

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, September 19, 2011
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, September 19, 2011 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman
Steve Miller, Vice Chairman
Richard Killian
Bill Keough

Staff: Trisha Lang, Director of Planning & Zoning
Diane Conrad, Chief of Police

Others in attendance included: Maggie Nicholson, Recording Secretary; Tony Fruchtl, Penn Terra Engineering and Paul Kozlovsky.

II. CALL TO ORDER

Mr. Pytel, Chairman, called the September 19, 2011 regular Meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

Tony Fruchtl from Penn Terra Engineering attended the meeting representing Jack and Tracy Galloway. Mr. Fruchtl said the Galloways have prepared a land development plan regarding having a horse academy on their property, they have received a conditional approval and are currently working their way through the conditions they need to meet with various public agencies in order to get the final approval. The Galloways are requesting a 90 day time extension to get the plan completed. Ms. Lang said just a few items are missing; that most issues are resolved with code and some administrative issues dealing with outside agencies still need to be resolved.

Mr. Miller made a motion to grant the 90 day extension. Mr. Killian seconded the motion. The motion passed unanimously.

IV. PUBLIC HEARINGS – ORDINANCES

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES BY DELETING CHAPTER 5, CODE ENFORCEMENT, PART 1, BUILDING CODE, PART 2, THE PENNSYLVANIA CONSTRUCTION CODE ACT, AND THE UNIFORM CONSTRUCTION CODE OF PENNSYLVANIA.**

Ms. Lang said the Code Administration Director, Walt Schneider reviewed and presented at the Board's last meeting the background and the purpose for which this ordinance is being considered by the Centre Region municipalities in order to correct errors in the adoption of ordinances 808 and 832 on June 21, 2004. This ordinance corrects the oversight and brings the current application and enforcement of the UCC into compliance.

Mr. Killian made a motion to adopt the ordinance amending the Code of Ordinances by deleting Chapter 5, Code Enforcement, Part 1, Building Code, Part 2, the Pennsylvania Construction

Code Act, and the Uniform Construction Code of Pennsylvania. The motion was seconded by Mr. Miller.

Ms. Lang took a roll call vote of Ordinance #956; Mr. Keough-YES; Mr. Killian-YES-Mr. Miller-YES; Mr. Pytel-YES. The motion passed unanimously.

V. PUBLIC HEARINGS

1. CONTINUATION OF CONDITIONAL USE HEARING FOR THE PENNSYLVANIA STATE UNIVERSITY PROPERTY LOCATED AT 1445 WEST COLLEGE AVENUE

Ms. Lang said on August 1st, the Board of Supervisors opened the conditional use hearing based on a request by the Pennsylvania State University to use property at 1445 West College Avenue for retail space and golf course equipment maintenance and storage, which is not a stated permitted use within the Terraced Streetscape District and therefore the use could only be permitted by conditional use approval. The Township and the University have been working together to discuss the type of improvements that might be required and the University would need additional time to put together their best options for the site and request a continuation of the hearing until October 3rd.

Mr. Keough made a motion to grant Penn State University a continuation of the conditional use hearing until October 3rd for the property at 1445 West College Avenue. Mr. Miller seconded the motion. The motion passed unanimously.

VI. COMMUNICATIONS TO THE BOARD

Mr. Pytel thanked the township employees who pick up the brush for doing a good job and making the Township look good. Mr. Pytel received calls about persons parking on Main Street in Pine Grove Mills, Route 45 near the school where there is a no parking zone. Also Mr. Pytel received a call about a dangerous dead tree limb near the Pine Grove Mills elementary school and a complaint about dogs doing their business on personal and school sidewalks in that area. The Police and Public Works Departments will look into these issues.

VII. ACTION ITEMS

1. CERTIFICATION OF 2012 ACT 205 MINIMUM MUNICIPAL OBLIGATION TO FUND TOWNSHIP PENSION PLANS

Township Manager, Mark Kunkle, provided a memo to the Board setting forth the 2012 Act 205 Minimum Municipal Obligation to fund the Township's Pension Plan Pursuant to Act 205, the Chief Administrative Officer of the Pension Plans must certify to the governing body the minimum municipal funding obligation for the upcoming year. Total pension plan obligation is \$366,850. Of that amount, the Township is anticipating receiving \$20,246.96, leaving a municipal contribution of \$146,603; of that total, \$85,454 would be payable to the police pension fund and \$45,253 would be payable to the non-uniform pension fund. In early October, the Township anticipates receiving its Act 205 disbursements. Once received, the Board will be notified of the actual State Funding amounts.

2. WHITEHALL ROAD REGIONAL PARKLANDS LEASE

The Whitehall Road Regional Parklands Lease Agreement was discussed by the Parks Capital Committee on September 8th and will be considered at the September 26th COG General Forum Meeting. There are three leases under discussion for each of the three regional parks. The Whitehall Park lease is the only one that has a second party involved because Ferguson Township is a part owner. The General Forum members will be asked to act on the three lease agreements but prior to the General Forum meeting, it is important that at the Board of Supervisors be comfortable with the Whitehall Road Regional Parkland Agreement.

Mr. Keough said the leases were just finished a week ago, the wording in the leases needs to be reworked to include the Ferguson Township co-ownership. The issue of timing in the leases is critical for the initiation of contracts for work that needs to be done and has already been agreed to. An alternate wording of the agreement/motion for a 50 year lease to be presented at the General Forum meeting has been updated to say authorization will be given contingent on the COG solicitor and Ferguson Township solicitor reaching mutual agreement on pending issues yet to be resolved. The agreement will then be voted on at the COG meeting, so that contracts can start to be written. The other board members agreed that this is a good solution.

Mr. Keough made a motion to agree to the terms of the lease between the Township, Centre Region COG and the Centre Region Recreation Authority for action at the September 26th COG General Forum meeting subject to the issues discussed being resolved. Mr. Killian seconded the motion. The motion passed unanimously.

3. CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) FUNDING OPTIONS

Over the course of the last few months, Mr. Pytel along with staff members, Dave Modricker and Mark Kunkle, have met with the MPO Subcommittee on Membership to discuss a multitude of funding options to meet the local share provided to the MPO. This process is a result of Ferguson Township's request to the MPO Chairman, Dan Klees in December of 2010 to consider revising the funding formula used to calculate local share contributions. After careful review, Mr. Pytel and Staff are recommending option six to be considered for support by the Board. The potential funding option moves all of the contributing municipalities and the county closer to a fairer distribution of costs.

Mr. Pytel said they worked on this over 3-4 months and came up with what they think is the most fair of the options. The County may be willing to give a larger share of the funding.

Mr. Keough said he understands a sub-committee worked together to decide which options to pursue. How will the issue be resolved if other members choose a different option of the 7 still on the table. Ms. Lang said other options on the list involve a COG formula that Ferguson Township is not in favor of. Mark Kunkle will be presenting this issue to the MPO and will encourage them to support option 6.

Mr. Miller made a motion endorsing Ferguson Township's support of option 6 and authorizing Mark Kunkle to present it on the Board's behalf. Mr. Killian seconded the motion. The motion passed unanimously.

4. SUPPLEMENTAL ACTION ITEM—STREET TREE PLANTING CONTRACTS

Bids were opened on Tuesday September 13, 2011 and the Public Works Director would like to get approval on this in time to get the trees ordered for planting.

Mr. Modricker recommends the board award Contract 2011-C13B to Landscape II at a cost of \$21,230 and Contract 2011-13C to Lawnscape Ltd. At a cost of \$12,415.

Mr. Keough made a motion to award the contracts to Landscape II and Lawnscape Ltd. Mr. Killian seconded the motion. The motion passed unanimously.

5. AUGUST 2011 VOUCHER REPORT

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

6. CONSENT AGENDA

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

VII. REPORTS

1. Planning & Zoning Director – Ms. Lang

At the Last meeting September 12, 2011 Mr. Eric Vorwald from CRPA gave a presentation of where they are at in the timeline for completion of the comprehensive plan. Also Mr. Vorwald presented a proposed plan to show future growth areas, long term growth areas and rural resource area designations within the Region. The Ferguson Township planning commission was mixed on their acceptance of such a plan.

Mr. Keough said he hoped there would be a broad based discussion before anything was put onto paper. Ms. Lang said Eric Vorwald from CRPA indicated the planning would begin at the local levels. Mr. Keough said he thinks we as supervisors have to facilitate public discussion by drawing people in to encourage a true voice for the local citizens which would take some time. Ms. Lang said this is just an idea now and may not be something that could be done in the current comprehensive plan.

2. Chief of Police –Diane Conrad

Ms. Conrad reported that Part I crimes are the same amount as August of last year, but year to date is up a little bit.

Part 2 crimes are down from 79 last August to 65 this August.

Year to date for all crimes are lower by 100 than last year.

The police had quite a few local community relation events recently.

3. COG Committee Reports

Parks Capital

Mr. Keough said this was discussed earlier this evening.

Public Safety

Mr. Keough said the Public Safety committee finalized recommendations that will come before COG possibly at their next meeting. The committee has gone through and vetted some 30 recommendations made by the consultant. It will be recommended that some of these recommendations be re-prioritized based on area needs. Codes office has already implemented some of the changes.

Transportation & Land Use

Mr. Pytel said they have been reviewing the comprehensive plan. Currently they are discussing where to have future growth. The group discussed the property in Harris Township going through the DRI process. Centre Area cable concerns were discussed, including remote operation points, density requirements, customer service issues, and the annual customer rate notice.

VIII. CALENDAR ITEMS – SEPTEMBER/OCTOBER

Mr. Keough reported that Greg Focht who was previously honored by the Board of Supervisors as a participant in the Special Olympics World Games won a silver medal in golf at the International Special Olympics in Greece.

IX. MINUTES

1. September 6, 2011 BOS Regular Meeting Minutes

Mr. Killian made a motion to approve the September 6, 2011 BOS Regular Meeting Minutes. Mr. Miller seconded the motion. The motion passed unanimously.

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the September 19, 2011 Regular Meeting at 8:13 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 10-03-2011