

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, December 7, 2015
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, December 7, 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 Stolinis, Director of Planning & Zoning
Eric Endresen, Director of Finance

Others in attendance included: Heather Bird, Recording Secretary; Tom Songer, Johnson Farm Associates; Bob Poole; Thomas Jacobs; Peter Buckland, Laura Dininni, Joe Cusumano

II. CALL TO ORDER

Mr. Mascolo called the Monday, December 7, 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 AS FOLLOWS: (1) ACCEPTING THE DEED OF DEDICATION OF CIRCLEVILLE ROAD PARTNERS, LP; CIRCLEVILLE ROAD PARTNERS A, LP; CIRCLEVILLE ROAD PARTNERS E, LP; CIRCLEVILLE ROAD PARTNERS IV, LP; AND PINE HALL DEVELOPMENT COMPANY, A PENNSYLVANIA CORPORATION, FOR PUBLIC STREETS IN TURNBERRY, TTD, PHASE 1 AND 2A TO BE KNOWN AS NORTHWICK BOULEVARD (CIRCLEVILLE), SOUTHWICK BOULEVARD (CIRCLEVILLE), SOUTHWICK BOULEVARD (PINE HALL), AND STREET "K" (CIRCLEVILLE); (2) SETTING MAXIMUM SPEED LIMITS OF 25 MILES PER HOUR FOR NORTHWICK BOULEVARD BETWEEN HAVERSHIRE BOULEVARD AND SOUTHWICK BOULEVARD AND FOR SOUTHWICK BOULEVARD BETWEEN HAVERSHIRE BOULEVARD AND THE END OF THE STREET; (3) ESTABLISHING MANDATORY STOP INTERSECTIONS AT SOUTHWICK BOULEVARD FOR NORTHBOUND TRAVEL AT THE INTERSECTION WITH HAVERSHIRE BOULEVARD AND AT NORTHWICK BOULEVARD FOR SOUTHBOUND TRAVEL AT THE INTERSECTION WITH SOUTHWICK BOULEVARD; AND (4) ESTABLISHING PARKING PROHIBITIONS BETWEEN 8:00 A.M. AND 4:00 P.M. FOR NORTHWICK BOULEVARD ON THE EAST SIDE BETWEEN HAVERSHIRE BOULEVARD AND SOUTHWICK BOULEVARD ON THURSDAYS; NORTHWICK BOULEVARD ON THE WEST SIDE BETWEEN HAVERSHIRE BOULEVARD AND SOUTHWICK BOULEVARD ON MONDAYS; SOUTHWICK BOULEVARD ON THE EAST SIDE BETWEEN HAVERSHIRE BOULEVARD AND THE END OF THE STREET ON TUESDAYS; AND SOUTHWICK BOULEVARD ON THE WEST SIDE BETWEEN HAVERSHIRE BOULEVARD AND THE END OF THE STREET ON WEDNESDAYS.**

Mr. Kunkle stated the streets listed in the ordinance have been constructed in accordance with Township standards and have been inspected. The Board is considering accepting these streets as public streets as well as establishing speed limits and parking regulations for those streets. Mr. Modricker stated in the Traditional Town Development there are on-street parking stalls. When the development was approved there was a certain amount of parking that was required to be on-street. To manage the on-street parking for snow removal, brush and leaf collection and to ensure vehicles are not permanently parked in the same location, there are currently parking restrictions

on Havershire, Prestwick and Northwick. With the adoption of the additional roads, the parking restrictions were reviewed. Currently there are restrictions three days a week. After discussing with the property management they proposed parking restrictions four days a week.

Mr. Miller asked if the normal snow restrictions apply to this development. Mr. Modricker stated they do not apply. If the stalls are clear they would be cleared of snow but if not they would wait until the designated times.

Mr. Killian made a motion to ADOPT ordinance 1009 accepting certain streets namely Northwick Boulevard, Southwick Boulevard and Street K and further establishing speed limits on Northwick Boulevard and Southwick Boulevard as well as parking regulations on said streets. Mr. Miller 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, ADOPTING AN AMENDED RESTATED QUALIFIED RETIREMENT PLAN, PLAN NUMBER 108860, THROUGH THE ICMA-RC.

Mr. Kunkle stated the resolution adopts the ICMA-RC plan document. This is based upon an Internal Revenue Service (IRS) regulation which requires that ICMA-RC have the plan document reviewed by the IRS on a scheduled basis to remain as a qualified plan. ICMA-RC has received a favorable opinion letter from the IRS in 2014 which requires all plan sponsors to adopt an amended and restated document by April 30, 2016. The changes are very minor. Two changes that were effective in 2006 and 2007 are now integrated into the new document including the post EGTRRA as well as the Hereos Earning Assistance and Relief Act.

Mr. Killian made a motion to ADOPT resolution 2015-33 adopting the revised ICMA-RC plan document. Mr. Miller seconded the motion.

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

VIII. PUBLIC HEARINGS – OTHER

1. A PUBLIC HEARING ON THE 2016 PROPOSED TOWNSHIP BUDGET

Mr. Kunkle stated the budget represents a major policy document that enables accomplishments of the strategic direction of the Township set forth in the Strategic Plan. He thanked the department heads for their efforts in managing the current year budget as well as the proposed 2016 budget. The effort is largely coordinated by the Director of Finance, Eric Endresen. Notable initiatives accomplished in 2015 include Gold Certification from PA Sustainable Communities, two GFOA awards this year (Distinguished Budget Presentation and CAFR), the introduction video for the web page is very close to completion, Township recognized as one of top five municipalities in the commonwealth, launched twitter account, hosted Coffee and Conversation and Business Leaders Lunch, published monthly e-newsletter and semi-annual print newsletters, finalized traffic calming policy, added an arborist to staff, hired a new Planning and Zoning Director, completed phase one of the Cecil Irvin Park, completed the field lighting project at the Louis E Silvi baseball complex and police responded to 4,482 calls for service, made 2,790 traffic stops, processed over 1,650 items of evidence and was recognized as one of the top 50 safest municipalities in the Commonwealth.

The 2016 budget can be summarized as progressive within the resources available. The 2016 budget does not include any new or increased to real estate and earned income taxes. To balance

the street light and fire hydrant funds each will see a slight increase in front footage assessment. The General Fund expenditures are projected to increase 2.5% for a total of \$11.4 million and the total budget is projected to increase 6.7% for a total of \$13.8 million. The fund balance remains stable for each of the 12 fiduciary funds. The 2016 budget will see \$1.5 million in expenses over revenues; those will come from utilization of fund balance. The Township will contribute \$1.7 million to the Centre Region programs. Significant budget changes from the draft budget included a cost of living increase of 1%, health insurance increase of 4.5%, workers compensation of 7.9%, and a pension cost decrease of 8.2%. Capital projects include the W College Avenue sidewalk project, drainage improvements, engineering studies, hiring a consultant to assist with the rewrite of zoning and subdivision and land development ordinances. The Township debt service is level; 2016 is the next to the last payment on the debt service for the Township, the Township will only have regional debts after 2017.

Mr. Killian made a motion to ADOPT the Tentative 2016 Township Budget with any additional changes for final adoption of the budget on Monday, December 14, 2015. Ms. Whitaker seconded the motion. The motion passed unanimously.

IX. COMMUNICATION TO THE BOARD

X. ACTION ITEMS

1. PROPOSED ZONING ORDINANCE AMENDMENT – THE LANDINGS PRD

Mr. Stolas stated Johnson Farm Associates submitted an application to amend provisions of the zoning ordinance relative to Planned Residential Development. The application was received November 6, 2015 and was presented to the Planning Commission on December 1st. The proposed amendments include item 1 - the exception for a grocery store up to 60,000 square feet with accessories of gas pumps and an electric fueling station for motor vehicles and commercial trucks; item 2 - ground floor commercial uses may, at the developer's discretion, provide the opportunity and item 3 - add retail in general and more specifically, greenways, professional or financial offices, engineer and broaden the term of health club to include exercise facility, gym and sports training facilities and the removal of not including drive through service. On December 1, 2015 the Planning Commission recommended that the Board adopt item 1 as a conditional use within the PRD and adopt items 2 and 3 as proposed.

Mr. Songer, Johnson Farm Associates, stated a PRD development allows the Township and Developer the opportunity to work together to define the developments terms. This land was determined to be included with the Landings. Approximately five years ago the plan was adopted with the commercial section included. The commercial area will back the Bristol office park. The plan is already an approved plan. The request is to add a grocery store, the current ordinance allows for maximum of 20,000 square feet. The current approved plan depicts three 20,000 square feet commercial areas for a total of 60,000 square feet. Modern grocery stores include more such as a pharmacy and are a gathering place for the community. The request is for the allowance of a 60,000 square foot grocery store that may have a gas station or drive thru.

Mr. Mascolo asked the general area that the gas pumps would be located. Mr. Songer stated they would be located in the rear area of the store.

Ms. Whitaker is there adequate parking for what is proposed in the plan. Mr. Songer stated that the parking was reviewed when the plan was designed and approved. Also, residents would be able to walk to grocery store.

Mr. Mascolo asked if the apartments will be rentals. Mr. Songer stated that has not been decided yet.

Mr. Miller asked if there are any other PRDs that are currently established where this ordinance change would be applicable. A number of years ago he was opposed to allowing grocery stores within the PRD, now the way things are developing he is not opposed to this being within a PRD. Mr. Songer stated that this is one of the only large areas left that a grocery store would fit.

Mr. Miller confirmed that in section b apartments would be constructed over commercial space. Mr. Songer confirmed that is correct.

Mr. Killian does not think a gas station or a drive-through is appropriate for this area.

The consensus of the Board was to prepare a draft ordinance including a conditional use for the grocery store addition to the PRD ordinance.

2. PROPOSED SHARED PATH / SIDEWALK EXTENSION ON EAST CLINTON AVENUE

Mr. Kunkle stated this item has been requested by Board member Elliott Killian to extend the sidewalk or shared use path along Clinton Avenue, a distance of approximately 273 feet to the east to connect to the existing sidewalk. Mr. Kunkle presented a map depicting where the sidewalk ends. On the Township Official Map and Bike Plan for the Centre Region shows a possible connection at this location in the future. The Board would need to determine whether a shared use path or sidewalk should be installed.

Mr. Killian stated he walks this area daily and does not like that the sidewalk does not connect. He has no preference on a sidewalk or shared use path.

Ms. Whitaker asked how much does sidewalk cost. Mr. Modricker responded that a 5 foot wide sidewalk would cost approximately \$50 per foot based on prevailing wage rates. Mr. Killian stated a resolution would need to be passed to require the property owner to construct a sidewalk in this area.

Mr. Miller stated if a shared use path were installed it would need to continue on for consistency so a sidewalk would be more favorable.

The Board consensus was to install a sidewalk over a shared use path.

Mr. Kunkle stated the area would be reviewed by the Township Engineer and the property owners would be invited to a meeting to discuss this before a resolution was prepared.

3. CONSIDERATION TO RENAME EAST CLINTON AVENUE FROM NORTH ATHERTON STREET TO CURTIN STREET BLUE COURSE DRIVE

Mr. Kunkle stated this was brought up by Board member Killian to rename Clinton Avenue from North Atherton to its terminus at Curtin Street. There are currently six buildings located along this street, three commercial, one office commercial and two residential properties that would be affected by this change. Mr. Kunkle stated that Chief Conrad reached out to the Centre County Emergency Communications Center to get an idea of their concerns. A response was received today from Dale Neff, Mike Moyer and Norm Spackman that indicated they would recommend only changing a street name when absolutely necessary and changing a street with historic ties would

take significant time and the largest impact would be on Joel Confer or any business with state regulated licenses.

Mr. Killian stated that he does not like that turning left is Blue Course and turning right is Clinton Avenue when they appear to be the same street. Mr. Miller stated he feels the opposite way that they are in fact different streets with Blue Course being high traffic and Clinton Avenue being a residential street.

The consensus of the Board was not to make this change.

4. ABC VACANCIES / CANDIDATE REPORT

Mr. Kunkle stated the board received an updated vacancy report. Typically in October / November those members on the boards and commissions with expiring terms are provided a notice to see if they are interested in continuing their service. The Planning Commission has one vacancy on the core board and up to three alternate positions; one vacancy is open on the tax review board and one vacancy on the University Area Joint Authority. Those other members with terms expiring have indicated the desire to continue to serve.

The Board selected Mr. Miller and Ms. Whitaker to conduct interviews.

Ms. Dininni asked that the deadline to accept applicants be postpone until Wednesday, December 9th, that request was accepted.

Mr. Miller encouraged individuals to apply at all time during the year if they are interested in being on an ABC. This way if a vacancy opens up it can be filled from those applicants.

5. REQUEST BY PENN STATE CAMPUS WEATHER SERVICE FOR C-NET AIRTIME

Mr. Kunkle stated the Board received a request to sponsor airtime for the Penn State Campus Weather Service on C-Net. Previously the Township has declined this request.

Mr. Killian made a motion to DECLINE to sponsor programming of the Penn State Campus Weather Service on C-NET. Ms. Whitaker seconded the motion. The motion passed unanimously.

6. APPROVAL OF OCTOBER 2015 VOUCHER REPORT

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

7. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda including the October 2015 Treasurer's Report. Mr. Miller seconded the motion. The motion passed unanimously.

XI. REPORTS

1. Manager

Mr. Kunkle stated that notice was received from Nancy Ring that the deed of dedication for the Jodon property is being prepared. C-NET Director, Cindy Hahn has requested the Board appoint the C-NET Executive Committee to make determinations on the use of clips taken from C-NET broadcasts.

Mr. Miller made a motion APPOINT the C-NET Executive Committee to make determinations on the use of clips taken from C-Net broadcasts. Mr. Killian seconded the motion. The motion passed unanimously.

Finally, Township staff hosted the third Business Leaders Lunch on Tuesday, December 1st. It provided a good roundtable on local economic development, township services, new developments and customer service. We appreciated their ideas and contributions to the township business community

2. Public Works Director

Mr. Modricker stated Contract 25-C14, Tree Pruning was awarded to Cutting Edge which has trees completed in Hillside Farms, Westfield and Somerset and currently being trimmed are Foxpointe, The Landings and part of Blue Course Drive with other areas to be completed in the future. Leaf collections continue through the Township. He asked the Board if they thought that individual mailing should be sent out regarding the tree trimming process. The Tree Commission will meet again on January 18th. The Board will receive an update on the West College Avenue project. Rosemont / Selders project continues. Next week Miller Pipetech will be in town for storm pipe review.

3. Planning and Zoning

Mr. Stolinis stated the Planning Commission met last week and discussed concerns with the Ag security areas and Ag preservation easements. They also discussed future educational opportunities for the members of the Commission. He intends to schedule these trainings at the beginning of 2016. The permit activity report was attached to his report and included five new single family dwelling and one new building or shed.

4. COG Committee Reports

a. Transportation and Land Use

Mr. Miller stated met today and discussed regional bike plan.

XII. MINUTES

Mr. Killian made a motion to APPROVE the Board regular meeting minutes from November 2, 2015. Ms. Whitaker seconded the motion. The motion passed unanimously.

XIII. 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 8:27 pm to an executive session.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 12/14/2015