

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, September 4, 2012
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, September 4th, 2012 at the Ferguson Township Municipal Building. In attendance were:

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

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

Others in attendance included: Barbara Donnini, Recording Secretary; Diana Dunn; Peggy Schlegel; Robert Schlegel; Charlie Courtney; Mike Mudry; Ron Woodhead; Michael Pratt; Jim Carpenter.

II. CALL TO ORDER

Mr. Pytel called the September 4, 2012 regular meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

Ms. Dunn stated that skateboarders are invading her neighborhood on Deerfield Drive. She said they skateboard low to the ground and at high speeds without heeding road signs. Ms. Dunn said this will end in a tragedy, and is a severe hazard. She asked if there is an attractive, safe venue for this semi-organized group of kids.

Mr. Mascolo asked if they are neighbors. Ms. Dunn said they are strangers. She said they are nice, but pitch tents and leave trash and have been asked to leave other places in the community.

Mr. Pytel asked how often this happens. Ms. Dunn said at least monthly, and that there are usually a dozen or so children. Mr. Pytel asked if they are passing through or ride the same route over and over. Mr. Schlegel said they load a car at the bottom of the hill, ride up, and skate down again.

Ms. Schlegel said she lives on Deerfield Drive as well and almost hit one of the kids. Ms. Schlegel said she complained to the police, but they said there is nothing they could do.

Mr. Schlegel said it is holding up traffic, that the skateboards don't have brakes, and that a serious accident is waiting to happen.

Mr. Keough asked if this occurs in the summers only and Ms. Schlegel said it is a three season affair. Mr. Keough asked how long it's been going on, and Ms. Schlegel responded more than 1 year.

Mr. Killian asked if the neighbors tried to coordinate with the skateboarders, but Ms. Dunn said she doesn't know who to coordinate with and that she simply doesn't want them there having a party on the street.

Mr. Keough suggested coordination with Centre Region Parks and Recreation. Mr. Pytel said that Ferguson Township donated money to the Tussey Recreation Area to put up a skateboard facility because the Board didn't want a skateboarding facility in the township. Mr. Pytel said that nobody can take over the street without permit and it will be looked into.

IV. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION REAPPROVING A SEWAGE FACILITIES PLANNING MODULE FOR THE PINE HALL TRADITIONAL TOWN DEVELOPMENT

Mr. Kunkle explained that on October 17, 2011 the Board adopted a Sewage Facilities Planning Module Resolution for the Pine Hall Traditional Town Development. That planning module was rejected by DEP earlier this year citing a lack of conveyance capacity in the Radio Park Sewer Interceptor. Since that time a conveyance capacity study has been completed by the University Area Joint Authority (UAJA) that further defines the capacity of the Sewer Interceptor indicating that there is sufficient capacity for both the Pine Hall Traditional Town Development as well as the Turnberry Traditional Town Development.

Mr. Kunkle continued, saying that DEP has required Pine Hall to resubmit the planning module documentation for issuance of the necessary permits. He said that sewage flow from the development of the projected 477 lots is anticipated to generate an average of 165,000 gallons per day of flow to the UAJA.

Mr. Killian made a motion to adopt the Resolution Reapproving a Sewage Facilities Planning Module for the Pine Hall Traditional Town Development. Mr. Mascolo seconded the motion.

ROLL CALL VOTE: Mr. Pytel – Yes; Mr. Clemson – Yes; Mr. Mascolo – Yes; Mr. Killian – Yes; Mr. Keough – Yes adopting Resolution #2012-21.

V. COMMUNICATIONS TO THE BOARD

Mr. Keough said a resident and CNET listener requested the Board use less acronyms. Mr. Pytel said he received cookies from Calvary Baptist Church.

VI. ACTION ITEMS

1. Discussion of Conditions for Variance Hearing for JC Bar/CVS

Mr. Kunkle said that on August 20th, the Board of Supervisors continued discussion with representatives of the applicant JC Bar Properties/CVS for a variance to allow access to the site from North Atherton Street. He also drew the Board's attention to the new suggested conditions for the plan.

Mr. Pytel restated that he does not agree with a right out, and thinks the barrier should be extended for the right-in so people cannot illegally turn. He also said he does not like the median.

Mr. Keough expressed concern for the property owners on the other side of the street. Mr. Courtney said that PennDOT requires JC/Bar to contact these property owners as part of the HOP process.

Mr. Mascolo made a motion that the Board of Supervisors remains neutral on the application by JC/Bar Properties, that the Board endorses the attached 10 conditions set forth in the memorandum from the Manager dated August 30, 2012, and that Mr. Kunkle represent the Board at the Zoning Hearing Board meeting. Mr. Killian seconded the motion.

Mr. Pytel said that it is impossible to remain neutral but attach conditions.

Mr. Mascolo made a motion that the Board of Supervisors support the application from JC/Bar Properties, that the Board endorse the 10 conditions that are part of the applicant's submission, and that Mr. Kunkle represent the Board at the Zoning Hearing Board meeting. Mr. Killian seconded the motion. It passed unanimously.

2. Regional Parks Maintenance

Mr. Kunkle explained that the General Forum forwarded to member municipalities a proposal to develop a central maintenance facility for the Parks and Recreation organization. Three sites were analyzed for this facility: the existing State College Borough public works maintenance facility, Tudek Farm, and Whitehall Road Regional Park. Mr. Kunkle said the first question for the Board is "do municipalities agree that the region should go forward with a new parks/maintenance facility?"

Mr. Mascolo said yes. Mr. Clemson asked if Parks and Rec is losing their current facility and Mr. Mascolo confirmed this, saying they are losing one of the larger ones.

Mr. Woodhead explained that park acreage has increased dramatically over the past 20 years, and that although recreational facilities have increased, maintenance and storage facilities have not. He also explained that the Borough facility is open year-round, as opposed to the other smaller areas that are only seasonal.

Mr. Killian asked if the building will be replacing the location for tree nursery/orchard on the Whitehall Road Regional Park Master Plan. Mr. Woodhead said yes, if the building goes on the Whitehall Road location. He said they need to place this 1.5 acre maintenance facility on a 100 acre site, and that the nursery area was deemed the best place. He said it will be complementary and not take away anything planned at the park.

Mr. Killian also asked about the road being proposed to the maintenance facility, and whether it will be one or two lane. Mr. Woodhead said it could be either, and Mr. Mascolo said he doesn't think this road needs to be paved.

Mr. Keough said that he thought the costs for this was too high, and is okay with putting it in the 2013 budget but doesn't support an architecturally designed building.

Mr. Keough addressed the question "since the building would replace the future maintenance facility originally planned for Whitehall Road Park would Ferguson be okay with utilizing the dollars set aside for the old facility to the new one?" He said he doesn't see a conflict and Mr. Pytel agreed.

Mr. Mascolo felt that the finances for the building should be kept totally separate from the Phase 1 recreational facility funds.

Mr. Woodhead said that no money has been borrowed for the original maintenance facility since it was in Phase 2 of the park development.

Mr. Mascolo asked if any parts of this could be phased. Mr. Woodhead said yes, certain sheds for example would not be needed right away.

Mr. Keough asked if Mr. Woodhead has searched for grant money nationally for this. Mr. Woodhead said yes, but funding for other things has also been requested, and that grant funding usually is provided for more "popular" items like ballparks.

Mr. Kunkle asked whether Parks and Rec has considered contracting services and if so would this potentially reduce the need for maintenance facilities and storage. Mr. Woodhead said yes, particularly for mowing. He said they are hesitant to commit to this right now though, as there are special events planned that require unique scheduling. Mr. Woodhead said they have considered contracting out the remote sites for now though.

3. Award of Contract

Mr. Modricker said that the following seven bids were received for the Tudek Park Phase 3 Sidewalk project:

John Nastase Construction	\$ 67,587.00
Ameron Construction Company, Inc.	\$ 76,805.50
HRI, Inc.	\$ 89,975.00
John Spearly Construction, Inc.	\$ 91,797.50
Glenn O. Hawbaker, Inc.	\$109,150.00
L&A General Concrete Services, LLC	\$111,399.00
Haas Building Solutions, LLC	\$121,950.00

Mr. Modricker said that the engineer's estimate for the cost of the project was \$94,500. Mr. Modricker recommended the Township award the contract to John Nastase Construction in the amount of \$67,587.00.

Mr. Killian made a motion that Ferguson Township awards the Tudek Park Phase 3 Sidewalk project to John Nastase Construction for the amount of \$67,587. Mr. Mascolo seconded the motion. It passed unanimously.

4. Variance – State College Vet Hospital

Mr. Kunkle explained that there is a variance application and plan for improvements proposed at the State College Veterinary Hospital. The improvements or modifications exceed the limits in value by more than 50% of the fair market value of the property as it existed on March 8, 1984. He continued, saying that the property is wholly located within a defined flood plain. Mr. Kunkle said that the Township's Flood Plain Ordinance is consistent with FEMA regulations, and that consistency with the Federal Regulations allows all properties affected by flood plains to acquire flood insurance at a reduced rate. Mr. Kunkle said that FEMA is trying to dissuade property owners from making significant modifications that exceed values so the insurance payout in case of flooding is not inflated. He said that staff recommends the Board remain neutral on the variance application.

Mr. Mascolo made motion to remain neutral on the State College Veterinary Hospital Application. Mr. Killian seconded the motion.

The motion passed unanimously.

5. Consent Agenda

Mr. Killian made a motion to approve the consent agenda items, which include a payment authorization for Alpha Space Control, a Payment Authorization for Ameron Construction, a Time Extension for PennTerra, and an Act 14 Notification. Mr. Mascolo seconded the motion. It passed unanimously.

6. REPORTS

a. Manager

Mr. Kunkle said a petition was filed with the County Board of Elections to include a question on the November 5th General Election ballot to amend the Township's Home Rule Charter. He said the election board has framed the question after significant input from the Township, the petitioners and the election board solicitor. The Board of Elections crafted the ballot question to read:

"Shall the Ferguson Township Home Rule Charter be amended to add a Community Bill of Rights enumerating rights to pure water, clean air, rights of natural communities, a sustainable energy future, and local self-government, and to secure those rights by prohibiting corporations from extracting natural gas in Ferguson Township, from installing pipelines and compressor stations and from depositing, storing, or transporting waste water or other by-products of natural gas development within Ferguson Township."

Mr. Kunkle also reported that the Fall Newsletter has been mailed to all residents in the Township's data base and it has also been posted to the Township web site.

b. Public Works Director

Mr. Modricker said that PennDOT did make changes to the intersection at North Atherton Street and Clinton Avenue as previously discussed. Now there is more green time for the side streets. Mr. Modricker also reported that Tudek Park phase 3 is under construction.

c. Planning and Zoning Director

Ms. Lang said that the Planning Commission met on August 27, and had a discussion on the future land use map review crafted by CRPA, for inclusion in regional comprehensive plan.

Ms. Lang said that the other item discussed was the text amendments related to developing a concept for places of assembly. She explained that places of assembly will now be categorized based on intensity of use, and that the basis for our venturing into this is the religious land use and institutionalized persons act which requires that these land uses be treated the same across the board.

7. MINUTES

Mr. Mascolo made a motion to approve the August 6, 2012 Regular Meeting minutes with the noted numeric revision. Mr. Killian seconded the motion. It passed unanimously.

Mr. Mascolo made a motion to approve the August 20, 2012 Regular Meeting minutes. Mr. Killian seconded the motion. It passed unanimously.

8. ADJOURNMENT

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

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With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the meeting at 8:27 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 09/17/2012