

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, May 21, 2012
7:00 pm

I. ATTENDANCE

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

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

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: Barbara Donnini, Recording Secretary; Sue; George Henning; David Palmer; Kevin Lewis; Lonnie Daubenspeck; Elwin Stewart; Tom Giles; Tom Zilla

II. CALL TO ORDER

Mr. Pytel, Chairman, called the May 21, 2012 Regular Meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

No citizen input.

IV. PROCLAMATION – EMS WEEK

Mr. Kunkle explained that EMS is a vital public service and that the members of EMS teams are ready to provide lifesaving care to those in need 24/7. He said that this improves survival and recovery rates and that EMS consists of emergency positions, nurses, first responders, EM technicians, police, fire, educators and administrators. Mr. Kunkle said that the members of EMS engage in thousands of hours of specialized training. He said it is appropriate to recognize the value and accomplishments of Emergency Medical providers by designating May 20-26, 2012 as EMS week. Mr. Pytel presented two EMS representatives with a proclamation emphasizing how much Ferguson Township appreciates how much they have done.

V. CONSENT AGENDA ITEMS – April 2012 Treasurer's Report

VI. ABC REPORTS

- Ms. Sue Mascolo of Centre Region Parks and Recreation (CRPR) provided the Board with the Summer 2012 Active Guide. She said that Welch and Park Forest community swimming pools will open Sat May 26. Ms. Mascolo said that in 2010 only Park Forest pool was open and CRPR sold 485 season passes. In 2011, CRPR sold 1398 season passes. She said that as of today both pools are open and CRPR sold 2598 passes. In addition, Ms. Mascolo said that CRPR just dedicated John Hess Softball complex, with a re-dedication on Wednesday, May 16, which included safety and ADA improvements, public water service and renovation of the field. She said nine tournaments are scheduled this summer and that all four fields are active. Ms. Mascolo said lots of people and families use the park and that it is for the whole community. Ms. Mascolo said that the land development plan for Phase 1 at Oak Hall Regional Park is moving forward in College Township and is scheduled to open in 2014. She said that detailed planning for Whitehall Road is scheduled for June and that Phase 1 is to begin in 2013. Ms. Mascolo said the new park is to open in 2015 and will contain 100 acres. For comparison, she said that Oak Hall has 68 acres.

Ms. Mascolo continued, saying that the building at Millbrook Marsh has been awarded a LEED Silver certificate and that it is the first COG project to receive the award. She said that in 2013 the authority is considering changing their name to Centre Region and Recreation Authority. She explained that this would eliminate the CRPR board designation, which is confusing to residents for many years. She said six people are on the Board, but it is also called an Authority. Ms. Mascolo asked if Ferguson Township would support the name change and there was general consensus among the Board of Supervisors that they would.

Mr. Pytel asked if Parks and Recreation is still offering discount tickets to resorts and said he could not find it in the active guide. Mr. Mascolo said that it is on the bottom of page 3 of the guide. Ms. Mascolo said that one can go to the CRPR office in the COG building and get tickets that way.

- Mr. Henning, representing Schlow Library, said that regarding analytics, the library is on budget. He said the library has had an increase of about 1000 books and circulation was up to 10,000 books by last year. Mr. Henning explained that half of that circulation was from downloading e-books. He said that the library continues to work on development programs and additional donations. He said that so far, they have gathered \$900 less than last year, but said it is still early in the year and they make that money up. Mr. Henning said that \$19,000 has come in so far and he said that there is a special letter they send in e-mail format emphasizing different programs for donors. Mr. Henning encouraged people to go to supportschlow.org as it is a different website for monetary and time contributions.

Mr. Henning said that many community organizations will participate in Centre County Gives, a program run by the Community Foundation. It is a 36 hour online event where citizens can pledge money and the Centre County Community Foundation will match monies up to \$100,000. He clarified that if Schlow gets 50% of the donations, they get 50% of the \$100,000.

Mr. Henning said that Schlow recently held a breakfast to show appreciation for their volunteers. He said their volunteers have put in over 5,000 hours of time, which is equivalent to 2.5 full time employees or \$81,000 worth of time. He said that many are 5, 10, or 15 year volunteers. He said that they tend right to their jobs and don't need training. Mr. Henning said that generally they take care of returned books and unpack and label new books. He said that the person nominated by library for 40th annual Rose Chlone dinner has been working at the library for 21 years. Mr. Henning emphasized the importance of volunteers saying that they really help the library continue to operate as it does.

Mr. Henning said that the library is developing a new strategic plan, and in the past, they used a book to develop the Board's plan. He said that this year, however, the library Board is hiring outside consultants. He said that they felt this was important because of all the technology concepts facing the library. Mr. Henning said that the library felt it was important to have a view from experts and that the firm they hired does this for other libraries as well. He said that as part of the plan, different people in the community will be interviewed and that each of the library Board members has visited 4 or 5 community members already. Mr. Henning said that he has met with Jane Taylor, head of the Department of Aging and another lady who homeschooled 5 children. He said that this lady is appreciative of what Schlow does for homeschooled children.

Mr. Henning said that the rest of the programs will continue including the summer reading program. He said that young adults have one and adults have one as well. Mr. Henning said that community members can sign up for the children's program now and that the other two begin after June 1. He said that other programs the library holds include World Sounds at noon with Global Communications, concerts, gallery artwork and an online chat where you can ask questions of the library, which is part of AskPA. He said that so far, the state budget will not have a cut. Mr. Henning said that although a

5% cut was reported, there will be level funding for the next year. He said that the only big increase they are facing is whatever COG determines wages to be.

VII. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION APPROVING THE REQUEST OF GIANT FOOD STORES, LLC. TO TRANSFER LIQUOR LICENSE NO. R-18567, LID# 53502 FROM POTTER TOWNSHIP TO FERGUSON TOWNSHIP.

Mr. Kunkle said this is a continuation on a resolution for Giant Food Stores R-18567 from Potter Township's Eutaw house to Ferguson. He said that staff proposed conditions and they are attached to the documentation in the agenda. Mr. Kunkle said that changes were made to the conditions as an outcome of the public hearing process.

Mr. Mascolo made a motion that Board of Supervisors adopt the resolution authorizing the transfer of the liquor license R-2567 from Eutaw House Inc. to Giant Food Stores LLC. Mr. Keough seconded the motion.

Roll Call Vote: Mr. Killian – Yes; Mr. Mascolo – Yes; Mr. Clemson – Yes; Mr. Pytel – Yes; Mr. Keough – Yes.

VIII. PUBLIC HEARINGS

1. Foxpointe Planned Residential Master Plan Amendment

Ms. Lang said that there was an amendment to the zoning ordinance in 2011 to remove the requirement for a 200 ft. buffer for development adjacent to a rural agricultural zoning district. She said that as a result of development in the Foxpointe subdivision, which is east of the proposal, the developers added new lots along the boundary line. Ms. Lang said that these additional lots were not part of the master plan approved by the Board, and in addition, the terms and conditions for this specific PRD identified the requirement for a 200 ft. buffer.

Ms. Lang said that part of the assessment for the zoning amendment requires the Township to do a DRI to evaluate additional lots on the regional growth boundary (RGB).

Mr. Palmer pointed out the 25 lots along the bottom of the map. He said that although they are not shown on the original PRD plan, they were accounted for. He said that the Hunter's Chase PRD portion was to have 186 units, and that if one counts the lots there on this plan, it shows 182. He said that they were accounted for on the plan, but weren't drawn as lots because the agricultural buffer zone was there. He said that they haven't added units, and that all were accounted for in the overall number for the PRD.

Ms. Lang said that originally, when the PRD came in, there were lots there, and through the process of approval of the master plan, they were removed and a 200 ft. buffer was imposed. She said, however, that none of the numbers were ever changed on plan, so Hunter's Chase was still identified as having lots even though the master plan doesn't show them. Ms. Lang said that's why they were accounted for in the traffic and storm water studies. Mr. Palmer said that narratives mention them, they just aren't on plan. He said that 9.43 acres of open space was required, and they exceeded it at 14+ acres, so they accounted for the open space requirement, and that that lots were always accounted for. Mr. Kevin Lewis said, regarding the master plan, in 2008 the developers built his home and when he was considering purchasing it, they used a view of the winery as a selling point. He said they showed a plan that had a bike trail that went through the dark shaded lots (new proposed lots)

that connected to the other trail that has been removed. He said that when someone makes a deal, they should keep their end of the bargain. He said that he and others were told that no houses were going to be put in the currently proposed location.

Ms. Lang said that the 25 lots are on original plan, but that as a result of discussion that took place in 90s, lots were eliminated. So, she said the current master plan doesn't include them. Ms. Lang clarified that tonight, S&A Developers are requesting to put the lots back in the plan.

Mr. Lewis requested that they not be permitted to put the lots back. He described the process he went through in purchasing his house, saying that he was told that if he built his house there, and gave them \$300,000, he would have a beautiful view with bike trails. He said that it's concerning to him that since 1991 they have changed it.

Ms. Daubenspeck stated that her house is next to the area of the master plan being revised. She said that she wanted to talk about the value of open space. She said that she appreciates living in Ferguson Township because of the library, bike paths, safe community, and wide open space. She said that good use of space builds good community. Ms. Daubenspeck said that last year, zoning laws were changed to reduce the ag buffer from 200 ft. to 50 ft., and that the reason provided for this was to slow down encroachment into farmland. She said that currently there are 2,000 vacant lots in Ferguson Township. She asked why people want to develop this particular space in question. She said that everyone likes wide open space, and said that preserving farmland is an important question. She said that reducing the 200 ft. buffer zone between the older homes and the homes that will be built there is not desirable to them. She said that green space full of topsoil is a buffer for storm water, a filter, and cleans the water her family drinks. She said that her well will be in jeopardy. Ms. Daubenspeck said that the farm across from her property got a contract to move topsoil, and that this stopped filtration of her groundwater. She said that her well became contaminated, and that they were told the construction activity was the problem. She said that they were told to treat it and then to wait four to five months. Ms. Daubenspeck said that there are lots of lovely things about living next to farmland, and not so nice things, such as farm spray. She said that there are dangers associated with the use of the farm chemicals, and that wind speeds, types of chemicals, and dilution can make a difference. She said that more space between farmland and residences will not hurt. Ms. Daubenspeck said that she is grateful that the Board approved the vineyard, but that farm spray from the vineyard travels horizontally, so it may travel further. She asked the Board to not allow changes in the master plan, section 1D. She said it is this kind of value that builds strong communities.

Mr. Keough asked if those nearby property owners have been notified. Ms. Lang said that there was a mailing and advertising requirement sent to those adjacent to property, including those across the street right of way. Mr. Lewis asked when this mailing was sent. Ms. Lang said April 25, and she said that 10 properties were identified. Mr. Keough asked what the notices indicated. Ms. Lang said it indicated a public hearing, explaining the proposed construction and buffer reduction.

Mr. Mascolo made a motion to direct staff to develop revised the terms and conditions and continue the public hearing until June 4, 2012. Mr. Pytel said that water should be considered and that it is the responsibility of S&A Developers to do something about contamination on Ms. Daubenspeck's plot. Mr. Killian seconded the motion.

Mr. Elwin Stewart stated that he owns the vineyard, and that he realizes that the zoning law has changed the ag buffer from 200 ft. to 50 ft. He said that he wants to be on record, though, that there will be consequences, and the homeowners will have to deal with the consequences. He said that he suspects that people that will buy those lots will feel the consequences. Mr. Stewart said that he does spray his vineyard on a two week cycle, sometimes more or less depending on weather conditions. He said that he can't conceive houses being 50 ft. off of the property line, because there are issues with spray drift and noise. He said that he owns a modern sprayer that is specifically designed for

vineyards, and that drift is minimal, but what does carry is noise. Mr. Stewart said that when the air blast sprayer is running, it sounds like a 727 getting ready to take off. He said that the Board will hear about these concerns. Mr. Stewart said that as his vineyard continues to grow, more people will be bothered by the noises, and he is sure the Board will be contacted.

The motion passed unanimously.

IX. COMMUNICATIONS TO THE BOARD

X. ACTION ITEMS

1. Fozard Optometrist Final Land Development Plan

Mr. Kunkle said that the plan deadline is July 16 and that provided in the agenda is a memo from the Planning Director and a recommendation from the Planning Commission to approve the plan. He said that administrative comments are the only ones remaining. Mr. Keough made a motion to approve the Fozard Optometrist Final Development Plan with the stated conditions in the Planning and Zoning Director's memorandum dated May 16, 2012. Mr. Clemson seconded the motion. The motion passed with 4 votes, with Mr. Mascolo absent from the room.

2. Minitab Conference Center Final Land Development Plan

Mr. Kunkle said that Minitab has received a variance from the ZHB for plantings as well as a conditional variance for reduction in the number of parking spaces required. Ms. Lang said there are only administrative comments for this project as well. Mr. Keough made a motion to approve the Minitab Conference Center Final Land Development Plan with the conditions set forth by the Planning and Zoning Director in a memo dated May 16, 2012. Mr. Killian seconded the motion. The motion passed with 4 votes, with Mr. Mascolo absent from the room.

3. Presentation of Turnberry Specific Implementation Plan

Ms. Lang said that the master plan was granted approval and there is a specific implementation plan for Phase 1 now. She said that this was shown to the Planning Commission and the developers are here tonight to introduce the Board to the scope of the phase, issues associated with it and to answer questions they may have. Ms. Lang said that with regard to the approved master plan, the specific implementation plan should mirror the approval; it simply goes into a lot more detail so that the project goes from a concept plan to something constructible. She said that the 38 page packet is being reviewed in-depth by staff and consultants have received comments and are in process of amending the plan to address them. Ms. Lang said that in general the phase is as it was on master plan. She said that information still needed is at a level of detail necessary to construct improvements. Ms. Lang said that current issues are mostly regarding utilities and streets, but in general the project is as it was approved. She said it is a large project and much larger than usual for a single phase. Ms. Lang said that this is for a number of reasons: first, the developer needs to construct Havershire Boulevard, which is a collector street, from Blue Course Drive to Circleville Road. This will be a significantly sized road that will serve as a shortcut for traffic using Circleville Road. Ms. Lang continued, saying that they also need a warrant for a traffic signal at the Blue Course Drive intersection. She said there are a total of nine phases for this project.

Mr. Keough said he is concerned about the second part of the memo with regard to the plan's impact as identified by DEP on the interceptor, because there are multiple plans impacting the Radio Park Interceptor. Mr. Kunkle said that he asked Cory Miller, Executive Director of UAJA, to attend a meeting and give an update on the interceptor flow study that the authority has been undertaking.

Mr. Keough said that two primary issues coming out of early conversations had to do with the relationship with neighboring landowners. Ms. Lang clarified that sheets 16 and 17 are landscape plans, and that they detail landscaping the developer is proposing along the property line. She said that typically, the landscaping plan changes after construction, but that this is what is being proposed at this point in time.

Mr. Kunkle said that the Planning Commission and Board have at least two opportunities to look at plans, become familiar with them, and generate questions. He said the Planning Commission will look at this at their May 29 meeting and make a recommendation to the Board at that time. Mr. Kunkle said that this is due back to the Board on June 4, provided that the engineering firms are able to address the majority of comments being generated. He stated that June 4 is the approval date for phase 1. Mr. Kunkle said that the other half deals with the sewer planning module and that on June 4, the Board will be asked to act on the approval of the sewage planning module for the units in first phase. Mr. Kunkle said that Cory Miller of UAJA is here to discuss the Radio Park Interceptor issue and flow study.

Mr. Miller said that the flow study UAJA is doing came about because DEP changed the way that they do business. He said that planning modules used to have a standard form and guidance manual, and the form would ask two questions. First, it would ask if there is a projected capacity overload, hydraulic or organic, at the plant. The second asked if there is a capacity problem in the conveyance system over the next 5 years. He said they submitted positive answers to both of these and that DEP used to be okay with that. This time, Mr. Miller said that they rejected it, and asked for additional detail. He gave them a letter saying that UAJA projected that in 9 years from now, they would indeed need to do something, as addressed in the last 537 plan. Mr. Miller said that UAJA has been collecting a special purpose tapping fee to handle the financing of the construction that will need to be done. He said that they are ahead of the game, and everything was going according to plan for something to be constructed 9 years from now. Mr. Miller said that DEP, however, said that since they are proposing to put in development that exceeded projected capacity of the line, they wouldn't approve more planning modules until UAJA completed a flow study and gave them a detailed plan. He said that UAJA responded by initiating a flow study. Mr. Miller said that flow meters have been there for over a month now, collecting data. He said that fortunately there was wet weather, because it's meaningless if there is no rainfall. Mr. Miller said that the flow study typically meters for four months. He said that UAJA is going to give DEP a preliminary report, however, because they believe it's conclusive. Mr. Miller said that UAJA is hoping to submit that next week, and that the data will support the concept that UAJA doesn't have anything to do for the next 9 years. He said that from engineering standpoint it flies, but he doesn't know how DEP will respond.

Mr. Mascolo asked what the flow study shows. Mr. Miller said that sewage flow wasn't even half of the pipe, at its highest point. Mr. Killian asked if the flow meters will remain in place. Mr. Miller said yes. Mr. Mascolo said that flow is based on land development plans. Mr. Miller said it's the amount of flow allocated to the plans, and that typically capacity is over allocated. He said that the important factor is the peak on any given day in response to a storm. Mr. Miller said that the peaking factor typically is higher when working with a smaller area. He said that in a large area, like that close to the treatment plant, the peaking factor will be lower than in the watershed. Mr. Miller said that instantaneous response to a storm can be significant. Mr. Clemson asked what formulas DEP used to determine that the capacity isn't there. Mr. Miller said that they were using data that UAJA submitted. UAJA determined capacity of the pipe based on engineering facts. Mr. Miller said that then UAJA allocates capacity for each residential home and each commercial establishment that municipalities approve based on the DEP formula. Mr. Miller said that all of these things that are yet to be built and are approved are considered. He also said that DEP now wants UAJA to prove capacity not just for 5 years, but forever. He said UAJA has to show that everything that could go through the pipe in the

future, based on what's in the RGB will fit through that pipe. Mr. Pytel asked if DEP is requiring the same thing with the sewer plant. Mr. Miller said it's not necessary because the study is done.

Mr. Kunkle asked the date when the preliminary study will be packaged. Mr. Miller said the report will be reviewed on Thursday of next week and if everything is correct, UAJA will submit it Friday. Mr. Pytel asked if they expect an answer before June 4. Mr. Miller said he will do what he can to get DEP to review it, and that it shouldn't be hard to review.

Mr. Mascolo said he recommends going forth with Turnberry. Mr. Pytel said the issue is getting through DEP.

4. CNET Annual Report

Mr. Giles stated that he is the CNET representative for the Ferguson Board since January. He said that 2011 was a busy year for the CNET Board, staff, interns and volunteers. He said that membership was at an all-time high level of 14 organizations. Mr. Giles said that all six municipalities in the Centre Region, the Bellefonte Borough, COG, State College and Bellefonte Schools, Schlow Library and Penn State are members. He said that CNET is unique among access TV organizations in two ways. First, he said that it has a large number of member's organizations. Mr. Giles said that CNET funding is diversified, in contrast to the vast majority of public access stations that depend on a single municipality or school district for financial support. Second, he said that the organization's staff produces over 500 programs a year. Mr. Giles said that this is a large amount for an organization of this size and more than probably any place in the state or at this level. He said a major project for the last couple of years has been Comcast converting all CNET remote orientation points to fiber. Mr. Giles said that the installation of 3 more remote origination points requested by Centre County Cable Consortium is complete. He said that new connections include COG, the Ferguson Building, and the College Township municipal building. Mr. Giles said that future projects being considered by staff and the Board in 2012-13 include live streaming of channels on the CNET website. Also, he said they are considering redesign of the website to support future streaming and archive on demand, and consideration of additional services to support nonprofits in the utilization of technology.

Ms. Cindy Hahn said that annual dues to CNET are established as a result of the level of programming, and that this is done on a 5 year rolling average. She said that in 2011, Ferguson Township sponsored 23 programs, all of which were Supervisor meetings. She said that they also did 56 bulletin board message, each considered at 1/10 of a program, for a total of 5.6. She said that Ferguson staff is good about getting agendas to CNET in a timely manner. Ms. Hahn said that total Ferguson sponsorship is 28.6 programs, which is a significant drop from 2010 when there were 30 board meeting/work sessions along with 2 Spring Creek Watershed Commission meetings. Ms. Hahn said that the terra streetscape issue in 2010 meant that there were additional work sessions they covered. She said that in 2012 Ferguson committed to 2 meteorology programs, and that this is likely to have been higher than 2011.

Ms. Hahn said that in 2011, Ferguson sponsored 5.5% of all programming, and that in 2010, this percentage was 7.15%. She said that the 2013 budget will be looking at years between 2007 and 2011 when considering usage levels. Ms. Hahn said that the State College Borough is the largest user, with the School District and COG in a close second place. Ms. Hahn had data on the number of views, and the average time spent viewing. She said that April 16 was the most popular meeting, with 64 views, and viewers watching for an average of 30 minutes. Mr. Keough clarified that this is only online viewing. Ms. Hahn said there are about 3200 hours from volunteers and interns every year, which is a full time position and a half, or about \$58,000. She said that for an organization with a \$300,000 budget, \$58,000 is a lot.

Mr. Kunkle said that Ferguson Township is working on forming a franchise with Windstream, and that included in this franchise is a capital contribution to CNET. He said that the Borough has a similar capital contribution that goes through their Windstream franchise, which he believes is on a per-viewer fee system. Mr. Kunkle asked how these capital contributions factor into CNET's budget. Ms. Hahn said that CNET receives \$7,000 a year in capital contribution from the Borough's agreement. She said that when the budget is put together each year, that \$7,000 comes off the top in terms of money that the municipalities would otherwise need to make up for capital equipment. Ms. Hahn said CNET received a capital grant in 2008 from Comcast, and that this grant is divided into two lump sums. She said that the first lump sum was \$125,000, and that every year, \$13,000 is put towards capital. She said combining that with the \$7,000 from Windstream, grants pay for about \$20,000 of capital, but they are operating with average capital purchases of \$34,000, so that's 20,000 that members would otherwise need to pay. Mr. Kunkle said then when it's worked out, the capital contributions will mean less capital cost for Ferguson Township. Ms. Cindy agreed, saying that the members' contribution to capital will be a lesser percentage.

Mr. Keough recognized Mr. Giles for his work with CNET.

5. Discussion of Centre County Metropolitan Planning Organization Local Funding Formula

Mr. Kunkle said that in December 2010, the Ferguson Township Board sent a letter to the Centre County Metropolitan Planning Organization (MPO) asking them to consider modification to the formula used to determine the funding share for contributing municipal members. He said that the coordinating committee then established a subcommittee of membership, and they undertook consideration of expanding membership as well as considering a multitude of options to revise the local funding formula. Mr. Kunkle said that Ferguson currently has a contribution of around \$34,000 every year. He said that currently, the MPO local funding formula is based on the COG formula, but it includes Spring Township and Benner Township, so it's a slightly modified version.

Mr. Kunkle said that 13 or 14 funding scenarios were considered by the subcommittee. Mr. Pytel sat on the subcommittee for the past year. Mr. Zilla said that their recommendation narrowed the options down to two: the first dealt with a combination of road mileage, both state and local, and population. These two factors were equally weighted. The second variation was a combination of mileage and population along with the COG formula for municipalities that are currently contributing. He said that the committee sent a recommendation to the commissioners asking them to accept a funding formula change that would result in the county contributing \$30,000 more in cash than the \$34,000 that the county currently contributes. Mr. Kunkle said that the county commissioner's responded to the recommendation by indicating it was too early in the year to make the determination, that they had not started 2013 budgeting process, and that they have a number of major projects that are being considered for additional funding for next year. He said there was no commitment to additional funding. Mr. Kunkle said that COG and the MPO begin budgeting shortly, and that they need to know whether or not Ferguson will continue making a contribution and if so what funding formula will be used. He said that a couple of weeks ago Mr. Pytel, Mr. Mascolo, and Mr. Zilla met with himself, Jim May, Director of CRPA, and Jim Steff, Executive Director of COG to talk about the issue. Mr. Kunkle continued to say that in the packet there are notes from meeting and outcome that was generally agreed upon.

Mr. Mascolo said that Ferguson Township's stand is that the only method of computation that is acceptable is 50% roadway mileage and 50% population. Mr. Mascolo said that Ferguson Township felt that no other plan was acceptable. He also said that he felt that the intent is for the transportation committee to make a decision on the final funding formula before the end of this year. He said at that

time, the Ferguson Board will make a decision as to where they stand as far as future funding. Mr. Pytel concurred.

Mr. Pytel said the current COG formula includes the value of property, earned income, and population.

Mr. Kunkle said that one of the things the Board must consider is that the final resolution of the formula is still an ongoing discussion. He doesn't believe that the commissioners have closed the door on accepting a revision to funding formula that might result in an additional cash contribution to the MPO from the county. He said that tonight, the Township agreed to participate in funding for 2013. Mr. Pytel and Mr. Mascolo corrected him, saying that they want this issue resolved before another year's payment, and that Ferguson does not want to use the COG formula for next year, 2013. Mr. Killian asked when the COG budget cycle is. Mr. Kunkle said that it won't be approved until sometime in December. Mr. Pytel said the two problems are the county contribution and the Centre Region using the COG formula, which has nothing to do with transportation. Mr. Killian asked if Ferguson controls their contribution. Mr. Pytel said yes.

Mr. Mascolo said that Ferguson could also use their own formula and simply state what they plan on paying. Mr. Keough asked about municipalities not part of the Centre Region. Mr. Mascolo said that Benner and Spring are under the COG formula. Mr. Kunkle said they have a voting seat at the table and that the other municipalities are representative of county planning regions.

Mr. Killian asked what the Board is ultimately considering tonight. Mr. Kunkle said that in all fairness, when COG prepares their budget, they are going to make an assumption based on the direction the Board provides this evening as to how Ferguson will allocate shares to support the MPO budget for 2013. Mr. Pytel said that this issue has persisted for five years. Mr. Killian asked if the assumption COG makes is that all municipalities will stay in the MPO. Mr. Kunkle said yes.

Mr. Mascolo said he wants Ferguson to say that they will not give a contribution for 2013 based on the COG formula. Mr. Pytel agreed. Mr. Mascolo said that the formula shall be based on road mileage and population. Mr. Kunkle said that based on this formula, there will be a \$30,000 deficit in cash funding for the MPO, and that it is assumed that this will be made up by the county. Mr. Mascolo said that Ferguson will pay \$10,000 less than what they are paying this year. He said that based on his calculations, Ferguson's contribution would drop from \$34,000 to \$20,500, and that State College's contribution would increase. Mr. Kunkle said that even using the formula, an additional \$30,000 would be needed from the county to make the budget whole. Mr. Keough asked if Ferguson Township is obligated to anything based on agreements the township previously signed regarding the MPO. Mr. Kunkle said that he agrees that he doesn't think there is a stated formula within the articles of the MPO agreement. He said that the MPO is subject to the general COG articles of agreement, and that one year's notice is required to withdraw.

Mr. Killian asked if all township municipalities must be part of the MPO. Mr. Zilla said no.

Mr. Clemson asked if the MPO is currently overseen by the county. Mr. Zilla said it is currently overseen by him. Mr. Clemson asked if it's a state mandate. Mr. Zilla said that an MPO must be in place in Centre County. He clarified that he does not run the MPO, but that it is comprised of elected officials from around the county. He said that under current regulations, there must be an MPO in Centre County, and that it must include the entire county in terms of geographic area. Mr. Zilla said that how the MPO is structured, however, regarding governance and policy, is up to local officials as long as a certain percentage is from the urbanized areas, and this requirement is easily met. Mr. Zilla said that there is an idea in Senate that all MPOs under 200,000 will not be designated unless they petition the governor and US Department of Transportation Secretary to maintain designation. He said

they must also prove that they can do everything that is required. Mr. Zilla said there is also a version of this rule in the House of Representatives, but it states that any MPOs in place now can stay, and new threshold is 100,000. He said that PennDOT has claimed that the process in PA is viewed favorably as compared to other states, and that they would try to maintain a system if small MPOs went away. Mr. Clemson asked if Ferguson would have to belong. Mr. Keough said Ferguson doesn't have to belong.

Mr. Pytel said that at the coordinating committee, they voted to send the revised formula based on population and local federal road mileage to the county, and there were two votes in opposition, State College and someone else that he could not recall. He clarified then that it was 2 out of 20 that were opposed to it. Mr. Killian made motion preparing the 2013 MPO program plan with the condition that a) all current members will remain and b) that the local funding share use 50% local federal road mileage and 50% population formula, with the assumption that shortfall will be made up by the county. Mr. Mascolo seconded the motion.

.Mr. Keough said he is uncomfortable going the step of saying that each of our COG partners would be adopting the same thing. Mr. Kunkle said they might not. Mr. Keough said the motion can only address Ferguson Township's position for the 2013 budget being based on option 6. Mr. Pytel said no, and that Ferguson Township is opting out of the COG formula. He said they will simply state that they are paying based on mileage and population, and that if the rest of the municipalities want to use the COG formula, that's fine, they will have to make up the difference by themselves. Mr. Keough asked if the difference is being addressed in the motion. Mr. Pytel said no, it is just addressing Ferguson's budget share of the MPO. Mr. Keough said that he is in favor of retaining MPO membership. Mr. Killian said that membership is not in question, and that Ferguson will still be a member no matter what.

Mr. Killian withdrew his motion.

Mr. Clemson agreed that Ferguson should contribute based on the 50% roads and 50% population method, and that if there is a difference the other municipalities can work on making it up. Mr. Keough made a motion to remain a contributing member of the MPO for 2013 with a contribution based on 50% local federal road miles and 50% population. Mr. Killian seconded the motion. Mr. Zilla asked for a clarification. He said there are a few ways to calculate this, and asked if the new formula is just based on the 8 contributing municipalities. Mr. Mascolo said Centre Region only. Mr. Keough asked why they were talking about anyone besides Ferguson Township. Mr. Killian clarified that the formula has to do with a pool. If the entire region is considered, Ferguson Township has 7% of the road miles and population, for example.

Mr. Keough asked if stating "contributing members of MPO" would clarify the issue. Mr. Zilla said that it would have to say "contributing 8 municipalities." Mr. Keough clarified that the population and road mileage in Ferguson Township will be a percentage of the 8 paying municipalities, not counting what the county is contributing. Mr. Keough wants to make an amendment to his motion. He said he is concerned about issues that Ferguson may not be aware of, and he would prefer to revisit the issue in a year to look at impacts of both parties involved. Mr. Pytel said that if this gets through, he plans on looking at this next year to get another more fair way for county votes. He said that Ferguson is still paying a lot for one vote, and the county is getting something like 11 or 12 votes for less than a tenth of a percent. Mr. Pytel and Mr. Mascolo said they do not like the motion being amended. Mr. Killian asked about the option of paying in full and then considering this after two years. Mr. Pytel said that this has been going on for 5 years, and Mr. Mascolo agreed that he also wouldn't be in favor of this idea. The motion passed unanimously.

6. Report on Retaining Consultant for Selection of ERP Software

Mr. Kunkle explained that the Township is in need of ERP software consultants and that bids for this service came in between \$47,000 and \$150,000. He said that two candidates were interviewed and staff is recommending that the Board authorize the Township to hire Susquehanna Group for a consulting contract in the amount of \$52,000 to assist in the selection of ERP software. He said that the Board has allocated a total of \$65,000 in the 2012 budget towards consulting and a portion of the software purchase, but that the Township is not at the purchasing stage yet.

Mr. Clemson made a motion to approve the reallocation of the 2012 budget from the ERP purchase to the consultant services which would include Susquehanna Group. Mr. Killian seconded motion. The motion passed 4-1 with Mr. Keough opposed.

7. Discussion of Draft Donation Policy

Mr. Kunkle explained that the Board asked at the May 7, 2012 meeting that this be placed on the agenda for additional discussion. He said that as a result of numerous donation requests, the Board thought it appropriate for Ferguson to adopt an official policy on this. Mr. Keough asked what community projects meant and suggested it read neighborhood projects instead. He also suggested possibly talking about "township" or "regional" special events instead of "community special events." Mr. Pytel said that the Board would determine which community events they wanted to donate to. Mr. Killian said that he took community to mean neighborhood. Mr. Keough said that in order to receive a donation, the organization must be 501 (c) 3. Mr. Killian talked about the geographic boundary of qualifying groups. Mr. Mascolo said he is comfortable donating to any organization within the 6 municipalities. Mr. Killian said that this could be written as wherever residents use the nonprofit's services. Mr. Keough said that the Centre Region should be the boundary, with preference given to activities occurring in Ferguson Township. Mr. Keough said that he isn't sure this is the place to exclude religious organizations. Mr. Pytel said it is lawful to have separation of state and church. Mr. Mascolo wants to leave this clause in. Mr. Killian said that if taken out, Ferguson would be giving taxpayer funds to a specific ethnicity. Mr. Killian asked if the Township can request a description of how the funds were used after they are given. Mr. Clemson and Mascolo said the use of the money would be part of the application process. Mr. Kunkle said in the policy, there is a \$1000 maximum stated. Mr. Pytel was going to suggest \$500. Mr. Mascolo asked about municipal review, and suggested the Township Manager be the one to review the applications. Mr. Pytel agreed that staff should decide if an application fits the criteria and then bring it to the Board. Mr. Keough suggested a five person ad-hoc review committee made up of 2 Board members, possibly the United Way Executive Director, Centre County Community Foundation Director and Township Manager. Mr. Pytel suggested getting rid of the policy and not giving anything away. Mr. Keough wanted someone not part of the Ferguson system to be involved. Mr. Pytel doesn't want an outsider, and doesn't want taxpayer money spent on this. Mr. Pytel said no to Keough because it would come to the Board for approval.

8. Fire Hydrant/Street Light Exonerations

Mr. Kunkle explained that these exonerations are similar to the exonerations requested at previous meetings. Mr. Killian made a motion to approve the exonerations as recommended by the tax administrator in a memorandum dated May 8, 2012. Mr. Mascolo seconded the motion. The motion passed unanimously.

9. Consider Award of Contract 2012-C7a Fuel

Mr. Modricker said that the Township is recommending the Board award the contract to Nittany Oil, at

a bid of \$106,941.30. He explained that the budget amount was \$105,100, but that the actual cost depends on consumption and the escalating price index. Mr. Mascolo made a motion to award the Contract 2012-C7a to Nittany Oil in the amount of \$106,941.30. Mr. Killian seconded the motion. It passed unanimously.

10. April 2012 Voucher Report

Mr. Mascolo made a motion to accept the April 2012 Voucher Report. Mr. Killian seconded the motion. It passed unanimously.

11. Consent Agenda

Mr. Killian made a motion to accept the Consent Agenda. Mr. Mascolo seconded the motion. It passed unanimously.

XI. REPORTS

1. Manager

Mr. Kunkle said at the next Board meeting, the Turnberry specific implementation plan will be discussed. He said also at this meeting will be the Turnberry sewer planning module resolution and the 2012/2013 CATA budget resolution. Mr. Kunkle said that a public meeting on June 12 will be held for the West College Avenue streetscape presentation. He said that this will be from 5-6pm, and there will be an opportunity for people to browse exhibits, with a formal presentation at 6:15pm. Mr. Kunkle said that property owners in the area along West College Avenue will be notified. He also said that a citizens group has been established for the Park Hills Park issue, and that they will be meeting on July 11th at 4pm.

2. Director of Public Works

Mr. Modricker said that the excavator will be mobilized on Whitehall Road starting May 22nd and that excavation will continue into next week. He said that a temporary road has been constructed to install utility poles. Mr. Keough asked if Martin Street is the project regarding the turn lane into Weis Markets and Mr. Modricker confirmed this. Mr. Modricker also said that there was a preconstruction meeting for microsurfacing and that work is expected to start June 11. Mr. Modricker said that pavement markings are being done. Mr. Keough said Tadpole and Gatesburg are finished as well. Mr. Modricker said that the narrative for road standards is completed and that typical road sections have been drafted.

3. Director of Planning and Zoning

Ms. Lang said that the Planning Commission on May 14 looked at plans on this evening's agenda. She said that they spent a considerable amount of time reviewing draft land use and transportation chapters for the regional comprehensive plan update. Ms. Lang said that two additional comprehensive plan chapters will be presented at the meeting on May 29.

4. Chief of Police

Chief Conrad said that Part 1 crimes are down 50% compared to this month last year, and that they are at 41% year to date, driven by the number of thefts. She said that Part 2 crimes are down year to date, driven by disorderly conduct. Chief Conrad said that regarding calls for service, non-crime calls are down 20% for the month, but virtually unchanged year to date. She said that traffic citations are up

100% year to date. Chief Conrad said that arrests were the same for this month last year, but are down 36% year to date. She said that 52 applicants took written police test, and that next is the video behavioral exam, which will be completed by June. Chief Conrad said that during National Take-back Day on April 28, 156 lbs. of prescription drugs were turned in. She said that Patton Township helped, so they were able to run a double line at the table. Chief Conrad said that Officer Park and 3 others from crisis prevention are going to do presentation at the CIT international convention on the Centre County program. She said that Officer Park will also receive the CIT Officer of the Year award at Tallyrand Park. Mr. Killian asked about traffic citations, and why they went up by 100%. Chief Conrad said that citations generally go up due to officer availability, grant funding, or even the weather.

5. COG Committee Reports

Finance

Mr. Mascolo said that the Finance Committee met Tues May 15. He said that there were no comments regarding the CATA budget. Mr. Mascolo said that Harris Township sent a letter that they might reduce the number of trips going into Harris Township. He said that the committee reviewed the new COG purchasing policy and that there were no comments. Mr. Mascolo said that there is \$22,000 left in library fund that was used to build the library, and they wanted to transfer the funds. He said it was recommended, and the transfer was approved. Mr. Mascolo said there was a short discussion on the parks maintenance building, and on how to would pay for that. Mr. Mascolo said that the estimate is \$600,000. He said they were discussing financial consulting and bond counsel. Mr. Mascolo said he objected to that but he said there are certain legal requirements. Mr. Kunkle said that the unit debt act needs documentation.

a. Human Resources

Mr. Keough said the Human Resources committee continued discussion about revisions regarding disciplinary policy for COG, and that there is discussion of having a labor attorney review it. He said that one of the things set up by COG was that COG wanted to have a committee review of proposed staff changes ahead of time. Mr. Keough said that having it all in one location as opposed to dribbling in as each COG agency developed a budget. Mr. Keough said they reviewed staff position, including the CCRPA office manager, the parks staff assistant, and the Millbrook Marsh program coordinator. He said they wanted to increase the Millbrook Marsh position's hours to 30 hours per week over an 11 month period. Mr. Keough said that there were two requests, one for a fire inspector and the other for a commercial plans examiner. Mr. Keough said that they talked with the director about justification for both. He said that the codes office operates as an enterprise system, and that they talked about the ability of the budget to also handle this. He said there is a bump up in the number of requests they are getting, so they can handle increased cost based on fact they will have increased demand.

b. Public Safety

Mr. Clemson said that Public Safety met Monday May 14. He said that Haggerty Consulting was chosen for an emergency management contract, and was awarded \$29,788. \$30,000 was budgeted for the project. Mr. Mascolo asked why Public Safety didn't choose the lowest bidding firm. Mr. Clemson said that firm wasn't qualified, and that qualifications of staff at Haggerty were the best mix for the region. Mr. Pytel asked if taking the lowest bidder is necessary and Mr. Kunkle clarified that it's not for professional services. Mr. Clemson said CRCA is still working on a software program. Mr. Keough said that this has been in the works for 2 years. Mr. Clemson said there were demonstrations, and Mr. Keough asked if Ferguson staff went to the demonstrations. Mr. Kunkle said yes, and that they were given a number of scenarios of actual processes the software would have to accommodate.

Mr. Clemson said the hybrid was not purchased and they are reconsidering this. Mr. Mascolo said the extra cost wasn't justified. Mr. Clemson said there was no report on the big truck.

6. Other Non-COG Regional Committees

XII. APPROVAL OF THE MAY 7, 2012 MINUTES

Mr. Mascolo made a motion to approve the May 7, 2012 minutes. Mr. Clemson seconded the motion. It passed unanimously.

XIII. ADJOURNMENT

Mr. Mascolo made a motion to adjourn. Mr. Killian seconded the motion. It passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the meeting at 11:08pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 06/18/2012