

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, June 20, 2011
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, June 20, 2011 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman	Staff: Mark Kunkle, Township Manager
Richard Killian	Trisha Lang, Director of Planning and Zoning
Robert Heinsohn	Diane Conrad, Chief of Police
Bill Keough	

Others in attendance included: Marsha Buchanan, Recording Secretary; Maggie Nicholson, future Recording Secretary; Tony Fruchtl, Penn Terra Engineering; Thomas Brown; Elliott Vincent-Killian; and Paul Klein.

II. CALL TO ORDER

Mr. Pytel, Chairman, called the June 20, 2011 Regular Meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

Elliott Vincent-Killian, 1319 Harris Street, said he ran for a Ward 3 position on the Board of Supervisors, but was later informed that he was not qualified to serve on the Board because he was not old enough. The Ferguson Township Home Rule Charter requires that all candidates must be 21 years old at the time they begin their term of office. He will not be 21 years old by January 1, 2012. He asked the Board to adjust this part of the qualification and change the minimum age to 18. He will act in the best interest of the Township and, most importantly, Ward 3.

Board members held a brief discussion on what would be required to amend the Home Rule Charter. Mr. Kunkle said a referendum can be placed on the ballot, but it has to be submitted to the County Elections Office thirteen Tuesdays before either a primary or general election date. He described two ways that a referendum can be initiated. Mr. Killian suggested getting clear guidance from the Solicitor regarding how to proceed. Mr. Pytel suggested using caution if they decide to change the age for running for the Board of Supervisors.

The Board will wait to receive feedback from the Solicitor before making a decision.

IV. PUBLIC HEARINGS – RESOLUTIONS

1. PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, DESIGNATING CENTRE LIFELINK EMERGENCY MEDICAL SERVICES, INC., PORT MATILDA EMERGENCY MEDICAL SERVICES, AND THE PENNSYLVANIA STATE UNIVERSITY AMBULANCE SERVICE AS THE PRIMARY MEDICAL SERVICE PROVIDERS IN THE TOWNSHIP OF FERGUSON

The Board reviewed the draft resolution on June 6th and authorized the resolution to be placed on the June 20th agenda. The service area map attached to the resolution designates the coverage area utilized by the Centre County Emergency Communications Center in dispatching emergency medical services in the Township. The resolution is crafted such that the service area remains flexible based upon agreed upon changes by the three EMS providers and updates by the Centre County Emergency Communications Center. Essentially, the service for Centre LifeLink fluctuates

based upon Penn State Ambulance Service response area changes, due to the University's acquisition of property within the Township.

Mr. Killian made a motion to adopt Resolution 2011-10, designating the Centre LifeLink Emergency Medical Services, Inc., Port Matilda Emergency Medical Services, and Pennsylvania State University Ambulance Service as the primary medical service providers in the Township. Mr. Heinsohn seconded the motion.

Mr. Keough asked whether there is a timeframe connected with this kind of resolution or whether they can make revisions. Mr. Kunkle explained. The Board will have an opportunity to take a look at this every five years.

Mr. Heinsohn said for events taking place on the University property, the University would be called upon. He asked if there are other instances when those services would be called upon for Ferguson Township residents. Mr. Kunkle said yes, and explained. It is a very interchangeable, seamless provision of services. Each agency backs up the others.

With Mr. Heinsohn, Mr. Keough, Mr. Killian, and Mr. Pytel all voting yes, the motion passed unanimously to adopt Resolution 2011- 10.

V. GALLOWAY CONDITIONAL USE HEARING

On June 6th the Board opened the public hearing on the Galloway Conditional Use application. Due to the applicant's engineer being unavailable, the hearing was continued to June 20th. This 66+ acre parcel was previously owned by Bennett. The applicant has submitted a land development plan to cure an existing violation of the zoning ordinance for operating a commercial horse riding stable and academy. Riding stables and/or academies are classified as a conditional use in the RA Zoning District. As such, conditional uses require a public hearing and are required to satisfy various conditions, which were listed for the Board.

Ms. Lang said the Galloways operate a riding stable at a property on Nixon Road. One of the elements of the approving the land development plan is the receipt of conditional use approval. Most items have already been addressed as part of the land development project. The Code requirements are a condition of approval for the land development plan.

Mr. Pytel said they are boarding horses. He asked if they are allowing other people besides family members to ride motorcycles on the property. **Tony Fruchtl**, Penn Terra Engineering, said it is supposed to be a private course. It is not for competition, training, etc. It is private, for the owners' use.. Mr. Fruchtl said they have shown the motorcycle track on the plan, but that is not part of the land development plan for the riding academy and stables. If there is an issue with the motorcycle track, that would be pursued as part of a different course of action.

Ms. Lang said the motorcycle track has been noted as an accessory use. There is no part of this project that involves approval of that use. She said the Zoning Administrator has been charged with paying attention to the noise, as well as to the use of the track.

Mr. Keough commented that he has some difficulty with Ordinance 852. He hopes that when they go through the RA and RR zoning issues the Board might look at and address the definitions

section of the ordinance. Mr. Pytel said this riding stable ordinance is brand new. The problem comes into play when the public is invited to the property..

Mr. Heinsohn made a motion to approve the Galloway Conditional Use Request as per the Director of Planning and Zoning memorandum dated May 26, 2011. Mr. Killian seconded the motion. The motion passed unanimously.

VI. COMMUNICATIONS TO THE BOARD

Mr. Heinsohn has had conversations with some senior citizens who have been very satisfied with meals at the Westside Stadium Bar and Grill.

Mr. Pytel said the MPO Membership Committee meets on June 29th and the Centre County Farm Bureau will host a picnic luncheon on August 10th. In addition, the community survey is in the works.

VII. ACTION ITEMS

1. GALLOWAY FINAL LAND DEVELOPMENT PLAN

Earlier in this June 20th meeting, this project was granted conditional use approval for the use of a riding stable on the property. Ms. Lang said this is a land development plan that is consistent with the criteria for that conditional use approval. The Planning Commission recommends that the Board approve the plan subject to the completion of the remaining comments.

There is a note on the plan about the motocross riding facility.

Mr. Heinsohn made a motion to approve the Galloway Final Land Development Plan, subject to the completion of the outstanding conditions, as set forth in the Director of Planning and Zoning memorandum, dated June 15, 2011. Mr. Killian seconded the motion. The motion passed unanimously.

2. HARNER VARIANCE REQUEST – 2191 WEST WHITEHALL ROAD

A summary of the Harner Variance Request was provided for the Board.

Mr. Kunkle said this is a second variance hearing filed by the Harners relative to their desire to subdivide the homestead farm that was occupied by their father Paul Harner. Attached to the residence is a greenhouse that operates as part of a farm. When the subdivision occurs, the use of that new parcel with the existing house will be for residential purposes. A commercial greenhouse is not considered a residential use. They are requesting a variance that would allow the greenhouse to remain as an active component of their farm operation, until such a time that the home is sold to someone other than a family member, at which time the greenhouse would be removed within six months of the sale of the home.

Mr. Keough asked if the removal of the greenhouse is a result of compliance/noncompliance with Ferguson Township's ordinances. Mr. Kunkle said a commercial greenhouse is not a primary use for a residential property. Ms. Lang said the need for the variance is a result of the Township's regulations, which call for either a residential use or a farm use, and have different lot sizes

associated with each. This lot is being cut for a residential use but includes a piece of the farm operation on the property. Mr. Keough has a problem with the fact that a greenhouse as a structure has many opportunities for the homeowner. As a result of the Township's variance and ordinances, he does not believe they should require that this house no longer have a greenhouse on the property.

Mr. Kunkle explained that the Harners are adding more non-conformities to the property through the process of creating a subdivision. Ms. Lang said there is not a provision in the ordinance that requires them to remove the greenhouse in the future. They want the greenhouse to stay there because this house and greenhouse are part of the family operation. In the future, they have offered to have the greenhouse removed from the property.

Mr. Keough does not believe they should take a functional agricultural structure and require it to be removed because it is on a residential lot.

Mr. Pytel hopes the Township never changes its ordinance in this regard. If they permit this, then he could put greenhouses on his property and allow a local farmer to store or grow his items in it. Mr. Keough believes it is counterproductive in this location to have the greenhouse removed. Mr. Pytel said this is not something the Board created. If the problem was created by the owner, then they do not have a right to receive a variance from the Zoning Hearing Board. He said the Board cannot override the variance criteria in the state planning code.

Mr. Killian asked if the lot has already been subdivided. Mr. Kunkle said no. The greenhouse is attached to the house, so the lot could not be redrawn to not include the greenhouse. Mr. Killian asked if when they requested the variance they were aware of the nonconformance of the greenhouse. Ms. Lang said it does not appear so. When people are focused on one nonconformity, they sometimes lose sight of others. Mr. Heinsohn said as a former Supervisor, Dan Harner should be aware of the Township's regulations to some extent.

Mr. Pytel expressed his belief that this is a self-created hardship.

Mr. Keough made a motion that the Board remain neutral on the Harner Variance Request. Mr. Heinsohn seconded the motion. With Mr. Pytel voting no, and all other Board members voting yes, the motion passed.

3. RATIFICATION OF POLICE COLLECTIVE BARGAINING AGREEMENT

This agreement reflects changes to the current collective bargaining agreement, based upon the arbitration award issued in late 2010. Additionally, the police collective bargaining unit representatives and Township administration have made additional agreed upon changes to "clean up" extraneous and obsolete language.

Mr. Keough made a motion to ratify the collective bargaining agreement between the Ferguson Township Police Association and the Township for the period of January 1, 2011 through December 31, 2013. Mr. Heinsohn seconded the motion. The motion passed unanimously.

4. MAY 2011 VOUCHER REPORT

Mr. Killian made a motion to approve the May 2011 Voucher Report. Mr. Heinsohn seconded the motion. The motion passed unanimously.

5. CONSENT AGENDA

- A. May 2011 Treasurer's Report
- B. Pay Estimate – Old Gatesburg Road Extension
- C. Surety Reduction
 - 1. The Landings – Bristol Avenue: \$797,489.00

Mr. Killian made a motion to approve the Consent Agenda. Mr. Heinsohn seconded the motion. The motion passed unanimously.

VIII. REPORTS

- **Manager**
- Upcoming Agenda Items
 - a. Discussion of Library Funding for 2012
- Information Technology
 - a. Ferguson Township, along with College Township and the Centre Region Codes Office, has received an updated proposal from Citizen Serve, a web based software, to provide the code, planning and zoning database management to replace the current Geo Plan program. Intentions are to enter into a contract with Citizen Serve to implement the software and staff training prior to January 1, 2012.

Mr. Keough asked if this will require an action by the COG. Mr. Kunkle is not sure, but said there is funding in place for Codes to participate. Walt Schneider, Director of Code Administration believes it would be in the interest of all municipalities if the Code Office would purchase the initial software package and the municipalities would then buy licenses to operate on that system. That would eliminate some concerns about duplication that the State College Borough may have if they select a module that would go with their ERP vendor selected software. It would reduce all municipalities' costs. Mr. Keough said during discussions at Public Safety Committee meetings, it appears that this platform is one that moves them into a level of technology addressed in the evaluation done of the Codes Office a few months ago. The Citizen Serve platform meets those future capabilities. They will need to move forward on this. Mr. Keough made a motion to support Mr. Kunkle and staff pursuing the Citizen Serve option, even to the extent that Code becomes the purchaser of that system and the Township is then licensed through the Code Office. Mr. Killian seconded the motion. The motion passed unanimously.

- b. The Township has provided notice to the Regional Technology Coalition of its intent to withdraw from the Coalition effective December 31, 2011, subject to the Coalition being unable to provide additional information technology support through agreement by August 31, 2011. Current services are meeting "break/fix" service

levels, but are not sufficient to provide progress on new technology initiatives. *The Board supports Mr. Kunkle in this endeavor.*

- Staff continues to work with the consultant on the development of draft questions for the Community Survey planned for this fall. Mr. Kunkle has met with Supervisor Bill Keough and consultant representative Kathy Braiser to review preliminary questions. A draft survey should be ready for the Board's review in July.

- **Director of Planning and Zoning**

INTRODUCTION OF NEW PLANS UNDER REVIEW: Staff identified two subdivision plans, which have been submitted and are currently in the review process. One involves the subdivision of the acreage associated with the right of way for Bristol Avenue and the other establishes twenty new residential lots in the Foxpointe Subdivision. These plans are anticipated to be ready for action by the Planning Commission at a meeting later this summer.

TRAFFIC CALMING POLICY: The Commission continued its discussion of the development of a traffic calming program for the Township. The DRAFT is also being reviewed by engineering staff so that final adjustments can be made and the Commission will be able to forward the DRAFT to the Board for further consideration.

- **Chief of Police**

Part 1 Crimes for May were up about 30% since last year at this time, mostly due to thefts and burglaries. Part 2 crimes were down. Other calls for service were down, mostly due to Health and Safety. Overall, calls were down 2% from last year. Traffic citations were still down substantially, but parking tickets were up slightly.

Mr. Heinsohn asked about opportunities (e.g. meter maids) for reducing the work load in Ferguson Township. Chief Conrad said there are no parking meters in Ferguson Township. The Ordinance Officer does do some parking ticket enforcement. Their Records Office sometimes answers questions for people who call in, as well as Chief Conrad's Administrative Assistant. Ferguson Township not have the quantity they would need in order to begin handing off tasks.

Mr. Pytel noted an email he received that was an Internet scam, as well as a phone call scam he received. He urged Ferguson Township residents not to fall for these scams and not to provide any information to these types of people. Also, he expressed concern about the recent increase in gangs of kids who are being violent in malls, etc.

Mr. Keough noted in the Centre Daily Times that College Township has been having ongoing discussions regarding the firearms issue. They are looking at some creative ways of getting the message across.

- **COG Committee Reports**

- a. *Public Safety* – Mr. Keough said there was some discussion about the Citizen Serve software. They also reviewed the first 19 Code Evaluation Study comments forwarded by the consultant for consideration of evaluating and upgrading the services of the Code Office. They will review the remainder of those comments at their next meeting.

- b. *Parks Capital* – Mr. Keough said they instructed the Parks and Recreation Director Ron Woodhead to move forward with an RFP to hire a firm or individual for their Capital Campaign to look at the funding beyond the amount that has been borrowed by the Centre Region. They are looking at a \$12-14 million Capital Campaign to look at the funding of their parks long term.

I. MINUTES

1. June 6, 2011 BOS Regular Meeting Minutes

Mr. Pytel noted that under “Call to Order,” the word “discussion” should be changed to “discuss.” Also, under “Special Recognition – Greg Focht,” it should be noted that, while Mr. Keough read the certificate of recognition, Mr. Pytel actually presented it.

Mr. Killian made a motion to approve the June 6, 2011 BOS Regular Meeting Minutes as amended. Mr. Heinsohn seconded the motion. The motion passed unanimously.

II. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the June 20, 2011 Regular Meeting at 8:09 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 08/01/2011