

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 1, 2012
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, September October 1st, 2012 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman
Dick Mascolo, Vice Chairman
Elliott Killian
Drew Clemson
Bill Keough

Staff: Mark Kunkle, Township Manager
Trish Lang, Director of Planning & Zoning

Others in attendance included: Barbara Donnini, Recording Secretary; George Henning; Cathi Alloway; Rosadele Kauffman; Edward Tracey; Sue Mascolo; Jon Dietz.

II. CALL TO ORDER

Mr. Pytel called the October 1, 2012 Regular Meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

None

IV. ABC REPORTS

1. CENTRE REGION PARKS & RECREATION – SUE MASCOLO

Ms. Mascolo said that day camps this year had 896 campers and that overall the summer session went very well. She said that sports reservation fees doubled from last summer and that Millbrook Marsh hosted over 3000 visitors.

Ms. Mascolo said that the two new pools sold 5,092 season passes and hosted 139,828 visitors during the day with 101 day sessions. By comparison, the two old pools sold 1500 season passes and hosted 60,000 visitors for the summer.

Ms. Mascolo said that the new program manager began work this year and that the fall recreation Activity Guide is out for the season. She also said that Parks and Recreation is in charge of the State College Area Municipal Band, and that they have many events planned throughout November and December.

Ms. Mascolo thanked the Board for their efforts to refinance the 2008 pool loan, which will save the region \$40,000 per year. She said that in 2013 the Authority will provide \$70,000 from pool fees, and that can be put towards the loan repayment, in addition to operational costs.

Ms. Mascolo said that Centre Region Parks and Recreation is working with the College Township Water Authority to permit wells at the Oak Hall Regional Park that will serve the regional park. She said that Parks and Recreation also need to move forward with the centralized maintenance facility, as all of their equipment must be moved from its current location at the State College Borough Public Works facility by July/August of next year.

2. UAJA – JONATHAN DIETZ

Mr. Dietz said that UAJA is operating efficiently with a current long term average flow of 4 million gallons out of a possible total of 9 million gallons of treatment capacity per day. He said that permitted discharge to Spring Creek is 6 million gallons, and the beneficial reuse plan continues to operate with a 1 million gallon capacity, but producing 200,000 gallons. Mr. Dietz explained that this beneficial reuse water is being used at various sources including the irrigation of golf courses, and will eventually be able to be discharged excess water to the created wetland in Kissinger Meadow.

Mr. Dietz said that two major interceptor projects have been ongoing: Big Hollow, and Radio Park. He said that both affect Ferguson Township and that they are approaching capacity because of the new development at Circleville Farms.

Mr. Dietz said that UAJA relies heavily on connections for funding and capital costs for the treatment facility; however, monthly connections have dropped to single digits. Despite this, Mr. Dietz said that UAJA is financially successful at lowering the costs of operation. He said they have lowered interest rates on bonds, and refinanced the 2003 bonds.

Mr. Mascolo asked if beneficial reuse water is producing income. Mr. Dietz said that it is not, and that in fact it is a cost to UAJA. He said it is a necessary part of permit conditions. Mr. Mascolo said that beneficial reuse was originally proposed as income. Mr. Dietz said that UAJA makes money from the sale of water, but that does not cover the cost of treating the water.

Mr. Kunkle asked Mr. Dietz if he was aware of UAJA's assumptions regarding future growth and additional customers as these relate to bond payments and keeping rates level. Mr. Dietz said that based on the current financial picture, there is no prediction that rates are going to escalate as result of 1) bond repayment amounts or 2) not expanding the customer base. However, Mr. Dietz said that a looming problem for the future is the amount of water that can be discharged into Spring Creek.

V. PUBLIC HEARINGS – ORDINANCES

- 1. A PUBLIC HEARING ON AN ORDINANCE DETERMINING TO INCUR LEASE RENTAL DEBT IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,644,756 (26.84%) IN CONCERT WITH FOUR OTHER MUNICIPALITIES PARTICIPATING IN A REFUNDING PROJECT OF THE CENTRE REGION COUNCIL OF GOVERNMENTS; DETERMINING SUCH DEBT SHALL BE EVIDENCED BY A GUARANTY AGREEMENT SECURING INDEBTEDNESS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,128,000 TO BE ISSUED BY THE CENTRE REGIONAL RECREATION AUTHORITY; PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THIS TOWNSHIP IN SUPPORT OF SUCH GUARANTY AGREEMENT; AUTHORIZING A PARTICIPATION AGREEMENT BETWEEN THE AUTHORITY, THE COG AND THE PARTICIPATING MUNICIPALITIES; AUTHORIZING OFFICERS OF THIS TOWNSHIP TO TAKE APPROPRIATE ACTIONS; AND CONTAINING RELATED PROVISIONS.**

Mr. Kunkle explained that on Monday, September 24 the Board of Supervisors convened a special meeting at the Centre Region Council of Governments General Forum to consider adoption of an ordinance reissuing debt for the Centre Region Parks and Recreation Aquatics facilities at Welch and Park Forest. He said that this action was a refinancing of the current debt resulting in over \$500,000 of savings. Subsequently, the municipal managers of the Centre Region municipalities learned that there was an error in the legal advertising of the meetings. Mr. Kunkle explained that the newspaper notices of the Guaranty Ordinances and the COG's notice of the joint meetings of the 5 participating municipalities

showed the COG's offices as the location of the public hearing. The ordinance notices did, however, indicate that the ordinances could be enacted at a later meeting within 30 days of publication. Mr. Kunkle said that the original General Forum and Centre Regional Recreation Authority notices had the correct location, but to avoid any issues, the notices will be re-advertised at their cost.

Mr. Kunkle said that besides a reference to Home Rule status that was added to the Ferguson and College Townships and State College Borough ordinances, everything is identical to what was adopted at the September 24th COG meeting. Because of the error, though, the Board must re-vote on this.

Mr. Killian made motion to reaffirming and enacting Ordinance #972 approving the guaranty of Ferguson Township's agreed portion of the \$6,128,000 loan of the Centre Regional Recreation Authority to refinance its 2008 loan that financed the Park Forest and Welch Pool projects, including related documents and actions.. Mr. Mascolo seconded the motion.

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

VI. PUBLIC HEARINGS - RESOLUTIONS

1. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP TO PETITION THE CENTRE COUNTY COURT OF COMMON PLEAS TO APPROVE THE REDISTRICTING OF THE ELECTION WARDS IN ACCORDANCE WITH THE FERGUSON TOWNSHIP HOME RULE CHARTER, SECTION 2.04 - TERMS AND ELECTIONS REQUIRING THE REDISTRICTING OF THE ELECTION WARDS EVERY TEN (10) YEARS IN CONJUNCTION WITH THE UNITED STATES CENSUS

Mr. Kunkle explained that this is the final draft of the redistribution of voting wards discussion presented at two previous meetings. At its meeting on September 17th, the Board authorized staff to prepare a resolution approving the revised voting wards in accordance with the 2010 United States Census for consideration at its meeting on October 1st. Mr. Kunkle said that the three voting wards will each now have an approximate population of 5,900 residents, and this is balanced within 1% pop differential within each ward.

He said that 426 residents will be moved from Ward 1 to Ward 2, and 729 residents will be added from Ward 2 to Ward 3.

Mr. Mascolo made a motion to adopt the Resolution 2012-22 approving the redistricting of election wards in conjunction with the Home Rule Charter. Mr. Killian seconded the motion.

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

VII. COMMUNICATIONS TO THE BOARD

Mr. Keough said he will attend the ribbon cutting ceremony at the Young Scholar's facility at 4:15pm this coming Thursday, to dedicate an addition to the building.

Mr. Pytel said that the group associated with the current Home Rule Charter Amendment request asked if they could sit on a committee with Ferguson Board members. Mr. Pytel said that the Board is not taking a stand on this issue, but are sending out information to all residents so they can understand the issue. He said that Ferguson Township does this every time a Home Rule Charter change is requested. Mr.

Pytel said that since this is an educational piece, it would be unfair to meet with a group that has a clear position on the subject. In addition, he said that there is a limited amount of time between now and November 6, and appointing a committee representing all viewpoints would be difficult. However, he said that the Board does invite the group to submit information about the ballot question to be considered for inclusion in the material being developed.

VIII. ACTION ITEMS

1. Thistlewood Lot 13 Final Land Development Plan, Plan Dated September 21, 2012, Plan Deadline November 7, 2012

Ms. Lang explained Mr. Tracey is proposing to develop this lot, and access a shared driveway with three other lots (10, 11, and 12). She said there are many challenges with the topography of the area, and that flooding is a common problem in this development. She said that as of now, Mr. Tracey would need to revise his plan to meet ordinances, or request relief from the Zoning Hearing Board.

Ms. Lang said that a new piece of information for consideration is that the pipe that crosses from the wetlands on Mr. Tracey's lot southward has one of its ends crushed, and as a result water is unable to cross the property, which has caused and increase in the area designated as wetlands.

Mr. Keough asked who has the responsibility of correcting this problem, and Ms. Lang said that the pipe crosses multiple properties, so it is difficult to say. However, the crushed piece of the pipe lies on lot 10. Mr. Mascolo asked Mr. Tracey if he plans to repair the pipe before construction, and Mr. Tracey said yes.

Mr. Mascolo made motion to approve the Thistlewood lot 13 final LDP subject to completion of the outstanding conditions for approval, as set forth by the Director of Planning and Zoning in her September 26, 2012 memorandum. Mr. Clemson seconded the motion.

Mr. Pytel asked if there is a hold harmless agreement regarding this lot, and Ms. Lang said yes.

The motion passed unanimously.

2. Discussion of Schlow Centre Region Library 2013 Contribution

Ms. Alloway gave a PowerPoint presentation to the Board. Some key points included:

- Total state aid is down, but there is an upward trend in library usage.
- The past two years, the library has requested a very small budget increase, of less than 3%.
- There are increases in donations, book sales, and now the library will receive money from after-hours parking. They are making efforts to fundraise.
- Only 60% of their budget goes to staffing and personnel. The industry standard is 68-70%.
- Medical insurance costs increased 35% for the library in 2013 due to expanded coverage requested by some employees.

Mr. Killian asked what percent of Penn State students use Schlow Library. Ms. Alloway said that out of over 786,000 books circulated, about 12,000 went out to PSU students. However, she noted that this count is only for students in the dorms – she said once a student moves off campus it is impossible for the library to tell if they are a student or not.

Mr. Killian said that is obvious the library needs full time staff, but asked if Ms. Alloway was able to

solicit volunteers as well. Ms. Alloway said that the library does have a number of volunteers however they are limited to certain tasks.

Mr. Clemson asked about children being left at the library unattended by their parents. Ms. Alloway said that it is a violation of Schlow policy to “babysit” children left at the library, and that there are prominent signs informing people not to leave their children if the child is under 7 years old. However, Ms. Alloway said that unfortunately these signs are often ignored. She has instructed staff to begin calling the police if they see an unattended child.

Mr. Pytel asked if students are included in the formula used to develop municipal contributions to the budget. Ms. Alloway said that she presented the budget both ways to Mr. Kunkle, with and without students. Mr. Killian made the point that it isn’t an all-or-nothing situation, but that it may be smarter to create a budgetary figure from the percentage of students that use library resources.

Mr. Kunkle said that 12% of total visits to library are from other municipalities in the county and state, and he felt that this is a significant number.

Ms. Alloway said that Schlow does receive money from the county to help cover this, and that the library is under obligation as a state library to allow anyone that lives in a place with library service to use the facilities.

Mr. Mascolo noted that the difference between the budget figure counting students and the one not counting students is a little over \$5,000 and felt this was insignificant.

Mr. Killian asked if Schlow has a contract with Penn State. Ms. Alloway said that the entities are in regular contact. She said if anything they are indebted to Penn State because the same rule regarding open access applies to them, and Schlow regularly sends people to Pattee Library for resources.

Mr. Kunkle asked if Ms. Alloway knows what the county contribution for 2013 will be. Ms. Alloway said that she requested level funding from them, while noting that her requested contribution will increase in 2014.

Mr. Mascolo made a motion that Ferguson Township contributes \$339,096 in support of the library. Mr. Keough seconded motion. The motion passed 4-1 with Mr. Pytel opposed.

3. Revised 2013 Minimum Municipal Obligation

Mr. Kunkle reminded the Board that at the September 17, 2012 Board meeting, a certification of the 2013 Minimum Municipal Obligation for the pension plans of the Township was reported. That certification was based upon an estimated Act 205 State Aid of \$220,250. He said that subsequently, the Township received its Act 205 funding in the amount of \$261,056, thereby reducing the minimum municipal obligation for 2013. Mr. Kunkle said that the Board was provided with a revised 2013 Minimum Municipal Obligation Certification, based upon the actual 205 funding received. He said this is \$204,059 for police and \$146,293 for non-uniform employees.

4. Consent Agenda

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

5. REPORTS

- **Manager**

Mr. Kunkle said that regarding rural fire suppression regulations, Fire Director Steve Bair has requested information from Patton and Ferguson Township staffs in order to create a strategic approach.

Mr. Kunkle said that the municipal managers of the Centre Region townships received a report on the status of the on-lot sewage management program. The total Sewage Management Program includes 2917 in ground systems. He said that through September 24, 2012, 1548 tank inspections have been completed, 354 tank inspections have received waivers, and 131 property owners are non-compliant with the tank pumping requirements. 42 non-compliant are in Ferguson Township. Mr. Kunkle said that 30 day notices will be sent to these property owners, and failure to complete the tank pumping will result in citations.

Mr. Kunkle said that with approvals from DEP and some pilot testing, staff is preparing to recommend moving to a 5 year pumping cycle. Initial data collection on 50 to 100 tanks will provide sufficient information to determine if a 5 year pumping cycle is appropriate. Mr. Kunkle said that DEP apparently has no study that supports a guideline for a 3 year pumping cycle. Should the region move to a 5 year pumping cycle, the waiver program will be discontinued.

Mr. Kunkle said that JC/Bar variance was granted by the Zoning Hearing Board conditioned upon meeting the 10 conditions presented by the Board of Supervisors.

Mr. Kunkle said that the COG public safety committee will host its annual Utility Coordination Meeting on November 7th. This meeting was organized in an effort to have better coordination of emergency responses. He explained that in the past, there were problems with the utilities being impacted and police services being used for traffic control while the utilities were being repaired. He explained that they are seeking a better relationship with the utilities representatives.

- **Public Works Director**

Mr. Kunkle said that contracts and projects this year have gone smoothly. He also said that Township Staff have confidence that those projects not yet completed will be finished by the end of the year. Mr. Kunkle said that the equipment has been installed at Park Hills Park, and that they are awaiting a fencing contractor.

Mr. Killian asked about a kiosk being installed at Tudek Dog Park. Mr. Kunkle said that the kiosk will indeed be reinstalled.

- **Planning and Zoning Director**

Ms. Lang said that the Planning Commission met on Monday just to review the plan for Mr. Tracey. She said that it was passed onto the Board for approval.

- **COG Committee reports**

Transportation & Land Use

Mr. Pytel said that this committee was given a report on the traffic signals on North Atherton Street. He said this cut back some of the time from 6 minutes and 47 seconds to 5 minutes and 57 seconds. Mr. Pytel said there are also cameras installed on North Atherton Street.

- **Other Non-COG Committee Reports**

Mr. Killian said that a map is being developed to inform those wishing to build about the ground's water absorption. This will help developers choose locations that will not be prone to flooding.

Mr. Pytel said that there will be an emergency management exercise on October 17th, which will simulated an emergency.

6. MINUTES

Mr. Killian made a motion to approve the September 17, 2012 Regular Meeting minutes. Mr. Mascolo seconded the motion. It passed unanimously.

7. 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. Pytel adjourned the meeting at 9:00 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 10/15/2012