

## **FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

Regular Meeting  
Monday, January 16<sup>th</sup>, 2012  
7:00 pm

### **I. ATTENDANCE**

The Board of Supervisors held its first regular meeting of the month on Monday, January 16, 2012 at the Ferguson Township Municipal Building. In attendance were:

**Board:** George Pytel, Chairman  
Richard Mascolo, Vice Chairman  
Andrew Clemson  
Elliott Killian  
William Keough

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

Others in attendance included: Steve Bair, Regional Fire Protection; Bill Hechinger, Pam Steckler, Mark Torretti, Penn Terra Engineering, Barbara Donnini, Recording Secretary

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

Mr. Pytel, Chairman, called the January 16, 2012 regular meeting to order at 7:02 pm.

### **III. ANNOUNCEMENTS**

Prior to the meeting the Board had an executive session to discuss personnel matters.

### **IV. CITIZEN'S INPUT**

None.

### **V. PUBLIC HEARINGS – ORDINANCES**

None.

### **VI. PUBLIC HEARINGS – RESOLUTIONS**

None.

### **VII. COMMUNICATIONS TO THE BOARD**

Mr. Keough explained that a resident of Sunday Drive, who was a recipient of the park border letter sent out by Mr. Kunkle, stated that they felt the letter was well-written and very appropriate and thanked Bill for Mr. Kunkle's time in preparing the letter.

Mr. Keough also reported that the community survey was sent back by 53.6% of those randomly chosen to receive the survey, a number very high compared to what is needed to come to a statistically significant conclusion. The raw data will be available to the steering committee on January 23<sup>rd</sup>. Of those who responded, 1347 sent in their survey via mail and 189 sent in their survey via the web.

## **VIII. ACTION ITEMS**

### **1. GALLOWAY FIRE PROTECTION MODIFICATION REQUEST**

Mr. Kunkle provided background information for the request, stating that it was originally considered at the December 12<sup>th</sup> meeting. Tracey Galloway of 192 S. Nixon Road presented a request to the Board for an exemption/waiver of fire protection water supply requirements. The Board did not believe they had sufficient amount of information to determine whether this exemption was appropriate, and requested that Mr. Steve Bair, the Centre Region Fire Director, discuss the options that the Galloway's have to address the issue. On December 12<sup>th</sup>, the Board granted a 45 day time extension until the meeting this evening in order to make a determination on this request.

Mr. Bair stated that he viewed the property, but was not the Fire Director when the ordinance was adopted and he does not know what the intent was. He stated that Galloways built these structures as part of a family homestead, which would make it a residential use, but since that time decided they would like to board horses, which makes it a commercial venture. The township code then applies because it is commercial.

Mr. Bair continued to explain that his analysis is based on the notion that the arena should not be considered as part of the structure needing to meet the regulation, as someone else's property is not being cared for by the Galloways within this space. He explains though, that an argument could be made both ways, but in his opinion, because riders have the means to protect their own property while within the arena, it should not count.

Mr. Bair informed the Board that in the Galloway's case, one would need 30,000 gallons of water, and a flow of 1,000 gallons per minute for five minutes after arrival until the fire is out, or 38,000 gallons is reached. The problem with the Galloway property is that there is a gap in water flow between minute five and minute nine, so the amount of water is adequate but the flow is not. By this, he figured that if they add an additional access to 4,000 gallons of water on their property, they will be within standards. Also he wanted to remind the Board that for calculations, time of day, mechanical failure, anything else beyond fire dept's control are not taken into consideration.

Option one is to place a cistern that holds 4,000 gallons of water or more on the property. This is an underground water storage that can be made of any material as long as it doesn't leak and is placed below the frost line. A dry hydrant comes out of this. Option two is to tap into a large pond on a neighbor's property. Option three is to develop a pond on their property where pumps would supply water at the rate of 600 gal/min. Option four is for a public water system to be extended to their property. Option five is a sprinkler system that has access to a certain water supply determined by the engineers. Mr. Bair says this is his personal preferred option and would still require a deviation from the code.

Trisha Lang provided a point of clarification: the sprinkler option is within the ordinance already, and would require no modification.

Mr. Keough asked about the gap in water supply, and how the 4,000 gallons would be used before the fire company gets there. Mr. Bair explained the initial source of water is the 4,000 gallon cistern. Mr. Keough asked about nearby public water sources, and Mr. Bair stated they are too far away or do not provide adequate flow. He elaborated that the Rock Spring hydrant at South Nixon and Whitehall Roads is red cap, so it puts out less than 500 gallons/minute.

Mr. Mascolo made a motion to deny the request. The motion was seconded by Mr. Killian.

Mr. Pytel called for other questions.

Mr. Mascolo read the staff recommendation, which is to deny request and have the Galloway's choose one of the aforementioned options.

Mr. Keough asked Ms. Lang if the staff is comfortable only addressing the stable area and not including the arena in the calculations. Ms. Lang said staff is comfortable with Mr. Bair's recommendation and stated that the previous time extension will expire Jan 31, which is before any other meetings so if they are given 30 days to address the issue, it is 30 days from today. This will extend the previous extension.

Mr. Pytel asks whether all are in favor to deny request and it unanimously passes. The request is denied.

## **2. RNR CONSTRUCTION VARIANCE REQUEST, 233 OLD BLOCK LANE**

The property owner at 233 Old Block Lane is requesting a variance from the requirement to submit a land development plan. The part of the request that requires a land development plan is due to additional parking and the enclosure of a loading dock. Staff recommends the Board remain neutral on the application.

Mr. Killian made a motion to remain neutral and Mr. Mascolo seconded the motion. The motion passed unanimously.

## **3. APPLICATION FOR ZONING ORDINANCE AMENDMENT – CENTRE AREA TRANSPORTATION AUTHORITY**

Centre Area Transportation Authority requests the Board consider an amendment to the zoning ordinance to allow an increase in maximum building coverage from 30% to 50% in IRD zoning district. Mr. Kunkle explained that CATA is planning to do a major expansion of its facility on Research Drive to accommodate storage of an addition to its fleet of busses.

Mark Torretti with PennTerra Engineering stated that CATA needs to increase the building coverage to 50%, but impervious coverage in IRD is 60%, so they will be below this limit.

Mr. Mascolo made a motion to consider the requested zoning ordinance amendment and refer it to the Planning Commission for recommendation, seconded by Mr. Keough.

The motion passed unanimously.

#### **4. REFUND OF REAL ESTATE TAX, ROBERT A. AND MARY J. SINCLAIR, 2435 CHARLESTON DRIVE**

The Township received notification that, due to an error made by the Centre County Tax Assessment Office, there is a Real Estate Tax Refund due Robert and Mary Sinclair, 2435 Charles Drive.

Mr. Keough moved that the Board approve the refund in the amount of \$58.05 for tax years 2006-2011. Mr. Killian seconded the motion. The motion passed unanimously.

#### **5. MODIFICATIONS TO THE POLICE PENSION ACTUARIAL ASSUMPTION**

Conrad Siegel, the actuarial firm, has suggested modifications to certain assumptions used in preparing the actuarial report for the police pension fund. First, they would like to change the table used for mortality calculations from the UP1984 table to the RP 2000 table. According to the firm, it's a more accurate and reflective table for the current population than the prior table. Second, they suggest a modification to the disability assumption. Before it was assumed that there was a 3% chance of a disability pension being awarded. The revised assumption would use a disability table that's more reflective of actual occurrences in general population. Third, they commented on the two tier pension plan, saying that before January 1, 2001, police could retire at 20 years of service or if they reach age 50. After this date, it is 25 years of service and age 55. They would like to change this to read age 53 for those in the "before January 1, 2001" bracket.

Mr. Clemson abstained from voting as a conflict of interest as a pension plan retiree.

Mr. Clemson asked if these modifications affect the cost of the pension under Act 205.

Mr. Kunkle responded that the actuary indicated there will be an increase in minimum municipal obligation slightly over \$18,000 by accepting the modifications. In the development of the January 1, 2011 actuarial study, they will be taking into consideration the plan's earnings from 2009 to 2010. The interest earnings of 26% and 15% performance in those years exceed the 8% plan assumption. The net effect is a reduction in total MMO needed for 2012. He says the next agenda item actually requests to reduce the general fund contribution to the plan in the amount of slightly over \$32,000. The future cost will be dependent on plan's earnings and performance.

Mr. Killian asked if this will affect people currently enrolled in the plan. Mr. Kunkle responded that this will not affect current members of the plan, just how the plan is funded.

Mr. Keough moved to accept the changes suggested by the actuary and Mr. Killian seconded the motion. Mr. Clemson abstains from voting and the remaining two are in favor. The motion passed.

## **6. REVISED 2012 POLICE PENSION MINIMUM MUNICIPAL OBLIGATION**

Instead of a vote, the Board accepted the revised 2012 Police Pension Minimum Municipal Obligation by consensus. Mr. Clemson abstained from voting and the remaining four board members were all in favor. The motion passed.

## **7. APPOINTMENTS**

Mr. Kunkle explained that David Modricker, Director of Public Works, who has served as the CCMPO Technical Committee representative from Ferguson Township, has suggested that Ron Seybert, Township Engineer, be appointed as the primary CCMPO Technical Committee representative and David Modricker as alternate. Mr. Keough moved to appoint Ron Seybert as the primary CCMPO Technical Committee representative, with Dave Modricker as the alternate. The motion was seconded by Mr. Clemson. The motion passed unanimously.

Mr. Clemson motioned to appoint Mr. Killian to the Police Pension Advisory Committee. Mr. Keough seconded the motion. The motion passed unanimously.

The Planning Commission has recommended Kevin Abbey as the Township primary representative to the Centre Region Planning Commission and Rob Crassweller as the alternate representative. Mr. Keough moved to recommend Kevin Abby as primary representative, and Rob Crassweller as the alternate representative. Mr. Clemson seconded the motion. The motion passed unanimously.

## **8. APPROVAL OF DECEMBER 2011 VOUCHER REPORT**

Mr. Mascolo moved to approve the December 2011 Voucher Report. Mr. Killian seconded the motion. The motion passed unanimously.

## **9. CONSENT AGENDAS**

Mr. Killian moved to approve the consent agenda. Mr. Keough seconded the motion. The motion passed unanimously.

## **VII. REPORTS**

### **1. Manager**

- Upcoming Agenda Items-Mr. Kunkle reports that the only agenda item as of this date for February 6<sup>th</sup> is the fourth quarter 2011 financial report.

The Board requested that a township representative to University Area Joint Authority give a report on the outstanding loan balance for improvements for special assessment district for the Pine Grove Mills service area. Based on a 2010 audit and for protecting interest on variable rate bonds, the debt is estimated to be paid off at the end of 2019. Pine Grove Mills area has a current balance of \$704, 905 as of December 31, 2010 and a new audit figure available June 2012. Residents will continue on this assumption until 2019. Mr. Kunkle says residents are being

paid a tap fee that has been calculated by University Area Joint Authority area on improvement in order to connect Pine Grove Mills to University Area Joint Authority service area.

- Bill Hechinger, 127 Hoy Street, inquired about the streetscape plan. He says that certain things are not in Chapter 27 and Chapter 22 of the streetscape ordinances that were to be put in, such as promises made in the meeting that eminent domain would not be used. Also, pertaining to assessments, the work on West College Avenue would not have cost of it borne by others in streetscape district. He would like to know if the steering committee is going to come up with something new and change this.

Mr. Kunkle explained that the RFP is just to get a better definition of what the streetscape will look like through the corridor. The plan will serve to give a better definition of location of existing structures. The Township is not near construction; it is just to give property owners an idea of what the streetscape would look like. He also assured Mr. Hechinger that most of the funding will be through the Township and possibly grants and not the property owners in the TSD.

- Mr. Kunkle reported that the Township was successful in receiving a Community Conservation Partnership Program grant for funding assistance towards the acquisition of the Westfield-Hillside Farm State Park. The township's application for \$67,200 has been approved by Department of Conservation and Natural Resources.

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

- Mr. Modricker briefly reviewed the projects for the year, including the West Whitehall Road project, implementation of a GIS system and engineering studies. He explains that in the future he will be bringing to the Board an update when a project is out for bid, recommendation to award it and an update for construction.
- Mr. Modricker highlighted two projects previously approved by the Board that will not begin until better weather. They are Corl Street paving to the north of West College Avenue and construction of the cul-de-sac on Park Crest Lane.
- Mr. Modricker described work being done to create a handicap path in Park Hills Park and prepping areas for play equipment pads. He states that trees will need to be cut down in a wooded area of the park, but that there are existing issues with the grounds, including playground equipment not meeting current standards. Mr. Modricker states that the Public Works Department will do clearing, prep work and hire a contractor to certify installation of playground equipment.

Mr. Pytel stated he received phone calls about Bristol Avenue opening. Mr. Modricker outlined a few issues that are keeping the road from opening including an Allegheny Power transformer.

Mr. Keough says he has received comments that there is confusion, especially when driving at night, in the new roundabout on Old Gatesburg Road.

Mr. Modricker responded that reflective delineators have been installed, additional signage has

been installed and lighting and landscaping is planned. Mr. Keough asks about the timeline. Mr. Modricker says spring. Mr. Modricker also says he is concerned that trucks are not aware of how to use the truck apron in this area.

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

- Ms. Lang reported that the Planning Commission had their first meeting on January 9, 2012. It began with an organizational meeting. The appointments are the same as last year; the Chair is Rob Crassweller, the Vice Chair is Kevin Abbey and the secretary is Marc McMaster. Meeting dates will be the same as in past, the second and fourth Mondays of the month at 7pm.
- Ms. Lang said that there was also discussion at this meeting about the final draft of the Beaver Avenue study. This study was started in 2009 with an RFP and the preliminary draft was presented in August 2010. EPD, the project consultants for the township, have made a presentation on the final draft and a copy has replaced preliminary draft on the website.
- Ms. Lang stated that the Planning Commission looked at the land development plan for CATA's expansion. CATA has approximately 96 busses arriving at their facility in a fairly short order and they need a place to park them. They are rearranging things on-site and adding additional heavy duty pavement to accommodate the busses. Ms. Lang anticipates a recommendation on the plan at the first meeting in February.
- Ms. Lang explained next that she conducted a short survey of the Planning Commission members looking specifically at their comfort level when completing certain actions. She says there was some confusion about the role of local planning and she provided a presentation to clarify.
- Ms. Lang stated she reviewed the Work Plan for 2012. She took recommendations from the Planning Commission members and added them to the Work Plan.

### **4. Chief of Police's Report**

- Chief Conrad reported that Part 1 crimes are higher than last year. In particular there were burglaries over Christmas break, many in the same building in State College Park. However, Ms. Conrad reports that Ferguson Township's crime numbers are down in every category, which follows national trend. There was a total decrease of 17% for crime for 2011 over 2010. Calls were up, but everything is down 6% which matches 2010 for the federal level. Citations are still down as they have been all year; there were 781 total which is 49% decrease from last year. Parking tickets have also decreased.

Mr. Mascolo inquired about the big reduction in traffic citations and tickets- he wants to know if there is less emphasis or if less people are violating. Ms. Conrad states it is difficult to tell, but may be due to a decrease in state funding for special details or reassigned officers. Ms. Conrad believes people in the heavily ticketed areas have simply stopped violating.

Mr. Killian inquired about a solution to small business break-ins. Ms. Conrad responded that they are secure already and that besides the current crime prevention efforts there is not much more that can be done. Monetary amounts stolen were minimal.

## **5. COG Committee Reports**

**a. Public Service and Environment** -No report.

**b. Finance-** Mr. Mascolo stated that the Finance Committee met on Tuesday January 10 at 8:30am. Mr. Budd Graham remains the chair. Jim Rosenberger was elected as Vice Chair. Meetings will stay same day and same time being the second Tuesday of the month at 8:30am. There were two minor transfers of funds for medical expenses and there was nothing else of consequence.

**c. Public Safety-**Mr. Clemson stated that the Public Safety committee met Wednesday, January 11 at 9am. In the absence of Mr. Koll from College Township, COG Director Jim Steff filled in for the meeting. Cliff Warner was elected Vice Chair. Dave Koll was re-elected Chair from College Township. Mr. Clemson listed names of other members on the Public Safety Committee. Meetings were scheduled for the second Wednesday of every month at 9:00am.

Mr. Clemson also discussed the COG Regional Fire Evaluation study of Alpha and Boalsburg fire companies, software updates and replacing code vehicles with potentially Ford Escapes.

**d. Transportation and Land Use-** Mr. Pytel reported that the committee reviewed the Best Management Practices Guide for land development and zoning in the region.

**e. Parks Capital-** Postponed until February.

**f. Executive-** Mr. Pytel stated that the Executive Committee meets Tuesday, January 17 at 12:00 noon. One item to be brought before the COG General Forum is discussion as to whether or not the region should consider changing the Sewer Service Area and Regional Growth Boundary based on the new sewer treatment technology available.

## **IX. CALENDAR ITEMS –January/February**

## **X. MINUTES**

### **1. December 12, 2011 BOS Regular Meeting Minutes**

Mr. Keough made a motion to approve the December 12, 2011 BOS Regular Meeting Minutes. Mr. Mascolo seconded the motion. The motion passed unanimously.

### **2. December 19, 2011 BOS Special Meeting Minutes**

Mr. Keough made a motion to approve the December 19, 2011 BOS Special Meeting Minutes. Mr. Mascolo seconded the motion. The motion passed unanimously.



**3. Jan 3, 2012 BOS Reorganizational Meeting Minutes**

Mr. Mascolo made a motion to approve the January 3, 2012 BOS Reorganizational Meeting Minutes. Mr. Keough seconded the motion. It passed unanimously.

**XI. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Mr. Mascolo moved to adjourn the January 16, 2012 regular meeting at 8:57 pm. Mr. Clemson seconded the motion.

RESPECTFULLY SUBMITTED,

---

Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 02/06/2012