

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, March 21, 2011
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, March 21, 2011 at the Ferguson Township Municipal Building. In attendance were:

Board:	George Pytel, Chairman	Staff:	Mark Kunkle, Township Manager
	Steve Miller		Dave Modricker, Director of Public Works
	Robert Heinsohn		Trisha Lang, Director of Planning and Zoning
	Bill Keough		Diane Conrad, Chief of Police

Others in attendance included: Marsha Buchanan, Recording Secretary; Joe and Delores Homan; and Paul Rito, Centre Region Bicycle Coalition.

II. CALL TO ORDER

Mr. Pytel, Chairman, called the March 21, 2011 Regular Meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

Joe Homan requested that the Board reconsider its reduction of the agricultural buffer zone. This could help to alleviate some future problems. He has already experienced a hardship due to the reduction of the buffer from 200 to 50 feet.

IV. PUBLIC HEARINGS – RESOLUTIONS

- 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE DISPOSITION OF SPECIFIC PUBLIC RECORDS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES ISSUED JULY 16, 1993 AND AS AMENDED DECEMBER 16, 2008**

Since 1986 the Township has followed a record retention and disposition schedule as required by the PA Act for Record and Disposition of Records of Municipalities. Certain records are scheduled to be destroyed using a bonded paper shredding firm. A list of these records is prepared annually by the Township. By maintaining a retention and disposition schedule the Township is able to manage its records storage in an organized manner.

Mr. Miller made a motion to adopt Resolution 2011-4, authorizing the disposition of certain records. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

V. COMMUNICATIONS TO THE BOARD

Mr. Miller received a question about property off of Old Farm Lane. The neighbors asked if the Township could purchase the property since it is open space. Mr. Miller explained to them that it is privately owned property, and the Township has no control over it.

Mr. Pytel was contacted regarding the newly approved Terraced Streetscape District along West College Avenue.

VI. ACTION ITEMS

1. BICYCLE FRIENDLY COMMUNITY AWARD – CENTRE REGION BICYCLE COALITION

The Township received a request by the Centre Region Bicycle Coalition to present a project to apply for a Bicycle Friendly Community Award through the League of American Bicyclists. The coalition will be working with the other Townships and Borough within the COG by seeking proclamations supporting the application. The coalition has indicated that the Bicycle Friendly Community designation has been received by some major PA cities. This award would acknowledge the great facilities and riding that bicyclists have in this area.

Mr. Kunkle read the proclamation and noted that May 2011 has been designated as Bicycle Awareness Month.

Paul Rito, President of the Centre Region Bicycle Coalition (CRBC), said they are a non-profit organization striving to promote safe bicycle use in the Centre Region. They encourage municipalities to consider providing bicycle facilities as well. He thanked the Township for its involvement in this and for its maintenance of bike paths. May is National Bicycle Month. They will have multiple activities going on for their Bicycling Awareness Month in May. In addition, the school district will be heavily promoting cycling in their classes. They are working toward having a comprehensive bike network in this area.

Mr. Miller made a motion to adopt the proclamation supporting an application by the Centre Region Bicycle Coalition for a Bicycle Friendly Community Award through the League of American Bicyclists. Mr. Heinsohn seconded the motion. The motion passed unanimously.

2. 1400 BLOCK OF PARK LANE PARKING SURVEY

On December 6th, Glenn Ritter of 1443 Park Lane discussed a concern regarding parked vehicles at various times of the year on Park Lane. Based on the frequency of vehicles being parked on this section of the roadway, as well as survey responses saying that this is not a safety issue, there does not appear to be any need for parking restrictions.

Chief Conrad said they followed up with a short survey of people on the 1400 Block of Park Lane in Ferguson Township. She provided an overview of the survey results. There was not a clear consensus about which parking regulations would be preferred.

Mr. Heinsohn believes the Board should be more accommodating to the residents. This is really an issue of the nearby townhouses not providing enough parking. He suggested No Parking from 2 am to 6 am. Chief Conrad said this would mean the residents could not park there during those times either. Mr. Heinsohn asked if license plates were checked as part of the survey. Chief Conrad said during this particular weekend they did not run the license plates. If they are not allowed to park there, they will end up on another nearby street.

Mr. Modricker commented that this is not an issue from the Public Works standpoint, but said this is the same neighborhood where residents were concerned about speeding. Parked cars on streets have a tendency to reduce speeding. Mr. Heinsohn said they have taken the proper steps by completing the survey.

Mr. Miller is not in favor of parking restrictions. Mr. Keough said at locations where there are driveways and corners, yellow paint is sometimes applied to the curb to provide direction as people are parking. Chief Conrad said curbs do not need to be painted for tickets to be given within 30 feet of any intersection. The Sergeant checked, and no one was parked too close to the intersection. Curbs can be painted, but areas really need to be signed as well. Mr. Modricker said there are no issues in this location with regard to snow removal.

Mr. Heinsohn made a motion to create *no* new regulations due to the determination that parking restrictions are not warranted at this time. Mr. Miller seconded the motion. The motion passed unanimously.

3. AWARD OF CONTRACT 2011-C7A – FUEL BID

The following Fuel Bids were received:

- JJ Powell, Inc. \$99,523.20
- Nittany Oil Company \$97,977.00
- Superior Plus Energy Services \$104,549.10

Mr. Modricker recommended awarding Contract 2011-C7a Fuel Bid to Nittany Oil Company in the amount of \$97,977.

Mr. Keough made a motion to award Contract 2011-C7a Fuel Bid to Nittany Oil Company as recommended by the Director of Public Works. Mr. Miller seconded the motion. The motion passed unanimously.

4. AWARD OF CONTRACT 2011-C7C – AGGREGATE AND ASPHALT BID

Mr. Modricker has reviewed the four bids received and has recommended approval of Contract 2011-C7c as follows:

1) 2B Stone	200 ton	HANSON	
		F.O.B. Plant	\$7.25/ton
		Twp Bldg	\$9.85/ton
2) Anti-Skid	1,000 ton	HANSON	
		F.O.B. Plant	\$7.60/ton
		Twp Bldg	\$10.20/ton
3) 2A Stone	200 ton	HANSON	
		F.O.B. Plant	\$6.85/ton
		Twp Bldg	\$9.45/ton
4) 2RC Stone	500 ton	HANSON	

		F.O.B. Plant	\$5.50/ton
		Twp Bldg	\$8.10/ton
5) R-3 Rock	200 ton	HANSON	
		F.O.B. Plant	\$8.95/ton
		Twp Bldg	\$11.55/ton
6) 25mm BC	100 ton	HRI	
		F.O.B. Plant	\$45.00/ton
7) 9.5mm WC	100 ton	HRI	
		F.O.B. Plant	\$58.00/ton
8) 19mm WC	100 ton	HRI	
		F.O.B. Plant	\$50.00/ton

Mr. Keough asked how these bids compare with previous years. Mr. Modricker said these bids are favorable compared to last year.

Mr. Miller made a motion to award Contract 2011-C7c Aggregate and Asphalt as recommended by the Director of Public Works. Mr. Heinsohn seconded the motion. The motion passed unanimously.

5. AWARD OF CONTRACT 2011-C5 – HAYMARKET PARK PHASE 2

This project includes the construction of a perimeter path, a sand volleyball court, a new second public pavilion, a sidewalk , and an arbor. Twelve bids were received as follows:

Frontier Construction, Inc.	\$109,773.30
Mid-State Paving, LLC	\$141,957.75
John Speary Construction, Inc.	\$153,904.63
Landscape II	\$155,635.35
Glenn O. Hawbaker, Inc.	\$158,970.00
BCS Construction, Inc.	\$160,834.98
H & R Excavating, Inc.	\$161,581.80
Ameron Construction Company, Inc.	\$162,434.20
Stone Valley Construction, Inc.	\$167,167.50
Haas Building Solutions, LLC	\$171,624.07
Landserv, Inc.	\$181,013.63
W.G. Land Company, LLC	\$242,321.60

The engineer's estimate for the scope of work was \$155,401.00. Ron Seybert, Township Engineer, recommended that the Board award Contract 2011-C5, in the amount of \$109,773.30, to Frontier Construction, Inc.

Mr. Keough made a motion to award Contract 2011-C5 Haymarket Park Phase 2 as recommended by the Township Engineer. Mr. Heinsohn seconded the motion.

The motion passed unanimously.

6. STATE COLLEGE VETERINARY CLINIC, INC. VARIANCE

It is the policy of the Board to consider variance applications and appeals to the Zoning Hearing Board in order to determine whether or not to support, oppose, or remain neutral on the application. In this variance request for the property at 1700 West College Avenue, the applicant has constructed six gravel parking stalls within the 100 year flood zone in violation of the Township's zoning ordinance and desires to construct paved parking within the corridor overlay district without obtaining any of the necessary permits. The applicant has not completed any analysis of the impact of construction of the additional parking in the 100 year flood zone as required by the ordinance. The Zoning Administrator, after nearly 12 months of requesting the applicant to comply with the ordinance, had to take the action of filing a notice of violation. Portions of the variance application may meet the hardship standards, while the construction of additional parking within the 100 year flood zone without supporting data would not appear to meet the necessary hardship requirements. I

Mr. Modricker stated that this is a drainage way that includes all the impervious area at the car dealer and ultimately goes down to the Madison/McBath area. There are two ways to look at this: 1) any increase in impervious area will eventually have a net result downstream; or 2) this particular area will not have a major impact in and of itself.

Mr. Heinsohn made a motion to support the variance application of State College Veterinary Clinic, Inc. upon proper completion of the application. Mr. Keough seconded the motion. With Mr. Heinsohn and Mr. Keough voting yes, and Mr. Miller and Mr. Pytel voting no, the motion did not pass.

Mr. Miller made a motion to remain neutral on the variance application of State College Veterinary Clinic, Inc. Mr. Keough seconded the motion. With Mr. Heinsohn voting no, and Mr. Miller, Mr. Keough, and Mr. Pytel voting yes, the motion passed.

7. FEBRUARY 2011 VOUCHER REPORT

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

Mr. Kunkle said their next quarterly meeting will be their second meeting in April.

8. CONSENT AGENDA

- a. February 2011 Treasurer's Report
- b. HMS Medical Building Time Extension
- c. Thistlewood Subdivision Surety Reduction

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

VII. REPORTS

• Manager

Mr. Kunkle provided a letter dated March 14, 2011 from the Federal Emergency Management Agency regarding the Township's participation in the National Flood Insurance Program. The letter compliments the Township for its exemplary work to reduce risks from floods and the exposure of

property to flood damage. Mr. Kunkle recognized Jeff Ressler, Zoning Administrator, for his work on administering the flood plain regulations and his recent certification as a Flood Plain Manager.

Mr. Kunkle provided a bar chart prepared by Eric Endresen, Director of Finance, which depicts the Township's current incurred debt payments and the impact of the regional parks and pools borrowing on these payments. If no further Township debt is issued by 2018, all debt payments will be for regional projects.

The PLCM District meeting is planned for April 20, 2011 in Altoona.

Report on Zoning Hearing Board actions:

- Domico Variance for setback to construct patio into buffer yard – tabled until applicant provides accurate measurement of encroachment into the setback. The hearing will continue in April.
- Harner Variance – Multiple variances from setbacks required and minimum residential lot size in RA zoning district. The Zoning Hearing Board granted all setback variances and minimum lot size variance. The applicant still needs subdivision approval.

- **Public Works Director**

Mr. Modricker provided detailed information about various 2011 Contracts regarding bids, proposals, and Open House projects.

- **Director of Planning and Zoning**

At the end of March they should be reviewing plans for the Giant Fuel Island and the Trostle Subdivision. Mr. Shore allowed his Land Development Plan for Rita's Italian Ice to expire since he was unable to gain cooperation from the new shopping center owner.

In the interim, Ms. Lang is working to complete the draft of the Traffic Calming Policy, as well as the amendment to the Riparian Buffer Overlay Zoning District Regulations. She is also reviewing the draft of the update to the Regional Comprehensive Plan that was released earlier in March and has now been provided to the Planning Commission, as well as the draft of the Economic Development Assessment released by the CRPA on March 15th.

- **Chief of Police Report**

Part 1 and 2 Crimes, and other calls for service, were down for the month, as well as year to date. Traffic citations were down but parking tickets were up.

Officers attended three days of in-service training during the month of February. They covered legal and other mandatory updates and had presentations about the new Crisis Intervention Team.

- **COG Committee Reports**

- a. *Public Safety* – Mr. Keough said they discussed House Bill 377, which is aimed at rescinding the sprinkler requirement from the Building Code for the state of PA. Steve Bair presented. The committee voted to support the opportunity and legislation for a local option to opt in or out of the sprinkler requirement. One complication on a statewide basis is the ability of the general infrastructure in some areas to reasonably comply with the requirements. They also had a discussion with Centre Life Link regarding municipalities in the Centre Region selecting them as

their primary EMS provider. They discussed the fact that some municipalities utilize other providers, not just Centre Life Link, based on where they are located.

- b. *Parks Capital* – Mr. Keough said on March 22nd he, Mr. Kunkle, and Mr. Miller will attend a joint meeting of the Parks Capital and Executive committees to discuss Harris Township's position with regard to the expenditure of additional monies to cover a restroom facility with flush toilets and a concession stand. The issue is how and when to pay for these facilities. The Board had a brief discussion on this issue. In general, Board members were not in support of using borrowed money to pay for these facilities. Mr. Pytel expressed concern that the original intent of these projects has been lost.
- c. *Finance* – Mr. Kunkle attended the Finance Committee meeting. They discussed the library formula. Mr. Killian represented the Township's position. There should be an invitation asking Ferguson Township to consider rejoining with certain caveats, which he listed. The Board discussed this briefly. Mr. Miller suggested that the library budget be approved by unanimous vote of the six municipalities.

I. MINUTES

- 1. March 7, 2011 BOS Regular Meeting Minutes

Mr. Keough made a motion to approve the March 7, 2011 BOS Regular Meeting minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

II. ADJOURNMENT

Mr. Pytel noted that the annual spring convention for the township/county association of officials will be held on March 30th.

Mr. Keough made a motion to adjourn the March 21, 2011 BOS Regular Meeting. Mr. Heinsohn seconded the motion.

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the March 21, 2011 Regular Meeting at 9:00 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 04/04/2011