

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, March 19, 2012
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its regular meeting of the month on Monday, March 19th, 2012 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman
William Keough
Elliott Killian
Andrew Clemson

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

Others in attendance included: Christine Bailey; Tony Fruchtl, Penn Terra; Dave Palmer, S & A Homes; Barbara Donnini, Recording Secretary;

II. CALL TO ORDER

Mr. Pytel, Chairman, called the March 19, 2012 Regular Meeting to order at 7:03 pm.

III. CITIZEN'S INPUT

No citizen input.

IV. CONSENT AGENDA ITEMS

V. PUBLIC HEARINGS – ORDINANCE

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, APPENDIX H, STREETS AND SIDEWALKS, BY ACCEPTING AS A PUBLIC STREET A DEED OF DEDICATION FROM JOHNSON FARM ASSOCIATES FOR A SECTION OF BRISTOL AVENUE IN THE LANDINGS**

Mr. Kunkle explained the opening of the section of Bristol Avenue, advising that construction was completed late fall, and that there were a number of other items that still need to be completed. If the Board approves the ordinance, the road is scheduled to open tomorrow morning.

Mr. Keough made a motion to adopt ordinance. 964 Mr. Killian seconded the motion. Roll call vote: Mr. Killian – YES; Mr. Pytel – YES;; Mr. Clemson – YES; Mr. Keough – YES; It passed unanimously.

- 2. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHATPER 15, MOTOR VEHICLES, AS FOLLOWS: (1) PART 2, TRAFFIC**

REGULATIONS, NSPEED LIMITS ESTABLISHED ON CERTAIN STREETS, BY EXTABLISHING THE FOLLOWING: (A) A 35 M.P.H. SPEED LIMIT ON BRISTOL AVENUE BETWEEN WEST COLLEGE AVENUE AND BLUE COURSE DRIVE, (B) A 25 M.P.H. SPEED LIMIT ON GREENLEE LANE BETWEEN FAIRBROOK DRIVE AND CUL-DE-SAC, AND, (D) A 25 M.P.H. SPEED LIMIT ON BEAVERBROOK DRIVE BETWEEN FAIRBROOK DRIVE AND CUL-DE-SAC; (2) SECTION 201, MAXIMUM SPEED LIMITS ESTABLISHED ON CERTAIN STREETS, BY DELETING FROM THIS SECTION THE FOLLOWING STREETS FOR WHICH A 35 M.P.H. SPEED LIMIT HAD BEEN ESTABLISHED: (A) BRISTOL AVENUE BETWEEN SR 26 AND ENTERPRISE DRIVE AND (B) BRISTOL AVENUE BETWEEN BLUE COURSE DRIVE AND TEMPORARY CUL-DE-SAC; AND (3) SECTION 214, STOP INTERSECTIONS ESTABLISHED, BY ESTABLISHING A STOP SIGN AT THE INTERSECTION OF RESEARCH DRIVE AND BRISTOL AVENUE THAT STOPS VEHICLES TRAVELING IN A NORTHERLY DIRECTION ON RESEARCH DRIVE. FURTHERMORE AMENDING THE CODE OF ORDINANCES, CHATPER 15, MOTOR VEHICLES, PART 3, RESTRICTIONS ON SIZE, WEIGHT AND TYPE OF VEHICLE AND LOAD, SECTION 301, VEHICLE WEIGHT LIMITS ESTABLISHED ON CERTAIN STREETS AND BRIDGES, BY DELETING FROM THIS SECTION THE 15 TONS GROSS WEIGHT LIMITATION ON BRIDGE T888 OVER SPRUCE CREEK, 340 FEET NORTH OF SR 45 INTERSECTION

Mr. Kunkle detailed each of the motor vehicle regulations on each of the streets. Mr. Keough made a motion to adopt the ordinance.

Mr. Clemson asked if the appropriate engineering studies had been completed. Mr. Modricker confirmed that they have. Mr. Clemson seconded the motion.

Mr. Keough asked Mr. Modricker about the history of a bridge over Diebler Road. Mr. Modricker said that the township partnered for a unique construction process for that particular bridge. Mr. Modricker further explained that the fifteen ton restriction was based on a bridge inspection done by a consultant.

Mr. Kunkle elaborated, saying it was constructed under a demonstration project with a partnership of PennDot, the Township, and Penn State. The bridge is a red oak glue laminated structure.. It was constructed as a model for other municipalities that might want to construct a bridge at less cost than the typical concrete or steel span bridges.

Roll call vote: Mr. Killian – YES; Mr. Pytel – YES; Mr. Clemson – YES; Mr. Keough – YES.

VI. PUBLIC HEARINGS - RESOLUTIONS

- 1. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE DISPOSITION OF SPECIFIC PUBLIC RECORDS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES ISSUED JULY 16, 1993 AND AS AMENDED DECEMBER 16, 2008.**

Mr. Kunkle said this is an annual resolution the Board considers to dispose of certain records that have reached their retention schedule. There are lengths of time that the township is required to keep certain records, annually, township staff reviews the record retention schedule and prepares the necessary resolution to dispose of records.

Mr. Keough made a motion to remove the records as specified and adopt Resolution 2012-4. Mr. Clemson seconded. Roll call vote: Mr. Killian – YES; Mr. Pytel – YES; Mr. Clemson – YES; Mr. Keough – YES.

VII. COMMUNICATIONS TO THE BOARD

Mr. Killian said that many people are appreciative of the new CATA busses.

Mr. Clemson said that a resident on Berkshire Drive asked that the Board consider voting yes on the Calvary Baptist Church DRI proposal... He read a letter from this resident, and in this letter it was mentioned that Harris Township has already approved this request.

VIII. ACTION ITEMS

1. APPOINTMENT OF WEST COLLEGE AVENUE STREETScape DESIGN PLAN CONSULTANT

Mr. Kunkle said that on January 18, the township issued a request for proposals from four engineering and design firms for consultant related services for the West College Avenue streetscape design plan. All four firms responded on February 21st, and the Board appointed the members to a steering committee. On February 29th, after distributing proposals, the steering committee reviewed them, narrowed selection to two firms, and then on March 7th, they conducted an in depth interview of both firms. The steering committee recommended the selection of T&M Associates from Plymouth Meeting, PA. The timeline for project should begin in early April and should finish within an 8 month time period. Their fee is \$25,000. Staff is recommending their appointment for the W College Avenue streetscape design plan.

Mr. Keough made a motion to accept the bid for TM associates to complete the scope of work. Mr. Killian seconded the motion. It passed unanimously.

2. VARIANCES AND APPEALS

a. VARIANCE FOR JOHNSON FARM ASSOCIATES, PHASE 5, STONEBRIDGE PRD

The variance is for a reduction in off-street parking for senior living apartments. 108 senior living restricted apartments will be constructed only for those age 62+. The variance request is to allow the parking calculation to be based on 1 parking space per unit instead of 1.5 spaces per unit. The total required parking spaces is 162, and Johnson Farm Associates is asking for a reduction to 112 parking spaces. Staff recommends the Board remain neutral. The Board's policy is to review variance applications and determine whether or not to take a position in favor of, be opposed to, or remain neutral.

Mr. Fruchtl of Penn Terra Engineering took the stand on behalf of Johnson Farm. He said that the ordinance is not specific to senior housing for parking it's generally written for multi-family

units, which are thought of in terms of families with multiple drivers. When the Master Plan for Stonebridge PRD was approved 20 years ago, 128 units was deemed allowable on this site. Mr. Fruchtl continued to say this would be difficult for them to reach that density, so they have reduced it to 108 units.

Mr. Fruchtl said that the additional parking space required creates more impervious, and could create storm water problems. The firm has empirical data from existing facilities such as Fox Hill that half of a space or .6 spaces per unit are more than adequate for senior housing.

Ms. Lang wanted to mention that staff has encouraged them to request the variance – they have the capability of putting additional spaces required by ordinance, but they are not sited particularly well. In a senior facility, everyone wants to park in front of the door. She said the plot can be designed to meet the requirements. In addition, the location of so much parking gets pushed further from the front door.

She continued to say that the township ordinance suggests this amount of parking for families and students, and that since the developer is committed to seniors, and given the topography and drainage issues, staff's recommendation is that they at least seek the variance.

Mr. Keough asked if the township has an ordinance regarding parking stall width in a senior housing environment. Ms. Lang said a minimum, but not a maximum exists. Given limited number of handicap spots, Mr. Keough said he would like to see the developer choose a stall width that could accommodate some of the walking assisted devices. Mr. Keough made a motion to support the request.

Mr. Clemson seconded the motion. With the conditions of a minimum of 62 years of age for residing at the apartments, and the requirement to add more parking at the Board's sole discretion, motion passed unanimously.

b. Appeal for United Rentals – 1005 West College Avenue

Mr. Kunkle said the appeal of Untied Rentals has been postponed at the request of the applicant. They are working to take corrective actions based on violations that have been noted on their site.

3. LETTER OF SUPPORT – CATA GRANT APPLICATION TO FEDERAL TRANSPORTATION ADMINISTRATION

Mr. Kunkle said that CATA is asking Ferguson Township to provide a letter of support for an expansion of its facility on Research Drive and Whitehall Road. The project is to increase storage capacity. The grant amount would be for 14 million dollars.

Mr. Killian made a motion to authorize the Chairman to sign letter of support. Mr. Keough seconded the motion. It passed unanimously.

4. FIRE HYDRANT EXONERATIONS 2012

Mr. Kunkle said that fire hydrants are assessed based on front footage, and annually those tax bills go out to each tax parcel in the township. Typically, even those parcels exempt from real

estate taxes are included in assessment. Because they are exempt, those parcels need to be exonerated from fire hydrant assessments for 2012.

Mr. Clemson made a motion to approve the exoneration of the fire hydrant on the properties listed. Mr. Killian seconded the motion. Motion passed unanimously.

5. STREET LIGHT EXONERATIONS 2012

Mr. Kunkle said that street lights are also assessed on front footage and the same parcels were included. Mr. Clemson made the motion to approve exoneration of street light assessment for those properties listed on. Mr. Killian seconded the motion. Motion passed unanimously.

6. APPROVAL OF FEBRUARY 2012 VOUCHER REPORT

Mr. Keough made a motion to approve the voucher list as presented. Mr. Killian seconded the motion. It passed unanimously.

Mr. Keough asked if the township could periodically inform the public as to what the amount is when the Board periodically makes these approvals. He wanted the motion to read: "to approve the [date] voucher list in the amount of [dollar figure]"

7. CONSENT AGENDA

Mr. Killian made a motion to approve all consent agenda items. Mr. Clemson seconded the motion. It passed unanimously.

VII. REPORTS

1. Manager

Mr. Kunkle said that the next meeting is April 2nd, and that agenda items include discussion of supplemental fire suppression supply and underground cisterns. A resolution on a reimbursement agreement with PennDot for the Blue Course Drive and West College Avenue traffic signal – the grant was for upgrading the traffic signal to provide a restricted protective left turn from Blue Course Drive to W College Avenue in the southbound direction. Mr. Kunkle also reported on an amendment to the Landings PRD Terms and Conditions eliminating a requirement for winter maintenance of the bikeway along the new section of Bristol Avenue. He continued to say that the West Beaver Avenue study presentation would be provided. Finally, Mr. Kunkle said that the Centre Regional Parks and Recreation staff organizational study will be brought to the Board for discussion.

Mr. Kunkle said that new bikeway signage was completed by the Township Public Works Department and provides destination information and mileage. The project was completed as an enhancement to an original Eagle Scout project 8 years ago and has received a number of compliments.

Mr. Kunkle referred to a diagram and gave an overview of the Tudek Park arboretum plans. He said that the trees for the arboretum in Tudek Park would be provided by Centre Region Parks and Recreation Department as part of their remembrance tree program. It will include

connectivity paths, seating, and a walkthrough in the arboretum areas. Parks and Rec is supportive of the plan.

The Zoning Hearing Board rendered a decision on the En Di Lu request. They granted the variance for a 16 parking space reduction with the conditions that the variance is limited to this lease space for a max of 211 seats for a restaurant use only.

Mr. Kunkle continued to report that the PA League of Cities and Municipalities has joined in partnership with Pennsylvania Chamber of Business to form the Chambers for Sustainable Communities to advance pension reform, binding arbitration, and mandate issues with the state legislature. The municipal pension plans are in crisis, and there is a crippling effect on some municipalities.

Mr. Kunkle said that the Central PA Festival of the Arts has requested consideration of sponsorship for their annual event. Sponsorships range from \$50-\$500, and under the township's current 2012 budget, there have been no funds allocated for this event.

Mr. Keough asked what the township's past practice has been regarding this request. Mr. Kunkle responded that the township provides funding for First Night, Fourth Fest, and a one-time-donation for Discovery Space. The Board in the past has made one contribution to Arts Fest and that was an allocation either last year or the year before. Mr. Pytel said that if we donate to them, the township will have to do it for the People's Choice and other organizations. He thinks they are all respectable causes, but doesn't know where we'd stop. Mr. Pytel said no, and Mr. Clemson agreed.

Mr. Keough thought it was an investment in economic development in the region, as a variety of businesses can benefit from this activity. While it's hosted in the Borough, as Fourth Fest is hosted at the university, he still thinks the township will benefit. He does feel that as a municipality they should contribute to some of the economic development activities in the region that benefit businesses. This is a benchmark activity in region, but he agrees it would be difficult to draw a line where to stop. Mr. Killian agrees that is would be setting a precedence. Mr. Keough proposed donating \$100 to each of the two arts organizations.

Mr. Clemson said that if you look at scope and these types of activities individually, and consider what their benefit is to Centre Region as a whole, then there is more worthiness in his opinion too.

Mr. Keough moved to contribute \$100 to each of the two festivals, People's 'Choice and Central PA Festival of Arts. Mr. Clemson seconded the motion. Mr. Pytel was opposed. All other Board members were in favor. Motion passed 3 to 1.

Finally, Mr. Kunkle said that Mr. Pytel, Mr. Mascolo, and Mr. Keough are attending the League of Cities District meeting on April 4th.

2. Director of Public Works

Mr. Modricker provided detailed information about various 2012 Contracts regarding bids, proposals and Open House projects.

Mr. Modricker said that Public Works Projects and initiatives include the Whitehall Road project, which is out for bid. There was a pre-bid meeting last week, where they are addressing contractor concerns. Bids will be opened March 27th, and given favorable bids, Mr. Modricker said he will bring them in front of the board for award on April 2nd.

Mr. Modricker passed out a copy of a door hanger frequently given out to residents concerning the leaf and brush collection. A concern brought forward by the township safety committee and road crew is that certain piles become quite large and are thought to be put out by contractors instead of residents. Mr. Modricker said a 15 minute time frame was deemed reasonable and is now making it clear to the leaf and brush collection crew to not stay longer than 15 minutes at any one operation. This will increase safety.

Mr. Kunkle said that he agreed – the Township should not be serving contractors.

Mr. Keough said that this is important, and if the township is going to try to reduce the amount of household burning of leaves this service must be provided to homeowners. Mr. Keough asked how many door hangers were printed. Mr. Modricker said a boxful, but many of them were sun bleached.

Mr. Keough said that information on the door hanger should add the next leaf collection date.

Ms. Bailey asked what happens if a home owner has a tree taken down, and the power company does not clear the brush. She said that on her property, they had a huge amount of branches and small twigs. Is there some way of making a special arrangement with township?

Mr. Modricker said that if West Penn Power or its contractor took the tree down, it is their responsibility to clean up the brush.

Mr. Clemson asked what happens during storms. Mr. Modricker said this rule would not apply to disasters. The township has hired contractors to assist during storms.

3. Director of Planning and Zoning

Ms. Lang said that the Planning Commission met March 12th. The majority of the meeting was discussion about a comprehensive zoning text amendment to address places of assembly based on religious land use and the institutionalized persons act. Ms. Lang mentioned new projects that will be starting this spring. Mr. .Keough asked for a preview of the projects.

Ms. Lang said one is a single family lot in Thistlewood on one of the lots with many environmental issues. Another project is one being implemented by Minitab. They will be spreading out onto the lot adjacent to their current facility to construct a conference center and sizeable garage to hold kayaks. A third project is a conversion of an existing single family dwelling on North Atherton Street into an optometrist office.

4. Chief of Police

Chief Conrad explained that most of the crime statistics were similar to the numbers from that time last year. Part 1 crimes were exactly the same from the previous year in February. Year to

date, the township is lower overall, with 27 last year to 16 this year. She felt this was a substantial difference. Part 2 crimes are a bit higher this year as compared to February last year, and the year to date is higher than last year. When you add parts 1 and 2, however, she said the township has the same number of incidents as last year, 113 criminal calls in February. She said there have been 581 calls so far this year. Traffic citations are up again this month due to special selective enforcement details and nicer weather. She continued by saying parking tickets are down.

Chief Conrad continued saying that the department finished the classroom portion of their in-service training. All officers were re-certified in first aid, CPR, AED, and emergency oxygen. She said they also had a short firearms session, which is not their mandatory yearly training, but the department does not want them to go a whole year without firearms training.

Ms. Conrad said there is an ad out for the written test for police officer. The eligibility list from 2009 is about done. She said they are giving the written test and eligibility activities on April 15 and May 6. She will report later how many people take it.

5. COG Committee Reports

a. Executive

Mr. Pytel said that COG would like to only have DRI items discussed at their meetings and not by the member municipalities individually and a resolution to this effect is being proposed to the Executive Committee. Mr. Pytel said he took it seriously and offensively. He felt that Ferguson should vote no on everything until they get the information.

Ms. Lang said that she had a similar issue of not being able to provide input. She struggles with the lack of ability to place local input into the COG discussion. She said that every other municipality has the opportunity for input into a regional document except the Borough and Ferguson Township because we are not part of Centre Regional Planning Agency.

Mr. Kunkle said that the conversations he's had with the planning director and COG executive director have focused on the fact that some municipalities are receiving presentations by DRI applicants. In essence this is a lobbying effort to gain support for their application. This evening, there was a request by Calvary Baptist to make a presentation to the Ferguson Township Board on the DRI application. This would happen with every municipality who would have questions about the DRI, and not all general forum members are hearing the same information in order to make a regional decision.

Mr. Clemson said he is siding with Mr. Pytel. The language in the proposed resolution needs to be cleaned up in his opinion, and he is especially concerned because it is a binding resolution. It limits Ferguson Township's responsibility as a Board and as members of the Centre Region COG to be informed and to make informed decisions prior to the implementation processes. There are anomalies in the process itself, but jumping to a resolution that excludes them as a legislative body from having any discussion on something in the DRI that would impact the region is not acceptable.

Mr. Pytel said that this will be brought up at Executive Committee tomorrow. He will not vote for it. He felt that the Township is saving people money by letting them know ahead of time if they aren't going to vote for something so that they don't hire a firm or a contractor.

Mr. Killian felt that the intent is not the way it is written, and that it should be written that the receipt of presentations or applications should only be at the COG General Forum, but that discussion can be elsewhere.

Mr. Pytel said that they want the presentation to be done at COG and then they want a vote right there on the spot. He feels that each municipality should be able to discuss it before the vote. There was general agreement.

b. Finance

Meeting was cancelled.

c. Human Resources

Mr. Keough said their meeting was also cancelled but he wants to indicate to the Board that the next meeting is after their next meeting. He also said that working its way through COG system is the Parks and Rec staff reorganizational proposal. He had an opportunity to sit through a presentation on this through the Capital Parks Committee, and he said there has been a mix of input into this reorganization. The Parks and Rec department has operated with same organizational structure for years. With the bringing online of the two regional parks plus Hess Field, it has added a dimension to their staff organizational process that just wasn't accounted for previously. A program manager position has been brought into the mix, and this position was accounted for in the COG budget.

Mr. Keough also said that he attended the CATA Ribbon cutting event for their new busses. He stated that he is amazed by the effectiveness of the CATA transit service, and highlighted their being the third largest transit carrier in Pennsylvania.

d. Parks Capital

Mr. Kunkle said that the committee met Thursday, March 8th. The organizational study was reviewed. They also had an initial discussion with regard to the construction on recreation-type buildings. In particular a tennis indoor facility and space has been reserved on the Whitehall Road regional park plan. Representatives of the Centre Region tennis group were there and talked about the issue of fundraising and scheduling. They also discussed a multipurpose building for other sports as well.

Mr. Kunkle also said that a project update from Ron Woodhead and Hess Field should be ready this year. Their next meeting is April 12th.

e. Public Safety

Mr. Clemson said this committee met March 14th. He was unable to attend, but gave a synopsis. Mr. Bair, Fire Director, presented a proposal to purchase a utility truck and a command vehicle. There was \$75,000 in the budget for command vehicle and \$42,000 for utility truck. His proposals came under budget by about \$54,000.

Mr. Clemson continued, saying there are going to be changes to the Emergency Services training committee. COG received a notice from the Centre County Commissioners that they are changing the current model for the advisory committee and reorganizing it as a fire training center Advisory Board. COG has been offered representation on this new Board.

Mr. Clemson said that a recommendation was brought before the committee that Mr. Steff be elected the COG representative due to his previous experience.

f. Public Services and Environment

Mr. Pytel said they did not meet.

g. Transportation and Land Use

Mr. Pytel said the subcommittee for the MPO met and spoke about determining a cost for services. The subcommittee instead came up with a solution to calculate MPO cost sharing based on road miles and population. 50% of the cost would be based on road mileage, and the other 50% population. . They discussed a few other formulas, and Mr. Pytel said that no matter which option chosen, Ferguson Township's cost would decrease. He said this topic will come before the MPO at its next meeting.

Transportation committee reviewed the new comprehensive plan.

VI. CALENDAR ITEMS

1. March 29, 2012 – CCATO Spring Convention – Pleasant Gap
2. April 4, 2012 – PLCM Central Spring District Meeting – Indiana, PA

VII. APPROVAL OF THE FEBRUARY 21, 2012 MINUTES

Mr. Killian made a motion to accept minutes. Mr. Clemson seconded the motion. It passed unanimously.

VIII. ADJOURNMENT

Mr. Keough stated that he would like a briefing on the Ferguson Township tax notice issue. Mr. Kunkle said that annually, the township provides the tax processing company a spreadsheet for a data information update. This year the Board reduced the fire hydrant assessment by 1 cent per front foot, and some of that data was not picked up by processing firm. They loaded in an old set of data so some folks got bills that were more than what they should have gotten and some got bills that were less. The township staff discovered this as they were processing the payments and the company rewrote the programming corrected the bills and printed them at no cost. The processing and mailing cost was around \$2,200, of which the company will pay \$1000. Mr. Kunkle said that mortgage companies have been accommodating of this issue in not processing payments.

Mr. Clemson made a motion to adjourn. Mr. Killian seconded the motion.

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the March 19th, 2012 meeting at 8:55pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 04/02/2012