

## **FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

Regular Meeting  
Monday, November 5, 2012  
7:00 pm

### **I. ATTENDANCE**

The Board of Supervisors held its first regular meeting of the month on Monday, November 5<sup>th</sup>, 2012 at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	George Pytel, Chairman	<b>Staff:</b>	Mark Kunkle, Township Manager
	Richard Mascolo, Vice Chairman		Trish Lang, Director of Planning & Zoning
	Elliott Killian		Dave Modricker, Director of Public Works
	William Keough		
	Andrew Clemson		

Others in attendance included: Barbara Donnini, Recording Secretary; Jim Steff.

### **II. CALL TO ORDER**

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

### **III. INTRODUCTION OF DAVID PRIBULKA – ASSISTANT TOWNSHIP MANAGER**

Mr. Kunkle introduced Mr. Pribulka as the new Assistant Township Manager and stated that he began work on October 16. Mr. Kunkle said that Mr. Pribulka comes from the Lehigh Valley/Allentown area and previously was employed by Hartford Insurance as a Senior Consultant. Mr. Pribulka graduated from Kutztown University in May with a Master's Degree in Public Administration. He is married to Stacey and has a son named Andrew.

### **IV. PUBLIC HEARINGS - RESOLUTIONS**

#### **1. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING CHAIRMAN AND SECRETARY TO EXECUTE A SUPPLEMENTAL AGREEMENT WITH KEYSTATE PUBLISHERS, INC.**

Mr. Kunkle said that this would authorize the Chairman and Secretary to sign an agreement with Keystate Publishers Inc., who provide codification services. Mr. Kunkle said that as ordinance and resolutions are passed, they are passed to Keystate Publishers, who keeps Ferguson's codes up to date, and provides the information both on paper and electronically. Mr. Kunkle said he believes this is a valuable resource for residents and businesses in the Township, as they have easier access to ordinances. He also said it is more cost effective to have Keystate Publishers perform this work semi-annually than to have it done in-house.

Mr. Mascolo made a motion that the Board adopt the resolution authorizing the Chairman and Secretary to sign the supplemental agreement with Keystate Publishers for updating the Township's Code of Ordinances. Mr. Killian seconded the motion.

Roll Call Vote: Mr. Pytel – Yes; Mr. Clemson – Yes; Mr. Mascolo – Yes; Mr. Keough – Yes; Mr. Killian – Yes. Resolution 2012-23 passed unanimously.

### **V. COMMUNICATIONS TO THE BOARD – VAIRO BLVD RESIDENT LETTER**

Mr. Kunkle announced that the Township received a letter from a resident on Vairo Boulevard, stating that there wasn't enough police presence in the area. Mr. Clemson said that this is a highly patrolled area, as it is covered both by Patton Township and Ferguson Township. Mr. Kunkle said that he will bring this to Chief Conrad's attention.

Mr. Mascolo said that a lot of people are asking about referendum on ballot. Mr. Keough echoed his sentiment, and said that he met with farmers on the western end of the Township to discuss the referendum. Mr. Clemson said he also received comments about the referendum.

Mr. Killian said that besides receiving comments about the referendum, one resident complemented him on the Terraced Streetscape design.

Mr. Keough said that the Township received a letter from Mr. Jack Williams stating that there is not enough warning when bicycles are coming on the bike path, and that this is affecting walkers, and public safety.

Mr. Killian said he believes raised awareness would solve this, and perhaps signage. Mr. Keough suggested reaching out to the local bicycle groups, which have been very active in issues like this in the past. Mr. Pytel felt that this is a planning issue, and should be turned over to the Director of Planning and Zoning, since State College is now a bicycle-friendly city. Mr. Mascolo felt that Mr. Kunkle should route this to the appropriate staff member. Mr. Clemson agreed that awareness is key for this issue.

## **VI. ACTION ITEMS**

### **1. Review of 2013 Centre Region Council of Government Budget**

Mr. Kunkle said that Board received summary budget of the 2013 from Centre Region COG staff.

Mr. Kunkle said that the overall local government share increased by 6.45% between 2012 and 2013. He said that of this total local share, Ferguson Township is budgeted to contribute 26.35%. Mr. Kunkle said that this is a \$72,879 increase from 2012 to 2013. Mr. Kunkle said that the Board's comments were sent to Mr. Steff, who responded to them and is present now to answer questions.

Mr. Killian said that he is surprised about how much the contribution has increased. Mr. Mascolo said this is probably attributed to the new regional parks, and the cost to maintain them. General forum it was established because of construction of regional parks.

Mr. Keough asked if any money was being put aside for a future COG building. Mr. Mascolo said no, and that this is because there isn't even a conceptual plan for it yet.

Mr. Steff said that Harris Township brought up this point as well, although the idea hasn't been formally discussed. Mr. Steff said that they will need room for staff in the future and that he took the Ferguson Township Board's advice and contacted the adjacent property owner. Mr. Steff said that also factored into this idea is a place for Parks and Recreation staff.

Mr. Keough said that it sounds like this will definitely happen, and thus the Township should be setting aside money in small increments to prepare for the expense.

Mr. Clemson asked if there is anything started in writing regarding the building or building expansion. Mr. Steff said yes, and that he has met with a building designer to talk about details. He said that it appears the building or addition will cost over \$1,000,000. However, Mr. Steff said that the size of the building constricts programming to a degree.

Mr. Keough asked about the impact of the new software. Mr. Steff said that it would allow customers,

who are permit holders in this case, to go online and check the status and history of his or her application. Mr. Steff said that they are trying to move all records to electronic form.

Mr. Keough asked about the vehicle purchasing issues that were discussed at length previously this year. Mr. Clemson said that they went out to bid for natural gas cars. Mr. Steff said that CATA is allowing COG to refuel at their natural gas stations.

On a separate note, Mr. Mascolo said he is against maintaining two staff members at senior center. He said that there was only one for a long time, and that this worked out well. He said by the center's own numbers, they are not serving as many senior citizens as before and thus two workers are unnecessary.

Mr. Steff said that people preferred two staff members because of the nature of the population served. He said it is good to have two people for the elderly in case there is an emergency, or if one staff member becomes ill. Mr. Mascolo said that other staff should be filling in if one becomes ill, and that it doesn't justify \$45,000 per year. Mr. Pytel agreed.

Mr. Steff said that regarding the Parks and Recreation facility, there are three options. They may be able to stay in their current location, or they might be constructing a new facility at Whitehall Regional Park, or finally they may temporarily rent a facility if necessary. Mr. Mascolo said that it may be unpleasant for those that work at Parks and Recreation if they have the offices in the same spot as the storage.

Mr. Mascolo talked about the pool debt refinancing and the savings that were used to decrease the debt payment and how this is related to the pool loans. Mr. Keough felt it is important to continue upgrading the pools on a regular basis instead of waiting a long time and completing major upgrades all at once. Mr. Pytel disagreed, saying the pools were not left to deteriorate. Mr. Killian clarified Mr. Keough's point, saying that if we continually upgrade and have nice services, people in the Township will use them. Mr. Clemson agreed, saying that he thinks the Township should be proactive rather than reactive.

Mr. Mascolo said that bids came in for the Oak Hall Regional Park development, and they were higher than expected. He said that the scope of work will be revised.

Mr. Steff said that regarding the budget, the entire planning began in June, and that he hopes everyone has had enough time to review it and that nothing would be a surprise at this point. Mr. Mascolo said that he keeps Ferguson Township Board up to date on Finance Committee happenings and the Board did not have questions regarding the finances.

## **2. Consider Award of Contract 2012-C14 Tree Trimming Contact**

Mr. Modricker explained that bids opened Tuesday, October 23<sup>rd</sup>, and that out of 11 solicited, three requested a bid package. Mr. Modricker said that the areas that need tree trimming include Saybrook, The Landings, Lexington Place, Stonebridge, Sylvan-View Estates, and the Holmes-Foster neighborhood. He said that the Township can award the entire project to one bidder, or split the different project needs among multiple bidders. Mr. Modricker said that the budget amounts to \$22,000, and that he is recommending the Township award items 1-5 to Dincher and Dincher in the amount of \$20,880.

Mr. Killian made a motion to award contract 2011-C14 to Dincher and Dincher in the amount of \$20,880. Mr. Clemson seconded the motion.

Mr. Killian asked how long the tree trimming will take. Mr. Modricker said approximately two weeks. Mr. Mascolo asked for Mr. Modricker's recommendation for item 6. Mr. Modricker suggested postponing this until next year.

The motion passed unanimously.

### **3. Report on Planning and Zoning Department Customer Service Survey**

Mr. Kunkle said that the Board received a memo dated October 26, and a copy of a survey completed as a follow-up to the customer service community survey. He said that the Township had contact with 189 customers between June 1 and August 31, and there was a 25% response rate to the survey. Mr. Kunkle said that most of the respondents, 93.5% believed that staff listened to their concerns or complaints. 100% believed staff was knowledgeable and provided clear and accurate information. 67.4% indicated that staff provided options to resolve citizen questions or concerns. 95.7% said staff responses were timely. A significant majority believed that staff was courteous, approachable, and thoughtful. 96.4% said that customer service from the Planning & Zoning Department was "Excellent" or "Good."

Mr. Mascolo said that this shows improvement from the past five years. Mr. Clemson also felt these numbers were good.

### **4. Zoning Hearing Board Appeal – United Rentals, 1005 W. College Ave.**

Mr. Kunkle explained that this is an appeal of a noise related violation. He said that citizens complained of the noise, and that this problem has been occurring over the past several months.

Mr. Clemson made a motion to remain neutral regarding the appeal. Mr. Mascolo seconded the motion.

Mr. Clemson said that Ferguson Township does not have dB noise limitations in its ordinances, and that between 7am – 7pm is when one can operate machinery legally.

Mr. Killian said that State College Borough had a decibel-based ordinance, but changed it back because of the large amount of study regarding background noise that was required. Mr. Killian said that decibels can only be applied to commercial properties.

Mr. Keough asked if a part of the appeal questions the validity of the ordinance. Mr. Clemson agreed that it appears to be worded this way. Mr. Keough asked if legal representation present at the Zoning Hearing Board trial would be helpful. Mr. Clemson felt that the Zoning Officer would be sufficient representation, and Mr. Killian agreed, saying that the applicant wasn't challenging the ordinance at this time.

The ordinance passed 4 to 1, with Mr. Keough opposed.

### **5. Consent Agenda**

Mr. Killian made a motion to approve the Consent Agenda, which includes payment to Ameron Construction Company for \$63,123.32. Mascolo seconded the motion. It passed unanimously.

## **VII. REPORTS**

### **1. Manager**

Mr. Kunkle said the Zoning Hearing Board approved all variances requested by State College Veterinary Hospital at its meeting on October 16<sup>th</sup>, waiving the requirements for a land development plan and compliance with the flood plain regulations.

Mr. Kunkle continued, saying that Tropical Cyclone Storm Sandy did not cause significant damage to the Township, in the form of flooding or power outages between October 28<sup>th</sup> and 30<sup>th</sup>. He said that 8 or 9 trees were down over course of storm, and that public works crews operated on a 24/7 schedule throughout the storm to keep drains open and roads cleared of fallen trees.

Mr. Kunkle said that the Centre Region Municipal Managers continued discussions on a recommendation to the COG General Forum regarding proposed amendments to the Sewer Service Area Implementation Agreement. He said that several issues have come to general agreement.

Mr. Kunkle said that Mr. Modricker will be honored with the Watershed Stewardship Award, presented by the Centre County Conservation District Annual Farm City Dinner on November 20<sup>th</sup>.

Mr. Kunkle said that the Court of Common Pleas has ordered a full hearing regarding the voting ward redistricting in Ferguson Township for December 5<sup>th</sup>. He said it was also ordered that the petition be posted in 5 locations in each of the three voting wards. Mr. Kunkle said that he is not anticipating problems, and that this will be a simple notice of the changes to the voting ward.

### **2. Public Works Director**

Mr. Modricker said that he recently learned that Verizon is not going to be able to complete the work on Whitehall Road by November as originally planned because they have moved workers to the East Coast to respond to Hurricane Sandy. He said that the work should be completed in December though.

Mr. Modricker said that Contract 2012-C6A, Tudek Park Phase 3 is substantially complete including sidewalks, and park signs. He said that entrance signs have been constructed at Park Hills Park and Homestead Park. Mr. Modricker said that the play equipment has been installed, and that the mulch, brick path, and fence are next. Mr. Modricker said that the branches have been trimmed as well.

Mr. Modricker said that quotes for electrical installation were received on 10/30/12 for contract 2012-C20 Parking Lot Lighting. He said that the Township has the light fixtures, and that Strauss Electric is likely to be the contractor that will be completing the work.

Mr. Modricker said that surveying and preliminary design is in progress for next year's capital road projects. He said that leaf collection has started and maintenance was back to normal. Mr. Modricker said that brush collection just began as well.

Mr. Keough asked if the leaf collection workers are sucking leaves out of the culverts, particularly around Tadpole and Gatesburg roads. Mr. Modricker said he will check on this, but that this is usually a separate activity.

**3. Planning and Zoning Director – No report.**

**4. COG Committee Reports**

**1. Transportation & Land Use**

Mr. Pytel said that this committee reviewed the Comprehensive Plan (comp plan) at their last meeting. He said that the usefulness of the comp plan was discussed, as there is a fear that all municipalities will agree on it, sign it, but then not refer to it later.

Mr. Pytel said that affordable housing was discussed a lot as well. Mr. Keough thinks it is important that Ferguson Township is part of a broader discussion regarding affordable housing. Mr. Mascolo said he does not believe it is viable for Ferguson Township to use taxpayer money to subsidize low-cost housing. Mr. Clemson agreed, saying that economic forces dictate this. Mr. Keough also agreed, saying that he doesn't want to spend taxpayer money, but believes that the Township must be part of discussions about the issue.

**VIII. MINUTES**

Mr. Killian made a motion to approve the November 5, 2012 Regular Meeting minutes. Mr. Mascolo 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. Pytel adjourned the meeting at 9:00 pm.

RESPECTFULLY SUBMITTED,

---

Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 12/03/2012