

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 05, 2015
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, October 05, 2015, at the Ferguson Township Municipal Building. In attendance were:

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

Staff: David Pribulka, Assistant Township Manager
David Modricker, Director of Public Works
Ray Stolinis, Director of Planning and Zoning
Diane Conrad, Chief of Police

Others in attendance included: Heather Bird, Recording Secretary; Mike Twomley; Laura Dininni, Sue Mascolo, Ron Woodhead, Sally Kolesar, Rod Stahl

II. CALL TO ORDER

Mr. Mascolo called the Monday, October 5, 2015, regular meeting to order at 7:00 pm.

III. ABC REPORTS

1. Sue Mascolo, Centre Region Park and Recreation Authority and Ron Woodhead, Director of Centre Region Park and Recreation Authority

Ms. Mascolo began by thanking the Board for the opportunity to serve on the Authority. She stated the grand opening of the Oak Hall Regional Park occurred in May and since the opening Oak Hall and Hess Field have hosted 1,135 softball games and 13 tournaments. The requests for the additional rectangular sports fields planned for the Whitehall Road Regional Park can't come soon enough.

Mr. Ron Woodhead stated the summer program report was handed out which detailed all of the programs that existed. Millbrook Marsh had over 3,000 visitors, summer camps enrolled 717 youngsters and the real surprise 1,370 adults were involved in the different leagues such as bocce. There were 101,000 people who attended the pools this summer even though fewer season passes were purchased because of the wet beginning to the season. Once again as 2016 budget discussions begin the pools revenues have exceeded expenses and they expect to contribute \$30,000 toward repaying the capital loan for the pools. This report will be distributed to the Authority board in two weeks and is posted on the website. Also, the fall active guide was distributed in August. Registrations went very well for the fall programs.

Ms. Mascolo stated that in May the Authority Board approved waiving the 5% convenience fee for internet registrations for programs. Since this time internet registrations have increased 31%. This advancement has allowed a reduction in office staffing. A big issue is the new senior center relocation to the Nittany Mall. The board invested many hours into searching for a new location.

Mr. Woodhead stated the senior center location now is an interim space at the Nittany Mall; the new place is 7,000 square feet but will be renovated before moving into the location. The new location has had many people just stop in to see what the center is all about. The new location is a very positive change for the Center. There is a current request to have evening activities. Ms. Mascolo stated 55 new people have joined the Center.

Mr. Woodhead stated that the Centre Region Parks and Recreation Authority will celebrate its 50th anniversary in 2016.

2. Jon Dietz, University Area Joint Authority

Mr. Dietz stated the University Area Joint Authority (UAJA) continues to operate effectively, is in compliance with their NPDES permit and the beneficial reuse water continues to be produced and used. Overall to date there has been about 125 million gallons of beneficial reuse that has been distributed throughout the area. He discussed three items that are currently occurring with UAJA. The first is the odor issues. An odor study was conducted and there should be an engineer report at next UAJA meeting with alternatives for odor control. The issue has come up due to development encroaching closer and closer to the UAJA facility. The second item Mr. Dietz is involved in a group that is developing a plan to look into Slab Cabin Run and what activities can be done by UAJA to improve the overall stream. The third item is that UAJA continues to receive negative comments on how UAJA calculates its rates. Currently UAJA uses an EDU calculation. Mr. Dietz and other UAJA Board members believe that the EDU is the best approach for billing.

Mr. Laura Dininni, resident, asked if the tapping fee from PSU was resolved. Mr. Dietz stated that it is an ongoing issue and has not been resolved.

IV. SPECIAL RECOGNITION

Chief Conrad introduced the Centre County Chapter of the Sudden Cardiac Arrest Association, represented by Kent Knable, Centre Life Link Emergency Medical Services Chief who recognized Harvey Corrigan, an Advanced Disposal employee and Officers Bill Chambers and Travis Park for their CPR and support for a resident during a heart attack.

V. ORDINANCES

1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING ORDINANCE 991 AND CHAPTER 22 SUBDIVISION AND LAND DEVELOPMENT, 502, STREETS, SECTION 509, SHADE TREES AND SECTION 509A, STREETScape STANDARDS, AND CHAPTER 27, ZONING, SECTION 701 TRADITIONAL TOWN DEVELOPMENT BY ADDING CLARIFYING LANGUAGE.

Mr. Pribulka stated the amendment revises Chapters 22 and 27 of the Code of Ordinances and provisions of Section 502, 509, 509A and 701. The revisions are proposed to be amended to provide both consistency and clarification to Keystate Publishers for codification. The revisions are recommended with regard to provisions of Ordinance 991, Street Trees, which was adopted by the Board on August 18, 2015.

Mr. Modricker stated this amendment will have the above sections refer back to Chapter 25, Trees which was not originally included.

Mr. Killian made a motion to ADOPT ordinance 1006 amending ordinance 991 and Chapters 22 and 27. Ms. Whitaker seconded the motion.

ROLL CALL: 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 APPROVING THE NAMING OF HARPSWELL LANE TO IMPROVE AND ENHANCE THE DELIVERY OF MAIL AND RESPONSE OF EMERGENCY SERVICES PERSONNEL FOR PROPERTIES LOCATED ON THE LANE.

Mr. Pribulka stated the farm lane that was proposed for renaming is a small access road that currently exists and bends to the right. The current dwelling on the property is located at the end of

the road and there is a proposed second dwelling for the property. The Township and property owner have been informed by Centre County Department of Emergency Communications and 911 that the addition of a second dwelling typically requires the private access street to be properly named. This helps to improve emergency response to the dwelling units that are located on the road. The property owners have submitted the name Harpswell Lane for consideration. This has been reviewed by Centre County with no objections.

Mr. Killian made a motion to ADOPT resolution 2015-26 approving the name of Harpswell Lane. Mr. Miller seconded the motion. The motion passed unanimously.

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

VII. ACTION ITEMS

1. YOUNG SCHOLARS OF CENTRAL PENNSYLVANIA CHARTER SCHOOL LAND DEVELOPMENT PLAN – PLAN LAST DATED SEPTEMBER 25, 2015 PLAN DEADLINE DECEMBER 1, 2015

Mr. Pribulka stated that the Young Scholars Charter School Land Development proposed plan is for 20 new parking spaces on the site as well as a driveway expansion and associated stormwater improvements. The majority of the remaining comments are administrative.

Mr. Killian made a motion to APPROVE the revised land development plan for Young Scholars of Central Pennsylvania Charter School subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated September 29, 2015. Ms. Whitaker seconded the motion. The motion passed unanimously.

2. DISCUSSION OF DRAFT FOOD TRUCK ORDINANCE

Mr. Pribulka stated Mr. Michael Marx submitted an ordinance amendment application to the Township requesting an amendment to Chapter 27, Zoning to permit the operation of food truck establishments in the Township. Staff has worked with Mr. Marx and others on a draft amendment over the last several months and has received and incorporated feedback from both the Township Planning Commission, Centre Regional Planning Commission and the Board of Supervisors.

Mr. Stolinas stated the amendment was provided to the Planning Commission and they recommended approval of the ordinance to the Board.

Ms. Whitaker stated it was thorough and saw no problems.

Mr. Miller asked if ice cream exemption was permitted. Mr. Pribulka stated the Township has an opinion from their Solicitor that this exemption is permitted.

Mr. Killian asked how an ice cream truck is defined. Ms. Whitaker stated it would be frozen confections.

Mr. Killian expressed concern for allowing these in residential neighborhoods. Mr. Miller stated the intent was for special occasions such as an auction.

Mr. Killian made a motion to AUTHORIZE advertisement of the food truck ordinance for public hearing with the addition of the definition of an ice cream trucks. Mr. Miller seconded the motion. The motion passed unanimously.

3. DISCUSSION OF PROPOSED ZONING ORDINANCE AMENDMENT PROVIDING FOR TUTORING AND STUDY CENTERS AS AN ACCESSORY USE TO THE PLACES OF ASSEMBLY REGULATIONS

Mr. Pribulka stated the Township received an ordinance amendment application from the Dyslexia Reading Center of Central Pennsylvania and St. Paul Lutheran Church on September 8th. The amendment application requested that the Board allow for tutoring and study centers as an accessory use to a place of assembly in the R1 zoning district. The amendment application also requested a revision to the definition of tutoring and study centers to include adult learning, as well as school-age children grades kindergarten through twelfth.

Mr. Stolinis stated the proposed amendment was reviewed by the Planning Commission who made no additional comments and recommended approval.

Mr. Killian made a motion to AUTHORIZE advertisement of the proposed ordinance amendment for public hearing. Mr. Miller seconded the motion. The motion passed unanimously.

4. VARIANCE – RONALD REHMEYER, 446 CLINTON AVENUE

Mr. Pribulka stated the variance application was submitted on behalf of Ronald Rehmeier for property located at 446 Clinton Avenue. The property currently sits on a 100 foot riparian buffer which permits no building and a 50 foot floodplain buffer which means that the property located within that buffer must remain in its natural state. The applicant has indicated the intended use of the property would be either office or commercial but has not submitted a sketch plan for the site or provided staff with any specific details as to its intended use. The variance application is proposing that the riparian buffer and floodplain lines each be moved to the location specified in the application. This would allow the applicant to build on the lot without encroaching on the buffer lines. Staff is recommending the Board to oppose the variance. The applicant intends to dispute the overlay zoning district and this dispute is not typically done by a variance request. Similarly, if the applicant wants to move the lines on a zoning map the proper process would be through an ordinance amendment.

Mr. Miller agreed with staff that this should not be looked at through a variance request and would oppose the request for a variance.

Mr. Killian made a motion to OPPOSE the application on the variance application for tax parcel 24-15-29C and request Mr. Joseph Green attend the meeting representing the Board of Supervisor's opposition. Mr. Miller seconded the motion. The motion passed unanimously.

5. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda including payment authorizations for John Nastase Construction in the amount of \$181,366.47 for Contract 2014-C4 Cecil Irvin Park and \$32,381.10 for Contract 2014-C3 Rosemont / Selders and Scott Grannas Construction, LLC for \$58,118.55 for Contract 2015-C4 Park Lane. Ms. Whitaker seconded the motion. The motion passed unanimously.

VIII. REPORTS

1. Manager

Mr. Pribulka stated a copy of the conditional letter of map revision was received by the Township from FEMA for The Cottages at State College development. A final determination will be made once the improvements proposed in the drainage area are completed and information is provided to FEMA as set forth in the conditional letter of map revision. Secondly the Township received a

distribution of the Foreign Fireman's Relief Fund. The entirety of this money is passed on to Alpha Fire.

2. Public Works Director

Mr. Modricker stated staff is working on year end budget projections and budget preparation for 2016. Brush and leaf collection started this morning and will complete on round with another round beginning on October 19th. Also beginning October 19th curbside leaf collection will occur every day until winter operations begin, working until dark and both collectors will be out on Saturdays. Haymarket Basin work has been completed. The Tree Commission will conduct public hearings on tree removals and replacements on October 13th and 20th. Nastase Construction is working at Cecil Irvin Park and Rosemont / Selders. Staff is putting together a request for proposal for the engineering services for two intersections. Seal coating work is complete. Public Works crews continue to work at the Teener Field placing conduit in trenches. Last week a plans check was conducted at the PennDot District 2 office and the project is on schedule for the West College Avenue Streetscape project. Work started on the Old Gatesburg Road Basin repairs.

3. Planning and Zoning Director

Mr. Stolas stated the Planning Commission met last Monday, September 28th, and discussed the food truck ordinance and the proposed amendment for tutoring centers. Also, the Commission discussed the Foxpointe PRD proposed changes to eliminate Section 1a1 and 1a2 multifamily and 1e neighborhood commercial and in its place have approximately 55 single family homes. Some of those with driveway access directly only Foxpointe Drive. The Township Engineer issued a memorandum recommending larger lot frontage or shared use drives onto Foxpointe Drive to lessen traffic and safety impacts on a collector street. The Planning Commission also reviewed the Young Scholars plan and recommended it for approval. There are currently five active plans, two conditionally approved.

4. COG Committee Reports

a. Transportation and Land Use

Mr. Miller stated they met today and discussed two items. The first was an update on the bike plan. The plan has been completed and will be presented to governing bodies in the next couple months and to the General Forum in December. The Committee also discussed the comprehensive plan implementation program which is a prioritization of projects for CRPA. There are approximately 15 different projects.

IX. ADJOURNMENT

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

With no further business to come before the Board of Supervisors, Mr. Mascolo adjourned the regular meeting at 8:04 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 10/19/2015