

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, February 21, 2012
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, February 21st, 2012 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman
Dick Mascolo, Vice Chairman
Elliott Killian
Drew Clemson
Bill Keough

Staff: Mark Kunkle, Township Manager
Trish Lang, Director of Planning & Zoning
Diane Conrad, Chief of Police

Others in attendance included: Hugh Mose, CATA; Mark Torretti, PennTerra Engineering; Barbara Donnini, Recording Secretary

II. CALL TO ORDER

Mr. Pytel, Chairman, called the February 21, 2012 Regular Meeting to order at 7:01 pm.

III. CITIZEN'S INPUT

No citizen input.

IV. CONSENT AGENDA ITEMS

V. PUBLIC HEARINGS – ORDINANCE

VI. PUBLIC HEARINGS - RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION RECOGNIZING APRIL 21, 2012 AS THE 16TH ANNUAL WATERSHED CLEANUP DAY IN CENTRE COUNTY.

Mr. Kunkle gave a brief overview of this resolution. Mr. Keough asked how one gets a watershed or a stream on the list of potential locations. Mr. Kunkle responded that Ferguson Township is broken into multiple feeder streams and that all of the areas are really part of the larger Spring Creek or Spruce Creek watersheds. Mr. Keough wanted to know if the Beaver Branch could be added to the clean up area. Mr. Keough described the stream enhancements in the area he is considering and requested that the staff look into what would be necessary in order to begin a cleanup there.

Mr. Killian made a motion to adopt the resolution recognizing April 21, 2012 as the 16th annual watershed cleanup day. Mr. Mascolo seconded the motion. Ordinance number 2012-3 was passed by roll call vote: Mr. Clemson – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES; Mr. Mascolo – YES. Ordinance was passed unanimously.

VII. COMMUNICATIONS TO THE BOARD

Mr. Keough had an inquiry concerning the former Jostens property. This question has been answered in terms of new ownership. Mr. Keough had mentioned to the Public Works Department a problem with a piece of pipe in a vertical position inside a bike path and he received a phone call from a walker who said that it has been taken care of.

VIII. ACTION ITEMS

1. CENTRE AREA TRANSIT AUTHORITY FINAL LAND DEVELOPMENT

Ms. Lang provided an overview and explained that this was a relatively minor change to the original plan in order to store the busses outdoors because all of the indoor space is taken. The Planning Commission reviewed this at their previous meeting and recommended that the Board approve the request.

Mr. Keough made a motion to approve the CATA final land development plan subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated February 16, 2012. Mr. Clemson seconded the motion.

Mr. Killian asked how long this project would take. Mr. Torretti explained that the project would start in the spring and should only last a couple of months. He said most likely it will be the end of March or beginning of April they will begin construction.

The motion passed unanimously.

Mr. Kunkle announced that CATA will have an unveiling ceremony for its new buses on March 5th. Mr. Mose, General Manager of CATA, elaborated that they are having a celebration at 10am on March 5th for refreshments and a ribbon cutting, including a tour of the facility and an inaugural ride on one of the new busses. They are the first new, full-sized busses purchased in over a decade.

2. REVIEW OF DRAFT VOTING WARD REVISIONS

Mr. Kunkle began by explaining that this item is a draft for discussion purposes only. Every ten years in conjunction with the United States census, the Board is responsible for submitting a petition to the Centre County Court of Common Pleas to redistrict the three voting boards in the township in order to allocate the population as equally as possible among the three wards. The Township's population has gone from 14,063 in 2000 to 17,690 in 2010.. This means there should be approximately 5,900 residents per voting ward. Each of the wards has two precincts, which are locations where people vote. The Commonwealth is in the process of re-districting the legislative districts, so the precinct lines must follow the legislative district lines without exception. Finally, the County Election Office has an internal policy of trying to keep the voting precincts balanced by not having more than approximately 1,500 registered voters per precinct. Mr. Kunkle proposed a new model which takes 731 residents from Ward 2 and moves them to Ward 3, and moves 294 from Ward 1 to Ward 2.

Mr. Keough asked whether Mr. Kunkle was able to compensate for the current proposed state realignment. Mr. Kunkle responded no and that this could be a problem. He said that the legislative line for Representative Conklin follows the line for North Atherton Street and that this precinct line cannot be moved without state approval. However, Mr. Kunkle is not proposing this be moved with the new realignment. There was discussion of moving the precinct line to Martin Street in order to balance out the registered voters in precincts 49 and 50, but this is ultimately up to the state. Alternatively, precinct 49 may be split in order to balance the number of registered voters within the precinct. Mr. Kunkle said it is not uncommon in Ferguson Township to have more than 1500 registered voters in a precinct.

Mr. Clemson stated that geographically it makes sense to him and that he currently serves in Ward 2. He said when this change occurs he would be in Ward 3. He is concerned about how this will affect his term in office. Mr. Kunkle said that even though the lines will change for the next Ward election, Mr. Clemson would still represent Ward 2 during his time in office.

Mr. Killian asked if demographic makeup could be considered when making these changes. Mr. Kunkle explained that creation of wards is not based on that. For precincts the county would take such things as voter turnout and the number of electors in each ward into consideration in order to fashion appropriate changes at the precinct level. Mr. Killian wanted to know why the Park Hills and Teaberry neighborhoods were changed to Ward 2. Mr. Kunkle said that there are different ways to approach the lines and that adding them back could be taken into consideration.

Mr. Keough felt that the state should resolve the legislative districts before the Board makes decisions regarding voting wards. Mr. Mascolo asked if this was the intent to finish this by the end of the year. Mr. Kunkle stated this needed to be done by the next May primary or the next Board Election. Mr. Clemson asked about where the state is in this process. Mr. Mascolo stated that the newspapers are reporting completion by the primary for this year.

3. REQUEST OF SPRING CREEK WATERSHED COMMISSION FOR CNET SPONSORSHIP

The Township received a letter from the President of the Spring Creek Watershed requesting that the Township provide sponsorship for CNET coverage for two of the commission's meetings for the 2012 calendar year. Mr. Mascolo asked if this was done previously, and Mr. Kunkle said that two meetings were sponsored in 2010. Mr. Pytel said this is estimated to cost around \$1,200.

Mr. Killian made a motion to sponsor CNET coverage for two of the Spring Creek Watershed Commission broadcasts. Mr. Keough seconded the motion. It passed unanimously.

4. JANUARY 2012 VOUCHERS

Mr. Mascolo made a motion to approve the January 2012 Voucher List. Mr. Killian seconded the motion. It passed unanimously.

5. CONSENT AGENDA

Mr. Mascolo made a motion to approve the consent agenda. Mr. Clemson seconded the motion. It passed unanimously.

VII. REPORTS

1. Manager

Mr. Kunkle said that during the March 5th meeting the Beaver Avenue study representative will be coming to speak about the results of the study.

With regards to the West College Avenue Streetscape Design plan RFP, the Township received four proposals. The steering committee and review committee will be receiving copies of those and will have a recommendation to the Board for the March 5th meeting.

Mr. Kunkle said that the Centre County Township Officials Meeting announcement is included in the packet and this will be on Thursday, March 29th.

On Monday, March 5th, prior to the Board meeting from 4:30-6:30pm, there will be an open house for review of the 2012 capital projects. The public works engineering department will host this and residents adjacent to these projects will be notified by mail of this open house. Such projects showcased will include the Aaron Drive project from Atherton to Harris and the Park Centre Boulevard project.

The Pennsylvania League of Cities annual district meeting will be held April 4th in Indiana, PA.

Mr. Kunkle continued to state that a letter from Spring Creek Watershed Association was received thanking Ferguson Township for its annual contribution to the groundwater monitoring study in the amount of \$4,840.

Mr. Kunkle said a letter of appreciation was received from Discovery Space for the \$1,000 gift the Board provided to that organization. Mr. Keough encouraged the Board to visit Discovery Space's website.

2. Director of Public Works

Mr. Kunkle said that the Township is still pushing forward with the Whitehall Road contract, with the critical path being the utility relocation of West Penn, Verizon, and other subusers of the poles along Whitehall Road. The first step in the process must be completed by West Penn Power, who anticipates they will start Mid April. They are indicating that depending on resources and storm events, they may have to reallocate their resources to other parts of the country, and that they may not be able to achieve the relocation of their utilities by the end of August as originally planned. Ferguson Township will then have a scaled back project for 2012 and a much more aggressive completion of the project in 2013.

3. Director of Planning and Zoning

Ms. Lang said that the Planning Commission reviewed the CATA Land Development Plan and also the request for a letter of support for the PennVest grant. The Commission also discussed a few ordinance amendments specifically related to group homes and the 50 acre minimum lot size for keeping livestock or poultry in the RR and RA zoning districts. Ms. Lang clarified that the Board's existing policy to raise and/or sell goats, pigs, chickens, sheep and other animals of the sort has not changed. Mr. Pytel stated that he would prefer to keep farm animals out of the residential zones.

Ms. Lang said that alternative energy systems were also discussed by the Planning Commission and where they should be permitted in the Township.

Ms. Lang said that the Beaver Avenue consultant will attend the February 27th Planning Commission meeting and make a recommendation. When the study is accepted it will simply trigger discussion; there will be no immediate implementation of any actions. Mr. Pytel said he did receive phone calls from people who were trying to buy property on Beaver Avenue about where the Board stood on this study. Ms. Lang said that the final draft of the study is available on the Ferguson Township website.

Mr. Killian expressed concern that wind turbines are restricted to outside of residential areas. Ms. Lang said the commission has discussed the idea that a primary wind system is not feasible anywhere in Ferguson Township. Ms. Lang said the commission did discuss allowing smaller rooftop wind systems for rooftops.

4. Chief of Police Report

Chief Conrad reported that for January, crime is down. There were 0 burglaries, and 4 thefts. Part 2 crimes were down, but there were more DUIs than the last year.

Chief Conrad continued, saying that due to a new record system, crime categories are more specific now. Ms. Conrad said that calls for service other than crime calls are a bit higher than last year, at 301 compared to 261, an increase of 23 calls from last year.

Chief Conrad said that a new officer is at the police academy and he will graduate around May 31st. She said that a third crisis intervention team training was held in January and that 2 out of 23 students attended. This training provides a better understanding of community members that have mental health/intellectual disabilities.

Mr. Killian asked what actions will be taken for the local State Patty's Day holiday. Ms. Conrad said that Centre County Alcohol Task Force has a grant that will cover the cost of roving DUI patrols. Mr. Killian asked if there are plans to actually go to residences that seem to be having a party. Ms. Conrad said yes.

5. COG Committee Reports

Public Service/Environment

Mr. Killian said during their meeting this past Wednesday, there was a presentation based on new technologies to decrease runoff. A major result of this meeting was to extend the contract with Veola. There was a slight increase in price over the next two years by about twenty cents each year for their services. They went over a survey of solid waste. People were pleased about the service and cost that COG and the Township provide with some comments on having organic compost areas like the Borough does. It seems that people were uninterested in having a second Household Hazards Day – they didn't think that was worth the cost.

Mr. Mascolo commented that the Board has been very active in regards to Act 537 Planning – the Township has generally been opposed to expanding the sewer service area. Mr. Mascolo reported on a proposed DRI application in Harris Township. Mr. Mascolo said that any changes to the Sewer Service Area and Regional Growth Boundary require 100% approval by all municipalities in the Centre Region.

Finance

Mr. Mascolo said that there was a presentation by Tom Zilla on current federal and state transportation funding issues, particularly a lack of funding from federal and state sources. They are hoping that sometime in the spring there will be a new federal transportation plan. Mr. Mascolo said that the finance committee reviewed the MPO structure, and had a discussion with CATA, who is asking all municipalities to provide an additional 5% in municipal shares, which is about \$6,000 for Ferguson Township. This has been done in the past, and they ask for this amount every year. Mr. Mascolo said the committee reviewed CATA's exterior advertising, and the finance committee felt it should be expanded. The committee also has a new policy for bidding limits for the COG. Ford Escape vehicles were approved for purchase by the Code Administration. The committee approved one of those to be a hybrid, which Mr. Mascolo was opposed to the purchase of the hybrid vehicle.

Mr. Clemson explained that his committee also discussed this, and that they felt the hybrid cost less in the long run with regards to fuel and maintenance. It was discussed that standardizing the fleet was considered to be less costly in the long run.

Mr. Mascolo also reported that the state aid to the libraries will be reduced by 5%. He said that the total effect of this is unknown, but it will be an approximately \$21,000 loss in income.

The committee had a discussion about the Regional Technology Coalition's proposal to change internet service from Windstream to Comcast.

Executive Committee

Mr. Pytel stated that Harris Township has supported the Calvary Baptist Church and Harvest Fields extension of the sanitary sewer system; they have over 100 acres, but want to subdivide 28 acres for sewer service. Mr. Pytel suggested they subdivide first.

Mr. Pytel said that in April 2007, when the DRI process was passed, in order to request an expansion to the 537 sewer service area, it had to be done during the spring or fall unless there was an emergency. Calvary Baptist Church is claiming this is an emergency. The proposed development is 300 feet from the sewer line. There are two places on the property where an on-lot septic system could be installed and would meet the septic requirements. The executive committee decided to vote and put it on the General Forum agenda. Mr. Pytel said that he considered an emergency to be an issue or problem related to health or safety, not this type of situation.

Mr. Mascolo does not believe the sewer system should be expanded.

Mr. Clemson asked whether this is expanding out of the growth boundary. He was concerned about capacity. Ms. Lang said that Ferguson Township has approved enough development to accommodate growth for the next 40 years. She said beyond the issue of capacity with UAJA, the land already encompassed within the growth boundary is sufficient for development for decades to come. A basis for creating regional growth boundaries beyond the sewer issue is the efficiency of providing services to people within growth boundary, and that efficiency has an associated cost.

Mr. Keough felt there should be more discussion about how the COLDS systems might fit into the regional handling of solid waste. Ms. Lang says that COLD systems are really small package treatment plants. The Public Services and Environmental Committees have had discussions about the new technology, and the 537 Plan reads that the option outside the growth boundary is COLDS, and that the newer technology systems are not the same thing as a COLDS. Ms. Lang explained that until the Plan is changed to recognize technology, they aren't permitted either.

Mr. Killian wanted to know if this is currently allowed within the current regional growth boundary. Ms. Lang said no because the 537 Plan says the only option is a COLDS.

COG staff merit salary increases were discussed. This was a three year experiment, and Mr. Pytel reviewed how this system works. Mr. Pytel was concerned that there were two categories listed where an employee does not meet the requirements of their job but are still getting a cost of living increase.

Human Services/Resources

Mr. Keough stated that they continued to review the disciplinary policy in relation to COG staff only. The committee had their solicitor look at updating and tweaking this policy to fit with current standards. They also looked at the issue of disciplinary action against the Executive Director because the current policy addresses all other members except the Executive Director. Mr. Pytel voted against this, because as worded, if the Executive Director is arrested for a felony there is no way to remove him/her for that.

Mr. Keough believes that the employment agreement with the Executive Director does specify action for a situation like this, but Mr. Pytel said it was not in there unless it has been changed recently. Mr. Keough thinks it is best to not have this specific language in the policy if it's covered in another arena.

Mr. Keough said that the committee also discussed parks and recreation administrative restructuring. He said after this is discussed by COG staff, the parks and recreation department and the parks and recreation authority it will move through this committee as it goes to COG approval.

Mr. Keough said this committee also spoke about the merit and achievement issues. He said that they went through the plan as it exists and the committee recommended it move forward to the COG. They felt it is important to revisit the issue from time to time. Mr. Keough said there was some discussion of making this an ongoing program, but ultimately they decided on a periodic review with a recommendation of extension of a three year period.

Parks Capital Meeting

Mr. Mascolo said that Parks Capital had a reorganization meeting. He said that they renamed a chair and vice chair, and reviewed meeting schedules. They also reviewed Oak Hall and Whitehall projects and the committee expects bids for the Oak Hall Project, Phase 1 in July or August. There was also a review of the goals and work plan for the year.

Public Safety

Mr. Clemson said that the Public Safety committee met at Wednesday Feb 8 at 9am. This committee received an annual report from Emergency Services and all of the EMS services are doing well. They did raise the issue that volunteerism is down overall and this is difficult for them specifically in outfits that are all volunteer such as Port Matilda.

Mr. Clemson said that the committee also discussed code vehicle replacements including a presentation on a Ford Escape versus a Ford Focus. He said the code software study is still up in the air and that the study creators are going to compare the Centre Region to a similar location as part of their presentation.

Mr. Clemson concluded by saying the renovation project at the fire station is going well.

Mr. Keough had a comment with regard to changing construction tolerances for ADA requirements. Mr. Clemson said there is more flexibility under federal law but the state Department of Labor and Industry has not allowed any variances from the tolerance requirements

Mr. Keough also asked about a House Bill to change the prevailing wage from \$25,000 to \$185,000 with regards to required bidding for municipalities. Mr. Kunkle stated that he believes there is not enough support of this amendment to pass the bill.

IX. APPROVAL OF THE FEBRUARY 6, 2012 MINUTES

Mr. Mascolo made a motion to approve the minutes.

Mr. Pytel said that he would like to strike the word "enough" from the discussion of library funding on page 2.

The motion passed unanimously.

X. ADJOURNMENT

Mr. Keough stated that he received a flyer about a Source Water Protection 101 Seminar on Thursday March 22 from 6-9pm in the Ferguson Township building.

Mr. Mascolo made a motion to adjourn the meeting. Mr. Killian seconded the motion.

Mr. Pytel adjourned the February 21, 2012 Regular Meeting at 8:56pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 03/19/2012