

## **FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

Regular Meeting  
Monday, May 16, 2011  
7:00 pm

### **I. ATTENDANCE**

The Board of Supervisors held its second regular meeting of the month on Monday, May 16, 2011 at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	George Pytel, Chairman	<b>Staff:</b>	Mark Kunkle, Township Manager
	Richard Killian		Dave Modricker, Director of Public Works
	Steve Miller		Trisha Lang, Director of Planning and Zoning
	Robert Heinsohn		Diane Conrad, Chief of Police
	Bill Keough		Eric Endresen, Director of Finance

Others in attendance included: Marsha Buchanan, Recording Secretary; Rick Bair and Bill Kelly, ParenteBeard, LLC; Dave Palmer, S&A Homes; Cecil Irvin; Joan Jalasky; Greg Suter, 2414 Cobble Court; Tom Brown; Lori Turrisi; and Martha Matta.

### **II. CALL TO ORDER**

Mr. Pytel, Chairman, called the May 16, 2011 Regular Meeting to order at 7:00 pm.

### **III. COMMUNICATIONS TO THE BOARD**

Mr. Heinsohn encouraged Brandy Wagner, 371 Sellers Lane, to attend tonight's May 16<sup>th</sup> meeting, but she was unable to attend. Ms. Wagner is concerned about water rising in her driveway. Mr. Heinsohn urged her to contact Mr. Modricker to discuss the issue, which she did.

Mr. Keough received a call about the western end of the Whitehall Road project. He also received a call supporting some of the revisions the Township is considering at Fairbrook Park in eliminating the additional pavilion and the possibility of installing playground equipment.

### **IV. ACTION ITEMS**

#### **1. PRESENTATION ON 2010 AUDIT AND YEAR END FINANCIAL REPORT**

Annually, the Township appoints a Certified Public Accounting firm to complete an audit of Township funds in compliance with the Home Rule Charter and Commonwealth law. For the past several years, staff has requested the Township's Auditor to present the results of the annual audit. The consolidated annual financial statement has been advertised in compliance with the Home Rule Charter.

**Bill Kelly**, ParenteBeard, LLC, presented required communications for the 2010 audit. He presented a brief overview of the audit process, including different audit types and the results of the audit report. He discussed the financial statement audit results for 2010 and explained how they analyze government financial statements. He reviewed the general fund budget compared to the actual fund budget as of December 31, 2010. He provided an analysis of the general fund balance and provided a benchmark based on other local townships. He discussed revenues by source for the general fund, including benchmarking for other local townships (using the same townships as previously discussed). He discussed general fund expenditures, including benchmarking with other townships (using the same townships as previously discussed).

Mr. Kelly presented comparisons of financial statement ratios. He provided an audit summary, stating that the general fund balance is sound and within recommended guidelines. There were no material weaknesses noted.

## **2. SAYBROOK PHASING PLAN APPROVAL**

Ms. Lang said in addition to the time extensions provided by Act 46, the market remains a slow, so people are moving cautiously. As a result, the developer of the Saybrook Subdivision (with just two phases remaining) would like to move forward, dividing the larger phase (Phase 9) into two phases – Phase 9a and Phase 9b. Staff recommends that the Board approve the division of Phase 9 into two separate phases and that the timetable for Phase 9b remain as it was, impacted by Act 46, which would be October 9, 2015. The deadline of the submission of the plans for Phase 10 would be October 9, 2016. Then Phase 9a, which has already been submitted for approval, could proceed under the current plan submission.

Ms. Lang confirmed that Phase 9a would be completed first.

**Greg Suter**, a retired construction engineer residing at 2414 Cobble Court, commended the developer for doing an excellent job of maintaining the cleanliness of the site during the entire development phase. He asked Mr. Palmer about the construction trailer located on site to store surplus materials. As Phase 9a becomes a reality, he asked what will happen with those materials. He said the lot behind his property is the location of a temporary cul-de-sac. Also, there are very little shrubs, etc. in the open area where Phase 9a is proposed, which is helpful from a security standpoint. However, Phase 9b provides less visibility. **Dave Palmer**, S&A Homes, said they will find an agreeable location for the trailer. The temporary cul-de-sac behind Mr. Suter's lot is not required, so there will not be one there. He said they will not store the trailer behind his house. They will work on security issues as well.

Mr. Suter asked how storm water management will be impacted by dividing Phase 9 into two phases. Mr. Palmer said storm water management will be completed. There is an erosion sedimentation plan. Everything should be kept in good order during construction. Ms. Lang clarified the location of the basin on the map, which is outside the parameters of Phase 9a.

Mr. Suter said, by joining Barnstable Lane with North Foxpointe through Longfellow Court, they will now have a closed loop for traffic through there. He asked what traffic control devices will be provided there. Mr. Modricker said minor streets will have stop signs. Ms. Lang explained.

Mr. Miller made a motion to approve the requested revision to the Phasing Schedule for the Saybrook Subdivision and acknowledge the schedule for the remaining phases of the project as set forth in the Director of Planning and Zoning memorandum dated May 11, 2011. Mr. Heinsohn seconded the motion. The motion passed unanimously.

## **3. WEST WHITEHALL ROAD WIDENING RIGHT OF WAY PLANS**

Township staff has completed work with its consulting engineer, Trans Associates, to finalize the revised alignment and storm water management plans associated with the West Whitehall Road

Widening Project. A portion of the consultant's contract includes providing recordable right of way plans for the roadway alignment and storm water design. The right of way plans will need to be signed by the Chairman of the Board and recorded at the Centre County Recorder of Deeds office prior to beginning work on property and right of way appraisals by Aumiller Appraisal Service. Once appraisals are completed, offers of estimated just compensation will be provided to each of the affected property owners in an effort to obtain the right of way necessary for the project. The schedule for this project was provided for the Board.

On May 10, 2011, Mr. Modricker held an informational open house for property owners affected by the revised storm water plans between West College Avenue and the Campbell Farm property; this included property owners in Corl Acres.

Mr. Modricker asked the Board to authorize the Chairman and Secretary to sign the right of way plans for the purpose of having the plans recorded at the courthouse. The following step would be engaging their appraiser to appraise the property. He summarized the three substantive changes to the right of way plans since the last time he discussed this project with the Board.

Mr. Modricker said the storm water he described is part of the Whitehall Road project. He provided further details regarding the temporary easement.

**Cecil Irvin** asked if they are still planning to install bicycle paths on both sides of the road. Mr. Modricker said the road will be widened to include 4' shoulders that are full-depth on each side. They can be used by bicycles, but will not be marked with legends to designate them as bike lanes. Mr. Irvin said this will be helpful for driving farm equipment on this road.

Mr. Irvin asked which parts of Whitehall Road will be impacted the most by utility relocation, etc. Mr. Modricker said there are some areas where changes are necessary on the north, but predominantly the communication lines on the south will be relocated onto new poles on the north side and be co-located with Allegheny Power.

Mr. Irvin asked about ag preservation. He suggested that some of the payment should go to the ag land preservation board. Mr. Modricker said Chris Aumiller will be doing appraisals, and he will be made aware of the status of those properties. He will value them at a certain amount, and the Township will be responsible for making payment. Mr. Kunkle said once the property is appraised, the value will be distributed based upon the interest. He understands that the Commonwealth's share will go to the County Ag Preservation Fund.

Mr. Irvin asked if the speed limit will be maintained at 40 MPH. Mr. Modricker said nothing in the proposed plan changes the posted speed limit.

Mr. Irvin asked how much right of way will need to be taken on the south side. He asked about the distance from the road. Mr. Modricker explained that it varies depending on the existing right of way and what is needed.

Mr. Irvin asked what it will cost to relocate poles. Mr. Modricker summarized how costs are divided. They are somewhere in the \$850,000 range for all utility work along that stretch of road. He inquired about the timeline for this project. Mr. Modricker said he hopes they get something out to bid in October, so the current Board can award a contract before the end of the calendar year.

**Joan Jalasky** said she routinely rides her bicycle to work. She is very thankful that they are planning to widen Whitehall Road. She requested, if they are not making a designated bicycle lane, that the Township put up Share the Road signs to make drivers more aware of bicyclists.

Mr. Heinsohn asked Mr. Modricker to comment on anticipated interruptions during construction. Mr. Modricker explained. Residents can expect detours during construction.

Mr. Keough asked whether, during the construction stage, there will be any consideration given to the access at Tadpole Road/Route 45. Mr. Modricker said, given that both of these projects are going on at the same time, people will most likely find Route 45 to be the path of least resistance. Mr. Keough said there are usually concrete barriers to keep traffic in a particular location. He expressed concern about this due to wide farm equipment traveling on the road. Mr. Modricker does not expect concrete barriers for this project.

Mr. Heinsohn made a motion to authorize the Chairman and Secretary to sign the right of way plans for the West Whitehall Road Widening Project. Mr. Miller seconded the motion. The motion passed unanimously.

#### **4. DRAFT ECONOMIC DEVELOPMENT ASSESSMENT (EDA) STUDY**

In April 2010, the COG General Forum authorized the release of a Request for Proposals to prepare an Economic Development Assessment (EDA) for the Centre Region. After a competitive selection process, BBP LLC & Associates was selected to conduct the Assessment. Work was initiated in August 2010.

The EDA contains short-term, mid-term, and long-term recommendations to:

- Identify ways to strengthen the working relationship between the COG, Centre Region municipalities, Centre County, Penn State, the Chamber of Business & Industry Centre County (CBICC), and the Centre County Industrial Development Corporation (CCIDC).
- Identify business clusters that could provide sustainable jobs over the next 30 years, including those that could use University Area Joint Authority (UAJA) beneficial reuse water.
- Encourage the reuse, revitalization, and redevelopment of underutilized properties in the region.

Additional information was provided in writing to the Board of Supervisors. In summary, staff has two major concerns with the report:

1. The cost to implement the recommendations appears to be underestimated. Low and no cost estimates reflect a less than sufficient effort to achieve a real strategy of economic development. If the goal is to assimilate information from a variety of sources, then maybe the estimates are accurate. If the goal is to ATTRACT new business and industry, it cannot be accomplished without a financial commitment of all partners and qualified personnel to carry out the tasks. Is this a role just of the COG?
2. As stated in the introduction to the EDA, its objective is to "prepare a series of recommendations and implementation actions that help define a cohesive regional economic development policy for the Centre Region." The question is whether this study accomplishes the objective.

Mr. Kunkle said the Transportation and Land Use Committee, along with the CRPC, has reviewed the report. Staff has completed a review as well. He suggested focusing on the short-term recommendations at this time.

Mr. Pytel said his biggest concern is that there is no common end in sight as discussions have taken place on the Transportation and Land Use (TLU) Committee. He wants to make sure they have an agreed-upon process for getting to a particular point. Mr. Kunkle said it is important to recognize that the Centre Region has not had to be very active in the economic development arena over the last 30-50 years. They have not had to be concerned about attracting certain clusters of business/industry/commercial operations to the Region. In the last 20 years they have lost some major employers to the area, and this is an effort to learn whether or not the Centre Region has a role in attracting jobs. In some instances, this may not be the government's role. Mr. Kunkle summarized the results of the Draft EDA Study.

Mr. Heinsohn is opposed to spending taxpayers' money for a report that shares information that is already known. He would prefer to have assistance with implementation.

Mr. Keough said it appears that as a Region they do not have any organized data pool of information for what exists. The information is there, but they have not had the need to organize it in order to allow it to be useful for decision-making. In addition, he believes they need to provide an understanding of what economic development is and what it might mean to this community and Region, and then get support for any necessary activities. He elaborated.

Mr. Pytel asked what municipalities can do to keep businesses in the Centre Region if they are not informed that businesses are considering a move.

Mr. Miller commented that he does not support the recommendations in this study. The study follows the latest trends in economic development. Businesses that start in this area seem to be very successful. Trying to attract businesses from other areas has not proven to be successful in the Centre Region.

Ms. Lang has reviewed this from the beginning. Completing this study identifies the complexity of economic development. No one in the Township has ever been responsible for economic development. At this time it appears that the study will simply be the basis for an appendix to the Comprehensive Plan. She believes the COG needs to decide how the Region wants to be involved in economic development. Also, there are decisions the Township makes daily that affect the desirability of this area for businesses to relocate here or to stay here and grow.

Mr. Keough asked what would happen if the Township's position was *not* to accept the report due to its incompleteness, etc.

*Board's Comments:* Mr. Killian said at the very least costs are understated or not adequately addressed, especially Items 1 and 2. The greatest hurdle is to take within COG a new focus or approach at the regional level. Taking a regional approach is efficient and sounds good, but he has concerns about it. There may be data available, but there is not necessarily access to it. Mr. Miller expressed concern about possibly needing to hire someone to carry out the recommendations. Ms. Lang expressed that keeping a web page up to date with the most accurate information can be a full time job. Mr. Killian suggested that the greatest way to impact economic development may be to create the infrastructure and quality of life as a way to accomplish their goal as a Board. He asked if

there should be criteria to measure whether or not they are keeping to certain standards. Mr. Keough provided an example. He believes over the years they may have created a startup environment that may not have the flexibility in terms of the economics for starting a business, and perhaps they need to look at that as part of an economic development strategy. Perhaps they need to consider their relationship to the incubator model, which may require a regional commitment.

## **5. ANALYSIS OF BUSINESS NETWORKS IN CENTRE COUNTY**

At the April 25<sup>th</sup> meeting of the COG General Forum, Ted McDowell, Chairman of the Centre County Industrial Development Corporation (CCIDC), presented a proposal for a study to be conducted by the Penn State Workforce Education and Development Initiative (WED Initiative).

Four main segments of information were provided as part of the Agenda for the COG meeting. Questions were provided for the Board's consideration.

*Board's Comments:* Mr. Miller believes this is a great idea for the business community, but he does not see how it involves the government. The Board agreed. Mr. Kunkle said other municipalities have indicated that they would limit the contribution to \$2,500 if approved by the General Forum. There does not appear to be an indication of commitment by the County at this point.

Mr. Keough asked about Page 6 of the report, which references other items outside the assessment itself. He would rather see the wording "vocational technical training facilities" than "technical colleges" under Item 2.

## **6. AWARD OF CONTRACT 2011-C6 – BIKE PATH SEAL COATING PROJECT**

With many miles of asphalt bike ways within the Township, providing a seal coating of the system will extend the life of the asphalt paths. Staff has prepared a bid document and sought competitive bids to complete a seal coating of bike paths within the Township.

On May 10, 2011, bids were opened publicly for the 2011-C6 Bike Path Sealcoat contract. David Modricker and Tonya Jackson of Ferguson Township were present. Also present were Brad Bender of East Coast Paving and Sealcoating, Inc.; Brian Critchfield of Dark Castle Construction LLC; and George Weller.

An addendum (Number 2) was issued during the bidding process, which included an alternate bid item (2A) for a double seal coat rather than a single seal coat.

Six bids were received. Four bids were submitted in accordance with the contract. One bid from Hager paving, Inc. did not include Addendum 2, but is summarized below. One bid from Total Asphalt did not include a bid bond and is not included in the summary below:

<b>Contractor</b>	<b>Single coat total price</b>	<b>Double coat total price</b>
M&M Asphalt	\$15,325.99	\$25,383.39
George Weller	\$18,620.61	\$24,613.45
East Coast	\$29,698.75	\$26,634.15
Dark Castle	\$23,953.24	\$39,149.37
Hager Paving, Inc.	No bid	\$56,760.14

The budget for this work is \$17,500 for the bike paths plus an additional \$3,000 to sealcoat the Haymarket Park parking lot for a budget of \$20,500. The Board should consider either: 1) awarding the contract to M&M Asphalt to apply a single coat of sealant for \$15,325.99; or 2) awarding the contract to George Weller Construction for a total of \$24,613.45 for a double seal coat application. A future budget amendment may be considered to allocate an additional \$4,200 to budget item 30.430.061.

Mr. Modricker recommended a double coat and clarified the process that occurs. He explained the budget for a single coat versus a double coat.

Mr. Killian made a motion to award Contract 2011-C6 Bike Path Seal Coating to George Weller Construction for a total of \$24,613.45 for a double seal coat application. Mr. Heinsohn seconded the motion. The motion passed unanimously.

## **7. APRIL 2011 VOUCHER REPORT**

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

## **8. CONSENT AGENDA**

- a. April 2011 Treasurer's Report
- b. Pay Authorization to Frontier Construction Company - \$18,643.66

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

## **V. REPORTS**

### **• Public Works Director**

Mr. Modricker provided detailed information about various 2011 Contracts regarding bids, proposals, and Open House projects. He highlighted the following items, other than those previously presented at tonight's May 16<sup>th</sup> meeting:

**Rosemont Drive:** On May 5<sup>th</sup>, a Sergeant reported a hole in the middle of Rosemont Drive and placed traffic cones around the area. The hole in the road was investigated. It was determined that storm water pipe failure contributed to the hole. Emergency repair work started on May 10<sup>th</sup>. There is much history regarding storm water conveyance in this neighborhood, which dates back to 1974 when the subdivision was built. The neighborhood was built in a floodplain, and Slab Cabin Run flows through the neighborhood.

On March 19, 2001, staff presented a report to the Board detailing the chronology of events to date and recommended options to address flooding concerns in the neighborhood. Based on a Flood Protection Feasibility Study by Gannett Fleming in 2002, a capital improvement project was designed and bid to replace and improve the capacity of the storm sewer system through the Shadow Oaks Subdivision. The improvements never were built due to conflict with the sanitary sewer elevation in this subdivision. Subsequently, one house was purchased and demolished and removed from the floodplain by the Township, and one garage was built up out of the floodplain by the Township. Since

that time, no further capital improvement projects for this neighborhood have been approved. The Board may want to discuss the merits of asking staff to investigate capital improvement options for storm water conveyance in this area and evaluate the condition of the remainder of the pipe in this subdivision.

- **Director of Planning and Zoning**

Ms. Lang said Board members Heinsohn and Keough attended the Planning Commission's regularly scheduled meeting on May 9, 2011. The meeting followed a joint meeting of the Board and Planning Commission. The only item for discussion was as follows:

**DISCUSSION OF RA AND RR ZONING DISTRICT REGULATIONS:** Mr. Keough outlined his concerns about the present regulations, which have been amended at various times over the last thirty years. The creation of non-conformities and the desire not to impede the interests of those entering the field of agriculture were identified as reasons why the Township should be undertaking a comprehensive review of these zoning standards.

Although Mr. Heinsohn identified satisfaction with the standards in their current form, he posed no objection to a review of the zoning to ensure that it was aligned with trends in the field of agriculture. There was continued discussion about the level of expertise present amongst the current membership of the Commission and the importance of including local farmers and residents in the development of any new standards.

Staff has generated a series of maps to aid in the discussion, which will continue after the Commission has completed its recommendation related to the development of a traffic calming policy.

- **Chief of Police Report**

Chief Conrad highlighted the following items in her report:

Part 1 crimes are higher than this time last year, mostly due to thefts. Part 2 crimes are up slightly as well, but year to date crimes are still down.

Other calls of service are up slightly, but there has been no significant activity. Traffic citations are down slightly. Parking tickets are up. They have done more enforcement in the Shellers Bend area.

Mr. Heinsohn asked about the use of bath salts in Ferguson Township. Chief Conrad said she attended the District Attorney's press conference. They have some ways of handling this while they wait for the legislature to take action.

- **COG Committee Reports**

- a. *Public Services and Environmental* – Mr. Heinsohn said they are planning to use some of their rebate money for recycling bins throughout the area. They decided not to undertake an intent to recycle batteries at this time.
- b. *Public Safety* – Mr. Keough said a fair amount of their meeting discussion had to do with identifying LifeLink as their primary provider of emergency medical services. The Township is serviced by three ambulance services. Centre LifeLink is the only provider at the moment who is



asking for primary designation. His concern is what this will do to influence the other two providers. It was indicated that there would not be a problem in Ferguson Township identifying all three providers as primary, and attaching the geography that they are assigned to for their delivery of service. He said the Board could include Port Matilda and Penn State in a resolution, but they should have communication with them in advance. LifeLink is not prohibiting the idea of identifying these other providers also as primary.

Mr. Pytel suggested using caution when designating primary providers for particular areas. He does not want to draw a line such that other services will not respond in emergency situations. Mr. Keough said those kinds of lines do not exist in this area with the current EMS services. He added that at times a certain provider cannot respond to a call due to other obligations.

Mr. Keough asked if the Board would like Mr. Kunkle to pursue contact with Port Matilda and Penn State services with the possibility of designating them as primary providers. Mr. Killian noted that this would be creating an agreement that already exists. Mr. Keough summarized the reasons stated for the request to designate LifeLink as the primary EMS provider. Mr. Keough made a motion to instruct Mr. Kunkle to make contact with the Port Matilda and Penn State University ambulance services regarding either being included as a primary provider attached to their particular area, or not involved at all. Mr. Heinsohn seconded the motion. The motion passed unanimously.

- c. *Human Resources* – Mr. Heinsohn said the library wanted to upgrade its Administrative Assistant position to be reclassified as Office Manager.
- d. *Executive* – Mr. Miller said they will ask for guidance regarding the Spring Creek Canyon. The feeling was that Benner Township is asking for a contribution (probably in the range of \$10,000) to handle their part of the canyon, since it is a regional facility. The committee will identify a response to forward to the General Forum. The options are: a) to consider the proposal within the context of the 2012 Budget; b) to refer the quest to each municipality for individual consideration and action; and c) to leave it to the county rather than individual municipalities. The Benner Township part of the project mainly involves the parking and access. This is a one-time cost for establishing those areas. The Board's preference is a combination of Options a and c, with a maximum contribution of \$10,000 for purposes of discussion.

## **I. MINUTES**

### **1. May 2, 2011 BOS Regular Meeting Minutes**

Mr. Killian made a motion to approve the May 2, 2011 BOS Regular Meeting Minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

## **II. ADJOURNMENT**

Mr. Killian made a motion to adjourn the May 16, 2011 BOS Regular Meeting. Mr. Pytel seconded the motion. The motion passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the May 16, 2011 Regular Meeting at 9:27 pm.

Ferguson Township Board of Supervisors  
May 16, 2011  
Page 10

RESPECTFULLY SUBMITTED,

---

Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 06/06/2011