

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, April 20, 2015
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, April 20, 2015, at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Mascolo, Chairman
Janet Whitaker
Steve Miller
Elliott Killian

Staff: Mark Kunkle, Township Manager
David Modricker, Public Works Director
Maria Tranguch, Planning & Zoning Director
David Pribulka, Assistant Township Manager
Diane Conrad, Chief of Police
Eric Endresen, Director of Finance

Others in attendance included: Heather Bird, Recording Secretary; Charles and Connie Farrell, Christine Bailey, Wes Glebe, Pam Steckler, Bill Hechinger, Laura Dininni, Eric Vorwald, Bill Long, Dean Blythe, Jim May, Marc McMaster, Rhonda Stern, Doug Brown, Duane Wriglesworth, Mick Trombley, Pat Daugherty, Doug Brown, Jeremy Frank, Bill Kelly, Rick Bair, Jason Miller, David Eilenberger, Richard McDonald, Lillian Luu and Lukasz Derda

II. CALL TO ORDER

Mr. Mascolo called the Monday, April 20, 2015, regular meeting to order at 7:00 pm.

III. CITIZENS INPUT

Ms. Pam Steckler and Mr. Bill Hechinger, Hoy Street resident, stated her house is located within the Terraced Streetscape District (TSD). They expressed her concern with the proposed development located in the Terraced Streetscape. They presented a petition to the Board of Supervisors with the neighborhood concerns. Mr. Miller made two corrections to the petition submitted stating that the residents located in the Terraced Streetscape District were notified of the plan and had a chance to view the documents before the Board. The Board discussed the proposed plans for the district over the course of one year and also stated that the Board never indicated that no tax payer money would be used toward the project.

Ms. Laura Dininni, 784 Beaver Branch Road, stated her concerns with incorporating student housing in the community.

IV. ABC REPORTS – Sue Mascolo, Centre Region Park and Recreation Authority

Ms. Mascolo stated the Oak Hall Regional Park, 120 Linden Hall Road, will be opening on Saturday, May 2nd. The opening day will begin at 9am and include many events for the public to participate in. The Hess Field Complex will be hosting softball games at every week day night beginning in May. The summer activity guide will be coming out on Sunday, April 26th. Effective April 15th the Authority Board voted to waive the 5% convenience fee charged for those registering online. The Welch and Park Forrest Community pools will be reopening on Saturday, May 23rd. The Tudek large dog park will be relocating to another area of the park. The Authority is hopeful that the Whitehall Road Regional Park will be open in the spring of 2017.

V. SPECIAL PRESENTATION – APPLIED PROFESSIONAL EXPERIENCE, SMEAL BUSINESS COLLEGE – WEST COLLEGE AVENUE A REALISTIC VISION

Mr. Kunkle began by introducing the group of graduate students that have been working on this project including Jason Miller, David Eilenberger, Richard McDonald, Lillian Luu and Lukasz Derda. The students have been working with Township staff for the past 12 weeks to complete

the project. The Applied Professional Experience Program (APEX) falls under the Smeal Business College.

The students presented the project to the Board and members of the audience.

Mr. Wes Glebe, resident, suggested incorporating rails to trails into the Terraced Streetscape District.

Mr. Killian stated pocket parks would be nice incorporated with this project. Ms. Luu stated the courtyards depicted in the plan are meant to be pocket parks.

Mr. Doug Brown, local real estate agent, asked if they based this study only on current zoning regulations. The students responded yes. Mr. Brown suggested to the Board may want to make changes in the current ordinance to incorporate different development proposals. Mr. Kunkle responded some changes have been recommended through the review process with Committa and Associates such as a smaller footprint of a fueling station with up to four gas pumps.

Mr. Miller stated the students did an excellent job of incorporating the vision of the Board for the Terraced Streetscape District.

Ms. Whitaker commended the students for their work.

Ms. Pam Steckler, resident, asked if the surrounding neighborhood was taken into consideration. The students responded that yes the community was thought of in the creation of this concept.

Mr. Heckinger, resident, suggested a supermarket be considered for this concept.

VI. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING IN ITS ENTIRETY RESOLUTION 2007-11 AS AMENDED, AND READOPTING THE FERGUSON TOWNSHIP NON-UNIFORM PERSONNEL POLICY.

Mr. Kunkle stated good personnel practice requires review of personnel policies to keep them current with changes in law and regulations. In 2014 Township staff initiated review of the personnel policy. The policies being modified include FMLA, Cell Phone Policy, Communication Policy and Expenses Incurred While Carrying Out Township Business. The new policies include: Military Leave of Absence, Disability Leave of Absence, Workers Compensation Leave Policy, Non Work Related and Work Related Injury Policies, Bring Your Own Device, General Technology and Social Media. Those three items practiced by the Township but added to the personnel manual include: Non-uniform Pension Contribution, Alternate Work Hours and Employee Assistance program.

Mr. Killian made a motion to adopt Resolution #2015-14 repealing in its entirety resolution 2007-11 as amended, and readopting the Ferguson Township non-uniform personnel policy. Mr. Miller seconded the motion.

ROLL-CALL VOTE: 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 AUTHORIZING THE DONATION OF

**ABANDONED AND UNCLAIMED BICYCLES PURSUANT TO THE DISPOSITION OF
ABANDONED AND UNCLAIMED PROPERTY ACT 72 P.S. § 1301.9. PROPERTY
HELD BY COURTS AND PUBLIC OFFICERS AND AGENCIES.**

Mr. Kunkle stated most abandoned items are sent to the state for disposition. Bicycles are one of the items the state does not want submitted to them. The Township received a letter from the State Treasurer authorizing the Township for disposition of the unclaimed/abandoned bicycles. The Township can do one of two things: sell the bicycles at a competitive sale or second donate to a charitable organization. The resolution would authorize the donation of the bicycles to the Centre County United Way. A silent auction will be held in conjunction with the Ferguson Township Police Department Bike Rodeo on June 13th with the proceeds going to the United Way.

Mr. Killian stated he would like to see the bicycles sold and the funds be cycled into a bike share program in the Township.

Mr. Killian made a motion to adopt Resolution #2015-15 authorizing the donation of abandoned and unclaimed bicycles pursuant to the disposition of abandoned and unclaimed property Act 72 to the Centre County United Way. Ms. Whitaker seconded the motion.

ROLL-CALL VOTE: 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, AUTHORIZING THE SUBMISSION OF AN
APPLICATION FOR A GRANT FROM THE PENNSYLVANIA DEPARTMENT OF
TRANSPORTATION FOR THE 2015-2016 CENTRE COUNTY SOBRIETY
CHECKPOINT AND EXPANDED DUI ENFORCEMENT PROGRAM, AND
AUTHORIZING THE TOWNSHIP MANAGER TO SIGN ALL DOCUMENTS RELATED
TO THE GRANT ON BEHALF OF THE TOWNSHIP OF FERGUSON.**

Mr. Kunkle stated this program is in its 21st year of operation with a goal of bringing alcohol awareness to the Centre Region. The DUI Task Force consists of members from Ferguson Township, Patton Township, Spring Township, State College Borough, Bellefonte Borough and the Centre County Sheriff Police Departments and unreimbursed assistance from the Penn State Police. The most recent program statistics from 2013-2014 show that Task Force efforts have resulted in contact with over 63,224 citizens through a combination of DUI checkpoints, public awareness checkpoints and roving patrols. These contacts have resulted in 65 arrests for driving under the influence, 13 arrests to underage drinking, 153 miscellaneous traffic citations, 14 non-traffic citations for criminal acts such as disorderly conduct, public drunkenness and trespassing and 2 criminal arrests for violations such as drug possession and weapons violations. A total of 583 warnings were also issued. This year's grant application is for a total of \$42,615 which covers program administration, testing, training, and equipment and overtime costs.

Mr. Miller asked in what manner were these contacts made. Chief Conrad stated it is a combination of one required checkpoint and the remainders are from roving patrols.

Mr. Killian made a motion to adopt Resolution #2015-16 authorizing the submission of an application for a grant from the Pennsylvania Department of Transportation for the 2015-2016 Centre County Sobriety Checkpoint and Expanded DUI Enforcement Program. Ms. Whitaker seconded the motion.

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

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE 2014 TOWNSHIP BUDGET.

Mr. Endresen stated the resolution is in accordance with the laws and regulations, the Township cannot expend more than what is budgeted for the year on a fund level basis. In accordance with the GFOA submission for the CAFR the budget must be amended to stay in compliance.

Mr. Killian made a motion to adopt Resolution #2015-17 amending the 2014 Township Budget. Mr. Miller seconded the motion.

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

VII. COMMUNICATIONS TO THE BOARD

Mr. Mascolo shared a letter submitted by the reFarm Cafe.

VIII. ACTION ITEMS

1. PRESENTATION ON 2014 FINANCIAL AUDIT – MR. WILLIAM KELLY, BAKER TILLY

Mr. Rick Bair, principal Baker Tilly, stated the presentation is on the audit results of Ferguson Township. He stated the former Parente Beard merged with Baker Tilly.

Mr. William Kelly reviewed the audit results. He stated this is an unqualified opinion on the financial statements, the highest level of assurance issued on financial statements. This provides reasonable but not absolute assurance that the financial statements are correct. The Township internal controls were reviewed as part of the audit but all of the internal controls were not tested. All financial statements include accounting estimates, in the Township's financial statements the taxes receivable received after year end is an estimate. There are no material audit adjustments. There were no disagreements with management, no major issues and no difficulties performing audit. The audit was completed in accordance with Generally Accepted Auditing Standards. Overall the General Fund is very sound, no material weaknesses were noted and the Township plans to submit CAFR to GFOA by the June deadline for the sixth year.

2. 2015 1ST QUARTER FINANCIAL REPORT – MR. ERIC ENDRESEN, DIRECTOR OF FINANCE

Ms. Mr. Endresen began by expressing his appreciation for Township staff and the Board's work with the Township's finances. He stated the Township uses cash basis accounting. Mr. Endresen presented a cash balance trend for three years as well as tax revenues for three years and the net results. Key transactions during first quarter included the purchase of a large quantity of salt which will be stored for the beginning of the winter season in 2015. Key capital purchases for the quarter included the installation of new overhead doors in Public Works building 3, replaced color copier in police records on a three year lease, replaced eight staff computers/laptops, and purchased a new police vehicle, two public works trailers and four Tasers. The items to keep a watch on in the coming quarters include the real estate transfer tax, staffing costs, cost of public works fleet equipment and debt service for the regional parks.

3. DISCUSSION OF ICE RINKS IN RESIDENTIAL DISTRICTS – ELLIOTT KILLIAN

Mr. Jeremy Frank, resident and local business owner, stated over last couple years he has built an ice rink in his back yard. He proposed the construction of ice rinks on public ground. He stated this would be a positive project for the community. The location would need to be somewhere very flat such as a ball field or tennis court.

Mr. Mascolo referred to the letter included with the agenda from Centre Region Parks and Recreation regarding an application to Centre Region for the construction on an ice rink and state this request was denied.

Mr. Kunkle stated the Mr. Ron Woodhead estimated the cost of an ice rink would be around \$6,100 to run it properly.

The Board expressed an interest in this project and would like this to be investigated further.

4. DRAFT SIGN ORDINANCE AMENDMENT

Mr. Kunkle the amendment to the sign ordinance was brought to Township staff based on Ferguson Square, off Cato and College. The buildings constructed there are multi business occupied. The current ordinance the sign size diminishes as the number of businesses increases within a multi-tenant building. At this time it has been suggested for the Board to hold off on further discussion on this matter until a better permanent solution can be reached. The Board tabled this action.

5. DISCUSS REQUIRING SIDEWALKS ON TEABERRY LANE

Mr. Kunkle stated Township staff received a request from the president of Teaberry Homeowners Association to consider requiring a sidewalk from its terminus at Hemingway Place on Teaberry Lane out to Blue Course Drive. Staff has not completed any cost estimates for this portion of sidewalk at this time. Staff has had a dialogue with regard to right-of-way in relation to the Evergreen Townhomes and Teaberry Lane. The Evergreen Townhomes property does not follow along the street alignment for Teaberry. The Township ordinance states the Township can require sidewalk to be constructed along the public right-of-way. This brings the question can the Township requires sidewalks when Evergreen Townhomes property does not touch the alignment of Teaberry Lane. Mr. Mascolo stated his opinion is this would be the responsibility of the Township. The Board would like Township staff to prepare cost estimates for completion of this project.

6. REVIEW OF SEWAGE PLANNING MODULE FOR THE TRESSLER SUBDIVISION

Ms. Tranguch stated that previously a plan was submitted for the Tressler Subdivision including three or four lots. The time expired on that plan and the plan was disapproved. A new plan has been submitted proposing to create one new lot. Due to this change the sewer planning module changed. The new lot will produce approximately 400 gallons a day in sewage. This has been approved by the Sewage Enforcement Officer.

Mr. Killian made a motion to ACCEPT the planning module for the Tressler two lot subdivisions. Ms. Whitaker seconded the motion. The motion passed unanimously.

7. APPROVAL OF MARCH 2015 VOUCHER REPORT

Mr. Killian made a motion to APPROVE the March 2015 Voucher Report. Mr. Miller seconded the motion. The motion passed unanimously.

8. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda which included the March 2015 Treasurer's Report. Ms. Whitaker seconded the motion. The motion passed unanimously.

IX. REPORTS

1. Manager

Mr. Kunkle stated Ms. Lindsay Schoch has been appointed to the department of Planning and Zoning as the Community Planner. Over the past five months the Township staff has been working to achieve certification through the Sustainable Pennsylvania program. The project has been led by Assistant Township Manager David Pribulka. On Friday, April 10 the Township was advised that it had achieved a Gold Certification joining 21 other Gold Certified communities in the Commonwealth. The Township is the second municipality in Centre County to receive this recognition. Coffee and conversation was hosted at Giant on Saturday, April 18th with approximately 12 residents present. Some concerns were discussed in regards to traffic due to the North Atherton Street construction. Many compliments were received regarding the services of the public works department.

2. Public Works Director

Mr. Modricker stated the Haymarket Park Basin work has started. HR Excavating under contract to Johnson Farms Associates to construct stormwater improvements on two separate properties (Haymarket Park owned by Ferguson Township, and on private property of the Young Scholar Charter School. Work is being done in accordance with an agreement between the Township and Johnson Farm Associates. A pre-construction meeting was held on April 13th. Improvements include grading for additional stomwater storage on Township property and changes to the outlet structure and work on the berm and outlet structure on the school property. There is now an application for a municipal tree permit to perform work on public trees. There is currently no fee for the permit. The Tree Commission met immediately before the Board meeting. The Commission discussed a request to not in install certain trees that were included in a contract award to Green's Landscaping by the Township. After discussion, the recommendation of the Tree Commission was to not plant four of the trees and allow the homeowners additional time to select alternate species. One resident will purchase these trees and donate them to the Township for planting in a park. The drainage work began on Rosemont Drive / Selders Circle. Street tree planting is expected to begin in the Township this week. Public Works maintenance repaired a sinkhole that opened up on Madison Street.

3. Planning and Zoning Director

Ms. Tranguch stated the Planning Commission met on April 15th. The Commission received a presentation on the Centre Region Bike Plan by Trish Meek and an Affordable Housing Program by D.J. Liggett. The Commission recommended the changes proposed to the sign ordinance.

4. Chief of Police

Chief Conrad stated the Part One and Part Two crimes were down by around 7%. All other calls for service were up slightly around 3% for the month. Overall the numbers are up. Parking tickets were up, traffic stops were down and criminal arrests were up. Department noted that an employee of Koko Fit Club saved a person who had collapsed in the parking lot. The Departments DUI arrests were down 15% from 2013 to 2014. The Department has had Tasers in use for five years and a review of the use was completed.

5. COG Committee Reports

a. Finance

Mr. Mascolo and Mr. Miller attended the meeting on April 9th. The Committee discussed loan borrowing for the regional parks and the possibility of refinancing the pools and all existing capital loans for the Authority. The Committee also met with CATA, who submitted a preliminary budget with a 4% increase in operating cost for the municipalities. They were told to make the

increase 3% or less. The Committee discussed the COG fund balance policy. The aerial truck was sold and the fire department is looking at purchasing a new fire truck under the Costar Program.

b. Parks Capital

Mr. Mascolo stated this meeting was cancelled.

c. Public Services and Environmental

Mr. Killian stated the meetings main discussion was sewage. University Area Joint Authority (UAJA) requested the region amend its Act 537 plan. The Committee will be looking at these reasons of the next several months. The Committee discussed if sewer service should be extended to Halfmoon Township. This action was deferred to General Forum for discussion. UAJA met with state regulators who are looking into changing the definition of beneficial reuse. They discussed combining UAJA with Penn State University sewer service.

6. Other Non-COG Regional Committee

X. MINUTES

Mr. Killian made a motion to APPROVE the March 16, 2015 Regular Meeting Minutes. Ms. Whitaker seconded the motion. The motion passed unanimously with Mr. Mascolo abstaining.

Mr. Killian made a motion to APPROVE the April 6, 2015 Regular Meeting Minutes. Ms. Whitaker seconded the motion. The motion passed unanimously with Mr. Mascolo abstaining.

XI. ADJOURNMENT

Mr. Killian made a motion to ADJOURN the meeting. The motion passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Mascolo adjourned the regular meeting at 10:15 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 05/04/15