

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, May 18, 2015  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, May 18, 2015, at the Ferguson Township Municipal Building. In attendance were:

**Board:** Andrew Clemson, Vice Chair  
Janet Whitaker  
Steve Miller  
Elliott Killian

**Staff:** Mark Kunkle, Township Manager  
David Modricker, Public Works Director  
David Pribulka, Assistant Township Manager  
Diane Conrad, Chief of Police

*Others in attendance included:* Heather Bird, Recording Secretary; Steven Jackson, State College Borough Water Authority Representative; Lewis Steinberg, Schlow Library Representative; John Spsychalski, Centre Area Transportation Authority Representative; Louwana Oliva, Centre Area Transportation Authority; Cindy Hahn and Thomas Giles, C-NET, Ted Sunday; Mark Torretti, PennTerra; John Sepp, PennTerra; Mike Twomley, Marc McMaster, Lisa Strickland, Pam Steckler, Bill Hechinger, Laura Dininni, Wes Glebe, Christine Bailey, Bernard Hoffnar, Hannah Ingram, Elizabeth Jane Greenlees, Peter Buckland, Meg Weidenhof, Terry Melton, Robert Melton, Derek Struble, Jim Welsh, Lenny and Dick Lundy, David Gaines, Hank and Linda Bailey, John Wilcox, Dianne and Andrew Sefter, Michael Garrett, Virginia Belser, Travis Foster, Bob Leitzinger, Katherine Watt, David Miller, Robert Radzwich, Deonna Nardoizzo, Jean Hoffman, Thomas Corman, Ardy McKinnan, Charles Bammus, Barbara Rushe, John Persle, Amanda Rigdon, Erik Scott, William Roll, Jodi McWhirter, Michael Beck, Scott Woods, Ieva Perkons, Katharine Adams, Rex Adams, Michael Misrehitz, Bob Eberhart, Ben Lawrence, Dianne Mayberry, Maryann Shahri, John Weiss, Jason Beale, Betty Harper, Scott Sheeder, Aaron Hoffet, Meira Minard, Colleen Unroe, Isaac Bretz, Jeffrey Kurland, Larry Tremaglio, Roberta Kurland, Mary Gage, James Kern, Mary Dean Kelly, Jen Snyder, Aaron Snyder, Joseph Cusumano, Matthew Behrarc, Jackie Bonomo, Raymond Nezzelrode, David McBride, Kristen Devlin, Max Brener, Tanya Hampton, Jennifer Roth, Carolyne Meehan, Bill Burgos, Travis Lessen, Mary Ann Harlow, Jill Platrom and David Reich

### II. CALL TO ORDER

Mr. Clemson called the Monday, May 18, 2015, regular meeting to order at 7:00 pm.

### III. CITIZENS INPUT

Ms. Laura Dininni, resident, discussed The Cottages Department of Environmental Protection (DEP) permit and comments made by the University Area Joint Authority (UAJA) that have not been addressed at this time. Mr. Kunkle stated the sewer planning module for this project has been submitted and approved by the Board of Supervisors. There are remaining comments from DEP with regard to having State College Borough and College Township Council consider approval of the sewer planning module as submitted. Ms. Dininni questioned the process for this permit application in regards to UAJA review and comments. Mr. Kunkle stated the Township does not issue a permit; the Township approves a sewer planning module as a project being located within the sewer service area. The permit is issued by UAJA or DEP. Mr. Kunkle stated UAJA had approved the plans and the method of service to this project for sanitary sewer service. Their comments addressed whether or not the Region should look at a gravity sewer line that would go down Slab Cabin Run. Ms. Dininni stated the gravity sewer line would eliminate the need for a pump station. Mr. Miller stated he does not support the idea of running a sewer line along Slab Cabin Run.

Ms. Pamela Steckler, resident, stated at the April 20<sup>th</sup> Board meeting she presented a petition requesting a reworking or complete rejection of the Terraced Streetscape District (TSD) ordinance in order to provide a more beneficial alternative plan. The TSD as written include five and seven story buildings with zero setbacks only 12 feet from the curb along West College Avenue. She believes this is out of character and inappropriate for this area. She would like to see a pedestrian, bicycle and community friendly design with a low key environmentally sound green development. She submitted the petition again including more signatures in order to meet the 50 required signatures of electors to require a public hearing by the Board.

#### **IV. ABC REPORTS**

##### **Mr. Steven Jackson, State College Borough Water Authority**

Mr. Jackson stated thirteen new connections have been made in Ferguson Township in 2015 out of the forty-nine for the entire Authority. There has been no news on the reclassification of Slab Cabin Run. The Authority's portion of the Selder's Circle project is largely complete.

The subject of the proposed Toll Brothers development on Whitehall Road came up and following is Mr. Jackson's recollection of that discussion. At the April 19<sup>th</sup> meeting the SCBWA staff reviewed the history of the project. In March 2014 preliminary SCBWA comments on the project were forwarded to the Township and then in October 2014 the actual Township plans were received by the Authority. Comments responding to the plans were sent to the Township in January 2015. The SCBWA Source Water Committee met on April 9<sup>th</sup> to discuss the Cottages development and the Whitehall Road Regional Park and the ways in which they were designed to prevent infiltration into the nearby Harter Farm and Thomas Farm wellfields. The creation of impervious surfaces increase the likelihood of sinkholes through which contaminants could potentially impact the water supply within days. The complexity of the local geology was likened to a "Janga" puzzle in which the removal of a relatively small piece can have significant consequences. Authority staff views the well fields in question to be a tremendous investment by the SCBWA and it is important that proper site inspections are done. Authority staff wanted several condition to be included in the Technical Review Comments portion of their memorandum dated April 16<sup>th</sup> which included the ability to go onto the property for inspection purposes after the completion of the project, during the construction the ability to go on site, a contingency plan for sinkholes that may appear in the area, proper fencing to protect the well field and a protocol for blasting if it is approved. The staff indicated that although they wished the proposed development were not as dense, they were prepared to work with the developer and Township to ensure the safety of the wellfields. The Authority Board members were outspoken in their concerns about the proposed development and its potential impact on the region's water supply. Authority Board members questioned the drainage design for the storm water retention basin and were concerned that it might involve blasting limestone. The Board also expressed dismay with design changes for the Whitehall Road Regional Park which seems to be moving more toward impervious surfaces. Mr. Mark Whitfield, State College Borough staff liaison to the Authority mentioned that the project's sewer planning module does impact a small plot of Borough land and thus a waiver from the Borough for the project would be necessary. More recent developments have indicated the subsequent meetings between the Township and the Authority have addressed many of the concerns that the Authority had through testing, analyzing results and redesign. Mr. Jackson reviewed the minutes from the Authority meeting on April 16<sup>th</sup>.

The Water Authority's average daily production from January 1<sup>st</sup> to April 30<sup>th</sup> of this year was 5,142,933 gallons per day an increase in production by over 100,000 gallons per day. The Authority remains fiscally sound with year-to-date revenue reported as of March 31<sup>st</sup> of \$1,735,582.07 and expenditures of \$1,072,535.47 during the same period. The Authority voted

on April 16<sup>th</sup> to create an emergency fund of \$5 million. The Authority had not had an explicit emergency fund line item in its budget but had informally treated the Board Reserve Fund as such. This formalized that practice.

Ms. Laura Dininni questioned beneficial reuse water and its impact on Slab Cabin Run. Mr. Jackson stated that Slab Cabin Run is classified a high quality trout fishery. The Department of Environmental Protection could make regulatory changes to the treatment of Slab Cabin Run. In the lower areas the SCBWA does engage in beneficial reuse, which is taking water from the University Area Joint Authority that has been treated, and depositing that water into the watershed. That process does change the temperature of the water.

#### **Mr. Lewis Steinberg, Schlow Centre Region Library**

Mr. Steinberg stated that the library had flooding damage due to a sprinkler system malfunction. At this point all repairs have been done. Library staff is determining which books should be replaced; they do not plan to replace outdated books. The library did receive \$20,000 from insurance for the replacement of the damaged books. The library also received over \$32,000 from the public. The library has entered into a contract with Reese Engineering to study the HVAC and sprinkle system to see what can be done for the facility. This is anticipated to be completed within the next 6 weeks. The library just had the Centre Gives event. The library had 406 contributors with Centre Gives for funds contributed of \$44,000 contributed and with anticipated matching funds the grand total is expected to be around \$52,000. During 2014 there were 73 different groups that used the library for meetings and events. The library is seeking to employ a Manager of Philanthropy. Circulations year-to-date are slightly behind last year due to the library being closed because of the flooding and because the library is open 4 hours less than in past years. The Friends of Schlow Centre Region Library, Inc. has been created for the purpose of assisting with fundraising efforts. A Memorandum of Understanding has been signed between the Board of Trustees and the new Corporation setting for the relationship between the two.

Mr. Wes Glebe, resident, questioned how the library was treated by the insurers. Mr. Steinberg stated that he does not have first-hand knowledge but it seemed that the staff felt the experience was positive.

#### **Dr. John Spychalski, Centre Area Transportation Authority**

Dr. Spychalski began with an update on the construction of the new facility. Demolition of the administration building has been completed and this space will be filled with the first new structure to be constructed. The fixed route bus schedules are in decreased service mode from May 11<sup>th</sup> to August 21<sup>st</sup>. During this decreased service time staff can focus on bus and shelter cleaning. The buses do get a quick wash after each service trip but not an extensive cleaning. During the times of reduced service, the Authority will roll out some new technology updates for their applications via text messaging and email. Overall the new 40 foot compressed natural gas powered buses have performed well and drawn favorable acceptance by passengers. However some piston failures in the engines have been occurred. Staff has been working with the company to perform engine and transmission rebuilds.

Mr. Wes Glebe, resident, asked if there are plans to extend the number of bus shelters on the routes. Ms. Louwana Oliva stated that every year they look at the current shelters and whether or not additional shelters need to be added.

Mr. Peter Buckland, resident, questioned the deicer used. Mr. Spychalski stated that it is difficult to remove the deicing agent from the undercarriage of the bus. Mr. Modricker stated that the icing agent used liquid sodium chloride, rock salt.

Ms. Laura Dininni, resident, asked what kind of input CATA gets on new development within the Township. Ms. Oliva stated that the process includes a shared planner with the Metropolitan Planning Organization (MPO) review the plans for new development and locate areas where it would be best to install pedestrian and bus amenities.

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

### **1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE ICMA RETIREMENT CORPORATIONS VANTAGECARE RETIREMENT HEALTH SAVINGS PLAN AMENDING THE DEFINITION OF SPOUSE IN ACCORDANCE WITH THE INTERNAL REVENUE SERVICE GUIDANCE ISSUED IN RESPONSE TO THE SUPREME COURTS DECISION IN UNITED STATES V. WINDSOR**

Mr. Kunkle stated the Township adopted the VantageCare Retirement Health Saving Plan by resolution 2007-22 on November 5, 2007. This is an employee funded retirement health savings plan. This resolution amends the definition of spouse as participants lawful spouse as determined under the laws of the jurisdiction in which the participant was married. This amendment is in response to the changes to the Defense of Marriage Act (DOMA). The ICMA/RC has been operating in accordance with the changes to DOMA since 2013 and is now requesting that plan sponsors formally amend their retirement health savings plans to reflect the federal recognition of marriages between same sex spouses as permitted under the jurisdictions in which the participant was married. The retirement health savings plan allows participants to use plan assets for tax free reimbursement of qualifying medical expenses attributed to their spouses and in the event of a participants death his or her spouse is entitled to use any remaining funds in the retirement health savings plan account for qualifying medical expenses.

Mr. Killian made a motion to ADOPT resolution 2015-18 amending the ICMA Retirement Health Savings Plan by amending the definition of spouse. Mr. Miller seconded the motion. The motion passed unanimously.

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

## **VI. COMMUNICATIONS TO THE BOARD**

Mr. Clemson shared a letter from Ms. Oliva, Centre Area Transportation Authority (CATA), thanking the Township for use of its property for a CATA employee picnic.

Mr. Killian received comments about a house located in the Stonebridge development which is not complying with the Township weed ordinance. This matter is currently being looked into by staff.

Mr. Miller received a number of communications on the topics to be discussed this evening.

## **VII. ACTION ITEMS**

### **1. SUNDAY SUBDIVISION – PLAN LAST DATED MARCH 4, 2015 PLAN DEADLINE JUNE 21, 2015**

Mr. Kunkle stated the Sunday subdivision involves the removal of acreage from a larger parcel and adding it to the smaller neighboring parcel which is currently less than 1 acre to meet the minimum lot size in that zoning district. The plan also includes a request for modification for sidewalks to be installed.

Mr. Mark Torretti, PennTerra Engineering, stated that part of the subdivision ordinance requires a sidewalk to be installed on the front of a property. The applicants requested relief from this

requirement with the Board being able to require installation at a further date if other sidewalks were installed along this roadway.

Mr. Killian made a motion to APPROVE the Sunday Subdivision plan subject to the completion of the outstanding conditions for approval as set forth in the Township Community Planner memorandum dated May 12, 2015 and that the Board of Supervisors grant a waiver from the requirement to install sidewalks and reserve the right to require the property owner to install sidewalks at a later date, if desired. Mr. Miller seconded the motion. The motion passed unanimously.

## **2. C-NET ANNUAL PRESENTATION – CINDY HAHN, EXECUTIVE DIRECTOR**

Mr. Thomas Giles, Township C-Net representative, stated that C-Net produced 484 programs in 2014. This year C-Net purchased a high definition camera and are streaming meetings live to their website. A new server will be installed in June and increase capabilities for connections.

Ms. Cindy Hahn, Executive Director, discussed the Township 2014 programming. The Township sponsored 26 programs, including all of the Township Board meetings, two Spring Creek Watershed Meetings, and the afternoon session of a Stormwater Management Conference. In addition there were 45 bulletin board messages most of which were the Board of Supervisor and Planning Commission agendas. The messages are valued at 1/10 of a program, a total of 4.5 programs for Ferguson Township. The 26 programs combined with the 4.5 for the bulletin board adds up to a total of 30.5 programs for the Township which is 5.72% of the programming for all C-Net members. In the 2010 through 2014 period the Township sponsored 5.87% of all programming. The Township's use is consistent. The Township Board meetings are now live web streaming. Mr. Killian thanks Ms. Hahn for providing the live stream of the meetings.

## **3. PETITION REGARDING WATER PROTECTION AND THE COTTAGES PRD PLAN – MS. PAMELA STECKLER**

Ms. Pam Steckler stated the community came together because of a common concern for the community water supply. She stated the proposed plan, The Cottages PRD, is directly up gradient to the Harter – Thomas wellfields. This site is within the recharge area of an important drinking water supply. Ms. Steckler reviewed a map of the proposed development site and the actions of how the property came to be in its current zoning. In 2003 Penn State submitted a request to rezone the property from RA to R4 followed up in 2004 with the Centre Regional Planning Agency's recommendation of denial. In September 2004 the Board of Supervisors voted 3-2 to approve the Penn State rezoning request. Eight years later in 2012 the Penn State Board of Trustees approved the sale of two Whitehall Road parcels to Toll Brothers for \$13.5 million. By the end of 2012 Toll Brothers had presented a concept plan for development of that tract. Throughout 2013 and 2014 various studies were completed regarding the sensitive nature of this area. One report by David Yoxheimer, hydrologist, noted the project area is up-gradient and within the Zone 2 wellhead protection area for both SCBWA wells. Accordingly this project is contained within the ground water recharge area of these primary water supplies and raises concern for potential ground water resource impacts. On March 2, 2015 the Ferguson Township Board of Supervisors approved a tentative PRD plan with only Ms. Whitaker voting no. Ms. Steckler presented a petition with 418 handwritten signatures of which 113 are Ferguson Township residents. She then read the petition as submitted to the Township. Ms. Steckler then discussed an article from WREN (Water Resources Education Network) from September 2013 which talked about the link between forests and clean water supplies. The very first example given in the article talked about the SCBWA and Clearwater Conservancy's purchase of Musser Gap to protect the recharge area for the Thomas / Harter wellfields. She respectfully requested that the Board deny the Toll Brothers plan.

Mr. Peter Buckland, resident, stated the proposed Toll Brothers development is ugly sprawl. The Cottages or "The Boxes" will bring more concrete and asphalt, more lights, more noise and more drunken students and this means less farmlands, fewer birds, worse views of the Tussey Ridge and the Rothrock State Forest and less piece of mind. It will generate more sinkholes and more chemical runoff into the wellfields. The community will be burdened with environmental, social and aesthetic costs of this development. He expressed his dislike for Penn State's role in the development of this land. The "boxes" are not within the current growth boundary, the proposed development shows the stormwater facilities designed on 5 ½ acres outside of the growth boundary. Mr. Buckland wants the Board of Supervisors to listen to the community and put a full stop to this proposed development.

Mr. Bob Radzwich, resident, stated he would like to see the best, most sustainable solution to this development. He stated sustainability is at the core of Penn State and Ferguson Township's strategic plans. Mr. Radzwich reviewed the Township and Penn State strategic plans and vision statements. He encouraged discussions on the development and for solutions. He requested the Board to make this right.

Mr. Erik Scott, resident, began by referencing Murphy's Law: where anything that can break will break. He referred to Borough council member, Theresa D. Lafer, comments from a recent meeting including that there is no control over the unexpected and what they cannot do is be certain this development will not affect the nearby wellfields. Mr. Scott stated this project has been advised against by professional geologists and planners. This land should be preserved as the land in Musser Gap was.

Mr. Joe Cusumano, resident, stated he moved here five years ago because of the open spaces, woodlands and farm lands. He was drawn to the strict zoning in the Township. He commented about the Supervisors open letter that was signed by all but Ms. Whitaker. The rezoning of this property was created by a 3-2 vote by some members from this Board. He referred to comments by Mr. Sieminski, Penn State, from early on in the process as stating that the University wouldn't ask for rezoning of the property if they thought it would be a problem. Mr. Cusumano stated Penn State purchased the land for \$99,000 and after the rezoning sold the land for \$13.5 million. He stated that groups have been persuaded that nothing can be done, the zoning is the zoning and if the development is stopped the Township will be sued. He believes that the people of the Centre Region expect and deserve better. He understands that the Board is between a rock and a hard place with the risk of being sued by Penn State or Toll Brothers if the development is not approved. But if the development plan is approved and the water source is contaminated the Township and surrounding municipalities may be responsible for the costs of fixing these damages and passing those cost onto the taxpayers. He asked the Board what they were going to fight for.

Mr. Bill Hechinger, resident, presented a container of dirty stormwater from a development and a container of clean water from Slab Cabin Run down on Branch Road by the water company. The Slab Cabin water was much clearer. He provided this to show what stormwater looks like and what it could do to the water supply if this development were to have a failure in the stormwater facilities. He reviewed a map of the proposed development site and the topography of the land showing how the water may run downward toward the Thomas / Harter wellfields risking contamination.

Mr. John Sepp, PennTerra Engineering, stated that he has completed hundreds of land development projects in the Centre Region and throughout Pennsylvania over the years. As a professional engineer he has a responsibility to the well-being of the community and could not design a project that knowingly impacts the drinking water of a community. There are three

other professional engineers and a professional geologist reviewing this plan. They are all under the same obligation as professionals to review the plan under the health, safety and well-being of the community. PennTerra, the Township and the Water Authority have continued to work closely on the design, construction techniques and the maintenance of the stormwater system to effectively eliminate any meaningful negative impact to the Harter – Thomas wellfields from this development. The Township has been very sensitive to this issue from the beginning and has worked to design a stormwater facility that is highly conscientious to the sensitivity of this area. The development had to meet the criteria of the Ferguson Township water quality sensitivity zone for being within a specified distance of the wellfields. These criteria include increased water quality and a pre-treatment of the stormwater runoff. The Water Authority Board and technical staff and Township Engineer have worked with the design to exceed the sensitive zone requirements. The design goes above the level of stormwater facility design in order to be sensitive to the environment and the conditions of this location. The stormwater design exceeds the requirements of the Township and DEP in terms of both allowable release and water quality. Mr. Sepp reviewed the details of the stormwater design. The Water Authority suggested using electronic resistivity testing to determine the help determine the depth of the rock and the presence or absence of caverns or voids. This test was completed and no voids or caverns were found and it helped to determine the depth of the rock in these areas. The drainage way will be preserved and landscaped in a native form. Based on the information received from the electronic resistivity testing a portion of the basins was redesigned. Sinkhole action plans are in place and the developer has agreed to remedy any sinkholes that may develop downstream of this development if the project created the sinkhole. After a meeting with the SCBWA technical staff, Water Authority staff commended the design.

Mr. Bernard Hoffnar, resident of region, stated he was a supervisor in Bedford County when a land fill was being permitted. Because there is an existing development in one area he does not agree that it means more development should be approved nearby. He reviewed what was needed to have the landfill go in. The last point was a requirement that bonding be placed on the landfill operator should something happen.

Mr. Terry Melton, State College Borough resident, stated that in June 2012 there was a fine levied against Toll Brothers for their violations of the Clean Water Act. The fine of \$741,000 was brought on by the EPA on behalf of the federal government and the states of Virginia and Maryland. The settlement covered 370 construction sites in 23 states including 40 sites in the Chesapeake Bay Watershed. Permit violations include the failure to stabilize disturbed soil and properly maintain stormwater controls. In this same month the US District Court on the Easter District of Pennsylvania filed another lawsuit against Toll Brothers alleging that the EPA and local and state environmental officials discovered more than 600 violations at 14 Toll Brothers construction sites between 2003 and 2009. Given that the 2014 annual revenues of Toll Brothers were nearly \$4 billion we can assume that this \$741,000 fine was and any future fines amount to change for Toll Brothers. She reviewed an article written in a Lehigh newspaper regarding the fines against Toll Brothers. She stated that Toll Brothers behaved exactly the same before and after the fines were levied and for this reason she does not want them developing above the water recharge area.

Ms. Ann Bergeman, resident, stated that as an environmentalist who is more than just emotional about the problem. She requested a response from the Board of Supervisors on the matters discussed this evening.

Mr. Clemson stated the Board released a statement on May 12<sup>th</sup> on their response.

Mr. Miller began by stating that at this time he has recused himself from any Clearwater Conservancy discussions and decisions on this matter. Mr. Miller prepared a statement and shared it with the fellow Board members who agreed that he could present it collectively from the Board. He stated as a member of the Ferguson Board of Supervisors I share the concerns that have been expressed about our water supplies and the possible impacts of development on the Harter-Thomas wellfields. I think it is important, however, that all of the information on which decisions are made be factual and fairly represented to the public. The property was rezoned to R4 in 2004. Despite recent allegations, this was not a vote that occurred without discussion or without consideration of advice from other sources. Supervisors heard arguments for and against the rezoning. The majority of the Board voted in favor of rezoning. Subsequently, the area was incorporated into the sewer service area and growth boundary by a unanimous vote of Centre Region municipalities. Despite some recent allegations by people who have no knowledge of these discussions, there was no outside influence or inducement to vote one way or the other, either in 2004 or in the current discussions. The Board has been asked to vote against the currently proposed plan and rezone the property for agricultural use. The development of the property under PRD regulations allows the Township to negotiate stormwater management and groundwater protections beyond what would normally be required. For that reason, among other, I feel that this plan is better than alternative plans that would strictly conform to the R4 zoning. Rezoning the property to RA would constitute a down-zoning that would be counter to state ordinances and regulations. Even so, circumstances could exist in which rezoning might be the appropriate action. To consider such a vote, I would need solid scientific evidence that there is a significant risk of harm without rezoning and conversely that the rezoning itself would not pose additional risk to the wells. I have read the reports that have been presented to us this evening as well as other documents concerning the potential effects on the water system. I rely on specialists to evaluate those reports. However, one thing that jumps out at me as I read the reports from 2014 and 2015 is that none of them, despite recent claims to the contrary, says that this project presents an imminent risk that cannot be addressed. In addition, the SCBWA has not registered opposition to this plan, which has been extensively reviewed by their staff and consultants. The reports do contain what one would expect of a review, an assessment of potential problems along with recommendations for actions that can be taken to prevent them. Many of these recommendations have already been incorporated in revisions to the plan. I find no statement in any of these reports that presents a potential problem without also including measures to address it. This is a point that has been missing in the discussion to date. Engineers and hydro geologists representing the Township, the Water Authority and the developer are currently reviewing the reports to determine the best engineering practices that can be used to protect the water supply. I will continue to assess the information that I receive as it is provided. There are a number of qualified professionals reviewing this information on behalf of the Township, the Water Authority and the developer. I am neither a hydro geologist nor an engineer, so I rely on people knowledgeable in those fields for interpretation of the data. This is not passing the buck; it is basic common sense. It is easy to life a line or two from a report and use it to support a position. It is a bit harder to read a collection of reports, each addressing specific aspects of a project and prepare an informed recommendation. For that, I need professional assessments, no on my own interpretation of the report or the interpretation of others who have no more training in these disciplines than I have. While I cannot tell you tonight how I will ultimately vote on this plan, I will carefully consider all of the information that is available and act in a way that I feel best represents the interests of the Township and its residents. Having worked with my colleagues on the Township Board and staff for several years; much more in some cases, I can assume that they will do the same.

Mr. Clemson stated that all have been heard tonight and the information has been taken into consideration.



#### **4. PROPOSED AMENDMENT TO THE SIGN ORDINANCE**

Mr. Kunkle stated the draft ordinance amendment would amend the current sign ordinance related to sign sizes for buildings that contain multiple tenants. The current sign ordinance provides for a decreasing sign face area for each tenant as the number of tenants increases. The amendment to the sign ordinance proposed a maximum size of 20 square feet for each tenant beyond the fourth tenant. The Planning Commission was in agreement with the amendment.

Mr. Killian asked what type of signs these would be. Mr. Kunkle stated they would be wall signs on the outside of the building.

Mr. Miller asked if this would still allow the larger signs for buildings with one to three tenants. Mr. Kunkle stated yes. Mr. Miller then verified the sign size for a six tenant building and Mr. Kunkle stated each sign would be 20 square feet.

Ms. Whitaker asked about a large company that may occupy the space of four businesses. Mr. Kunkle stated that this would not affect the size of the sign.

The Board has a consensus to advertise the ordinance as amended.

#### **5. CONTRACT 2015-C9 MICROSURFACING**

Mr. Modricker stated the bids were opened publicly on May 12<sup>th</sup> for Contract 2015-C9, Microsurfacing for select streets in Ferguson Township, College Township and Harris Township. One bid was received from Asphalt Paving Systems Inc. for \$244,277.44. The advertisement was sent to nine contractors all qualified to perform the work. The bid was consistent with prior year's costs. The engineers estimate for the contract was \$260,997. Ferguson Township's share of the contract is \$215,517.47.

Mr. Killian made a motion to AWARD Contract 2015-C9 Microsurfacing to Asphalt Paving Systems Inc. in the amount of \$244,277.44. Ms. Whitaker seconded the motion. The motion passed unanimously.

#### **6. APPROVAL OF APRIL 2015 VOUCHER REPORT**

Mr. Killian made a motion to APPROVE the April 2015 voucher report. Ms. Whitaker seconded the motion. The motion passed unanimously.

#### **7. CONSENT AGENDA**

Mr. Killian made a motion to APPROVE the consent agenda which included the April 2015 Treasurer's Report and surety reductions for Turnberry TTD, Phase 1 for \$67,141 and Turnberry TTD, Phase 2A for \$83,622. Mr. Miller seconded the motion. The motion passed unanimously.

### **VIII. REPORTS**

#### **1. Manager**

Mr. Kunkle stated the Zoning Hearing Board denied the variance for Cellco d/b/a Verizon Wireless for a setback variance as part of its submission for a monopole tower in the western part of the Township stating that the applicant can meet the zoning requirements. The Township has received a 60 day time extension to review The Cottages PRD plan in order to address plan review comments and establishes a new deadline of August 5, 2015. The Township has received notice from the SCBWA that it plans to paint the water tower located at 2180 Old Gatesburg Road beginning May 18<sup>th</sup>. The project is anticipated to be completed by mid-August. The Board should consider appointing a voting delegate and an alternate voting delegate for the

Pennsylvania Municipal League convention to be held in June. The Board appointed Mr. Killian the voting delegate and Ms. Whitaker as the alternate voting delegate.

Mr. Pribulka reviewed the google analytics report on the web page and Constant Contact. The new Township website has been live for 7 months. The Constant Contact list serve continues to grow. Finally, Mr. Pribulka noted that the Township Twitter account is up and running.

## **2. Public Works Director**

Mr. Modricker stated that the University Area Joint Authority continues work on the Rosemont Drive / Selders Circle drainage improvement project. In regards to the Piney Ridge back lot drainage way staff met with Christine Woodard, the Pennsylvania Program Coordinator for Farmers Implementing Environmental Landscape Design and Solutions, about relocating the stream. Mr. Campbell would need to provide consent to relocate the stream onto his farmland. The Township would need to be the applicant to pursue the project. Public Works are working on finishing tree planting in parks.

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

Mr. Pribulka stated the Planning Commission met on May 11<sup>th</sup> and discussed the farm cafe ordinance and the Sunday subdivision. The Commission also discussed comments on The Cottages PRD plan. Nine plans are currently under review, six of which have not been heard by the Board.

## **4. Chief of Police**

Chief Conrad stated the crime stats for April were 16, one more than last year in April. Crime has overall been stable. There was a small bump in the other calls for service. In other activity traffic stops and citations were down year to date and parking tickets were up. The Department had an interesting array of calls for the month. The police testing had 44 applicants and the written scores were much higher than in past testing. The first video was posted on the web page and Twitter of a bubbling fire hydrant hit by farm equipment.

## **5. COG Committee Report**

### **1. Finance**

Mr. Miller stated the committee reviewed the CATA budget. They discussed the fund balance policy and it was decided to continue what they have been doing and call that the policy. They also discussed the library foundation and made a budget amendment for the expansion of the Code Administration into the lobby area of the COG Building.

### **2. Human Resources**

Ms. Whitaker stated the committee met on May 6<sup>th</sup> and discussed the program plan for 2016. The agency directors from the library, Parks and Recreation and Codes were present and discussed changes in personnel job descriptions and salaries. It is expected that two experienced Code employees will retire in the next five to ten years so they discussed bringing in a third member to train and mentor over the coming years. The last item was a discussion on the planned retirement of Mr. Ron Woodhead, Parks and Recreation, which is anticipated in 2016.

### **3. Public Services and Environmental**

Mr. Killian stated the committee discussed the organic recycling survey. This was to see if the residents interested in this program. The initial results found an overwhelming majority would use the organic recycling if it was available. The majority of individuals indicated more interest in food than yard waste. They also discussed the energy resource coordinator. They discussed the possibility of this position in 2017.

## **IX. MINUTES**

Mr. Killian made a motion to APPROVE the May 4, 2015 Regular Meeting Minutes. Ms. Whitaker seconded the motion. The motion passed unanimously.

## **X. 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 10:10 pm.

Respectfully submitted,



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Mark Kunkle, Township Manager  
For the Board of Supervisors  
Date approved by the Board: 06/15/2015