

## **FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

Regular Meeting  
Monday, December 12, 2011  
7:00 pm

### **I. ATTENDANCE**

The Board of Supervisors held its second regular meeting of the month on Monday, December 12, 2011, at the Ferguson Township Municipal Building.

In attendance were:

**Board:** George Pytel, Chairman  
Robert Heinsohn  
Richard Killian  
Bill Keough  
Steve Miller

**Staff:** Mark Kunkle, Township Manager  
Diane Conrad, Chief of Police  
Trisha Lang, Director of Planning & Zoning  
Dave Modricker, Director of Public Works

Others in attendance included: Christina Spackman, Recording Secretary; Tracey Galloway, resident; Lindsay Galloway, resident; Tony Fruchtl, Penn Terra Engineering; Cindy Hahn, CNET Director; Pat Lytle; Rick Brezina; Joyce Harvey; Brian Black; Richard and Jeanne Haeffner; Doug Erickson, Patton Township; Arlene Pruss; Carolyn Cole; Ed Alberta; L. Piliowe.

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

Mr. Pytel, Chairman, called the December 12, 2011 regular Meeting to order at 7:02 pm.

### **III. CITIZEN'S INPUT**

#### **1. GALLOWAY LAND DEVELOPMENT PLAN**

Tracey Galloway, property owner of 192 South Nixon Road, said that they have a land development proposal that they are looking to finalize. They are currently looking to be exempted from the fire protection water supply requirements. Steve Bair, COG Fire Administrator had sent a letter to Tracey Galloway, outlining four options to provide fire protection for this plan.

The Board had some discussion and concern about whether this would be appropriate or not. Mr. Kunkle stated that the concern for the Township would be that the Township may have some liability if the Board granted an exemption to the Galloway Land Development Plan from the fire protection water supply requirements; should a fire happen and loss of life occurs, the Township may have some liability.

Mr. Miller stated that he would like to speak to Mr. Steve Bair before he made a decision; the Board seemed to be in agreement.

Another option, should this not be passed by the Board was to grant a 45 day extension to the Galloway Land Development Plan, which would allow both the Board to seek answers to questions and concerns from Steve Bair and allow for other options to be sought and discussed.

Mr. Heinsohn made the motion to approve the 45 day time extension for the Galloway Land Development Plan; Mr. Miller seconded the motion. All were in favor.

#### **IV. PUBLIC HEARINGS – ORDINANCES**

- 1. A PUBLIC HEARING ON AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CHAPTER 21 STREETS AND SIDEWALKS, BY ADDING A NEW PART 5 NEIGHBORHOOD IMPROVEMENT DISTRICTS FOR THE PURPOSE OF ESTABLISHING THE HOMESTEAD FARMS NEIGHBORHOOD IMPROVEMENT DISTRICT TO MAKE IMPROVEMENTS TO ROADWAYS WITHIN THE HOMESTEAD FARMS NEIGHBORHOOD AND LEVY SPECIAL ASSESSMENT FEES TO FUND SAID IMPROVEMENTS.**

There are five properties located within Ferguson Township in Homestead Farms, which is why Ferguson Township is involved in the creation of a Neighborhood Improvement District. Property owners in the Homestead Farms subdivision want these streets to be made public and allow Patton Township to maintain those streets. In order to do this, there are street standards that the streets are required to meet. This ordinance establishes the Homestead Farms Neighborhood Improvement District and levy special assessment fees to complete improvements to bring the streets up to Patton Township Street and Road Standards..

Mr. Killian made the motion to approve the ordinance amending Chapter 21- Streets and Sidewalks to create the Homestead Farms NID ; Mr. Miller seconded the motion. Ordinance number 961 was passed by roll call vote: Mr. Heinsohn – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES.

- 2. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING APPENDIX D, GOVERNMENTAL AND INTERGOVERNMENTAL AFFAIRS BY ADOPTING THE ARTICLES OF AGREEMENT FOR THE MANAGEMENT, OPERATION AND TERMINATION OF THE HOMESTEAD FARMS NEIGHBORHOOD IMPROVEMENT DISTRICT**

Essentially this will assign the responsibility to Patton Township and have them take over the Homestead Farms Neighborhood Improvement District and complete this project.

Mr. Miller made a motion to approve the ordinance of Articles of Agreements, Homestead Farms NID. Mr. Heinsohn seconded the motion. Ordinance number 962 was passed by roll call vote: Mr. Heinsohn – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES.

#### **V. PUBLIC HEARINGS – RESOLUTIONS**

- 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE BUDGET FOR THE FISCAL YEAR 2012, BEGINNING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012.**

At the Board's request Mr. Kunkle reviewed some of the budget highlights that were in the Township Budget.

Mr. Heinsohn made the motion to approve the Resolution adopting the 2012 Township Budget. Mr. Miller seconded the motion. Resolution 2011-24 was passed by roll call vote: Mr. Heinsohn – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES.

**2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, LEVYING TAXES AND ASSESSMENTS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012 AND ENDING DECEMBER 31, 2012.**

Mr. Heinsohn made the motion to approve the Resolution levying taxes and assessments for the 2012 fiscal year. Mr. Killian seconded the motion. Resolution 2011-25 was passed by roll call vote: Mr. Heinsohn – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES.

**3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ESTABLISHING CONTRIBUTIONS TO THE POLICE PENSION FUND BY MEMBERS.**

Mr. Killian made the motion to approve the Resolution establishing contributions to the Police Pension Fund by members. Mr. Heinsohn seconded. Resolution 2011-26 was passed by roll call vote: Mr. Heinsohn – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES.

**4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTIONS 2010-38 AND RESOLUTION 2011-01, AND ESTABLISHING A NEW SCHEDULE OF FEES.**

Mr. Heinsohn made the motion to approve the Resolution establishing a new schedule of fees. Mr. Killian seconded. Resolution 2011-27 was passed by roll call vote: Mr. Heinsohn – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES.

**5. A PUBLIC HEARING ON A RESOLUTION AMENDING THE 2012 TOWNSHIP FEE SCHEDULE BY ESTABLISHING A TOWNSHIP FEE FOR RENTAL UNITS.**

This fee will cover the cost of the Health Inspector regarding inspections for, asbestos, bed bugs, etc. complaints; this will be included on top of property owners rental housing fee that is paid to the Centre Region Code Administration; currently, there is no other revenue source for this. Mr. Keough asked how much revenue was anticipated from this new fee and Mr. Kunkle responded approximately \$5400. Mr. Keough suggested that these health inspector costs be billed to the property owner of the unit where the service is provided. The costs of collecting these fees was discussed.

Mr. Killian made a motion to approve the Resolution amending resolution 2011-27 by establishing a Township fee for rental units. Mr. Heinsohn seconded. Resolution 2011-28 was passed by roll call vote: Mr. Heinsohn – YES; Mr. Keough – NO; Mr. Killian – YES; Mr. Pytel – YES.

## **VI. COMMUNICATIONS TO THE BOARD**

Mr. Heinsohn had phone calls from residents concerning the Turnberry TTD Master Plan and how it is evolving; this issue is to be later addressed in the meeting.

Mr. Keough met with a group of Greenleaf Manor residents last week, again to be discussed later in the meeting.

Mr. Pytel introduced a Certificate of Recognition for Nathan Rhoads for completing an Eagle Scout Project, which was the installation of two baseball dugouts for the use of the State College Little League and the Ferguson Township Lions Club, located in Pine Grove Mills. The award will be presented on Saturday, December 17<sup>th</sup> at 2:00 p.m. at the Faith Baptist Church in State College, PA. Board all agrees to present this certificate.

## **VII. ACTION ITEMS**

### **1. TURNBERRY TRADITIONAL TOWN DEVELOPMENT (TTD) MASTER PLAN**

There will be a special meeting Monday evening, December 19, 2011 concerning this plan.

Mr. Kunkle reviewed some of the issues that the Board expressed at the last presentation. The first issue of concern was the intersection of Knob Hill Road with Circleville Road. The Knob Hill trailer court is serviced by a loop road that is connected to Circleville Road at two points. The plan for Turnberry improves that connection by bringing the intersection of Knob Hill Road at a 'T' alignment more than at an angle with Circleville Road. This allows for the residents to exit at a more controlled intersection with better sight distance.

The owner of the property is working to resolve a title issue for a portion of the property that was conveyed to them by the University, in that there is no clear title. Once the title is cleared, the developer will retain the ability to make this connection, rather than a cul-de-sac. Another location, which suggests an access point on Blue Course Drive as a right-in, right-out intersection is suggested to be eliminated.

Another issue was the community center in Phase 1. Adjacent property owners have concerns regarding the outdoor pool. Mr. Kunkle stated that there will be a 50 foot setback, which is not a requirement of the Township, but an accommodation by the developers due to Greenleaf Manor property owner concerns. The developers are looking into enhancing landscape along said property line. With regard to the pool, there were concerns expressed regarding elevation and visibility by the adjacent property owners. Architectural renderings show that the pool will be depressed and lower than surrounding grade. In

addition, there will be a retaining wall, fence and additional landscaping. Visibility will be worked on and ultimately significantly reduced through these options.

Developers are currently working on revised phasing to address Traffic Study constraints. The Staff is hoping the meeting the developers later this week with regard to off-site traffic improvements that have been identified in the Traffic Impact Study.

Ms. Lang addressed one other issue, which was the final submission to the Township of the Traffic Impact Study. It is now back in the hands of the Township since late last week. Ms. Lang stated that Ron Seybert, Township Engineer, has set aside time to provide validation of data this week.

Mr. Keough wanted to know if there is a general statement from Staff with regard to right-in, right-out option being potentially eliminated if the Traffic Study doesn't support it.

Mr. Dave Modricker responded that traffic can function adequately without the right-in, right-out. By eliminating it, there will be less conflict on our road and less cost for developer.

Mr. Keough would like to see that when the Homeowner's Association is established, that they meet regularly with the Board to keep both them and Board updated.

Ms. Carolyn Cole, adjacent property owner in Greenleaf Manor, wanted to know how this high-density housing will benefit her and other property owners. Mr. Pytel responded with the fact that Greenleaf Manor is zoned as a PRD, which allows for growth of high density housing, this TTD is similar in that instance. By looking at other facilities, Mr. Pytel has stated that they work in other similar facilities.

Mr. Modricker stated that there is more desire for sustainable development and reducing sprawl . If this development is designed to be more sustainable , it will benefit everyone. Ultimately, things that aren't sustainable, you have to figure out to how pay for them. With things being sustainable, it's a wise use of space and resources.

Ms. Carolyn Cole also wanted to know if the Board would support the homeowners if they were to ask the developers to put in a fence. Ms. Lang responded that the municipality would not like to see a fence, and that the staff preferred encouraging a feeling of a community through interconnectivity..

Board members expressed opinions that they did not see the necessity of the fence, but seemed to be ok with the idea, if the developers were to agree. Mr. Kunkle stated that the developers, as of today, they did not want a fence.

Mr. Killian's concern was that a fence would be deter from the walkability of the neighborhood.

Mr. Dave Hill, from Greenleaf Manor, had some concern about how quickly this plan was proceeding; he states that he believes they are moving fast toward this approval of this

plan. He also is concerned about the density of the development and that it's not similar to Greenleaf Manor.

Ms. Arlene Pruss, Greenleaf Manor resident had a question of the phasing. She would like to see the landscaping done in the first phase to allow for growth of trees. She believes that this will minimize the impact of the development, this way they can avoid dust, wind and construction views during the construction of this development.

Mr. Kunkle stated that they could ask the developers about doing the landscape in the first phase, but wants to know if the Greenleaf Manor residents are ok with the current landscape plan that the developers have proposed. The residents indicated they wanted as thick and dense of evergreens as possible. Mr. Kunkle advised that everyone needs to take into consideration the grading and moving of dirt, which the township does not have a schedule of yet. While the developer may not be able to complete all buffer landscaping in phase one, Mr. Kunkle stated that it wouldn't be unreasonable to include in the terms and conditions to have that landscaping done in the beginning of each phase. Mr. Pytel thinks that is reasonable, as long as the Township's doesn't ask them to dig up trees for future construction. Board seemed to be in agreement with that.

Ms. Pruss also had some concern about weeds and grass; will they be required to keep the empty lots and phases not approved for construction maintained until they are developed? Some options may include farming of the land, but the weed ordinance will be required to be followed by the developers and enforced.

## **2. CNET SPONSORSHIP DISCUSSION – MS. CINDY HAHN, DIRECTOR OF CNET**

Ms. Cindy Hahn gave a presentation on the CNET Sponsorship Discussion. Last month, the Board was contacted by the students of the Campus Weather Service, with regard to the Township contributing to the sponsorship of the meteorology program at CNET.

Mr. Miller made the motion that the Board donates two programs for 2012 to the Campus Weather Service. Mr. Killian seconded. Four to one vote, Mr. Heinsohn was not in favor.

## **3. CONTRACT 2011 – C18, BUILDING #4, CONCRETE FLOOR**

Bids were opened publicly for the Contract 2011 – C18 for the installation of a concrete floor in the addition portion of Public Works Building No. Four. Seven bids were received:

Reiff Concrete LLC \$36,315.65  
Stone Valley Construction \$43,370.00  
Kevin E Raker Construction \$44,000.00  
BCS Construction \$44,772.80  
John Spearly Construction \$52,089.03  
Cardinal Commercial Builders, Inc. \$55,275.15  
R.H. Bailey LLC \$59,675.00

It was recommended to the Board of Supervisors to award Contract 2011 – C18 to Reiff Concrete LLC in the amount of \$36,315.65 by Mr. Modricker. Staff conducted a check on their references and found them to be a responsive and responsible bidder.

Mr. Killian made a motion to approve the award Contract 2011 – C18 to Reiff Concrete, LLC. Mr. Keough seconded the motion. The motion passed unanimously.

#### **4. NOVEMBER 2011 VOUCHER REPORT**

Mr. Killian made a motion to approve the Township Manager Employment Agreement. Mr. Heinsohn seconded the motion. The motion passed unanimously.

#### **5. CONSENT AGENDA**

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

### **VII. REPORTS**

#### **1. Manager**

No manager's report.

#### **2. Director of Public Works**

No Director of Public Works report.

#### **3. Director of Planning and Zoning**

Ms. Trisha Lang, Director of Planning and Zoning stated that the Planning Commission held their last meeting of the year on December 6, 2011. One of the projects that are outstanding for this year, one of the projects was the Galloway project, along with Young Scholars, still waiting to get a Mylar sign, and Saybrook Phase 9A began construction on road systems and is working on finalizing construction estimates to post surety on the remaining project. The only other item, would be the Beaver Avenue Study, the consultant is to get a draft study report next week. Ms. Lang will then get the draft study report to the Planning Commission and post it on the website.

#### **4. Chief of Police**

Ms. Diane Conrad, Chief of Police stated that the November Part I crimes are down 60%, while Part II crimes is also down by 20%. Other calls for services are about the same as last year. About 536 staff hours were spent on football and there have been quite a few bear sightings as well.

Newest officer, Eric Albright graduated from the Police Academy and is currently completing field training.

Corporal Rose won the Top Gun award, which is the DUI Association's top DUI arrest for the year.

Officer Sprinkle turned in his resignation; the next person on the list is in the process of having a back ground check approved and hoping to start him in the police training academy in January 2012.

**5. COG Committee Reports**

**VIII. CALENDAR ITEMS – DECEMBER/JANUARY**

1. **December 19<sup>th</sup> at 12:00 pm – Employee Holiday Luncheon**
2. **December 19<sup>th</sup> at 6:30 pm – Executive Session concerning Personnel Issue**
3. **December 19<sup>th</sup> at 7:00 pm – Board Meeting**

**IX. MINUTES**

1. **December 5, 2011 BOS Regular Meeting Minutes**

Mr. Killian made a motion to approve the December 5, 2011 BOS Regular Meeting Minutes. Mr. Heinsohn seconded the motion. The motion passed unanimously.

**X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Mr. George Pytel adjourned the December 12, 2011, Regular Meeting at 10:00 p.m. Mr. Killian seconded that motion.

RESPECTFULLY SUBMITTED,

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Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 01/16/2012