

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, September 8, 2015
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, September 8, 2015, at the Ferguson Township Municipal Building. In attendance were:

Board:	Richard Mascolo, Chairman	Staff:	Mark Kunkle, Township Manager
	Drew Clemson, Vice Chairman		David Pribulka, Assistant Township Manager
	Steve Miller		David Modricker, Director of Public Works
	Janet Whitaker		Ray Stolinias, Director of Planning and Zoning
	Elliott Killian		

Others in attendance included: Heather Bird, Recording Secretary; Mike Twomley; Laura Dininni; Sally Kolesar, Angela Williams, Dean Lawrence, Carl Tan and Keith Jeruis, Zoning Amendment; Christine Woodard, Piney Ridge; John Sepp, Watkins Subdivision

II. CALL TO ORDER

Mr. Mascolo called the Tuesday, September 8, 2015, regular meeting to order at 7:00 pm.

III. INTRODUCTION OF PLANNING AND ZONING DIRECTOR – RAY STOLINAS

V. ORDINANCES

1. A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, PART 4, GENERAL PARKING REGULATIONS, SECTION 403 PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS AND SECTION 404 PARKING PROHIBITED IN CERTAIN LOCATIONS CERTAIN DAYS AND HOURS

Mr. Kunkle stated the ordinance amends the limitations on parking regulations on Bristol Avenue from Blue Course Drive to West College Avenue from every day from 2 am to 6 am to at all times on both sides of Bristol Avenue. This ordinance is a result from a traffic study completed as part of Stonebridge Phase V Senior Living Apartment Project. This project will require a center turning lane from Stonebridge Drive to Blue Course Drive.

Mr. Clemson made a motion to ADOPT ordinance 1005 amending the parking regulations on Bristol Avenue from Blue Course Drive to West College Avenue. Mr. Killian seconded the motion.

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

VI. RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, NAMING THE LANDS ACQUIRED AND GIFTED TO THE TOWNSHIP AS PART OF THE WESTFIELD AND HILLSIDE FARM ESTATES SUBDIVISIONS FOR PARKLAND.

Mr. Pribulka stated the Board adopted a park naming policy in February of this year. The first candidate for park naming under this policy is the Westfield / Hillside Farm Estates Park. The Township received a DCNR grant for the development of the park in 2013. It was suggested at the time to consider alternate names for the park. The nine names suggested for the park were Hartswick Park (in honor of Sgt. Adam Hartswick), Madore Park (in honor of Dr. Rick Madore),

Sunday Park, Mountain View Park, Green Ridge Park, Ferguson Park, Forest Peak Park, Cecil Irvin Park (in honor of Cecil Irvin) and Ridge Top Park.

The Planning Commission suggested naming the park Sunday Park and the Centre Region Park and Recreation Authority suggested naming the park Cecil Irvin Park.

Mr. Killian asked if the land was from Sunday. Mr. Kunkle stated a portion was donated from the former Sunday farm, a portion from the Sheldon Corl farm and a large portion was purchased from the Sunday farm. Mr. Killian would like to name the park Sunday Park.

Ms. Whitaker stated she would like it to be named after Cecil Irvin.

Mr. Miller stated he would like it named after Cecil.

Mr. Clemson asked if this park abuts Cecil's land. Mr. Kunkle stated it does not.

Mr. Mascolo stated he would like to name the park Cecil Irvin Park.

Mr. Clemson made a motion to ADOPT resolution 2015-25 renaming the Westfield and Hillside Farm Estates Park to Cecil Irvin Park in honor of his service, devotion and commitment to this Township. Ms. Whitaker seconded the motion. The motion passed unanimously.

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

VII. COMMUNICATIONS TO THE BOARD

Mr. Mascolo stated he received communication on the Open Space Referendum. This person wanted a better definition because they were concerned about the Township taking of farm land without owner approval.

VIII. ACTION ITEMS

1. AWARD OF CONTRACT C-22A HANDICAPPED RAMP UPGRADES

Mr. Modricker stated the bids were opened on Tuesday, September 1st. The work includes the installation of concrete pedestrian access and handicap ramps to be in compliance with federal requirements. The Township received two bids from RC Bowman Inc. for \$48,270 and John Nastase Construction for \$55,524. The engineer's estimate for this contract was \$60,861.80. RC Bowman Inc. has done work for the Township in the past.

Mr. Killian made a motion to AWARD Contract C-22A Microsurfacing Ramp Upgrades to RC Bowman, Inc. in the amount of \$48,270. Mr. Miller seconded the motion. The motion passed unanimously.

2. AWARD OF CONTRACT 2015-C19 TEENER FIELD IMPROVEMENTS – ELECTRICAL CONTRACT

Mr. Pribulka stated bids were opened on Tuesday, August 25th. This work is for the running of wire and installing the electrical components necessary to feed the newly constructed lights at the Louis E. Silvi Baseball Complex. The following bids were received Heritage Electric \$37,605.43, Bob Biter Electric \$86,800, Howard Organization, Inc. \$38,050 and HRI, Inc. \$25,350.

Mr. Killian made a motion to AWARD Contract 2015-C19 Teener Field Improvements – Electrical Contract to HRI, Inc. in the amount of \$25,350. Ms. Whitaker seconded the motion. The motion passed unanimously.

3. WATKINS SUBDIVISION CORRECTIVE PLAN – PLAN LAST DATED AUGUST 18, 2015 PLAN DEADLINE NOVEMBER 4, 2015

Mr. Pribulka stated the Watkins subdivision received conditional approval on June 15, 2015 from the Board of Supervisors. The corrective plan was submitted to account for an approximate 17 feet of right-of-way that was acquired by the Township as part of the Whitehall Road widening project. The Planning Commission recommended approval at its meeting on August 24th.

Mr. Killian made a motion to APPROVE the Watkins Subdivision Corrective Plan last submitted August 18, 2015, subject to the completion of the conditions in the Community Planner memorandum dated August 25, 2015. Mr. Clemson seconded the motion. The motion passed unanimously.

4. FERGUSON TOWNSHIP FIRE SAFETY TRAILER STORAGE FACILITY FINAL LAND DEVELOPMENT PLAN, PLAN LAST DATED AUGUST 20, 2015 PLAN DEADLINE OCTOBER 28, 2015

Mr. Kunkle stated the Township is the applicant on the plan. The plan was completed on behalf of the Township in anticipation of the construction of a fire training storage facility, a 40 by 60 fabric arch building. At this point in time the project will not be continuing due to the General Forum's denial of the lease agreement. This plan if approved by the Board would have a five year period of time for completion should the Township have a need for a 40 by 60 facility. Staff recommends that the land development plan be approved for future use as necessary.

Mr. Killian made a motion to APPROVE the Fire Safety Trailer Storage Facility Final Land Development Plan subject to completion of the outstanding conditions as set forth in the Community Planner Memorandum dated August 19, 2015. Mr. Miller seconded the motion. The motion passed unanimously.

5. APPLICATION FOR PROPOSED ORDINANCE AMENDMENT – ST. PAUL LUTHERAN CHURCH

Mr. Pribulka stated St Paul Lutheran Church was approached by the Dyslexia Reading Center to allow the center to operate in the church. The Church is currently located on in the R1 residential zoning district. The Township does define tutoring centers as not permitted in R1 Residential Zoning Districts. St Paul has submitted the ordinance amendment application to allow tutoring centers as a permitted use as an accessory to a place of assembly and to amend the definition of tutoring center to encompass adult learning in addition to child education.

Mr. Clemson asked about churches being exempt regardless of what type of zoning. Mr. Miller stated that exemption would only apply to a religious activity of the church. Mr. Pribulka stated there are exemptions for faith based facilities within the places of assembly ordinance. The determination of the zoning officer was that this would not fall under the places of assembly ordinance but under tutoring center.

Ms. Whitaker asked if the Center will accommodate only those that have been diagnosed dyslexia and the number of individuals assisted.

Ms. Sally Kolesar, President of Dyslexia Board and member of St Paul church, stated the center was started in 2007 by the 32nd degree Masonic Lodge. They were funded locally and regionally. Recently the regional lodge pulled their funding money. Currently the Center has ten students returning and a waiting list of 12 students. At this time most are already diagnosed with dyslexia.

Ms. Whitaker asked if the Center is involved with the diagnosis. Ms. Kolesar stated no they are not involved in that.

Ms. Whitaker asked what times would the Center be operating. Ms. Kolesar stated that currently four days a week after school hours to 7 pm at latest. At any given time there would not be any more than eight cars in the parking lot.

Mr. Kunkle asked where the Center is currently located. Ms. Kolesar stated the Center is currently located in CATO Park where they can no longer afford the rent due to the masonic lodge pulling their funding.

Mr. Pribulka stated there are two zoning districts that currently allow tutoring centers and are General Commercial and Industrial Research and Development.

Mr. Miller stated he is in favor of this Center and asked if there would be an advantage to a conditional use vs amending zoning ordinance. Mr. Kunkle stated Places of Assembly has been defined under federal case law and a conditional use may not be permitted.

The Board of Supervisors consensus was to pass this ordinance on to the Planning Commission for review.

6. ESTABLISHING TRICK OR TREAT NIGHT

Mr. Kunkle stated the Centre Region Council of Governments recommended designating Thursday, October 29th between the hours of 6 pm and 8 pm as trick or treat night.

Mr. Killian made a motion to APPROVE designating Thursday, October 29, 2015 between the hours of 6pm and 8pm as trick or treat night in Ferguson Township. Ms. Whitaker seconded the motion. The motion passed unanimously.

7. PINEY RIDGE DRAINAGE GRANT

Mr. Kunkle stated today he received additional information with regard to a project that was presented to the Board earlier this year as part of the Piney Ridge Street Improvement Project. That project included repaving of the streets and a small storm drainage improvement project but did not include changes to the roadside swales or driveway adjustments. Residents appeared before the Board with concerns with the projects lack of roadside swales, driveway adjustments and a resolution to the unnamed drainage area that runs through the development and discharges onto lands of the Campbell family. Ms. Christine Woodard suggested grant monies may be available to improve the drainage area. The Board indicated interest in a grant opportunity. On August 21st Ms. Woodard contacted Mr. Kunkle advising that a letter of interest had to be submitted by the 24th to grant committee. Mr. Kunkle indicated at that time that he couldn't commit to any matching funds. The grant submission date is September 18th and the Board will not meet again until September 21st. This grant request for funding would include matching share and sponsorship of the grant, which would include maintenance responsibilities. This project could be approximately \$45,000 in total cost and the request for the Township's cash share would be between \$5,000 and \$12,000 depending on bid results.

Ms. Christine Woodard, works with Trust for Tomorrow and is a Piney Ridge resident. She stated the project would address two areas the area between Wyoming Avenue and the farm, has significant erosion to the banks and sediment the second area would be on the Campbell farm. It appears as though the stream has moved locations over the years. She has submitted a pre application and received approval to submit a full application. The maximum grant amount would be \$20,000 and requires a one to one match. She has \$12,000 committed from Fish and Wildlife and other donations. This would all be on the condition that all of the landowners approved of the project.

Mr. Clemson asked what the DEP status is on this project. Ms. Woodard stated she would do permitting with them and she would anticipate them being in favor of the project.

Mr. Modricker stated he would like modify a comment in narrative of the application to say historically it has not been the Township or Public Works Departments responsibility to take care of stream beds. He also asked about the in kind commitment of the Township equipment or manpower. Ms. Woodard stated that this would be for the use of Township trucks or equipment if available to assist with the project.

Mr. Modricker stated he thinks this is a good project but before committing he wants to better understand the Township's obligations for this project and long term maintenance commitments.

Mr. Clemson discussed the formation of a Homeowner's Association in the neighborhood to assist with the facilitation of this project.

Mr. Miller stated in order for it to be effective the whole channel would need to be addressed. The riparian buffer would go significantly into the back yards of the homeowners. He would want to see all residents approve of the project before beginning.

Mr. Kunkle questioned the cycle of grants. Ms. Woodard stated there will be another cycle in the spring. Mr. Kunkle suggested holding off until the spring grant to allow time to get easements in place and other factors in line before receiving the grant funds. Ms. Woodard agreed with this.

Mr. Kunkle commended Ms. Woodard on her great work on this project.

The Board of Supervisors is in favor of this project and committing the funds needed, but would like to have questions answered before finalizing the grant application. Staff should include in proposed budget funds for this project.

8. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda including payment authorizations for John Nastase Construction in the amount of \$45,927.72 and \$71,460.17 and New Enterprise Stone & Lime Co., Inc in the amount of \$91,513.05; surety reductions for Hunter's Chase \$6,376, Turnberry TTD Phase 1 \$37,505 and Turnberry TTD Phase 2 \$486,901 and a time extension for Confer BMW Showroom Land Development Plan. Mr. Miller seconded the motion. The motion passed unanimously.

IV. REPORTS

1. Manager

Mr. Kunkle stated he was extremely proud to announce that Government Finance Officers Association (GFOA) has awarded the Township and Finance Director Eric Endresen Distinguished Budget Presentation Award. The GFOA awards this recognition to a select number of local governments in the United States and Canada and recognized only 1,424 participants this past year. Ferguson Township is the first municipal government in this county to receive this award. Secondly a September 21st joint worksession with State College Borough Council will begin at 4:30 to 6pm and will be held at Schlow Library community room. Mr. Kunkle suggested modifying the agenda and having the COG Committee reports at beginning of the agenda. Mr. Mascolo stated there has been discussion that there has not been enough input from elected officials in the committee system.

2. Public Works Director

Mr. Modricker stated the Haymarket Park basin has been partially seeded. HR Excavating will be placing pipe and outlet structure and once this is certified public works will finish seeding. The Tree Commission will meet on September 21st and discuss issues with trees in Thistlewood and

Chestnut Ridge Manor. Work continues on Rosemont Drive / Selders Circle and at Westfield / Hillside Farm Estates Park. The week of September 14th seal coating will occur on the bike paths, which will be closed during this. Brush and leaf collection will continue this week, the following two weeks with crack sealant and will begin the conduit at Teener League Field.

3. Planning and Zoning Director

Mr. Stolinis stated the Planning Commission met on August 24th and heard the Watkins corrective plan and approved the Ferguson Township fire safety trailer. They also had a small group of concerned residents expressing concern on the half hard court that was required to be installed as part of the terms of conditions. Currently there are nine active land development plans under review, eight that have not yet been heard by the Board.

4. COG Committee Reports

a. Finance

Mr. Mascolo stated he will be attending this meeting on Thursday, September 10th. He stated the committee will review the comments received on the 2016 COG Program Plan.

b. Human Resources

Ms. Whitaker stated the committee met on Wednesday, September 2nd. The committee discussed Code salary adjustments and the committee supported three adjustments. They approved a modest salary increase over a number of years for the part time library assistants. The committee accepted the budget for the employee relations and employee wellness budget. Finally, the committee is currently reviewing a new draft travel policy.

c. Public Services and Environmental

Mr. Killian stated the committee discussed the UAJA letter regarding the rezoning of land in College Township located near the plant. They discussed odor control and nutrient credits. The committee also discussed organics recycling and that it is moving forward, maybe in 2020 as part of the next refuse contract.

d. Transportation and Land Use

Mr. Miller was unable to attend the meeting.

IX. MINUTES

Mr. Miller made a motion to APPROVE the regular meeting minutes from August 17, 2015. 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. Mascolo adjourned the regular meeting at 8:45 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 09/21/2015