

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, July 16, 2012
7:00 pm

I. ATTENDANCE

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

Board: Richard Mascolo
Andrew Clemson
Elliott Killian

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 Mascolo; George Henning; Dorothy Evanson; Kate Haris; Maryanne Goldstein; Jennifer Gray; Richard Killian; Gary Schell.

II. CALL TO ORDER

Mr. Mascolo called the July 16, 2012 Regular Meeting to order at 7:00 pm.

III. ABC REPORTS

1. Centre Region Parks and Recreation

Ms. Mascolo stated that Centre Region Parks and Recreation maintains 55 different parks and 2 new pools. She said that Millbrook Marsh has a new building and that Hess Field, Oak Hall and Whitehall projects are all underway. Ms. Mascolo said that the Oak Hall work will begin in 2013 and that Whitehall Road Park will be started in 2014. Ms. Mascolo said that she believes Hess Field is a success and that it is booked for the whole summer. She said that four different facilities have been dedicated in the past three years. Ms. Mascolo said that Parks and Rec has 209 summer employees total with most being temporary, but some are full time/permanent. Ms. Mascolo said that there are adult volleyball leagues with 25 teams total and many fitness programs including Zumba, Step Aerobics and Strength Training. She said that there are tennis lessons available with 6 adults and 43 youth taking these lessons.

Ms. Mascolo said that Millbrook Marsh has 19 programs currently. She said that the facility has been rented to 542 different groups and there have been events for 17 different programs.

Finally, Ms. Mascolo said that there have been 13,785 visitors to the Park Forest pool and 25,587 visitors to the Welch Pool for a total of 39, 372 people visiting the pools for 2012 so far. She said that 2,317 season passes sold to Welch and 2,515 passes sold to Park Forest. They can be used at either pool and the total amount earned is \$279,497.

2. Schlow Library Report

Mr. Henning said that the Friends of Schlow Library received the most funds out of any charity during the 36 hour online charity drive Centre Gives. He said the total was \$13,585 from 212 people so they received a match of \$3,274 with a bonus prize of \$2,500 for being in first place.

Mr. Henning said that Schlow will install new parking lot control equipment as the original equipment failed. He said they entered into an agreement with the State last year with the number of available books about the same. Mr. Henning said that Schlow has a report from the Institute for Museum and Library Services that compares them to other similar libraries. He said that Schlow is the 5th highest in

circulation out of the 16 compared. He said they are also 5th highest in checkouts per borrower and 4th for checkouts per capita. He said they are also 4th cheapest cost per check out. Mr. Henning said that circulation per borrower at Schlow is about 18.2 books – the average is 13. Circulation per capita is 9.2 books, and on average, this number is 7.1. Mr. Henning said Schlow scored 4th highest in programs, and an area in which they scored poorly was computer availability. He said that being in a university community many people bring their own computers to the library.

Mr. Henning said that as he reported last time, part of Schlow's strategic plan is to interview different people from service agencies in the community. He found it surprising that many people do rely on the library for computer usage, such as those being served by the Women's Resource Center. He said that people also rely on the children's area as a place to take their kids.

IV. PUBLIC HEARINGS – ORDINANCES

1. AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, PART 2 TRAFFIC REGULATIONS SECTION 214, STOP INTERSECTIONS ESTABLISHED, PART 4, GENERAL PARKING REGULATIONS, (1) SECTION 403 PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS AND, (2) SECTION 404, PARKING PROHIBITED IN SPECIFIC LOCATIONS CERTAIN DAYS AND HOURS ON BRISTOL AVENUE

Mr. Modricker explained that the main concern at the Gatesburg Road intersection was vehicles headed west not making the appropriate right turn and instead continuing onto Rhodes Farm Lane, which is a private road. Mr. Modricker said that he reviewed the site in person with the Township Engineer and spoke with local residents about the idea of a three way stop sign. He said that for those headed west, it is a stop "except right turn." Mr. Modricker said this has now been in place for a few weeks and is working well. He said in addition, advisory curve speed signs were ordered and legends were painted that say "slow" and have arrows.

Mr. Modricker said regarding Bristol Avenue, there was a section posted "no parking" and a "no parking 2am to 6am." This was also in place for several weeks as a temporary trial and he is suggesting it now become permanent. He explained that the red denotes the no parking at all restriction, and the blue, which is mostly on the north side near the apartments, denotes no parking only from 2am – 6am.

Mr. Clemson made a motion to adopt the ordinance amending the code of ordinances Chapter 15 sections 214, 403, and 404 for the stop intersection and changed parking regulations on Bristol Avenue. Mr. Killian seconded the motion.

Roll Call Vote: Mr. Killian – Yes; Mr. Clemson – Yes; Mr. Mascolo – Yes. Ordinance #969 was adopted.

V. COMMUNICATIONS TO BOARD

Mr. Killian stated that a person in the Overlook Heights neighborhood voiced a concern about the Big Hollow bike path. They stated that it has been awhile since it was last updated and there are sharp rocks. Mr. Modricker stated that Ferguson Township does not maintain this path, but that he can contact the correct person at Penn State to make the concern known.

VI. ACTION ITEMS

1. AVAIL FINAL LAND DEVELOPMENT PLAN

Ms. Lang explained that this is a multi-tenant office building near the intersection of Old Gatesburg Road and Science Park Road. She said the lot was previously subdivided and approved by the Board. Ms. Lang said that the majority of comments have already been addressed, with only a small amount of things left for the design engineer to do.

Mr. Killian made a motion to approve the Avail Final Land Development Plan subject to completion of outstanding conditions for approval as set forth in Planning Director's Memo dated July 11, 2012. Mr. Clemson seconded the motion. It passed unanimously.

2. RECOMMENDATION ON PARK HILLS PARK DEVELOPMENT

Mr. Kunkle explained that the Park Hills Park Ad Hoc Advisory committee met Wednesday July 11 and came to a number of recommendations included in the attached memo. In addition Mr. Seybert has completed a revision to the park plan, to address some of the concerns. Mr. Kunkle said that drainage was addressed and an access walkway will be created between the play area and the athletic fields.

Mr. Kunkle said the recommendation is that the Board consider a 4 ft. high open slat spindle fence to be installed along a portion of the western side of the park near Park Hills Avenue. He said there will be an ADA accessible path into the park.

Mr. Kunkle continued, saying the previously purchased play equipment in storage will be installed and that it is not possible to exchange any equipment. He said that the swing structure will be rotated and that signage will be installed on Park Hills Avenue, alerting motorists that children are at play.

Finally, Mr. Kunkle said that additional vegetation in the area of park that was accidentally cleared with be replanted. Mr. Kunkle said the cost estimate for the installer of the equipment is around \$10,000, but that there may be additional funds available due to the Fairbrook Park funds not being needed. Mr. Kunkle said that the Township Engineer provided a revised cost estimate to complete project at \$21,000.

Mr. Killian made a motion to receive the committee's recommendations and proceed with budget adjustments for the park renovations. Mr. Clemson seconded the motion. It passed unanimously.

3. UPDATE ON NORTH HILLS PLACE PARK

Mr. Kunkle said that Ferguson Township did send a letter to the school board in support of the Overlook Heights Park Partnership. Mr. Richard Killian said that he represents the Overlook Heights neighborhood and that Dr. Gary Schell represents the Overlook Heights Park Partnership – a legal partnership of the property owners adjacent to the park. Mr. Killian said that all adjacent residents contributed money to a fund that was used to place a bid to buy the park. He explained that although the residents pulled together \$8,000, Fozard Development bid more at \$20,500. Mr. Killian said that recently, Fozard was approved for a land development plan on Atherton Street, and that the park is adjacent to Fozard's property. Mr. Killian said that Mr. Fozard has already encroached on the park by dumping construction materials on park land. Ms. Lang said that when she was alerted of this, she attempted to find an ordinance that would prevent it. She found out that Mr. Fozard contacted the school and someone gave him permission to dump topsoil there temporarily. However, Ms. Lang said

that the pile is clearly not topsoil, and that the COG agency for refuse and recycling is upset with the dumping. She said this agency may cite the school board as owners of property.

Mr. Killian said he did not expect action from the Township at this point, and appreciates them sending the letter. He said that the School Board will be making a decision on August 13, and that the Overlook Heights Park Partnership will be consulting with counsel about the Fozard encroachment. They will also be researching further the exact terms of the deed restriction.

4. DRAFT WINDSTREAM CABLE FRANCHISE AGREEMENT

Mr. Kunkle said that Ferguson and College Townships joined together and engaged a law firm to come to an agreement with Windstream. He said that Windstream is a company located in Ferguson Township, on Science Park Road, and was formerly D&E Communications. Mr. Kunkle said that this is just for comment and soon the Township will advertise an ordinance to adopt the franchise agreement. Mr. Kunkle said that there is a \$26,000 franchise grant that each of the townships will receive in 10 equal installments of \$2,600 over 10 years. He said that this money will go to CNET and that there will also be a service grant in the amount of \$6,000 for Ferguson and \$7,200 for College Township, again to be paid in 10 equal installments over the term of the franchise. He said that this is because Windstream will not be providing internet access, as the Township already has this with Comcast.

Mr. Kunkle said that CNET will be offered two educational government access channels and possibly a 3rd through Windstream.

Mr. Clemson clarified that this is not an exclusive franchise, and that other providers can enter the township. Mr. Kunkle confirmed this, saying that if Verizon for example wanted to offer service, they would be able.

5. APPROVAL OF JUNE 2012 VOUCHER REPORT

Mr. Killian made a motion to approve the June 2012 Voucher Report. Mr. Clemson seconded the motion. It passed unanimously.

6. CONSENT AGENDA

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

VII. REPORTS

a. Manager

Mr. Kunkle reminded the Board that Bond Reinhardt had to resign as liaison for the State College Borough Water Authority, and that the position is still vacant.

Mr. Kunkle said there was an appeal by Fuller Realty for required parking at the former Whitehill Lighting site. The Zoning Hearing Board denied the variance and appeal. He said the CVS/JC Bar issue was postponed.

Mr. Kunkle suggested the Board schedule a special meeting on Monday, July 23 at 6pm to discuss Turnberry, as it is a large, complex plan and the developers would benefit from an earlier decision due to financing issues.

Mr. Kunkle said that there will be a butterfly release at Tom Tudek Memorial Park Saturday the 21st, in memory of Bob Tudek who has had a significant impact in the community.

Mr. Killian asked if flowers will be sent from the Township, and Mr. Kunkle said they had sent flowers on behalf of the Tudek Memorial Park Trustees.

Mr. Kunkle said that the Township allowed the use of their message board to spread the word about Centre Gives, and that this was helpful to the campaign.

b. Public Works Director

Mr. Modricker said that next week paving will be completed on Aaron Drive, Park Center Boulevard, and Martin Street. He said that a base course was put down on the cul-de-sac on Park Crest Lane. He said that the erosion control and NPDES plan for Tudek phase 3 was in process.

Mr. Modricker said he is preparing a draft memo for the issue presented regarding Berkshire Drive at the last meeting, and it should be ready by the next Board meeting. He said he did conduct a site view, completed distance checks, and reviewed crash reports. He said that three of the crashes were from drugs/alcohol. One crash was someone that drove through a construction zone and one took their eyes off the road. He said there were also 6 non-reportable crashes, half of which were residents or visitors backing out of driveways into parked cars on streets.

Mr. Modricker said there are some small trees in the area between curb and sidewalk however, he said he didn't consider it a sight obstruction.

c. Planning & Zoning Director

Ms. Lang said the last Planning Commission meeting was short after the joint Board and PC work session regarding supplemental fire suppression requirements in rural areas. She said there was only one project to review, and that was recommended to the Board for approval.

Ms. Lang said that the State College Mercedes lighting issue has finally been resolved and the lights are in compliance with the ordinance. However, she said there are still drainage issues on that site.

Mr. Mascolo asked about the citations for the Mercedes dealership, and Ms. Lang said they were not resolved. Mr. Kunkle said the owner wants to discuss resolving the citations before appearing before a district judge.

d. Chief of Police

Chief Conrad said there were 18 part 1 crimes for June, which was two more than last year. She said year to date the part 1 crimes are down 26%, and this is good. She said part 2 crimes are virtually the same as last year. Chief Conrad said there were 48 total calls for service, which is not a big change. She said that regarding traffic citations, tickets and traffic stops, the numbers are down between 21% and 28% for the month, but still up overall for the year. She said important data here is that traffic citations are up 39% year to date, and criminal arrests are up 23%.

Chief Conrad said Ferguson Township provided assistance to Bellefonte in the form of security for the trials. She said that there was another interdisciplinary mental health crisis training session, and 20 people graduated from it. Chief Conrad said the goal of the program at its outset was 20-30% of officers trained in the first two years and they are right on schedule.

Chief Conrad said that otherwise there was an animal call and that around midnight officers found three 15/16 year olds in the back of the Re/Max building. They were cited for trespassing and their parents were called.

e. COG COMMITTEE REPORTS

i. Finance Committee

Mr. Mascolo said they went over the COG program plan for 2013, specifically what to do about cost of living raises and merit increases. He said they originally proposed only giving cost of living increases and no merit for 2013, but the finance committee felt there should be some merit portion of that compensation, such as 50% merit and 50% cost of living.

Mr. Mascolo said there was also a discussion on vehicles, and the decision was to not buy hybrid vehicles. Instead, vehicles that used natural gas were approved. He said the library's renovation costs were also discussed and now instead of replacing all blinds on the second floor, only those in bad shape will be replaced.

ii. Parks Capital

Mr. Kunkle said that much of this meeting was in regard to the location of a maintenance facility. He said the sites being considered were, Tudek Park, State College Borough Maintenance Facility, and Whitehall Road Regional Park. Mr. Kunkle said that the Whitehall Road location made the most sense. He said that the COG finance committee is trying to determine whether to incorporate funding for the building within the refinancing plan of the pool loans.

Mr. Kunkle said that College Township Water Authority drilled a number of wells on the Oak Hall park site and they hit a very favorable location. He said they are working with the Susquehanna River Basin Commission for the required permits.

Mr. Kunkle said that Oak Hall Park itself will be out to bid on July 19th, and bids will be due the first week in September. He said they anticipate awarding a contract on September 13, and construction should begin fall of 2013, with the park opening in fall 2014.

Mr. Kunkle said that Whitehall Road Regional Park sports groups are pushing for more storage space and facilities. He said that Centre Soccer also requested an artificial surface on one of the soccer fields, and lighting, which will cost \$750,000. Mr. Kunkle said that they plan to do a private fundraising event for these items, and that they also would like to see a multipurpose building constructed for indoor soccer.

iii. Public Safety

Mr. Clemson said that Public Safety met on Wednesday July 11. He said that COG is reviewing a worker's compensation agreement for fire fighters regarding responses outside of the jurisdictional boundaries.

Mr. Clemson said that the code software is still undetermined, although progress is being made. He said that there is consideration for a cloud based computer system and an alternative. He said the cost is \$850,000 for the cloud based platform, and \$975,000 for hosting it through the Borough of State College. Both are over a 7 year period.

Mr. Clemson said a model open burning ordinance was also discussed, and resident of Pennsylvania

Furnace came to the meeting to discuss open burning concerns. He said they had discussions with COG staff about developing a Centre Region ordinance or model ordinance.

iv. Public Services & Environmental

Mr. Killian said that the Harvest Field DRI application was discussed, and there was a presentation from staff.

Mr. Killian said that the original 28 acres was slimmed to 15 acres, as proposed by the owner, and that those acres would be subdivided from the main tract. He said that DEP requires the subdivision. He said there would be a deed restriction for development and that development would be limited to the proposed use.

Mr. Killian said he made a point of emphasizing no housing at the meeting. He also said that it seemed from the meeting that a deed restriction is the least likely outcome, as the property owner doesn't want a deed restriction.

Mr. Mascolo said if the number of acres are reduced further, it will be similar to a deed restriction.

Mr. Kunkle clarified that the proposal is to remove 10 acres from the development potential of property owned by Hawbaker and Bigatel in order to reduce the maximum density that they could put on the remaining portion of their tract. He said that it would be somewhere in the vicinity of 130 units – previously it was 260 before the 10 acres were removed.

Mr. Killian said that 15 acres would also be removed from the regional growth boundary, but Ms. Lang said that the land they are proposing is undevelopable, which is not an even trade.

Mr. Kunkle said that Ferguson requested this be postponed so that the full board could discuss it, and Calvary agreed to the delay.

v. Transportation and Land Use Committee

Ms. Lang said she attended this meeting and that she supports Mr. Pytel's position that this committee is being presented with a lot of information on the comprehensive plan, but is expected to respond in very little time. She said the two items mostly discussed at the meeting were housing and sustainability. Ms. Lang said that a main point was whether affordable housing should be a regional goal or local goal, and whether affordable housing should be a mandatory issue with developers or voluntary. She said that there was no presentation and little time for discussion, but the elected officials settled on the idea that they do not want affordable housing to be a requirement.

Ms. Lang said that housing is particularly an issue because of the high rental rates, and young families leaving the area because there is no permanent housing and there are no jobs here.

VIII. APPROVAL OF THE JUNE 4, 2012 MINUTES

Mr. Killian made a motion to approve the June 4 and June 18, 2012 minutes.

Ms. Conrad requested that the "code red emergency notification system" be added to the June 18 minutes in the police report regarding the missing 5 year old, as this was a big part in resolving the incident.

Mr. Clemson seconded the motion. It passed unanimously.

IX. ADJOURNMENT

Mr. Clemson 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 8:58pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 08/06/2012