

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, December 14, 2015
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, December 14, 2015, at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Mascolo, Chairman
Drew Clemson
Elliott Killian
Steve Miller
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
Joseph Green, Township Solicitor

Others in attendance included: Heather Bird, Recording Secretary; Mike Twomley, John Sepp, Mark Torretti, Josh Collins, Trish Meek, Laura Dininni, Peter Buckland, Pam Steckler, Bill Hechinger

II. CALL TO ORDER

Mr. Mascolo called the Monday, December 14, 2015, regular meeting to order at 7:00 pm.

III. RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE BUDGET FOR THE FISCAL YEAR 2016, BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016.

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. The 2016 budget can be summarized as progressive within the resources available. The 2016 budget does not include any new or increases 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 by 6.7% for a total of \$13.8 million. The fund balance remains stable for each of the 12 non-fiduciary funds. The majority of the Township's annual budget is expended from three of the 12 non-fiduciary funds; General Fund 74%, Capital Reserve 7.5% and Transportation Improvement Fund 10.16%. The largest service areas are Public Works, Public Safety, Insurances and Benefits and Community Services Parks and Recreation. 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 resolution 2015-34 approving the 2016 Township Budget. Mr. Clemson seconded the motion.

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

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, LEVYING TAXES AND ASSESSMENTS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2016 AND ENDING DECEMBER 31, 2016.

Mr. Kunkle stated there are no changes to the tax rates levied. Real estate tax remains at 2.422 mills, real estate transfer tax at 1.25% of consideration, earned income at 1.4% and the local service tax remains at \$52 with \$47 coming to the Township. The street light assessment will be increased by \$.03 per lineal foot and the fire hydrant assessment increased by \$.01 per lineal foot.

Mr. Killian made a motion to ADOPT resolution 2015-35 establishing taxes and assessments levied for the fiscal year 2016. Ms. Whitaker seconded the motion.

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION 2015-01 AND ESTABLISHING A NEW SCHEDULE OF FEES FOR 2016.

Mr. Pribulka stated the fee schedule outlines the fees that are assessed by the Township and several of its partnered agencies for the upcoming year. In 2014 staff underwent an extensive analysis of the fees assessed. For 2015 this resulted in several revisions to more accurately reflect the costs incurred. For 2016 the majority of fees assessed for the Township are proposed to remain the same with a few notable changes as follows: Township anticipates beginning to accept debit and credit payments for various services and the schedule includes the fees associated with this, proposed a new \$25 per year fee for the review and processing of food truck applications, proposed to eliminate three year sign permits, proposed to increase the park plan for new development, and all remaining changes were submitted by external agencies.

Mr. Killian made a motion to ADOPT resolution 2015-36 establishing the 2016 Township Fee Schedule. Mr. Clemson seconded the motion.

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

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION NUMBER 2014-39 AND ADOPTING A REVISED COMPENSATION PLAN FOR NON-UNIFORMED EMPLOYEES WITH AN EFFECTIVE DATE OF JANUARY 1, 2016.

Mr. Kunkle stated the Board received a copy of the revised non-uniform employee compensation plan which has been adjusted by 1%, cost of living increase, for each of the grade level in the plan.

Mr. Killian made a motion to ADOPT resolution 2015-37 revising the compensation plan for non-uniform employees effective January 1, 2016. Ms. Whitaker seconded the motion.

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

5. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ESTABLISHING CONTRIBUTIONS TO THE POLICE PENSION FUND BY MEMBERS.

Mr. Kunkle stated annually in accordance with Act 205 the Board of Supervisors is required to establish a contribution rate, if any, by members of the police pension plan. Based upon the minimum municipal obligation certification provided to the Board in September, members of the police pension plan will be required to contribute 5% of their base salary into the police pension fund for the year 2016. This contribution rate is the maximum authorized under Act 600 and is required due to prior years plan performance.

Mr. Killian made a motion to ADOPT resolution 2015-38 establishing 2016 contributions to the police pension fund by members at 5% of their base salary. Mr. Miller seconded the motion.

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

6. A PUBLIC HEARING ON A RESOLUTION ADOPTING A SEWAGE PLANNING MODULE FOR THE COTTAGES AT STATE COLLEGE AND THE WHITEHALL ROAD REGIONAL PARK

Mr. Stolinis stated the planning module was originally approved by resolution 2015-09 on March 2, 2015. The North Central Office of the DEP declined to approve the planning module for two reasons, first a portion of the project had land located in State College Borough which would require the Borough to approve the planning module and second, the municipal boundary line between College Township and Ferguson Township was depicted on the county GIS data base differently than on the submitted plans and would require College Township to also approve the planning module. Since that initial planning module approval there has been a conditionally approved subdivision and lot consolidation plan prepared to remove any land included in The Cottages at State College from being in State College Borough. Second, a stipulation of the parties included in the municipal boundary line determination has been agreed to by the representatives of the parties. This will be presented to Judge Kistler with a draft Court Order establishing the municipal boundary between College Township and Ferguson Township along the common property line of Tusseyview Estates and the Penn State property (The Cottages at State College). Submission of the planning module to DEP is the responsibility of the applicant.

Ms. Pam Steckler, resident, asked about transfer of property from the Borough to Ferguson Township. Mr. Kunkle stated that there was no transfer of property, there was a subdivision and lot consolidation.

Ms. Laura Dininni, resident, her understanding is that DEP denied the permit because State College Borough did not approve the module. Mr. Kunkle stated the sewer planning module never reached the Borough Council but DEP indicated that the Borough Council would need to approve the module by resolution. Ms. Dininni asked why they changed their mind and decided not to hook up to the Borough Collection System. Mr. Kunkle stated there was never a plan to hookup to State College Borough Collection System, the plan always included a pump station with a pressurized feed and be in the University Area Joint Collection System. Ms. Dininni asked why then would Borough Council be asked to vote. Mr. Kunkle stated a portion of the original property was in the State College Borough so DEP was requiring Borough council to vote, after the subdivision was submitted that portion of land that was located in the State College Borough is no longer a part of this project.

Mr. Killian made a motion to ADOPT resolution 2015-39 approving the sewer planning module for The Cottages at State College and the Whitehall Road Regional Park. Mr. Miller seconded the motion.

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

7. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE FILING OF A DECLARATION OF TAKING ON TAX PARCEL 24-019-73E OWNED BY STEPHEN J. AND PAULA V. WHITE

Mr. Kunkle stated that provided with the agenda is a resolution authorizing the filing of a declaration of taking for property owned by Stephen J. and Paula V. White described as tax parcel 24-019-73E. The map showed the location of this 8.99 acre property bounded by Owens Drive and Blue Course Drive. The property is zoned R-1 and is undeveloped. The property is shown on the Township's Official Map as Natural Area Conservation. The area has both significance for passive recreation and environmental benefits. The area would provide a natural area and passive trail system between the Glenview neighborhood and the regional shared use path system along Blue Course Drive linking to active recreation areas and places of interest. It also has the benefit of being a natural absorption area for upstream drainage which provides significant stormwater infiltration. This area was identified as having this natural characteristic in a report prepared in 2004 which evaluated the Pine Hall Drainage Area. The Township has had communication with Mr. White and his attorney beginning in February 2015 at which time the Township indicated its interest in acquiring the land. The Township had no response from this communication. In September 2015, following an appraisal of the property, a formal offer was made to acquire the property. No formal response has been received by the Township from Mr. White. Should the Board of Supervisors desire to take possession of the property a formal declaration of taking would need to be filed and once that was filed the remaining issue would be to settle on compensation.

Mr. Green stated under the eminent domain code the Township would have the authority to pursue the purchases of property for public use. This property does appear to be an attractive property to have from that standpoint. Any property owner is entitled to just compensation. If the resolution is passed a declaration of taking would be filed in court and served to the property owners. Initially a property owner may file objections and the ultimate issue would be just compensation. If there was no agreement on the value of the property than the property owners would have a hearing to make a determination on the amount of just compensation. The whole process could take one year.

Mr. Clemson asked how long this particular parcel has been on the official map as a natural conservation area. Mr. Kunkle stated that in 2004 it was identified as a parcel that would have passive recreation and environmental benefits.

Mr. Killian stated the whole property is significant to the stormwater system and it is important to preserve this land.

Mr. Bill Hechinger, resident, asked how far the Township goes with using eminent domain, what are legitimate causes. Mr. Green stated that in general eminent domain allows the government to take property, provided they provide just compensation, for a legitimate public purpose such as schools or highways.

Ms. Pam Steckler, resident, expressed concern for the contact with the property owners. Mr. Kunkle stated they have been contacted.

Mr. Killian made a motion to ADOPT resolution 2015-40 authorizing the filing of a declaration of taking on Tax Parcel 24-019-73E owned now or formerly by Stephen J. and Paula V. White. Mr. Miller seconded the motion.

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

IV. COMMUNICATION TO THE BOARD

Mr. Miller received an email regarding a traffic signal which he forwarded to Public Works.

V. ACTION ITEMS

1. PRESENTATION ON WEST COLLEGE AVENUE SIDEWALK PROJECT – DAVID MODRICKER, P.E. PUBLIC WORKS DIRECTOR AND JOSH COLLINS, P.E.

Mr. Modricker stated that this evening from 4:30 pm to 6 pm this evening there was an open house for this project. Four years ago this area was rezoned with the Terraced Streetscape District. The Township engaged T & M Associates to create a concept plan for the district. The Township submitted a TAP grant application in April 2014 for funding to complete sidewalks. The Township received notice of the funding in November 2014. The Township has made contracts for engineering design and right-of-way acquisitions and the property owners have been notified of this project.

Mr. Josh Collins, Stahl Schaefer Engineering, stated the scope of the project along West College Avenue extends from Corl Street to Buckhout Street. The project includes 8 foot wide sidewalks except some areas where the sidewalks will be 5 feet wide. The sidewalks will be located 4 feet from the curb. The cost to the Township is estimated to be around \$453,000 and the TAP Grant Funding is 798,585. Mr. Collins presented photos of the existing conditions of the corridor. There are 29 properties for right-of-way acquisition for a total of 17 claims. The project is expected to be constructed in late 2016 or 2017.

Ms. Whitaker asked about areas with no buffer. Mr. Collins stated those were areas with existing sidewalks and a 4 foot wide buffer will be added.

Mr. Clemson asked why 8 foot wide sidewalks. Mr. Collins stated 8 foot sidewalks go along with the T & M Associates concept plan for Terraced Streetscape District.

Mr. Kunkle asked if the right-of-way plans have been recorded. Mr. Collins stated they have not yet been filed and based on the open house this evening there will be some modifications before they are filed.

Ms. Steckler asked Mr. Collins to point out the locations where the sidewalk will be 8 feet and 5 feet.

Mr. Peter Buckland, resident asked about the maple tree in front of his home. Mr. Collins stated the tree is out of the right-of-way area and should be able to be saved.

Ms. Steckler asked about an Evergreen tree located in the corridor. Mr. Collins stated that tree will be cut down. Ms. Dininni reinforced the idea that we should save mature trees because they are more resistant to disease and they have a better ability to sequester carbon. She would encourage looking at making a smaller sidewalk in areas near mature trees.

Mr. Mark Torretti, PennTerra Engineering, asked about the soil that will be placed and recommended using the required soil for the TSD in because otherwise it would need to be replaced in the future.

Mr. Clemson made a motion to AUTHORIZE Mr. David Modricker to act as the Right-of-Way Representative and acquire necessary right of way on behalf of the Board. Mr. Killian seconded the motion. The motion passed unanimously.

2. WAIVER REQUEST FOR 1000 WEST COLLEGE AVENUE CURB HEIGHT AT PLANTERS – MARK TORRETTI

Mr. Mark Torretti, Penn Terra Engineering, stated this is the first plant to go through the Terraced Streetscape District ordinance. The planters that are required along the street have been determined by the zoning officer to be curbed planters. PennDot does not allow these curb planters to receive the Highway Occupancy Permit (HOP) but requires they are flush. Mr. Torretti requested a waiver to the requirement for raised planters.

Mr. Killian made a motion to APPROVE the requested modification. Mr. Clemson seconded the motion. The motion passed unanimously.

3. TRANSPORTATION ALTERNATIVES PROGRAM JOINT GRANT APPLICATION WITH PATTON TOWNSHIP FOR SHARED USE PATH ON VALLEY VISTA DRIVE

Mr. Stolas stated Patton and Ferguson Townships are proposing to construct a 10 foot wide asphalt bicycle and pedestrian shared use path to link existing shared use paths, parks, pools, residential neighborhoods and commercial professional establishments. The path will run the length of Valley Vista Drive from Carnegie Drive in Patton Township to the Tudek-Circleville Bikeway and Science Park Path located in Ferguson Township. This shared use path will be separated from the travel lanes of Valley Vista Drive by a vegetated grass strip. Average daily trip history for Valley Vista Drive was 11,873 in 2013 (referenced by Trans Associates). Providing a safe travel route for bicyclists and pedestrians along this busy corridor is warranted. The overall length of the path will be approximately 1.8 miles, 1.2 miles (2/3) located within Patton Township and 0.6 (1/3) miles located in Ferguson Township. This link has been identified as an important project in the following documents: Draft Centre Region Bike Plan, 2015, Ferguson Township Recreation, Parks and Open Space Plan, Patton Township Bicycle and Pedestrian Path Plan, 2010, Patton Township Parks Plan, 2015. A preliminary cost estimate for construction has been prepared by Wilson Consulting Group of Mechanicsburg, Pennsylvania. Wilson Consulting was the design engineer for the recently completed Circleville Bike Path located in Patton Township and also provided construction inspection services for the project. In summary, the construction estimate is \$905,402. Construction inspection services are estimated at 15% of construction which is \$135,810 for a total project construction estimate of \$1,041,212. Professional engineering design fees for the project are estimated to be \$150,000. These professional fees include engineering, environmental assessments, utilities and permitting. The federal share will include construction and inspection. The local share includes the professional fees. The local share should be divided between Patton and Ferguson Townships on a prorated basis that compares to the path length of 2/3 Patton = \$100,000 and 1/3 Ferguson = \$50,000. This may require a budget adjustment in 2016. The Transportation Alternatives Plan (TAP) grants applications are due by 4:00pm on Friday, January 8, 2016. Patton Township Staff will prepare the grant application. Successful applications will be announced in the summer of 2016 and it is anticipated that construction of this project would be scheduled for summer of 2017.

Ms. Whitaker asked if this project will affect the intersection of Circleville Road and Valley Vista Drive. Mr. Modricker stated that he will coordinate so the necessary steps are completed.

Mr. Killian made a motion to SUPPORT the submission of the Transportation Alternatives Plan grant application. Ms. Whitaker seconded the motion. The motion passed unanimously.

4. MULTIMODAL TRANSPORTATION FUND APPLICATION FOR TERRACED STREETSCAPE DISTRICT IMPROVEMENTS – DAVID PRIBULKA, ASST. TOWNSHIP MANAGER

Mr. Pribulka stated the Multimodal Transportation Fund application is due December 18th. This application if approved would pick up after the addition of the sidewalk and would include ornamental lights, brick pavers, benches, street trees and those other items necessary. This would also include an upgraded traffic signal at Corl and Buckhout Street. Earlier this year the Township applied for a Green Light Go program funding through PennDot for the same intersection. If the Green Light Go Funding were approved that portion of the grant request would be withdrawn. The total project cost will be approximately \$2.2 million with a \$600,000 local match would be used to match the approximate \$1.6 million grant. If the Green Light Go were successful the Township local match would be approximately \$432,000.

Mr. Miller asked if the match would be cash or in kind. Mr. Pribulka stated the application will be filed for a cash match.

Mr. Bill Hechinger, resident, asked what bicycles will do in this area. Mr. Clemson stated this grant application will cover accessories for the area and the roadway will not been finalized. Mr. Modricker stated there are difficulties on West College Avenue due to the size of the roadway. The thought is that bicycles could stay in the travel lane or use the 8 foot sidewalk because there can't be parking and bike lanes. Mr. Kunkle stated there is a parallel bike system that runs from Blue Course Drive to the bus terminal to avoid this area. Mr. Peter Buckland would love to see no turning lanes and bike lanes on both sides of the road.

Mr. Killian made a motion to AUTHORIZE staff to submit an application to the Multimodal Transportation Fund Grant Program for Terraced Streetscape District Improvements. Mr. Miller seconded the motion. The motion passed unanimously.

5. PINE GROVE ROAD PARKING STUDY – DAVID MODRICKER, P.E., PUBLIC WORKS DIRECTOR

Mr. Modricker stated there was a parking study completed on site distance concerns by the Naked Egg Café. The Township Engineer completed the study based on the 85 percentile not the posted speed limit and determined that at the time of the study there were no obstructions. If a restriction were placed it would be 226 feet east of Rosemont Drive.

Mr. Clemson stated that in the best interest of public safety an ordinance should be drafted and temporary no parking should be posted.

Mr. Kunkle stated the resolution would be enact a 90 day temporary no parking on East Pine Grove Road from a point 226 feet east of Rosemont Drive on the north side of East Pine Grove Road.

Mr. Killian made a motion to ADOPT resolution 2015-41 enacting a 90 day temporary no parking on East Pine Grove Road from a point 226 feet east of Rosemont Drive on the north side of East Pine Grove Road. Mr. Miller seconded the motion.

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

6. APPROVAL OF NOVEMBER 2015 VOUCHER REPORT

Mr. Killian made a motion to APPROVE the November voucher list. Mr. Clemson seconded the motion. The motion passed unanimously.

7. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda including the November 2015 Treasurer's Report; Payment Authorizations for John Nastase Construction for \$41,183.37 – Contract 2014-C3 Rosemont/Selders and R.C. Bowman Inc. for \$47,116.14 – Contract-C22A Microsurfacing Curb Ramps and 90 day Time Extensions for The Cottages Lot Consolidation and Subdivision Plan (subdivision of tax parcel 24-004-094, lot consolidation of tax parcel 24-004-076 and right-of-way dedication from tax parcels 24-004-076 and 24-004-076A), Subdivision of tax parcel 24-004-076 and Lot Consolidation with tax parcel 36-028-011C The Cottages at State College and The Cottages at State College Final PRD Plan . Mr. Miller seconded the motion. The motion passed unanimously.

VI. REPORTS

1. Public Works Director

Mr. Modricker reported on the Valley Vista Drive / Bachman Lane and Science Park Road / Sandy Drive intersection evaluations. McCormick Taylor completed the evaluations for both of these intersections to determine if traffic signals or any additional lanes are warranted. The report for the intersection of Valley Vista Drive / Bachman Lane recommends the installation a 200 foot long north bound left turn lane and a 3 phase traffic signal with a protected permitted north bound left turn phase. The report for the intersection of Science Park Road / Sandy Drive does not recommend the installation of a traffic signal because the warrants are not met.

The Board would like to keep the Sandy Drive intersection in the running and the Board agreed that they would like to move forward with the Bachman Lane intersection.

Street tree pruning continues to be in progress. Miller Pipetech is in town doing video inspections of storm sewers. During 2015 all the road crew attended LTAP training with no cost to the Township and all of the five new crew members are now road scholars.

2. Planning and Zoning

Mr. Stolas stated the next Planning Commission meeting is scheduled for January 18th. Staff met with Trish Meek and Susan Wheeler on the Valley Vista shared use path. Staff had a meeting on the proposed affordable housing ordinance. There are six applications for the Ordinance Enforcement Officer. Staff met with the developer of hillside farms on potential concept plans for this area.

3. Chief of Police

Chief Conrad stated part one crimes were down to 9 this year compared to 22 last year with year to date close at 143 this year to 144 last year. Part two crimes lower at 46 this year and 53 last year. Other calls for service about the same monthly and year to date. Traffic stop and citations are down. Parking tickets were up. Circleville road was closed for an injury crash. Sleepy Hollow Drive was closed due to large tree down. There were two drug overdoses.

VII. MINUTES

Mr. Killian made a motion to APPROVE the Board regular meeting minutes from November 16, 2015. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Killian made a motion to APPROVE the Board regular meeting minutes from December 7, 2015. Mr. Miller seconded the motion. The motion passed unanimously.

VIII. ADJOURNMENT

Mr. Clemson made a motion to ADJOURN the meeting. Mr. Killian 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 9:02 pm to an executive session.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 01/04/2016