

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, August 3, 2015
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, August 3, 2015, at the Ferguson Township Municipal Building. In attendance were:

Board:	Richard Mascolo, Chairman	Staff:	Mark Kunkle, Township Manager
	Drew Clemson, Vice Chairman		David Modricker, Director of Public Works
	Steve Miller		Lindsay Schoch, Community Planner
	Janet Whitaker		

Others in attendance included: Heather Bird, Recording Secretary; Marc McDill, Darlene Weener, Joe Viglione, Mike Twomley, and Michael Marx

II. CALL TO ORDER

Mr. Mascolo called the Monday, August 3, 2015, regular meeting to order at 7:00 pm.

III. CITIZENS INPUT

IV. ACTION ITEMS

1. REVIEW OF 2016 COG PROGRAM PLAN AND CAPITAL IMPROVEMENT AND REPLACEMENT PLAN

Mr. Kunkle stated the memorandum prepared by staff was included in the Board agenda packet. The General Forum referred the documents to the Centre Region municipalities for review and comment.

Mr. Mascolo began by reviewing staff comments from the memorandum dated July 27, 2015. Following are Board comments and questions

- Capital Improvement and Replacement Program - \$1,000 cost? Mr. Viglione stated item must be a minimum of \$1,000 to be a capital asset but would need to be \$10,000 to be included with Capital Improvement Plan.
- Board agreed the fund balance should not be included in the program, it is only relevant to operating budget
- General – COG fund balance policy – Mr. Mascolo stated the finance committee advised this should not be changed, so why is it included?
- Personnel costs – Codes: two new positions and adjustments for other personnel and library: increase in part-time personnel and adjustments for other personnel. Mr. Mascolo doesn't agree with the wage adjustments for the part-time staff.
- Fee structure change – no disagreement by the Board on this.
- Should add a provision for sale of capital assets
- Page 16. A consultant to evaluate IT needs is a good idea, but a conversation should be had with all COG agencies prior to engaging a consultant to review needs and have a full understanding of what the consultant is being asked to provide. Questions should include whether information technology services should be consolidated amongst the COG agencies, and whether full-time staff is justified.
- Maintenance of the COG building is critical – Board agreed that this is critical
- Page 17 Energy study – COG staff should investigate Act 39 GESA (Guaranteed Energy Savings Agreements) and the potential to have an energy audit and building envelope analysis done with no cost to the COG. Other agencies like SEDA-COG could potentially provide this service for a cost savings. If additional funding in the amount of \$25,000 is

provided suggest that the funds be used directly for building improvements such as replacing the windows versus a study. Board agreed with this staff comment.

- Code computer tablets – compatibility with software needs to be finalized before tablets are purchased
- Schlow Library – Municipal capital contribution – How will the \$100,000 contribution be distributed over the Centre Region municipalities over the next five years?
- Planning – Replace Senior Planner – Board stated they would expect position to be replaced.
- Capital fund – Page 24 – Mr. Mascolo agreed with staff comment - Consensus needs to be built amongst member municipalities regarding future phasing of regional parks. If there is no appetite to fund development in the future, potentially new master plans should be considered that reduce the costs of development to a more palatable cost for the participating municipalities. Should the participating municipalities be asked if there is any interest in developing funding for Phase 2 projects for the regional parks master plans?
- The borrowing of \$2.5 Million should be delayed until the time a land development plan is approved. Mr. Miller does not agree it should be delayed.
- Refuse and Recycling of Organics – Will this require development of new facility?
- Organics survey – Was this random or statistically valid? Mr. Viglione stated it was random survey of 15,000 households in the COG
- Page 85 – brush and leaf regional collection – If the study comes back favorably there is nothing in the program plan to take further steps with this program
- Office of Emergency Management – Follow up to 2012 disaster recovery test is desirable
- Work objective should be added for EMC to assist municipal staff in preparing continuity of operations plans. Mr. Clemson suggested a live testing
- Page 120 – correction to The Cottages development – is 268 Cottages and a clubhouse
- Page 122 – What is the contingency if this “cross talk” software cannot be developed does not function as intended?
- Sewage Management Plan – Are revenues sufficient to support the plan?
- CNG fleet – has Code considered an agreement with PSU while CATA is unavailable?
- Code new comprehensive software – would this replace or supplement Tyler?
- Page 154. The program plan indicates the current library formula may be outdated – Why is there not a way to capture checkouts per municipality of e-books as well as physical books? With membership cards the member's municipality should be known. A change to the COG Formula, based on 2015 municipal contributions would result in a decrease in both State College Borough and Ferguson Township's local contributions and an increase for all other municipalities.
- Board agreed to remote book drop off location in western Ferguson Township.
- Page 163. The request to include a \$100,000 municipal capital contribution would result in an increase for Ferguson Township of \$26,340 based on the 2015 Library Formula. Should this be a capital fundraising goal? Should the municipalities provide just a maximum matching share for funds raised?
- Centre Region Parks and Recreation – What is the status of the fundraising feasibility study?
- Page 227 – Whose responsibility is it to repair park equipment?

Mr. Mascolo began review of the Program Plan from Page 13 – Page 25.

- Page 15-16 – preliminary budget proposals – Should funds be spent from the COG building capital budget to conduct an evaluation and prepare recommendations on how COG IT service should be provided. Why is this a capital item, not an operating budget item?

- COG building roof and spouting. Mr. Mascolo stated with changes should remove brick walkway out front of building, auto doors for entry should be added, agreed that window replacement is better than money for study on energy efficiency
- If additional parking spaces are needed then that project should be completed
- Page 19 - Schlow Regional operating budget – Mr. Mascolo stated library should not return to old hours of operation at this time, should not increase staff, or increase wages for part-time library staff.
- Page 21 Centre Region Planning Agency – no objection to fee structure for DRI applications.
- Agreed with advertising, interviewing and relocation for a new Park and Recreation Director
- Aquatics – Should a climbing wall be added to Welch pool? Mr. Mascolo thinks pool improvements should continue.
- Regional Parks Capital Fund – Funds should be budgeted for new maintenance building.
- Page 25 – Phase 2 development of three regional parks – Municipalities should be asked if the phase should be continued.

2. APPOINTMENT OF PLANNING AND ZONING DIRECTOR

Mr. Kunkle stated Article 3 of the Home Rule Charter provides that the Township Manager shall appoint, suspend or remove all Township employees. The appointment, suspension or removal of all department heads is subject to the approval of the Board. Beginning in May the process of advertising, recruiting, evaluating, interviewing a pool of candidates for the Director of Planning and Zoning was initiated. Mr. Kunkle recommended Mr. Raymond J. Stolinis Jr. for position of Director of Planning and Zoning.

Mr. Clemson made a motion to APPOINT Mr. Raymond Stolinis as recommended by the Township Manager to the position of Planning and Zoning Director with an effective start date of August 31, 2015. Ms. Whitaker seconded the motion. The motion passed unanimously.

3. DRAFT FOOD TRUCK ORDINANCE

Ms. Schoch reviewed the changes to the draft ordinance that were incorporated after the Planning Commission meeting. These changes included allowing the use in the commercial and rural agricultural districts. The time permitted for operation was changed to 7:30 am to 7:30 pm. A food truck shall only be located on a lot containing a principal building(s) or use. The truck must be 100 feet from the main entrance to any brick and mortar eating establishment. One food truck permitted per property. No audio amplification will be permitted.

Mr. Mascolo stated if the property owner gave permission more than one truck per lot should be allowed and the time should be changed to a start of 6 am and ending at a later time. The Board agreed. Mr. Miller stated if the number of trucks is limited then there should be a provision for special events allowing more trucks.

Mr. Mascolo commented about food trucks not being permitted on public property. He would allow that. Mr. Miller stated that the concern is for the public right-of-way. Ms. Schoch stated this would be to eliminate a conflict with existing concession such as at a baseball game. Mr. Mascolo suggested not allowing the trucks at a location where there is an existing food contract.

The Board had no concern with a sandwich style board sign in addition to the sign on the truck, but does not support a sign at the entrance to the parking lot.

Mr. Miller questioned the ice cream truck exemption. Ms. Schoch stated that item would be reviewed by the Township Solicitor.

Mr. Mascolo stated he would like the ordinance to include a road map of the Township indicating where the food truck would be permitted.

Ms. Schoch stated the Food Truck vendor is responsible for the proper disposal of trash and waste associated with the operation and a specific plan on the disposal of liquids shall be included in the permit application. The operator shall obtain a Zoning Permit and the permit shall be kept in the food truck and proof of inspection, registration and insurance will be required for all vehicles. The ordinance defines a food truck licensed motorized vehicle or mobile food unit (unit that does not travel under its own power) which is temporarily permitted to park in a designated area of an established use within the Rural Agriculture (RA), General Commercial (C), General Industrial (I) and Light Industrial, Research and Development (IRD) Zoning Districts. Ice cream trucks and other pre-packed home delivery trucks are exempted from this Ordinance.

Ms. Schoch asked the Board if they approved of allowing the trucks in the RA Zoning District. The Board approved of this.

Mr. Kunkle asked how this would affect an estate auction located in a residential district. The Board discussed this item and allowing food trucks in all zoning district within the Township. Mr. Clemson suggested adding conditions for residential districts.

The Board comments will be incorporated into the ordinance.

4. REPORT ON STREET TREE INVENTORY STUDY – DAVID MODRICKER, DIRECTOR OF PUBLIC WORKS

Mr. Modricker stated the Township has been conducting street tree inventories every five years, the most recent completed in winter 2014 / spring 2015. The inventory was completed by William Elmendorf and was dated May 25, 2015. An Access database was created with information on the 4,768 street trees. This information will be imported into ARC GIS database and will provide a variety of options for using the data. The following summarizes the report. The Township street trees condition and pruning has 91% of trees in good condition. Over 100 trees have been recommended for removal, which includes the ash trees which already have been planned for removal. 23% of trees were identified as needing maintenance. Half of that maintenance was for clearance pruning over a sidewalk or roadway. This inventory will be used to manage pruning contracts that will be put out to bid. 33% of the Township street trees are maple and red maple. 85% of Township street trees are less than 10 inches in diameter, a young growing urban forest. Increased species diversity with a goal of no more than 12% of any tree species, age and species diversity is the best strategy for a healthy, well-structured urban forest. 20% of the trees inspected have wounds of some type, including more mower damage than should be occurring. When new trees are planted ensure standards are met for planting. With regard to public education and support: involving residents in planting projects, offering Earth and Arbor day activities, providing education to the trees and provide public hearings for tree removal and plantings. A recommendation from the report is to continue with pruning programs. The reports indicated 12 pruning districts would ensure that every Township street tree would get pruned once every 12 years.

Mr. Clemson asked if the majority of the Township trees are natives.

Mr. Marc McDill, Township Tree Commission Chairman, stated red maples, oaks and honey locusts are all natives. Mr. McDill thanked the Board for the creation of the Tree Commission. He stated there are a huge number of planting opportunities in the Township. Currently the

Township has a high need for replacement due to ash trees and after these are cared for he is hoping to increase the urban tree resource in the Township. He and the Commission are looking forward to working with the Board on the tree growth in the Township.

5. PROPOSED ZONING ORDINANCE AMENDMENT – 1900 CIRCLEVILLE ROAD

Mr. Kunkle stated the property located at 1900 Circleville Road, tax parcel 24-004-010, is owned by William and Marcelina Rothwell. They owners submitted an application requesting the parcel be rezoned from Rural Residential (RR) to Townhouse Residential (R3). The property is a small parcel of land at 0.55 acres. The lands surrounding this property are zoned as Planned Residential Development (PRD), Traditional Town Development (TTD), Townhouse Residential (R3) and Single Family Residential (R1). The Township Planning Commission and the Centre Regional Planning Commission have reviewed this rezoning and recommended approval.

Mr. Miller made a motion to AUTHORIZE staff to advertise for public hearing a zoning ordinance amendment for parcel 24-004-010. Ms. Whitaker seconded the motion. The motion passed unanimously.

6. MOUNT NITTANY CONSERVANCY MARATHON SPECIAL EVENTS PERMIT

Mr. Kunkle stated special events that impact township roads and require traffic control and closure are required to have Board of Supervisors approval. The Mount Nittany Conservancy is planning to conduct a marathon on September 6th between 8:30 am and noon. The run will involve various streets in Stonebridge Development, Shellers Bend, Blue Course Drive, Bristol Avenue, West College Avenue and Teaberry Lane. Sergeant Robert Glenny reviewed the application and included a number of recommendations including the use of six officers.

Mr. Clemson made a motion to APPROVE the Special Events Permit for the Mount Nittany Conservancy Marathon for September 6, 2015 subject to the conditions set forth in Sergeant Glenny's memorandum dated July 16, 2015. Mr. Miller seconded the motion.

7. CONSENT AGENDA

Mr. Miller made a motion to APPROVE the consent agenda including a payment authorization from John Nastase Construction for \$76,496.85. Mr. Clemson seconded the motion. The motion passed unanimously.

8. REPORTS

1. Manager

Mr. Kunkle stated a request for proposals (RFP) has been created and sent out for the Township auditing services to begin in 2016. Mr. Kunkle provided board with memorandum on the ballot referendum suggested by Mr. Miller. This item will be discussed at the August 17th Board meeting. The Township received a letter from the Centre Regional Park and Recreation regarding standby parking locations available for the 2015 Penn State football season. These would be utilized when weather may prohibit the use of standard parking lots. The 2016-2020 Capital Improvement Plan budget will be presented for public hearing at the August 17th meeting.

2. Public Works Director

Mr. Modricker stated that HR Excavating is continuing to work on a stormwater basin at Haymarket Park and when this is completed public works will finish the topsoil and seed. The week of July 20th the crew repaired numerous sinkholes on Saratoga Drive. Last week the Township Arborist submitted a grant application for tree vitalize grant for street tree pruning. The Tree Commission had its first field view for potential tree removal and plantings for the 2016 planting plan. Sidewalk inspections have occurred and the deficiency notices will be sent out.

Inspections will be completed as required by the NPDES permit, which includes inspecting 25% of the Township regulated best management practices. More topsoil was encountered than anticipated in the Westfield Hillside Park and the project is on schedule. All the paving on Circleville Road is complete. Park Lane paving should occur this week. Pine Hall Court should be ready for paving next week.

3. COG Committee Reports

a. Transportation and Land Use

Mr. Miller stated the committee met today and received a presentation on the CATA Strategic Plan which identified five strategic actions. The actions include addressing growth prudently, advance technology, plan for succession, building reserves and enhancing the use of metrics to improve operations. The other major item discussed was the draft of the CRPA regional planning program services defining focus areas for CRPA. Focus was on broadening participation and decisions, sticking to core services, ensuring the work is relevant to municipalities and seeking alternative revenue services.

b. CCMPO

The group discussed updates and revisions to the long-term plans currently in existence.

9. MINUTES

Ms. Whitaker made a motion to APPROVE the regular meeting minutes from July 20, 2015. Mr. Miller seconded the motion. The motion passed unanimously.

10. ADJOURNMENT

Mr. Clemson made a motion to ADJOURN the meeting to an executive session. Mr. Miller seconded the motion. The motion passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Mascolo adjourned the regular meeting at 9:19 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 08/17/2015