

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, September 6, 2016
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, September 6, 2016 at the Ferguson Township Municipal Building. In attendance were:

Board:

Steve Miller
Janet Whitaker
Laura Dininni
Peter Buckland
Rita Graef

Staff:

Mark Kunkle, Township Manager
David Pribulka, Township Manager
Dave Modricker, Director of Public Works
Ray Stolinis, Director of Planning & Zoning
Diane Conrad, Chief of Police
Lance King, Arborist

Others in attendance included: Jendi Ammerman, Recording Secretary; Susan Shields; Wendy Wagner; Mike Mulauski; Fred Henry; Joe Dionisio; Todd Smith; Justin Newman; Dennis & Dani Whitbred; Joni Arrington; Marc McDill; Mike Jacobson;

II. CALL TO ORDER

Mr. Miller called the Tuesday, September 6, 2016, regular meeting to order at 7:03 pm.

Mr. Miller announced that the Board held an executive session on legal matters directly before the September 6, 2016 meeting.

III. CITIZENS INPUT

Ms. Shields voiced concerns about a new car dealership, owning the property behind hers, driving through her yard, with vehicles, to get to their property. She provided photos to show the damage being done. Mr. Kunkle stated that a complaint should be filed with the Police Department, so that an investigation could be done.

Ms. Wagner showed concern about the grass ordinance being enforced on a specific property in her development. Mr. Stolinis replied that the Ordinance Officer and himself visited the site and spoke to the property owner. The property owner stated that she is planning on moving within the year and taking a lot of the plants with her and cleaning up the yard for re-sale. Mr. Stolinis also stated that she had registered a list of all the plants that were planted within her property lines which made her compliant with the code. Ms. Wagner showed concern for the safety of the water because the property in question had trees growing on the sand mound located in the backyard. She also mentioned that there were plants growing out onto the street in the front yard. Mr. Stolinis stated that the Ordinance Officer had dealt and talked to the property owner in regards to the plants growing onto the street. Ms. Dininni inquired as to whether or not sand mounds have to be inspected on a regular basis. Mr. Kunkle replied that the pumping of onsite septic systems is required every 3 years and a walk over is required every 6 years. Typically, Code is looking for a surface failure. Ms. Dininni requested that the Township find out what the Codes process is during these inspections.

Mr. Mulauski expressed concern for excessive smoke occurring from some recreational fires, causing smoke to come into his, among others, houses. He inquired as to what he should do when this occurs. Mr. Kunkle stated the region allows recreational fires, and there have been other complaints about smoke as well. Mr. Kunkle informed Mr. Mulauski that if he is having issues with excessive smoke then the police should be notified. Ms. Dininni requested that an article be put in the newsletter addressing good burning practices.

IV. PUBLIC HEARINGS – ORDINANCES

1. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, APPROVING AND AUTHORIZING THE EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT TO PURCHASE, OPERATE, AND MAINTAIN A REGIONAL RECORDS MANAGEMENT AND MOBILE COMPUTER (RM/MC) SYSTEM.

Mr. Kunkle stated that the ordinance is to authorize the Chairman to enter into an intergovernmental agreement with State College Borough, Penn State University, Patton Township, and Centre County for the acquisition and operation of a regional Records Management and Mobile Computer, or RM/MC System.

Ms. Whitaker made a motion that the Board of Supervisors adopt Ordinance #1022 authorizing the Chairman to execute an intergovernmental agreement to purchase, operate, and maintain a regional records management and mobile computer system. Ms. Graef seconded the motion.

ROLL-CALL VOTE: Ms. Graef: Yes; Mr. Miller: YES; Ms. Whitaker: YES; Mr. Buckland: YES; Ms. Dininni: YES

V. COMMUNICATIONS TO THE BOARD

1. **SCBWA Memorandum August 8, 2016**
2. Ms. Dininni stated that an individual contacted her inquiring as to whether the oak tree in the Tudek Dog Park would be preserved during the renovations. Mr. Kunkle stated that it would be.
3. Ms. Dininni thanked Mr. Seybert and Mr. Modricker for resolving concerns from a resident in regards to construction that was going to take place in her yard.
4. Ms. Dininni thanked Margaret Gray for the invitation, to the legislative reception, for AG Progress Days, and to all that were involved with it.
5. Ms. Dininni also thanked; the participants in the Strategic Planning Focus Groups, the residents that do the flowers on the bridge in Pine Grove Mills and to the Ferguson Township Police Department for their AG Progress Day traffic control.

VI. ACTION ITEMS

1. DIONISIO SUBDIVISION – PLAN LAST DATED AUGUST 2, 2016, PLAN DEADLINE NOVEMBER 2, 2016

Mr. Stolas stated that the plan proposes to subdivide one 57.43-acre lot into two lots, 20.21 acres and 37.22 acres respectively. The Ferguson Township Zoning Hearing Board granted a variance relieving the property of the minimum 50-acre lot size in the Rural Agricultural Zoning District on July 25, 2015. The comments that remain to be addressed on the plan are mostly administrative. The Planning Commission has recommended approval of the plan. Mr. Stolas pointed out that there are steep slopes on lot 2, that would require a land development plan for any development to occur there.

Mr. Henry pointed out that on the large plan the setbacks are noted for agricultural use and residential use.

Ms. Dininni moved that the Board of Supervisors conditionally approve the Dionisio Subdivision Plan dated August 2, 2016 subject to the conditions outlined in the Director of Planning &

Zoning Memorandum dated August 18, 2016. Ms. Whitaker seconded the motion. The motion passed unanimously.

Ms. Graef moved to amend the outlined conditions to include a note indicating the steep slopes and the requirement for a land development plan. Ms. Dininni seconded the motion. The motion passed unanimously.

2. THE CROSSINGS AT STATE COLLEGE SPECIFIC IMPLEMENTATION PLAN – PLAN LAST DATED AUGUST 8, 2016, PLAN DEADLINE NOVEMBER 18, 2016

Mr. Stolinis stated that the Specific Implementation Plan (SIP) was submitted on behalf of State College AL Investors, LLC and is proposing the development of a Personal Care and Memory Care Retirement Community in the Turnberry Traditional Down Development. The Board approved a modification to Phase 8 of the approved Master Plan at its Regular Meeting on May 16th subject to the submission of a revised phasing schedule and approved SIP.

Mr. Smith reviewed the overall intent of the plan. The Personal Care and Memory Care Retirement Community would include 112 beds and would be 3 stories in height. The first floor would include the memory care section, intake, dining, the kitchen and service. The personal care units would be on the remaining two floors. The parking lot includes 84 parking stalls.

Mr. Modricker made the Board aware of an un-resolved comment in regard to the gas utility's main extension to the project. This project is served by natural gas. Due to the phasing and timing it is planned to put a gas line in the right of way, through the tree lawn area. Mr. Modricker suggested putting it in an easement adjacent to the bike path. Mr. Smith stated that the developers have started discussion with the property owners of the adjacent lot, to get permission to put the line there. However, they have not heard back as of yet. He assures the Board that, that's ideally where they wish to have it. Mr. Buckland expressed concern that the gas line may violate the Community Environmental Bill of Rights in the Home Rule Charter. He recommended having the Solicitor, Mr. Green, look it over. Ms. Dininni stated that she believes it is the Board's duty to keep to the spirit of the Community Environmental Bill of Rights. She expressed concern of putting the 6-inch gas line under the bike path. She suggested that the developers respect that and come back to the Board with a plan that does not do so.

Ms. Whitaker moved that the Board of Supervisors conditionally approve the Specific Implementation Plan for The Crossings at State College subject to completion of the outstanding conditions outlined in the Director of Planning & Zoning memorandum dated August 31, 2016. Mr. Miller seconded the motion. The motion passed unanimously.

Ms. Graef motioned that on page 2 item 12, that the revised plan now shows a gas line trenching that should be moved to an easement adjacent to the right of way for the gas line. Mr. Buckland seconded the motion. The motion for the amendment passed unanimously.

3. SIGN ORDINANCE AMENDMENT APPLICATION – HOSS' RESTAURANT OPERATIONS, INC.

Mr. Kunkle stated that staff received an application to amend Chapter 19 – Signs and Billboards of the Code of Ordinances. The application was submitted on behalf of Hoss' Restaurant Operations, Inc. and is requesting that the ordinance be amendment to allow no more than two ground signs if a lot has two or more principal buildings (separate and distinct businesses) on it

and there is more than one access point onto an arterial road. Currently, the sign ordinance only permits one ground sign per lot. The specific property affected by this restriction and precipitating this application is located at 1450 and 1500 North Atherton Street which is the location of Hoss's Restaurant and the former Mattress World.

Ms. Dininni made a motion that the Board of Supervisors direct staff to research and prepare a draft ordinance amending Chapter 19 – Signs and Billboards, and request that the Planning Commission provide a recommendation. Mr. Miller seconded the motion. The motion passed unanimously.

4. REQUEST FOR PARKING PROHIBITION ON MECKLEY DRIVE

Mr. Modricker introduced the action item. On August 17th, Township staff received a request from Mr. Dennis Whitbred of Pine Grove Mills to implement a parking prohibition on Meckley Road beginning at its intersection with East Pine Grove Road (Route 26) and continuing along the road for approximately 300 feet. The reason for this request is to deter patrons of the Naked Egg Café from parking in the privately-owned grass median and causing damage to the flower bed that exists there. Staff has not completed any study of the area to determine if a safety issue exists or contacted any of the adjacent property owners or occupants to obtain feedback on the requested parking prohibition.

The Board reached a consensus that a safety study should be done.

5. OAK WILT MITIGATION POLICY

Mr. Modricker stated that at the direction of the Board of Supervisors, Township staff has prepared a draft oak wilt mitigation policy to address the spread of oak wilt that has affected a small group of oak trees in the Township. The draft included components related to education and outreach, as well as action steps related to the identification, prevention, and control of the disease within the urbanized area (Regional Growth Boundary) of the Township. Additionally, the draft policy included recommendations for amendments to Chapter 25 – Trees that will authorize the Director of Public Works to immediately spend up to \$25,000 to mitigate cases of oak wilt as they arise as to prevent spread of the disease and further contamination, increases penalties for violation of the ordinance, adds a new section to prohibit climbing of trees with spikes. As further background the Board authorized a 2017 budget amendment in the amount of \$25,000. The oak wilt outbreak at 104 Cherry Ridge was addressed at a cost of \$19,067.

After the Board and staff discussed the different cost options, the majority of the Board decided to draft the ordinance with a 100% coverage, and then have further discussion.

6. DISCUSSION OF EXPANDED TRAFFIC STUDY ON SCIENCE PARK ROAD AND SANDY DRIVE

Mr. Modricker stated that Township staff has obtained a proposal from McCormick Taylor to complete a supplemental traffic signal warrant and engineering analysis at the intersection of Science Park Road and Sandy Drive. A similar study had previously been completed and determined that the traffic pattern at the intersection did meet PennDOT warrants for signalization; however, PennDOT did not believe the warrant was applied correctly given the circumstances of the intersection. After completion of the initial study, the Board directed staff to obtain a supplemental proposal with several revised parameters to determine whether a signal would then meet warrants. This study would include traffic data collection, a revised traffic signal warrant evaluation, and a revised traffic analysis. The cost of the analysis, including all project administration, analysis, and summary reports is \$8,480.00.

After further discussion between the Board and Staff, it was decided not to have the study for now and wait until a further study may be warranted.

7. DISCUSSION OF ECONOMIC DEVELOPMENT FUNDING

Mr. Miller stated that the Board authorized a payment of \$25,000 this year with two conditions. One condition was met and one was not and will not be. The question to the Board was whether to release the funding or to return it to the general fund.

Ms. Dininni motioned to postpone the discussion until a discussion is had on the Economic Development Summit. Mr. Buckland seconded the motion. The motion passed 4 to 1.

8. DISCUSSION OF OPTIONS FOR STORMWATER DRAINAGE ON KANSA AVENUE

Mr. Modricker reviewed the options for Stormwater Drainage on Kansa Avenue. In 2015, the Board directed staff to delay and redesign paving on Kansa Avenue in Piney Ridge to address resident concerns regarding ponding in driveway entrances due to basement sump pumps discharging water to the public right of way and causing winter icing problems. Since that time, staff has been expending a significant amount of time completing additional surveying, meeting with residents and other stakeholders, and redesigning the project. The Township Engineer has designed a solution that will address ponding concerns; however, property owners in the area have indicated they are not interested in providing the stormwater easements necessary to build the project.

The Board came to a consensus, for staff to drop efforts for a stormwater drainage on Kansa Ave., because of property owners indicating they are not interested in providing the stormwater easements necessary to build the project.

9. LETTER OF ENDORSEMENT – SPRING CREEK WATERSHED EXCHANGE TWENTIETH ANNIVERSARY CELEBRATION

Mr. Buckland made a motion that the Board of Supervisors endorse the Spring Creek Watershed Exchange Twentieth Anniversary Celebration. Ms. Whitaker seconded the motion. The motion passed unanimously.

10. TOWNSHIP PLANNING COMMISSION VACANCY

Mr. Miller stated that the resignation of Scott Harkcom as a member of the Planning Commission was received and went into effect immediately. Mr. Harkcom served on the Planning Commission since January 1, 2007 and represented Ward 1. His unexpired term ends on December 31, 2018. Mr. Miller stated that as per the Townships Administrative Ordinance, because there are no Planning Commission members from Ward 3 it is required that the Board appoint someone from that Ward. Unless there are no qualified applicants, then someone can

be appointed from a different ward. The Board has 60 days from the August 22nd resignation to appoint someone into the position.

11. CONSENT AGENDA

- a. PennDOT Contract for West College Ave Streetscape Improvements
- b. Establishing October 31, 2016 as Trick-or-Treat Night in Ferguson Township
- c. Contract 2016-C10 Bike Path & Parking Lot Sealcoating

Ms. Dininni made a motion that the Board of Supervisors approve the consent agenda. Ms. Graef seconded the motion. The motion passed unanimously.

VII. REPORTS

1. Manager

Mr. Kunkle reported that the MS4 Program partners met on August 30th to discuss the timing of submission of a regional Chesapeake Bay Pollution Reduction Plan to identify regional projects that will help meet the nutrient and sediment reduction goals set forth by the EPA and DEP. Municipal Engineers on behalf of the partnership will be seeking responses from qualified engineering firms to assist with this plan development. Funding for this phase of the project will be recommended in the 2017 budget. Mr. Kunkle reminded the Board that they scheduled a full day Worksession on Saturday, September 10 beginning at 8:30a.m. to work on an update to the Strategic Plan. Mr. Kunkle requested that the Board let Angela Kalke know if October 18th or 19th would be best for the Authorities, Boards & Commissions Appreciation Dinner.

2. Public Works Director

Mr. Modricker's public works report reviewed the statuses of the following; Oak Wilt Mitigation, MS4, West College Avenue Streetscape, Contract 2015-C1 Piney Ridge Paving and Roadside Drainage Improvement Project, Kansa Ave Improvement Project, Contract 2015-C2 Suburban Ave Paving and Drainage Improvement Project, Contract 2015-C6 Science Park and Sandy Lane Intersection Improvement Study, Contract 2015-C16 Fire Safety Trailer Storage Building, Contract 2016-C1 Paving Project (Blue Course, Sleepy Hollow, Cherry Lane), Contract 2016-C2 Paving Project (Science Park Court, Conover, Kennelworth, Ash, Myrtle), Contract 2016-C9 Microsurfacing and the Traffic Calming Request for East Park Hills Avenue. Recently completed activities and planned activities for the maintenance section included; shoulder backup and repairs on Science Park Court, capital project orders, inlet repairs, culvert cleaning, base pavement repairs on Tadpole and Marengo Roads, brush and leaf collection the week of September 6th, and paving Knob Hill the week of September 12th. The next Ferguson Township Tree Commission meeting will be on September 19th.

3. Planning and Zoning Director

Mr. Stolas stated that the Ferguson Township Planning Commission met on August 22, 2016 and discussed Joseph D. & Lois A Dionisio Subdivision and Accuweather Replot of Tax Parcels 24-004-021R & 24-433-027. Mr. Stolas's Planning and Zoning Directors report went on to review the statuses of the following; An Active Plan List, The Crossings at State College Specific Implementation Plan, Rezoning Application Team Rahal of Lewistown LLC, Zoning and Saldo Update Steering Committee and Sourcewater Protection Work Group. The report also included a permit activity report for August 2016 and a comparison chart.

Ms. Dininni inquired about a Wireless Ordinance and whether or not the Township has one. Mr. Stolas stated that the Township does have a Wireless Ordinance. Mr. Pribulka replied that it is in the ordinance that it has to blend in with nature as much as possible. Ms. Dininni suggested

comparing our ordinance to College Townships. Mr. Pribulka stated that they are very very similar.

Ms. Dininni suggested that the regional growth boundary be added to the zoning map.

Ms. Dininni asked Mr. Stolinis to look at a private street off of Whitehall that shows it connecting to Foxpointe on the official map. She does not believe that it should show it connecting the two streets.

4. COG Committee Reports

a. Finance Committee

Mr. Miller stated that the Finance Committee set the budget meetings for COG Finance Committee. Which will be held on September 29th, 30th and October 7th at 8:30.

b. Public Services & Environmental Committee

Mr. Buckland stated the discussion held revolved around requesting/advising the Park Authority to include energy efficiency and on-site renewable energy generation. Which led to the question as to whether or not Oak Hall and Welsh Pool should have had those things included in their designing phase. There was also a presentation by Ms. Stacy Richards that overviewed the SEDA-COG Energy Resource Center (ERC). Materials are available through the Energy Resource Center, www.erc.sedacog.org.

Mr. Buckland asked if the Township has had a total energy audit yet. Mr. Kunkle stated that the Township has not. However, an evaluation has been done and the outcome was that the Township has already done a lot of the things that would be recommended.

Mr. Buckland stated that ERC will be turning in a grant application to do a set of educational programs for municipal officials on energy efficiency and renewable energy, where PS&E may request the Township to donate towards that.

Ms. Graef stated on Thursday September 8th, she will be representing the Board at the joint meeting for Parks Capital Committee and the Centre Regional Parks and Recreation Authority. One of the things to be reviewed is the updated Whitehall Road Regional Park Municipal Policy Questions. She showed concern in regards to Ferguson Townships response to the question 'does Ferguson Township still support the construction of a regional park at Whitehall Road'. The response from the Ferguson Township Board was that they were unable to reach a consensus on this question. With four members being present at the time this question was answered, and the answers of the Board being split two to two. Ms. Graef was not present at the time this question was answered, so she asked the Board if she had their permission to speak on behalf of the Board that was split in their opinion. The Board gave its consensus, with the exception of Ms. Dininni.

I. MINUTES

1. August 15, 2016 Board of Supervisors Regular Meeting

Ms. Dininni made a motion to APPROVE the August 15, 2016 Board of Supervisors Regular Meeting Minutes. Mr. Buckland seconded the motion. The motion passed unanimously.

X. ADJOURNMENT

Ms. Dininni made a motion to ADJOURN the meeting. Mr. Buckland seconded the motion.

With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting at 11:24 pm.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark A. Kunkle". The signature is written in a cursive style and is positioned above a horizontal line.

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 10/03/2016