

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 15, 2012
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 15th, 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
Trisha Lang, Director of Planning & Zoning
Dave Modricker, Director of Public Works
Diane Conrad, Chief of Police

Others in attendance included: Barbara Donnini, Recording Secretary; Jim Morgart; Dave Silverman; Bill Heckinger; Pam Steckler; Evan Stone; Eric Endresen; Alan Sam; A. Drobka; Dan Sieminski; Paul Kozlovsky; Jim May.

II. CALL TO ORDER

Mr. Pytel called the October 15, 2012 regular meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

- Ms. Steckler said that she found the educational materials on the Ferguson Township Website regarding the Home Rule Charter Amendment/Community Bill of Rights to be biased and untrue. She said that the Pennsylvania Constitution guarantees citizens' rights to pure water, clean air, and a healthy environment. She feels that Ferguson Township is neglecting to enforce these rights and that a ban on natural gas fracking and transportation is a way to protect rights.

Ms. Steckler said that the Oil and Gas Act is antiquated and inadequate, and that the right to ban an industry has already been upheld in courts in New York State. She reminded the Board that there are countless documented negative results of fracking, including damaged water supplies, sick people and animals and plunging poverty values.

Ms. Steckler said that the problem of fracking represents corporate power in government, and the influence of money. She said that Ferguson Township needs to stand in solidarity with other communities across PA to protect people's rights, and ban the destructive process of fracking, including disposal and storage of its toxic wastes.

Ms. Steckler encouraged the Board and citizens of Ferguson Township to view Groundswell's website, Groundswell.gs, and to read publications entitled "Common Sense," "The Flowback," and "The No Frack Almanac." Ms. Steckler said it is her hope that the citizens of Ferguson Township will become informed of all of the facts and vote yes on election day, in favor of a Community Bill of Rights in order to protect the health and welfare of our community, both now and for the future.

- Mr. Heckinger agreed with Ms. Steckler, pointing to the many consequences of gas fracking. He said well water will be ruined, that the air will become more polluted, and that these things have already happened in the past to other cities in the United States. He said that those near the fracking operation are in chemical or physical danger, and that it is impossible to sell properties that are near the fracking sites. Mr. Heckinger said that they are also noisy operations, meaning that citizens can't sleep, and that in some cases access to people's properties are blocked. Mr. Heckinger said that the Constitution states that one cannot take away the rights of others. He also said that Ferguson has some state forest, and that there are signs along Route 80 welcoming all to PA's wilds. He said that the wilds belong to all of us to use, and that it would be devastating for them to be turned into scraped pipelines and a fracking wasteland. Mr. Heckinger said that an action like this is not for the common good, but instead for corporate profit. He said it is not fair especially to those that are stuck here due to age or poor health.

Mr. Heckinger said he does not want Ferguson to do business with an industry that has a documented history of lying. In 2005, hydro-fracking was exempted from the Clean Air and Water Act, and chemicals were allowed to be kept secret until 2009. We know that the "sand water" really contains over 500 chemicals, many of which are carcinogens, hazardous pollutants, or not safe for drinking water.

- Mr. Silverman said that he has lived off of West College Avenue for 40 years, and thanked the Board for allowing the Glenview High Rise apartments to be built.

IV. COMMUNICATIONS TO THE BOARD

- Mr. Keough said received an invite to the Open House of the new HMS Medical Building on October 24 and he plans on attending.
- Mr. Pytel said he received a call from someone about setting up a schedule for leaf collection.

V. ACTION ITEMS

1. Presentation of West College Avenue Streetscape Design Plan

Mr. Evan Stone presented a PowerPoint about the West College Avenue Streetscape Design plan. Highlights of the presentation include:

- A pedestrian-friendly plan with sidewalks connected throughout the entire corridor.
- A two way street but with single lanes, no turning lane, and parallel parking options.
- Traffic calming, and more opportunity for bicycle travel.
- Gateway improvement at Blue Course Drive
- Bus Shelters for existing bus stops
- 8 ft parking spaces
- Realignment of Corl Street
- A revised island configuration at Buckhout

Mr. Stone noted that the plans are not engineered yet, and that things like the type of street trees and street lights are not decided yet. He also said that the right of ways involved in this corridor aren't

always equidistant from the center line of the roadway. He said the estimated cost of the project is 6.6 million dollars, and that he has identified 11 funding source suggestions for the Township.

Mr. Killian made a motion to accept the West College Avenue Streetscape Design Plan. Mr. Mascolo seconded the motion. It passed unanimously.

Mr. Keough said that State College Borough is an important player in this plan and asked how Ferguson Township is maintaining communication with them. Mr. Alan Sam said that he provides updates to the Borough regarding the plan.

2. Text Amendment Places of Assembly

Ms. Lang explained that the purpose of changing this is to bring the Township into compliance with the Religious Institutional Land Use Act. She said that it is important to distinguish not only between religious groups, but between a religious institution and another place of assembly. Therefore, this rule categorizes entities as nonprofits or for-profits, and then distinguishes them based on their impact instead of their use.

Mr. Keough asked if legislation calls out public parks in any way. Ms. Lang said the writing is much more general, and doesn't call out any particular use. All uses are equal, and are just categorized by intensity as "neighborhood," "community," or "regional."

Mr. Keough asked if existing properties will be grandfathered in. Ms. Lang said that no one needs change what they are doing, and that if an existing facility becomes nonconforming, they have rights as a nonconforming entity.

Mr. Keough asked at what point properties may have to change parking standards based on this legislation. Ms. Lang said this should not be a concern, as the new regulations are more lenient than the old ones regarding parking; for example, shared parking is permitted.

Mr. Killian made a motion to receive the presentation of text amendment to zoning ordinance and authorize staff to advertise ordinance for public hearing. Mr. Clemson seconded the motion. It passed unanimously.

3. 3rd Quarter 2012 Financial Report- Eric Endresen, Finance Director

Highlights of Mr. Endresen's report include:

- Net revenues, which are equal to revenues minus expenditures, are down \$390,000. He explained that this is because of fourth quarter COG payments, and large projects like Old Gatesburg Road and Whitehall Road.
- General fund net revenues are better than budgeted.
- Capital project net revenues are better than budgeted.
- Special revenue funds, which include liquid fuels and street lights for example, are better than budget by \$61,000

- The debt service fund is on budget.
- Earned Income Tax revenues are below budget by \$145,000.
- Transfer tax is up for the year, which is good because it means business is picking up.
- General fund expenditures are up 3.3% compared to 2011 which is in line with wage increases and inflation.

Enterprise Resource Planning Update

Mr. Endresen said that a consultant, Susquehanna Group Advisors, was selected to assist with the selection of the Township's new ERP software, and that meetings are being held to determine the best option. Mr. Keough asked if all the software providers required that the data be stored at the Township Building. Mr. Endresen said there were some cloud computing options.

4. 2013 Centre Regional Council of Governments Budget Summary

Mr. Kunkle said that at the upcoming General Forum meeting, a 2013 Summary Budget will be presented. He said that if the budget is adopted, Ferguson Township would see an increase of 4.82% in the municipal contribution to COG programs as compared to 2012. Mr. Kunkle said that in actual dollars, the Township's contribution would go from \$1,511,405 to \$1,584,284 in 2013.

5. Thistlewood Lot 13 Variance Application

Mr. Kunkle said that the Board received and conditionally approved the land development plan for Thistlewood Lot 13. He said that the applicant desires to construct a single family residential home which would infringe on the riparian buffer next to the wetland area on the property. Mr. Kunkle said that the Board indicated that one of the conditions of approval was a variance from the Zoning Hearing board. Staff recommends that the Board support this variance.

Mr. Keough made a motion to support a variance from the riparian buffer. Mr. Killian seconded the motion. It passed unanimously.

6. Sep 2012 Voucher Report

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

7. Consent Agenda

Mr. Killian made a motion to approve consent agenda which includes receiving treasurer's report and payment authorization to Jacob Stolfus for \$12,900. Mr. Clemson seconded the motion. It passed unanimously.

VI. REPORTS

1. Manager

Mr. Kunkle said that the Township sponsored a CDBG grant application for Habitat for Humanity to provide funding to complete the public improvements associated with developing residential lots on a

parcel of land owned by Mr. Daniel Sahakian, and located between Pine Grove Road and Meckley Drive. He said that the Board should determine if it will support a renewed application subject to the willingness of the other applicants that are partners to this project to support the application. Mr. Kunkle explained that the public improvements involved include changes to the sidewalk, and access to the sewer. Mr. Kunkle said that the grant has been submitted for the past to successive years without success. He also said that this is a difficult property to develop because of its geography and location between roads.

Mr. Mascolo made a motion that the Board of supervisors not support the renewed application. Mr. Killian seconded the motion. Mr. Killian clarified that this motion is for the current year only. It passed unanimously.

Mr. Kunkle said that the county has also requested applications for 2013 County Liquid Fuels funding. In 2012 the township submitted an application for the West Whitehall Road project in the amount of \$30,000. He said that funding was not approved for that grant application. Mr. Kunkle explained that staff recommends that a similar application be submitted for 2013 funding.

Mr. Mascolo made a motion to submit the application for the West Whitehall Road project in the amount of \$30,000. Mr. Killian seconded the motion. It passed unanimously.

2. Public Works Director

Mr. Modricker said that the Whitehall Road utilities are on schedule. He said that Tudek Park Phase 3 is substantially complete. He said that the dog park is nearly completed, and the kiosk at the dog park is being rebuilt. Mr. Modricker said that the street tree pruning contract is currently out to bid. He said that park signs are under construction at Park Hills Park and Homestead Park by Village Craft Iron and Stone.

Mr. Modricker said a walk path are being installed at Park Hills Park, and that the overhanging tree branches will be trimmed. He said that Public Works completed paving of the walking paths in Fairbrook Park as well. Mr. Modricker said that leaf collection will become a major project around this time of the year for Public Works.

3. Planning and Zoning Director

Ms. Lang said that the Planning Commission met October 8 and heard from the Centre Region Planning Agency about two more elements of the comprehensive plan: Sustainability and University-Community Relations. She said that both chapters seemed to be in flux and that there is overlap between chapters. Ms. Lang said that the only chapter not previewed by the Planning Commission is chapter the one regarding economic development.

Ms. Lang said that the Planning Commission also looked at two new plans submitted. One is regarding an estate settlement and the other is surrounding Musser Gap. She anticipates neither will be of large concern to the Township.

4. Chief of Police

Chief Conrad said that crimes for September were lower than September of last year by a fair amount. She said crimes are still down year to date as well.

Chief Conrad said that Part 2 crimes are up about 19% year to date. She said that there are a few more incidents in this category for this month than there were last year at this time. She said that other calls for service were the same for the month and year to date, although the calls were more complicated than previous years.

Chief Conrad said that traffic citations are up for the month and year to date. She said that parking tickets are down by 22% year to date, and down for the month, but traffic stops are up. Chief Conrad said a big incident of note was a forgery report. Charges were filed on a 26 year old woman from Texas for stealing IDs from local residents while they were at a state park. This woman is part of a group in states on the east coast, breaking into cars of those at state parks and stealing credit cards, checks, IDs and more.

5. COG Committee reports

1. Finance

Mr. Mascolo said that the COG Finance Committee engaged in a wrap-up session on the 2013 budget. He said this was the fourth and last meeting regarding the budget, and that they received more detailed information about insurance rates and workman's compensation. He said it was recommended that the summary budget be prepared and sent to all municipalities at the COG General Forum.

2. Public Service

Mr. Killian said that the COG Public Service Committee met on October third, and discussed funding to replace drainage pipes on North Atherton Street. He said only areas identified as poor or fair condition will be replaced, not the entire system.

Mr. Killian said that also discussed was extending the Veolia contract for 3 years and renegotiating fuel costs. He said there is a proposed 19 cent increase in monthly refuse collection fees due to higher fuel costs.

Finally, Mr. Killian said that a presentation was given regarding the commercial refuse and recycling program. He said a goal is to get businesses in the area to increase the amount they recycle. Mr. Killian also said that recycling cardboard is important, and that it has one of the higher values among recycled materials.

3. Executive

Mr. Pytel said that many of the items previously discussed at this meeting were discussed by the Executive Committee. He said that the Universal Transit idea was also discussed. This is an idea that allows anyone to get on public transportation without payment. He said that he questioned how much this will cost Ferguson Township, as the plan implies that taxes would need to be raised. Mr. Pytel also said that he believes this will put CATA at risk. He said that currently, CATA receives 40%-60% of its revenue from fees.

Mr. Mascolo said that the Parks Capital Committee had a joint meeting with the Recreation Authority. He said that they reviewed the Oak Hall Regional Park Phase 1 construction bids, and tried to determine which elective items they felt could be removed. Mr. Mascolo said that the group decided

that the two story press box at a value of \$160,000 and half of a concession and restroom building at \$310,000 will be removed from the plans. He said there is also a movement to re-bid the whole project.

Mr. Mascolo said that the committee also discussed the centralized park maintenance facility, and the Whitehall Road regional park status.

6. Other Non-COG Regional Committees

Mr. Pytel reminded everyone that there will be a simulated emergency exercise on October 17.

Mr. Keough said that he and Mr. Killian went to the Young Scholars ribbon cutting ceremony, where a second floor was dedicated.

VII. CALENDAR ITEMS – OCTOBER/NOVEMBER

1. Centre County Association of Township Officials Dinner– October 30th at 5pm
2. 2013 Budget Work Sessions – November 13th & 14th at 6pm

VIII. MINUTES

Mr. Mascolo made a motion to approve the Oct 1, 2012 Regular Meeting minutes. Mr. Killian seconded the motion. It passed unanimously.

IX. 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 9:25 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 11/05/2012