

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, May 2, 2011
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, May 2, 2011 at the Ferguson Township Municipal Building. In attendance were:

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

Others in attendance included: Marsha Buchanan, Recording Secretary; Scott Rawson, Tom Winkler, and Rich Rishel, Centre LifeLink EMS; Cynthia Hahn, CNET; Louwana Oliva, CATA; and Thomas G. Brown.

II. CALL TO ORDER

Mr. Pytel, Chairman, called the May 2, 2011 Regular Meeting to order at 7:00 pm.

III. PUBLIC HEARINGS – ORDINANCES

1. A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 16, PARKS AND RECREATION, PART 1, RULES AND REGULATIONS, BY AMENDING SECTION 103, CONDUCT PROHIBITED IN PARKS, PARAGRAPH 6, FIREARMS, WEAPONS, ETC. AND PARAGRAPH 15, RADIO CONTROLLED AND STRING CONTROLLED MODEL AIRCRAFT

After a presentation to the Board in February 2011 from a member of the Central Chapter of Firearms Owners Against Crime, the first amendment removes the provision that prohibited the carrying of firearms in municipal parks. After review by the Township Solicitor, it was determined that the Township's Ordinance prohibiting firearms in municipal parks is inconsistent with current state law and should be amended. This does not amend the prohibition against the discharge of firearms in municipal parks.

A second and less controversial amendment includes the rewording of the prohibition of flying radio controlled or string controlled model aircraft to more current terminology of remote controlled or tethered model aircraft, without a permit for operation issued by the Director of the CRPR. It is understood that other Centre Region municipalities will be adopting or have adopted a similar amendment to their municipal parks and recreation regulations.

Mr. Heinsohn made a motion to adopt Ordinance 952, amending the Parks and Recreation Rules and Regulations to remove the prohibition against the carrying of firearms in municipal parks, and amending the terminology for remote controlled and tethered model aircraft. Mr. Killian seconded the motion.

With Mr. Miller voting no, and Mr. Heinsohn, Mr. Keough, Mr. Killian, and Mr. Pytel all voting yes, the motion passed.

2. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 21, STREETS AND SIDEWALKS, PART 1, PAVE CUT AND RIGHT OF WAY OCCUPANCY, SECTION C, PERMITS, SUBSECTION 121, PERMIT PROCEDURE, PARAGRAPH D, INSURANCE

PROTECTION, BY INCREASING THE REQUIRED MINIMUM INSURANCE TO BE CARRIED BY A PERMITTEE

On April 4th, the Board was presented an amended provision to the Streets and Sidewalks Ordinance, requiring certain minimum levels of insurance to be carried by permittees of pave cut and highway right of way occupancy permits. The increase in coverage is from \$300,000 to \$500,000 of liability combined single limit for each occurrence and aggregate, and \$500,000 for property damage. These increases are identified by the Township's insurance underwriter to meet minimum standards in the insurance industry and under the Pennsylvania Tort Liability Act.

Mr. Miller made a motion to adopt Ordinance 953, amending the Code of Ordinances, Chapter 21, Streets and Sidewalks, by increasing the required minimum insurance to be carried by a permittee. Mr. Heinsohn seconded the motion.

With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

IV. RESOLUTIONS

- 1. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR 2011-2012 CENTRE COUNTY SOBRIETY CHECKPOINT AND EXPANDED DUE ENFORCEMENT PROGRAM, AND AUTHORIZING THE TOWNSHIP MANAGER TO SIGN ALL DOCUMENTS RELATED TO THE GRANT ON BEHALF OF THE TOWNSHIP OF FERGUSON**

This resolution authorizes the submission of the 18th year of the Township coordinating the Centre County DUI and other alcohol and drug related enforcement program. This grant application covers the cost of operating the program and the participating municipalities of State College and Bellefonte Boroughs, and the Townships of Patton, Spring, Ferguson, the Centre County Sheriff's Office, and Penn State University Police. The total grant application is for \$59,830, which covers the cost of the various participating municipalities.

Mr. Keough made a motion to adopt Resolution 2011-8, authorizing the submission of the 2011-2012 Centre County Sobriety Checkpoint and Expanded DUI Enforcement Program grant application. Mr. Heinsohn seconded the motion. With Mr. Heinsohn, Mr. Keough, Mr. Killian, Mr. Miller, and Mr. Pytel all voting yes, the motion passed unanimously.

V. COMMUNICATIONS TO THE BOARD

Both Mr. Keough and Mr. Pytel received contact regarding the firearms issue in parks. Mr. Keough also attended the retirement reception honoring Aileen Homan with the Centre County Solid Waste Authority.

VI. ACTION ITEMS

- 1. PROCLAMATION DESIGNATING THE WEEK OF MAY 15, 2011 AS EMERGENCY MEDICAL SERVICES WEEK**

Mr. Pytel read the proclamation and presented it to Scott Rawson, Tom Winkler, and Rich Rishel of Centre LifeLink EMS.

Scott Rawson said this is the 70th year of service to the Centre Region by Alpha Community Ambulance Service and Centre LifeLink EMS. Their volunteers contributed 10,000 hours in 2010. They are one of 120 ambulance services nationwide to be accredited by the Commission on the Accreditation of Ambulance Services and one of six in the Commonwealth of PA to be accredited. They are up for reaccreditation in June or July of 2011.

Mr. Heinsohn made a motion to approve the proclamation declaring the week of May 15, 2011 as Emergency Medical Services Week. Mr. Killian seconded the motion. The motion passed unanimously.

2. ANNUAL PRESENTATION ON CNET OPERATIONS

Cynthia Hahn, Executive Director of CNET, provided the 2010 annual report. She presented an overview of Ferguson Township's programming for 2010. Programs are generally available to view online within 48 hours of the first televised airing. She provided online programming data, but noted that there is no way to measure the number of television viewers. She provided a membership update as well. The idea of having so many organizations fund and support one organization is unique to this community. She reminded the Board that CNET offers its members help with communications during emergency situations.

Mr. Keough complimented the CNET field staff for their work. He gained Ms. Hahn's permission to include a CNET-related question on the Township's upcoming community survey. Mr. Pytel thanked Ms. Hahn for her work.

3. DISCUSSION OF 2011-2012 CENTRE AREA TRANSPORTATION AUTHORITY (CATA) BUDGET

On April 11th, Representatives of CATA presented their 2011-2012 Budget to the Finance Committee. The operating budget has been prepared with a request of a five percent increase in the total level of local funding. A table depicting the Municipal Shares for 2011-2012 as compared to the 2010-2011 Budget was provided.

Louwana Oliva, Assistant General Manager of CATA, said in the last two years they have had a reduction at the state level in their funding. They have done a number of things this year in an attempt to keep their budget in line. They increased fares in 2010 and also discounted passes and tokens. They are now working to provide a better balance between the two. They have also talked to Penn State University and are in negotiations with them, seeking a 5% increase. They have made other changes as well. Ferguson Township received a 2.72% increase. She noted the popularity of their tripper bus, which is now being used as their express bus.

Ms. Oliva said their CATA commute service has become very popular due to increasing gas prices. They are attempting to get a low floor paratransit vehicle.

Mr. Heinsohn asked if the value for the assessment is based on ridership. Ms. Oliva said there are various items factored into that formula. Mr. Pytel asked why there is such a big change in different municipalities for the capital. Ms. Oliva said it may be that, since they used the same percentages as

last year, this affects the capital rate as well. Mr. Pytel noted that he prefers using numbers rather than percentages. He also said at the May 2nd Transportation Committee meeting, they discussed the fact that CATA is not seeking their input. They plan to request for the upcoming year that CATA seeks input from the Transportation Committee before changing routes, etc.

Mr. Kunkle asked if all of the local agencies that contribute funding are on the Miller Formula, or whether some are on a cost per service formula. Ms. Oliva believes the Miller Formula is used by all local municipalities.

Mr. Kunkle noted that the CATA Board of Directors is considering selling external advertising on buses to help supplement their revenue stream. He asked if the Ferguson Township Board has an interest in implementing this external advertising. Mr. Heinsohn approves of it, but believes there should be stipulations as to the size of the advertisements. Mr. Pytel clarified that there are advertisements inside buses as well, and agreed that advertisements should not be offensive. Mr. Killian does not support external advertising. The Board agreed that advertising should be approved by local boards before going onto buses. Mr. Keough said on the surface he is not opposed to it, but he would like to have a public discussion about the parameters for advertisement (size, content, etc.). Many people have commented about not diminishing the CATA brand. Mr. Keough also commented that he has been impressed with the creativity, fiscal management, and use of new technologies that CATA has implemented over the years, and he believes their citizens are served well by the CATA system. The nature of their environment calls for public transportation to be provided in more than one way (including Park and Ride, etc.). He complimented CATA and its staff for the variety of services they offer.

Mr. Keough said he would likely support external advertising on buses if there were a parameter that excluded the national brand and focused more on local businesses and industries, but he realizes this is not what typically brings in the most money.

4. AWARD OF CONTRACT 2011-C8 – PAVEMENT MARKINGS

Eleven contractors were provided bid packages. Two bids were received as follows:

Alpha Space Control	\$137,562.22
Interstate Road Management Corp.	\$218,513.87

Nine neighboring municipalities have indicated interest in participating in the contract on a piggyback basis. Of the total contract bid of \$137,562.22, the Township's share is \$58,909.22. The Township budgeted \$61,000 for this work. Alpha Space Control, the low bidder, has performed this contract in past years and has worked well with the Township.

Mr. Modricker provided an overview of the contract.

Mr. Killian made a motion to award Contract 2011-C8 Pavement Markings to Alpha Space Control for \$137,562.22, as recommended by the Township Engineer. Mr. Heinsohn seconded the motion. The motion passed unanimously.

5. APPOINTMENT OF PLCM VOTING DELEGATE

The annual PLCM Convention will be held in Erie from June 21st through June 24th. Board member Richard Killian is registered for the convention, along with the Township Manager.

Mr. Heinsohn made a motion to appoint Richard Killian as the voting delegate and Mark Kunkle as the alternate voting delegate to the PLCM Resolution's Committee. Mr. Miller seconded the motion. The motion passed unanimously.

6. CONSENT AGENDA

A. Pay Estimate

1. HRI, Inc. – \$177,652.79

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

Mr. Kunkle said these will be ongoing pay estimates coming from HRI, Inc. and are mostly for the Old Gatesburg Road Extension Project. The project is being partially funded through a state grant. He explained in further detail. There will be times when the process will not align well with Board approval of those pay estimates. He requested that staff would have the ability to make payments in a timely manner, and then bring them to the Board for affirmation of pay estimates and payments.

Mr. Miller made a motion to authorize the Township Manager to make payments in a timely manner, and then seek affirmation from the Board of Supervisors regarding pay estimates and payments. Mr. Killian seconded the motion. The motion passed unanimously.

VII. REPORTS

• Manager

- A joint meeting of the Planning Commission and Board of Supervisors to receive an initial presentation on the Master Plan for Circleville Farm has been scheduled for Monday, May 9th, at 7:00 pm. The purpose of the meeting will be to meet the developer of the site, Mr. Michael Glass, to receive an overview of the master plan, to identify and ask questions about design features, and to determine any proposed design aspects that may be concerns from a policy perspective. Major planning issues, such as Open Space (location, amount, usability, and purpose); Storm Water Management (consistency with PSU restricted buffer areas, downstream impacts, ownership, and maintenance); and Roadway Layout/System (cul-de-sacs, on-street designated parking areas, number of access points on Circleville Road and Blue Course Drive, and designation of private versus public streets) may be discussed.

Mr. Kunkle said in the past the Chairman of the Board of Supervisors chairs joint meetings such as this. The Planning Commission meeting will be called to order after the joint meeting is adjourned. Mr. Keough and Mr. Heinsohn should still plan to attend the Commission meeting.

- The 2012-2016 Capital Improvement Plan Budget is just beginning. One of the annual events is to take a half day and complete a field view of the proposed capital projects. This field view provides an opportunity for the Board to visit road and street projects, parks and recreation, and facility projects, and inspect equipment. The Board typically completes this in June. Staff suggested scheduling this work session of the Board for Friday, June 10th, at 8:00 am. Mr. Keough is not available that day. Mr. Kunkle will suggest alternate dates at the Board's next meeting.
- On Tuesday, April 26th, the Township received notice that it was awarded a grant in the amount of \$35,000 for a traffic signal upgrade at the Blue Course Drive/West College Avenue

intersection. This grant will help fund the installation of a protected/prohibited left turn sign southbound on Blue Course Drive and the required upgrade of the foundation.

- Weather dependent, there may be a controlled burn at the Scotia Barrens either later this week.
- The Township received a thank you letter from Clearwater Conservancy for sponsorship of the 2011 Scotia map. This map will be prepared by Purple Lizard. They have sufficient local support to begin the process of developing the map.

- **Public Works Director**

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

Whitehall Road Widening: This project includes improvements from West College Avenue to Tadpole Road, including widening and relocation of utility poles. Milestone dates and activities are as follows:

<i>First week of May</i>	Trans to submit Final Right of Way Plans
<i>May 10</i>	Open House for Corl Acres residents
<i>May 16</i>	Board to authorize Chairman to sign Right of Way Plans
<i>May 17</i>	Record Right of Way Plans with Centre County
<i>May 23</i>	Authorize Chris Aumiller to start appraisals
<i>June, July</i>	Obtain appraisals
<i>August, September</i>	Acquire Right of Way

- **Director of Planning and Zoning**

DISCUSSION OF RA AND RR ZONING DISTRICT REGULATIONS: The Commission began its discussion of the RA and RR zoning districts. They have reviewed the January 2011 memo, which highlighted previous issues from the Board. They are awaiting the attendance of Mr. Heinsohn and Mr. Keough at their May 9th meeting.

REVIEW OF TTD DISTRICT REGULATIONS: Many of the current Planning Commission members were not involved in the process of creating and adopting the TTD district regulations and, as a result, there is not the same level of familiarity with this ordinance as there was when the Pine Hall development was reviewed and approved. Now that the plan for the development of Circleville Farm has been submitted, it is important that the Planning Commission has an awareness of how these regulations differ from the standard residential zoning districts. Their initial review focused on the design principles and rules for a quality community that provided the foundation for this zoning district. Prior to the Circleville Plan being presented for a recommendation, staff hopes to also utilize the information in Appendix 27-B to assist the Commission's comprehension of the application of these zoning standards.

An important element of the regulations are the design guidelines. Also, one of the appendices is a list of questions, which were originally designed for the developer to assure that he understood the concepts and was able to relate the guidelines and regulations to his particular development. It would also be useful for Board and Commission members to ask the developer how he sees this plan achieving some of the items in question.

- **COG Committee Reports**

- a. *Transportation and Land Use* – Mr. Pytel said they discussed land use and how the COG will establish procedures for how to improve companies coming into the Centre Region. He believes they need to have the infrastructure to start with, before people will come to Centre County. Mr. Keough said this is an issue that started 20 years ago with companies moving out of the state. He believes they do not adequately engage their business and industry community at the municipal levels. Mr. Pytel said they also discussed the idea of becoming a more bicycle friendly community. He agrees with the premise, but does not know how much money they should spend on it. They also discussed the economic development of the Region's strategy. They are completing a study. He requested that their survey would not be completed at the same time at Ferguson Township's survey.
- b. *Public Services and Environmental* – Mr. Heinsohn said on May 4th they will discuss the rebate they have received in the past regarding solid waste and refuse. They want to use \$1,500 for some containers to place in the Millbrook Marsh Nature Center. Mr. Kunkle said annually the Region receives a recycling performance grant from the Centre County Solid Waste Authority. He suggested using the grant money to improve their commercial recycling effort, which has been identified as an area of weakness for several years. He spoke with their coordinator, Pam Adams, who indicated this will be a topic at their June 2011 meeting. Mr. Heinsohn believes this grant money should be spent for the benefit of the general public. Mr. Kunkle said the money actually comes from the revenues that are derived from the recycled material, most of which is from the residential side of the collection system. Mr. Pytel said it is very hard to convince people to recycle. Mr. Keough said if there were a more adequate engagement between municipal government and the business and industry community, these kinds of things may fall into place more readily.

Mr. Heinsohn also said there will be a proposal before the committee regarding battery recycling. This committee supports the expenditure of \$1,500 for recycling containers for batteries. Mr. Heinsohn expressed concern about spending money on this. Mr. Modricker said he would like to see an effort to recycle any material that can be recycled in order to keep items out of landfills.

- c. *Human Resources* – Mr. Heinsohn said on May 3rd they will discuss the proposition of upgrading two positions in the library. His concern is whether they will eliminate other positions in order to make room for the upgrades.
- d. *Spring Creek Watershed Commission* – Mr. Miller said it has been calculated that there is now 8.1 billion gallons more water in the watershed than there was last year at this time.

I. **MINUTES**

1. April 18, 2011 BOS Regular Meeting Minutes
2. April 25, 2011 BOS Special Meeting Minutes

Mr. Miller made a motion to approve the April 18, 2011 BOS Regular Meeting minutes and the April 25, 2011 BOS Special Meeting minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

Mr. Keough asked, regarding the recent amount of rain, whether areas in the Township have been identified as problematic. Mr. Modricker said yes; he noted an area of concern near Teaberry Ridge.

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Residential flooding has not been an issue recently. Mr. Miller commented on the current ground water level.

II. ADJOURNMENT

Mr. Heinsohn made a motion to adjourn the May 2, 2011 BOS Regular Meeting.

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the May 2, 2011 Regular Meeting at 8:56 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 05-16-2011