

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, September 17, 2012
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, September 17th, 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
Diane Conrad, Chief of Police

Others in attendance included: Barbara Donnini, Recording Secretary; Susanna Paul; Albert Drobka; John Sepp.

II. CALL TO ORDER

Mr. Pytel called the September 17, 2012 regular meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

Ms. Paul said that she works at Housing Transitions and is a representative of the Centre County Affordable Housing Coalition. She invited the Board to attend the 5th annual Housing Summit, and encouraged them to visit the coalition's website at ccaffordablehousingcoalition.org or contact her with questions.

IV. CONSENT AGENDA ITEMS – Treasurer's Report, Surety Release

V. COMMUNICATIONS TO THE BOARD - None

VI. ACTION ITEMS

1. Award of Contract 2012-C13 Tree Planting

Mr. Modricker explained that on Tuesday, September 11, bids were opened for the contract 2012-C13 Tree Planting. He said that the Township received the following four bids were received: Lawnscape Ltd \$26,495; Landscape II \$22,995; Dincher & Dincher \$25,420; Robert W. Behrer \$27,214

Mr. Modricker said that the budget for this work is \$25,000, and the engineer's estimate is \$24,200. He recommended that the Township award Contract 2012-C13, Tree Planting, to Landscape II in the amount of \$22,995.

Mr. Mascolo asked how many trees are included in this contract, and Mr. Modricker said 109.

Mr. Mascolo made a motion to award Contract 2012-C13 to Landscape II in the amount of \$22,995. Mr. Keough seconded the motion. It passed unanimously.

2. Final Land Development Plan for 1317, 1321 and 1335 North Atherton Street

Ms. Lang said Planning Commission reviewed this at last meeting and recommended conditional approval to the Board. She said that since the Planning Commission meeting, the applicant decided to no longer request a modification for item number 3. Ms. Lang said that the first item, which speaks to the proximity of fire hydrants, has also been addressed, as CRFD is satisfied with the plan as presented.

Mr. Killian made a motion to approve the land development plan for 1317, 1321, and 1335 North Atherton Street. Mr. Clemson seconded the motion. It passed unanimously.

3. Discussion of Development of Regional Impact Process (DRI) and Implementation Agreement

Mr. Kunkle said that COG has requested that municipalities discuss this issue, and submit comments for the review process.

Mr. Mascolo said that regarding the question “does the Board believe there is a need to review the DRI Process,” he said he does not have amendments he’d like to bring forward.

Mr. Pytel said that he believed the idea behind the process is that UAJA will inform the region of exactly how much service they have available. He questioned how much capacity is left in the system. Mr. Pytel said he would also hate to tell someone inside of the boundary that they cannot build because capacity has already been given to someone outside.

Mr. Keough said that he believes the relationship between the RGB and sewer service are does need to be revisited. He also believed economic development should be taken into consideration, as well as the marketability of certain lands.

Ms. Lang said that CRPA staff touched on this issue, saying that the rate of growth had an impact. She also said that limiting the pattern of development is important, because otherwise people would of course choose the cheaper land outside of the boundary, but request resources out there, which would cause strain.

Mr. Keough was also in favor of re-evaluating the thresholds in place. He also wanted a built-in timeframe for revisiting this.

Mr. Kunkle asked how the Board felt about a unanimous vote versus a supermajority. Mr. Mascolo was in favor of unanimous, as was Mr. Pytel. Mr. Pytel said that if it were not unanimous, it would be another layer of government.

Mr. Killian asked about Question F regarding Halfmoon Township and their sewage needs. Mr. Kunkle said COG wants to know how advanced wastewater systems technologies factor into providing sanitary sewer service for those types of development. Mr. Mascolo felt they are fine, but must be a separate cost and not paid for by the rest of the community in the RGB.

Mr. Killian said he felt this entire process was being rushed and that he agrees with Mr. Keough on a set, periodic review.

Ms. Lang explained to the Board that applicants become emotional during the DRI process and cite

reasons other than those directly related to the RGB is because there is no set criteria for approving a DRI process. Ms. Lang said there should be specific thresholds and measurements for approval.

Mr. Pytel expressed concern about the fact that municipal staff were on the committee to discuss this issue. He felt that only elected officials should be on such committees. Mr. Keough and Mr. Clemson felt that staff would be useful to the decision-making process. They all agreed, however, that the elected officials should make the final decision.

4. Review of Draft Voting Ward Revisions

Mr. Kunkle said that in February, the Board requested that discussion of the re-allocation of wards in the Township be delayed until the legislative district reapportionment committee had completed its work. Mr. Kunkle said that they are ready now, and that the re-establishment of voting wards in the Township is done every 10 years in conjunction with the census. Mr. Kunkle explained that the Township is required to attempt to balance the ward equally with regard to population.

Mr. Kunkle proposed adding 731 people from ward 2 to ward 3, and adding 294 people from Ward 1 to Ward 2. Mr. Kunkle said that this will not affect the 2013 election, as it is an at-large election, but it will affect the 2015 election.

Mr. Killian asked if this will affect this November's election and Mr. Kunkle said no. Mr. Killian suggested considering the number of registered voters when reallocating Wards, instead of just population. Mr. Kunkle thought this number would fluctuate too much in certain Wards and that the home rule charter specifically dealt with population and not registered voters.

Mr. Killian made a motion to revise the voting Wards at the October 1, 2012 Board of Supervisors meeting. Mr. Mascolo seconded motion. It passed unanimously.

5. 2013 Minimum Municipal Obligation Pension Certification

Mr. Kunkle said that annually, the Township must have their minimum municipal contribution to the pension plan certified. He said that this year, Ferguson anticipated receiving approximately \$220,250 in Act 205 funding. The actual allocation to Ferguson was \$261,056. Mr. Kunkle explained that no action is required, but that he had an obligation to provide the Board with this certification under Act 205. A revised certification will be presented on October 1.

6. Discussion of 2013 Centre County Metropolitan Planning Organization Funding

Mr. Keough made a motion to, in the preparation of the 2013 Township budget, include an expenditure for Ferguson Township's membership contribution to the MPO in the amount dictated by the formula currently in place, and not the formula previously suggested that considers roads and population only. Mr. Mascolo seconded a motion.

Mr. Killian asked why the Board would change its mind on the funding for the MPO in 2013. Mr. Mascolo said that although he feels the current formula is calculated incorrectly, he believes it is time for compromise. Mr. Mascolo said the others will not agree to the roads and population formula, and that it is not worth continued arguing for the extra \$12,000 Ferguson will pay.

Mr. Killian felt that by reverting to the old formula, there is negative progress towards a more balanced system. Mr. Mascolo said Ferguson Township was out-voted by the other members of the CCMPO.

Mr. Keough said that the township was aware of the rules, costs, and benefits of being a member of the MPO and that it is not their right as a member to change something that is not approved by the whole group. Mr. Killian said there is no official MPO formula so this analysis isn't accurate. He said that Ferguson is requesting the MPO come up with a set, official formula.

The motion passed 4-1, with Mr. Killian opposed.

7. August 2012 Voucher Report

Mr. Mascolo made motion to approve the 2012 Voucher Report. Mr. Clemson seconded the motion. It passed unanimously.

8. Consent Agenda

Mr. Killian made a motion to approve the Consent Agenda, which includes the Treasurer's Report, and a Surety Release. Mr. Mascolo seconded the motion. It passed unanimously.

VII. REPORT

1. Manager

Mr. Kunkle explained that the Centre Region municipal managers, managers from Bellefonte Borough, Spring Township and the County Administrator are meeting regularly with representatives and leaders of the CBICC to discuss economic development opportunities and development hurdles. He said they are identifying ways to streamline development review processes to fast track those developments that offer significant employment opportunities. Mr. Kunkle said that CBICC President Vern Squier has lead this effort, and that local government involvement in the economic development chain is only one of the links that is being strengthened as we all try to build a more diverse local and countywide economy.

Mr. Keough said he thinks this goes back to the DRI issue, and felt that the DRI process affects economic development in the area. He said the DRI process is typically thought of in terms of housing, but the RGB affects business and industry as well. He doesn't like the idea of a hard, immovable line, especially since the region has lost some jobs over the last decade.

Mr. Kunkle said that the draft 2013 Township Budget is being developed by staff, and they desire to deliver the draft budget to the Board on November 5th. He said that the Board should schedule two budget work sessions to review the draft budget.

Mr. Kunkle also said that, regarding the Home Rule Charter amendment request, he believes Ferguson Township should begin an educational campaign. He sought quotes from consulting firms for the development of communication pieces that would be distributed to the residents of Ferguson Township. Mr. Kunkle said that the Board has decided not to take a pro or con position on the amendment, but asked if they would like to engage in this educational effort, and if so if there is a budget figure they'd be willing to approve. Mr. Kunkle suggested a maximum of \$7,000 for consulting only, not printing and mailing costs.

Mr. Mascolo made motion to approve a budget of up to \$7,000 for consulting services for an educational campaign regarding the Home Rule Charter amendment. Mr. Killian seconded the motion. It passed unanimously.

2. Public Works Director - None

3. Planning and Zoning Director

Ms. Lang said Planning Commission met on September 10, and had a number of plans on the agenda that were not ready in time for the meeting. She said that they recommended approval for the North Atherton Street properties previously discussed and that the Commission also reviewed the final draft of the text associated with places of assembly. Ms. Lang anticipated she will have a document about this topic on the website in the next week, and that the Planning Commission is ready to pass it on to the Board.

4. Chief of Police

Chief Conrad said that Part 1 crimes for August are down, with 20 this year as opposed to 22 last year, and that Part 1 crimes are down for the whole year. She said that Part 2 crimes follow the same trend, but the total Part 2 crimes for the year are closer to the value from last year.

Chief Conrad said that other calls for service were down slightly for August, but almost exactly the same year to date as last year.

Chief Conrad said that traffic citations are up, and traffic stops follow a similar pattern. She said that criminal arrests are down for the month, but up for the year.

Chief Conrad reported that Sgt. Hendrick served as a platoon leader again this year at Camp Cadet Boys' Week. She also reported that Officer Park and other members of the Crisis Intervention Team received accolades for their presentation on "How to Develop and sustain CIT in a Rural Community (with limited resources)" at the CIT International Conference in Las Vegas. She said they were asked to present again at next year's Conference in Connecticut.

Chief Conrad said that she did follow up on the Skateboard issue presented during the Citizens' Input section at the last meeting. She said that since January 1, three calls were made that match up with what the neighbors claimed. She said the first was in March claiming 20 people and extra cars were on the road, and another was in April with the same complaint. Chief Conrad said that it is the Penn State Longboard Club that hosts these events, and that they did have cones, safety equipment and spotters. Chief Conrad said the third call was regarding two teenagers, and she is not sure if they are connected to the first incidents.

Chief Conrad said that other municipalities do prohibit skateboard activity, but that the words "skateboard" or "longboard" aren't mentioned in the PennDOT vehicle code. However, they are considered a vehicle, are permitted on roads, and do have to follow vehicle code laws. Chief Conrad said the Longboard group has been told they must apply for a permit if they want to have one of these events in the future.

Mr. Killian said that he spoke with the President and officers of the group, and that they said they race once a year. Mr. Killian said that he provided the group with an application for a special event, and that they seemed to be cooperative. He also reminded them that they need to abide by all traffic laws.

Mr. Clemson raised concern about speed, and the fact that it is a race. He brought up the point that cars cannot be raced in the Township, even with a permit. The Board generally agreed to have the Police Department monitor the skateboarders' activity for the time being.

5. COG Committee Reports

Executive Committee

Mr. Pytel said that there must be a quorum at the September 24 meeting, when the Board will vote on the refinancing of the pool. He said the Capital Improvement Plan was not approved yet by the Finance Committee.

Finance Committee

Mr. Mascolo said that the refinancing of the pools was the main item, and that this was passed up to the Executive Committee. He said the Finance Committee is preparing for the budget, and has scheduled 4 work sessions for this. Mr. Killian asked how much was saved from the refinancing of the pools and Mr. Mascolo responded \$518,442.

Parks Capital

Mr. Mascolo said that they reviewed bids for Oak Hall Park which was a half million dollars over budget. He said that they are attempting to review alternatives to get the cost down.

Mr. Mascolo said that they also reviewed the wells College Township Water Authority is putting in for consumers, and for irrigation of the park. Mr. Mascolo said that it was proposed that someone be hired on a temporary basis to manage contracts for Oak Hall and Whitehall Parks. He said the estimated time for this job is 40 weeks, at 20 hours per week, and \$40 an hour.

Mr. Mascolo said finally, the location of the new maintenance facility was discussed, and he felt this was unnecessary, as he believed it was already agreed upon that the location should be Whitehall Park.

Public Services & Environmental

Mr. Killian said that the major item discussed was the DRI review application.

VIII. APPROVAL OF THE MINUTES

Mr. Mascolo made a motion to approve the September 4, 2012 Regular Meeting Minutes. Mr. Killian seconded the motion. It passed unanimously.

IX. ADJOURNMENT

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

With no further business to come before the Board of Supervisors, Mr. Mascolo adjourned the meeting at 9:29 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 10/01/2012