlewood Lot 12, a single family home, is the most current plan submitted. 11 of these plans remain to be heard by the Board of Supervisors. In addition staff has been meeting with S&A Homes regarding Foxpointe.

#### **3. COG Committee Reports**

##### **a. Finance**

Mr. Kunkle stated the main topic of discussion was fund balance policy. The committee is working to determine appropriate fund balance in each fund.

##### **b. Human Resources**

Ms. Whitaker stated Mr. Ron Woodhead proposed some title changes for jobs in CRPR. The staff assistant, Jada Light, was promoted to office manager. The committee discussed the social media policy and a refund of health insurance.

##### **c. Public Safety**

Mr. Clemson stated the committee received the annual emergency medical services report. The calls are up for services and the number of volunteers is down.

**d. Transportation and Land Use**

Mr. Miller stated this meeting was a joint meeting with the Centre Region Planning Agency. They discussed CRPA new pending projects and initiatives, which included six items. The initiatives that obtained the highest scores were a state of housing followed by an update sewage capacity build out and determine locations to expand beneficial reuse water lines and fourth Centre Region Nutrient Management Policy. The other two items were dropped and included the partnership with Penn State for sustainable community collaborative and the stormwater management initiatives because the MS4 covers this area.

**4. Other Non-COG Regional Committee**

**a. Spring Creek Watershed Commission**

Mr. Killian stated the Commission met and discussed changing the mission statement.

**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. Clemson adjourned the regular meeting at 9:45 pm.

Respectfully submitted,



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Mark Kunkle, Township Manager  
For the Board of Supervisors  
Date approved by the Board: 04/20/15