

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, November 2, 2015  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, November 2, 2015, at the Ferguson Township Municipal Building. In attendance were:

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

**Staff:** Mark Kunkle, Township Manager  
David Pribulka, Assistant Township Manager  
David Modricker, Director of Public Works  
Ray Stolinas, Director of Planning & Zoning

*Others in attendance included:* Heather Bird, Recording Secretary; Sally Kolesar, Angie Williams and Ron Strood, Dyslexia Center; Trish Meek, Centre Region COG; George Pytel; David Vandernbergh and Anna Nelson, Centre Region Bike Plan; Joe Viglione and Jim Steff, COG

### II. CALL TO ORDER

Mr. Mascolo called the Monday, November 2, 2015, regular meeting to order at 7:00 pm.

### IV. ORDINANCES

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES, CHAPTER 27, ZONING TO PERMIT TUTORING AND STUDY CENTERS AS AN ACCESSORY USE TO NEIGHBORHOOD CIVIC OR FAITH BASED ASSEMBLY IN THE SINGLE FAMILY (R-1) ZONING DISTRICT AND TO MODIFY THE DEFINITION OF TUTORING AND STUDY CENTER TO INCLUDE ADULTS.**

Mr. Stolinas stated that on September 1, 2015 the Dyslexia Center of Central PA provided Ferguson Township with a proposed zoning ordinance amendment application requesting changes to the zoning ordinance. The Planning Commission recommended approval of the proposed amendments on September 28<sup>th</sup>. Both the Centre Region Planning Agency and the Centre County Community Planning and Development Office concluded that the proposed zoning amendment is consistent with the goals and objectives of the 2013 Centre Region Comprehensive Plan and provides necessary educational support for both adults and children in setting an accessory to neighborhood civic or faith based assembly in an R1 zoning district.

Mr. Killian made a motion to ADOPT ordinance 1008 amending the Chapter 27 Zoning to permit tutoring and study centers as an accessory use to the neighborhood civic or faith based assembly in the single family R1 zoning district and to modify the definition of tutoring and study centers to include adults. Ms. Whitaker seconded the motion.

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

### VII. RESOLUTIONS

- 1. A PUBLIC HEARING ON A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION #2014-32 BY ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP.**

Mr. Kunkle stated the requirements under Chapter 21, Section 207, Subsection 4, requires that the Board of Supervisors adopt a sidewalk snow removal policy map by October 31<sup>st</sup> annually. The Board received correspondence from Mr. Stephen White to consider an exemption along the frontage of his property along Whitehall Road. Mr. White requested the Board to table the item this

evening so that he can be here to discuss the issue. The map indicates in red all of the sidewalk sections subject to the requirement to remove snow. There are two areas that have proposed exemptions, one in Hunters Chase and one along Blue Course Drive, both areas having sidewalks not connected to any other sidewalk network.

In regards to Mr. White's property Mr. Kunkle stated that the Public Works department will make attempts to reduce the amount of snow on Mr. White's property by attempting to remove the center lane to the south side of Whitehall Road.

The Board tabled this action to November 16<sup>th</sup> to allow Mr. White to speak.

**2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP MANAGER TO SIGN THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION DRAWINGS AUTHORIZING ACQUISITION OF RIGHT-OF-WAY FOR ROUTE 26 WEST COLLEGE AVENUE STREETScape IMPROVEMENT PROJECT.**

Mr. Kunkle stated the resolution is a requirement as part of recording the right-of-way drawings for the acquisitions in the West College Avenue Streetscape Project. Mr. Modricker is leading the effort to acquire the right-of-way.

Mr. Modricker stated the right-of-way of way drawings are final, with all reviews completed. The Township will sign first, and then they go to Harrisburg for signature and returned to us to record in the highway book through the Centre County court house.

Ms. Laura Dininni, resident, asked about the relationship between this project and the Terraced Streetscape District (TSD) project. Mr. Modricker stated this project is located within the TSD. Mr. Modricker stated the need for a sidewalk in the district will not change but the width of the sidewalk may change in the future.

Mr. Killian made a motion to ADOPT resolution 2015-30 authorizing the Township Manager to sign the right-of-way plans for the West College Avenue Streetscape Improvement Project. Mr. Miller seconded the motion. The motion passed unanimously.

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

**VIII. COMMUNICATION TO THE BOARD**

Mr. Killian received communication regarding a traffic intersection which he forwarded to Mr. Modricker.

Mr. Miller received several communications regarding the Cottages development and one communication in support of the Bike Plan.

Mr. Mascolo received a positive communication about the Bike Plan.

Mr. Kunkle stated he received an email communication from a resident in the Landings requesting the Board to consider parking regulations on Park Center Boulevard. This would require an engineering study to determine if the regulations would be warranted. The primary complaint is about trucks parking on the roadway instead of utilizing their driveways.

Ms. Whitaker asked if the trucks are creating a blind spot on the road. Mr. Modricker stated that he was not sure.

Mr. Miller stated the letter does not ask for a parking study. Mr. Kunkle stated in order to place parking restrictions a study would need to be completed.

Mr. Miller stated the letter does not seem to indicate the residents want no parking on the street; an attempt to resolve the issue with the trucks should be done before a traffic study should be completed.

## **IX. ACTION ITEMS**

### **1. DISCUSSION OF CENTRE REGION BIKE PLAN**

Ms. Trish Meek, Transportation Planner at Centre Regional Planning Agency, provided information about the draft Centre Region Bike Plan to the Board. In 2012 the Centre Region was designated a Bicycle Friendly Community by the League of American Bicyclists. One of the major recommendations from the League was to develop a comprehensive bike plan. The Transportation and Land Use committee provided oversight over the plan development with three main goals which were route connectivity, look at bicycles as a form of transportation and update the existing bicycle facilities map annually. In preparing the plan each municipality and transportation committee was presented an opportunity to make comments, community meetings were held and an online survey was completed. These resulted in 901 facility requests; these were filtered to determine those items that were regional improvements and were presented to the Transportation and Land Use committee. Ferguson Township residents were interested in bikeways along the Atherton Street corridor and State Route 26. It is important to have the proposed future facilities on a map to show the regional plan as leverage for development of these facilities. The comprehensive bike plan also includes actions for engineering, education, encouragement, enforcement and evaluation. High priority items were identified in the plan which included a web based map, North Atherton Street signage plan, regional e-bike policy, education and encouragement programs, model bike parking standards and model complete streets for bicycle accommodation policy. The plan review process requests Board comments submitted to the Transportation and Land Use committee by November 30<sup>th</sup> with those comments being forwarded to General Forum for consideration in December 2015. The Ferguson Township Planning Commission's questions included why isn't there a connection to the Fairbrook Park area, incorporating the plan into projects such as West College Avenue paving, and will bike corridors see physical changes in the municipality. Ms. Meek has notified PennDot about the plan so that in the future projects can incorporate bike goals and for the changes with the bike corridors, some may see something as simple as signage.

Mr. Killian asked if the proposed map puts the Township on a time frame to develop. Ms. Meek stated these are the areas that make the most sense and the map makes it easier to get funds for the projects when the areas are development but does not specify a time frame.

Mr. Miller stated the draft plan is well worth the significant time spent to complete.

Mr. Kunkle stated with limited dollars out there would it be appropriate to prioritize projects by street classifications and vehicular conflicts versus putting money into local streets. Ms. Meek stated Atherton Street and College Avenue are areas people would most like to see facilities due to feeling uncomfortable with traffic. Local streets are more comfortable for everyone because of lower conflicts.

Mr. Kunkle stated he will schedule a worksession for the Board to discuss this further.

Ms. Anna Nelson, Hunters Chase resident, thanked the Board and Ferguson Township for their efforts in bicycle facilities. Her bike is her primary mode of transportation and she urged the Board to adopt the plan and continue to work toward implementing the proposed facilities.

Mr. David Vandenberg, Ridgemaster Drive resident, stated his primary source of transportation is his bicycle and it is important to have proper bike facilities for safety.

## **2. 2016 CENTRE REGION COUNCIL OF GOVERNMENTS BUDGET**

Mr. Mascolo stated the Board comments are due back to COG by November 13<sup>th</sup>. He began a review of the budget.

Page 13 – Mr. Mascolo commented on the Building capital for the COG building - \$15,000 proposed for ADA power doors in the front and rear doors. He recommended only the front doors be installed and the handicap parking should be moved to front of building to save half the cost.

Mr. Killian suggested next year they look into an energy audit for further building improvements.

Page 19 – Mr. Mascolo commented the library building operations increase is too much.

Page 20 – Mr. Mascolo noted on the COG building capital fund; the increased contribution for library capital items an additional \$60,000.

Page 95 – Ms. Whitaker asked if the HVAC project for the fire station is indeed \$20,000. Mr. Viglione stated that should state for two units.

## **3. JODON PROPERTY OFFER**

Mr. Kunkle stated the property is located adjacent to Vairo Boulevard and Suburban Park on the north side of Overlook Heights. The property is 1.32 acres in size and owned by Dorothy Jodon. This piece of land became a remnant of the subdivision after Vairo Boulevard was extended. Ms. Jodon asked the Township to accept the land as a gift to be added to the park or added right-of-way to Vairo Boulevard. Ms. Jodon has requested the Township pay the transfer tax for the property, \$1,316.20, half of this would be refunded to the Township upon application for the deed. Mr. Modricker stated the property is pretty narrow, portions are located in a flood plain, has a steep slope with scrub trees.

Mr. Mascolo asked if there is access to the park on this land. Mr. Modricker stated no.

Ms. Whitaker asked if the Township would be held liable if an accident occurred on this land. Mr. Kunkle stated that risk exists but the Township has protection from excessive liability.

Mr. Modricker stated that immediately upon acquisition the Township would want to remove a few dead trees to avoid falling on roadway.

Ms. Whitaker asked if this land can be used to make a bike path. Mr. Killian stated no it is very steep but the land could be absorbed into Suburban Park.

Mr. Miller and Mr. Mascolo are in favor of this becoming part of Suburban Park.

Mr. Killian made a motion to ACCEPT the offer of a gift of 1.32 acres listed as tax parcel 24-011-047 from Dorothy Jodon. Mr. Miller seconded the motion. The motion passed unanimously.

#### **4. CONTRACT 2015-C14 STREET TREE PRUNING**

Mr. Modricker stated bids were opened on Tuesday, October 27<sup>th</sup>. The contract was advertised in the Centre Daily Times and distributed to interested companies. Four bids were received: The Davey Tree Expert Company of Kent, OH, The F. A. Bartlett Tree Expert Company of Centre Hall, PA, Dincher and Dincher Tree Surgeons, Inc. of Williamsport, PA, Cutting Edge Tree Professionals, LLC of Boalsburg, PA. The budget for this work is \$25,000 and that comes out of larger amount that also included the street tree inventory. The engineers estimate for the work was a little over \$45,000. A grant request was submitted for \$20,000. The low bidder on all blocks was Cutting Edge Tree Professionals for \$18,000.

Mr. Killian made a motion to AWARD blocks A, B, C, D of Contract 2015-C14 Street Tree Pruning to Cutting Edge Tree Professionals, LLC in the amount of \$18,000. Ms. Whitaker seconded the motion. The motion passed unanimously.

#### **5. HOUSE BILL 33 APPOINTMENT OF ALTERNATES TO PLANNING COMMISSION**

Mr. Pribulka stated on October 7<sup>th</sup> House Bill 33 was signed and became PA 2015 Act 42. This bill adds a section to Municipalities Planning Code that permits the Board to designate at least one but no more than three alternates to the municipalities Planning Commission. The alternates would have a term of four years. The alternates would be permitted to participate in all Planning Commission meetings and discussions and would have the right to vote when a primary member is absent or recused. The bill allows the chairman of the Planning Commission to designate the alternate to vote on a rotating basis.

Mr. Miller stated the Planning Commission would need to make a clear determination of when alternates are able to vote on an item. Mr. Killian agreed with this statement.

Ms. Whitaker asked to have one alternate.

The Board's decision was to advertise for Planning Commission vacancies before determining the number of alternates.

#### **6. VARIANCE – SHAUN AND LYNDSKY GREENLAND 2850 WEST PINE GROVE ROAD**

Mr. Kunkle stated this variance application will be considered by the Zoning Hearing Board in their upcoming meeting. There is a 25 x 40 proposed addition to the property. The property is located in the RA zoning district with a 50 foot setback. The applicant is interested in placing the addition about 3 feet from the property line.

Mr. Miller made a motion to REMAIN NEUTRAL on the variance application of Shaun and Lyndsey Greenland for tax parcel 24-008B-003A. Mr. Killian seconded the motion. The motion passed unanimously.

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

Mr. Killian made a motion to APPROVE the consent agenda including Payment Authorizations for John Nastase for Contract 2014-C3 in the amount of \$158,848.01 and Contract 2014-C4 in the amount of \$56,897.14. Ms. Whitaker seconded the motion. The motion passed unanimously.

### **X. REPORTS**

#### **1. Manager**

Mr. Kunkle stated he provided a report on the membership of the Authorities, Boards and Commissions appointed by the Board. There are a number of potential vacancies for 2016. Staff will be sending out letters to determine the interest of continuing by those with expiring terms. Mr. Kunkle received a resignation from Katie Prestia from the University Area Joint Authority Board.

Her term was to expire January 6, 2019 and the Board may wish to fill this vacancy at this time or wait until January. The Township received an application for establishing a cidery on the JL Farm that has been filed with the Liquor Control Board. The Township received a letter of appreciation from First Night State College for the contribution to ice sculptures for the event. The Township also received letters of appreciation from Benner Township for surplus leaf collection boxes that we passed to Benner Township.

## **2. Public Works Director**

Mr. Modricker stated the road crew began a round of brush collection this morning. Leaf collection is ongoing. A Tree Commission meeting will be held on November 16<sup>th</sup> at 5:30. Rosemont Drive / Selders Circle was paved Friday and Saturday. Nastase Construction is waiting for Verizon to move a communications line in order to install the last 13 feet of pipe. Contract 2015-P2, camera storm pipes, is currently out to bid.

## **3. Planning and Zoning**

Mr. Stolinis stated the Planning Commission discussed the draft weed and plant ordinance, the Centre Region Bike Plan and the Centre Regional Planning project priorities. The priorities were reshuffled at the joint Transportation and Land Use meeting. The Township has six plans currently under review. They also discussed House Bill 33. The Ordinance Enforcement Officer has resigned. The Township's first food truck permit was received.

## **4. COG Committee Reports**

### **a. Transportation and Land Use**

Mr. Miller stated this was a joint meeting with the Centre Regional Planning Commission. There was a very good discussion with each item on list or regional priorities and came up with the top 4 or 5 priorities. The nutrient credit system and bike plan were removed because they are already in process. The top five projects were to utilize multi-municipal agreements to share land uses, promote alternate energy options within the Centre Region, comprehensive update to the Regional Development Capacity report, review of potential changes to the administration of the regional growth boundary and sewer service area process and improve the sustainability of agriculture. These projects will be for 2017.

Mr. Killian stated that his opinion is that the inter-municipal agreements are too complicated. Mr. Miller stated this is a high priority to determine the complexity of this issue and what could easily be done for this.

## **XI. MINUTES**

Mr. Killian made a motion to APPROVE the Board regular meeting from October 19, 2015. Ms. Whitaker seconded the motion. The motion passed unanimously.

## **XII. 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 to an executive session.

Respectfully submitted,



Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 12/07/2015