

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, January 21, 2013
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, January 21st, 2013 at the Ferguson Township Municipal Building. In attendance were:

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

Others in attendance included: Barbara Donnini, Recording Secretary; Lewis Steinberg; Laura Dininni

II. CALL TO ORDER

Mr. Pytel called the January 21, 2013 regular meeting to order at 7:00pm.

III. ACTION ITEMS

1. Approve Filing of the Declaratory Judgment on Home Rule Charter Amendment

Mr. Steinberg said that as a result of legal issues which he believes need to be reviewed, he recommends that this matter be removed from consideration at this time.

Ms. Dininni said that she is new to Ferguson Township and asked about the general process that follows an item being removed from the agenda. Mr. Steinberg explained that the item now cannot be discussed, as it has been removed, but that it could come before the Board in the future. There is no set time period involved.

2. Confirmation of the College/Ferguson Township Municipal Boundary Line

Mr. Kunkle said that part of an initial sketch of a project being proposed in the R4 zoned property of Penn State off Whitehall Road raised a concern over the municipal boundary line between College Township and Ferguson Township. Two maps showed different lines. He said it was determined that the staffs of College Township and Ferguson Township as well as professional land surveyors that have done work in the area needed to get together to determine the location of the boundary line. He said that a plan completed in 1987 by the Winston Corporation shows the boundary line on the common property line between Tusseyview Estates and PSU's property. He said that this plan indicates that this is indeed the appropriate location of the boundary.

Mr. Kunkle continued saying that the goal is to get the Ferguson Township and College Township governing bodies to confirm the location of the boundary. He recommends that the Board approve the location contingent upon College Township's approval, so the Townships can advise the county mapping GIS coordinator of the appropriate location, and the planning for this parcel can proceed without this impediment.

Mr. Killian made a motion that Ferguson Township confirm the location of the common municipal boundary as shown on the Whitehall Winston Corporation subdivision plan dated April 10, 1987, subject to concurrent confirmation by College Township. Mr. Keough seconded the motion. It passed unanimously.

3. 2012 Year End Financial Report – Eric Endresen, Director of Finance

Mr. Kunkle introduced Mr. Endresen, and explained that the figures are unaudited, and meant to be displayed as a summary.

Highlights of Mr. Endresen's presentation included:

- The General Fund is negative. The Special Revenues Fund is negative. The Debt Service Fund is the balanced. The Capital Projects Fund is positive.
- Total revenues exceed budget by \$1.1 million . Total expenditures are less than budget by \$42,000. Earned income tax revenue surpassed budget by \$590,000 and is the most collected on record. Transfer taxes surpassed budget by \$140,000 and appears to show improved housing market. Local service tax surpassed budget by \$42,000. Pension revenues and expenditures recognized "gross" rather than "net" in accordance with DCED requirements. Real estate transfer tax exceed budget due to increased tax revenue.

Revenues

- Total revenues are down compared to 2011, General Fund values are about the same, capital projects revenue is greater than 2012, special revenue and debt service funds are about the same.
- Total revenues decreased by \$750,000. Transfer taxes increased by \$155,000. Earned income taxes increased (net of 2.4% fee) by \$310,000.
- Other state revenues decreased \$206,000 due to a one-time additional payment for pensions and foreign fire in 2011. General government revenues decreased \$34,000 due to reduce reimbursement for school tax collection
- Other payments in lieu increased \$122,000 due to timing of PSU payment in December 2010, rather than January 2011.
- Special revenue state revenues increased \$54,000 due to additional liquid fuels receipts. Capital projects intergovernmental revenue decreased 1.86 million dollars due to the timing of a grant.

Expenditures

- Expenditures overall are close in comparing 2012 to 2011, and are up for General Fund. Capital Projects Fund is down, Special Revenues Fund is up a bit. The Debt Service Fund remains the same. Total expenditures decreased \$41,000. Non-uniform wages increased 4.3%. Police wages increased 2.75% plus step and longevity
- Finance and tax ratio changed due to downsizing of tax office and transfer of personnel. Employer paid benefits increased \$300,000 due to change in method of recording pensions. Inter-fund transfers increased \$845,000 due to a one-time payment to the capital reserve.

4. Approve Assessment Appeal Filed by United Rentals Realty Inc., TP 24-2A-60

Mr. Kunkle said that United Rentals Realty Inc. is a tenant of a parcel owned by Penn State and identified as tax parcel 24-2A-60. United Rentals Realty Inc. has been determined to have standing to appeal the assessed value of the property which is the basis for applying real estate tax rates. The current assessed value is \$525,725 with an indicated market value of \$1,825,434 based on a 28.8% common level ratio calculation. Mr. Kunkle said that the County Board of Assessments Appeals held hearings in October and determined not to approve the appeal. United Rentals Realty Inc. has a

value determination of \$1,500,000. Mr. Kunkle said that Mark Kellerman, Centre County Chief Assessor, has completed a calculation to determine the value of this parcel as if it were a first time appraisal. His calculations indicate the market value at \$1,597,878 with a revised assessed value \$460,189 based on 28.8% common ratio. Mr. Kunkle said that since appeal filed with court, Mr. Kellerman is asking all governmental bodies that have interest in assessed value to approve the revised calculation. He said that State College Area School District has done so already. Mr. Kunkle said that the change in assessed value would result in a lowering of the Township Real Estate tax payment by \$158.

Mr. Keough made a motion to approve the settlement of United Rentals and reduce the assessed value from \$525,725 to \$460,189. Mr. Killian seconded he motion. It passed unanimously.

5. Birch Court No Parking Request

Mr. Modricker said that he received an email from a resident concerned about the safety of neighborhood roads in a particular part of Birch Court as one enters Sylvan View. Mr. Modricker said he completed a site view since that time, and has invited the concerned citizen to the meeting, but they were not present. Mr. Modricker explained that this development is off of Blue Course Drive, and is a residential subdivision of approximately 50 homes. He said the roadway is approximately 26 ft. from curb to curb in width and there are no parking restrictions in place.

Mr. Modricker said that on January 8, 2013 in the middle of the afternoon he went to the area to make observations. He said there were only minor obstructions, and did not find any area where cars were parked on both sides of the street. He did find a truck parked on a turn. Mr. Modricker said that snow was also not pushed all the way back to the curb and that may have prevented vehicles from getting close to the curb line. He has discussed this issue with the Road Superintendent. Mr. Modricker said that the resident in their letter specifically made note of the safety of children walking to the bus stops.

Mr. Keough asked if this information was presented to the resident, and Mr. Modricker said yes. The Board determined that no action was necessary.

6. Receive Draft Sidewalk Snow Removal Ordinance Amendment

Mr. Pribulka said that this is on the agenda to address the current deficiencies in the sidewalk snow removal ordinance. He said that areas which have been clarified and enhanced in the draft ordinance are:

- a. Places responsibility on the owners and occupiers of properties to remove snow from the sidewalk.
- b. Authorizes the Township to clear the sidewalk and charge the owner the cost of the Township's removal of snow from the sidewalk after the 3rd violation.
- c. Removes from the ordinance the violation amounts from each notice and refers those violation charges to the Township's fee resolution.

Mr. Pribulka said that staff was unable to complete the amendments to the ordinance in time for the legal advertising necessary for a public hearing. He also noted that in section 207, the words "and occupiers" was removed from the first paragraph by staff recommendation. He said that although both owners and occupiers will be notified, it is ultimately the owner's responsibility to handle the snow. Mr. Pribulka said the Board can also annually draft a map exempting certain areas from snow removal if they wish.

Mr. Pribulka said in section 209, he added the clause allowing the Township to remove snow and ice from sidewalks if a third notice has been issued to a residence and the snow is not cleared. He said the Township will also assess a 10% fee in addition to the cost of removal for administrative expenses.

Mr. Killian expressed concern for owners that live in another part of the country and may be unaware of the conditions in State College. He said it may defeat the purpose of having clear sidewalks if the occupant chooses not to do anything and the owner is unaware. Mr. Pribulka clarified that both the owner and occupier will be receiving notices. Mr. Kunkle said that the owners are the only ones that can be held legally responsible by the Township. Leases may state that occupants have a requirement to handle snow, but the Township cannot enforce these.

Mr. Keough asked for data from the past few years regarding noncompliance. Chief Conrad said that every year they get a stack of violations, and most people do clear the snow. She said very few get up to the 3rd, 4th, or 5th violations. Mr. Keough suggested an educational advertising plan might be in order and still believes numbers would help.

7. Appointment to the Ferguson Township Zoning Hearing Board

Mr. Kunkle said that the Board previously tabled appointments to the Ferguson Township Zoning Hearing Board in order to complete additional interviews with current alternates to the Zoning Hearing Board. Interviews were conducted on Thursday, January 9th. The Board nominating committee recommends that Scott Petryshak be appointed to the Zoning Hearing Board Core Board along with the two incumbents, Steve Miller and Swamy Anatheswaran, and that Robert Etchells and Michael MacNeely be appointed as alternates to the Zoning Hearing Board.

Mr. Killian made motion to appoint those mentioned to the respective Boards. Mr. Keough seconded the motion. It passed unanimously.

8. Appointment of CRPC Representative and Alternate

Mr. Kunkle said that the Ferguson Township Planning Commission has recommended Richard Killian as the Township Primary representative to the Centre Region Planning Commission and Rob Crassweller as the alternate representative.

Mr. Keough made a motion to appoint Richard Killian as the primary representative and Mr. Crassweller as the alternate representative to the Centre Region Planning Commission. Mr. Clemson seconded the motion. It passed 4-0-1, with Mr. Killian abstaining.

9. Approval of December 2012 Voucher Report

Mr. Keough made a motion to approve the December 2012 Voucher Report as presented. Mr. Killian seconded the motion. It passed unanimously.

10. Consent Agenda

Mr. Killian made a motion to approve the Consent Agenda which includes a treasurer's report, two payment authorizations, and a surety reduction. Mr. Keough seconded the motion. It passed unanimously.

IV. REPORTS

1. Manager

Mr. Kunkle said CNET viewership of Board meetings was reviewed, and certain meetings were more popular than others.

Mr. Kunkle said that the Requests for Proposals to provide pension investment management consulting has been advertised with a response date by February 15th. A recommendation will be forthcoming to the Board of Supervisors acting as the Pension Plan Trustees on March 18th. The Police Pension Advisory Committee will complete interviews of selected firms responding to the RFP and prepare a recommendation to the Board.

Mr. Kunkle said that the Township is looking for applicants for its new community communications coordinator position. He also said that two surveys are underway in the Township, one about planning and zoning, and the other about the Centre Region Comprehensive Plan update. He said there is not much awareness about the Comprehensive Plan update, which shows that citizen input has not been heavily considered for the draft.

Mr. Kunkle said that the Township has placed orders to replace three police vehicles. One of the vehicles will be bi-fuel and use CNG.

Finally, Mr. Kunkle said that the Township is working on an RFP to select a consultant to assist with the Zoning and SALDO ordinance updates. The Board will be asked to provide guidance on the stakeholders that will need to be engaged and the composition of a steering committee for this undertaking. He said that the Township anticipates releasing the RFP later this month or early February, and Board members should be considering the makeup of the stakeholders group.

Mr. Keough asked what kind of commitment individuals will be asked to make. Mr. Kunkle said that the Township will not presume how the consultant will go about the task of engaging the community as well as getting the steering committee to participate. However, he said they will most likely provide the time commitment to participants ahead of time, and that Ms. Lang is the contact person for this.

Mr. Pribulka said that staff distributed a resident engagement survey designed to solicit input regarding future communication efforts. He said that 106 people responded to the survey, and the types of communications respondents wanted to know about were emergency closures, Township policies, and the Township e-newsletter. He said that the frequency of updates preferred were once or twice per month, or as available.

Mr. Pribulka said that 75/103 who answered the question about a coffee and conversation event would be interested in attending. He said that the departments that residents were most interested in, in order, were Public Works, Planning and Zoning, and the Board of Supervisors. He said that around 55% of residents were interested in a mobile application. Such a feature would include outages, potholes, emergency info, and Township maps.

2. Public Works Director

Mr. Modricker said that utility relocation continues on Whitehall Road, and that it should be completed by the end of February. He has a meeting set up with the contractor to confirm the utilities schedule.

Mr. Modricker said that public works crews removed over 100 Ash trees in certain locations on

January 14 and 15, and those trees will be replanted in the spring. He said that new LED lights were installed in the parking lots last week.

Mr. Modricker said that the Public Works Engineering continues to work on capital projects for the year, and an Open House is tentatively scheduled for February 19 from 4:30pm – 6:30pm.

He said that staff is working on several projects including revisions to the street standards for presentation to the Planning Commission and Board of Supervisors. Also revisions to the street tree ordinance to be referred to the governing bodies. Mr. Modricker said that some engineering studies have been completed, and a Township-wide traffic study is in process. He said that there is a review of warning signs for curves on the west end of the Township as well as posted weight limits on roads.

3. Planning and Zoning Director

Ms. Lang said that the Planning Commission did not have any plan reviews at their first meeting of the year, but did appoint new officers. She said that the Planning Commission officers for this year will be Mr. Crassweller as Chairman, Mr. McMaster as Vice Chair, and Scott Harkcom as secretary.

4. Chief of Police

Chief Conrad said that crimes for Part 1 crimes were down for December, with 28 in 2011 and only 11 in 2012. She said that year to date; crimes are down by about 19%, mostly due to theft. She said that 2011 had 222 total Part 1 crimes and 179 in 2012. She said Part 2 crimes yielded similar results.

Chief Conrad said that other calls for service are in line with last year's numbers, with only a 1% difference. She said that total calls for 2012 were 4,486, which is slightly above last year's 4479.

Chief Conrad said that traffic citations are up 107% for the month and 38% for the year. She said that traffic stops are up 8% for the month and 12% for the year, and criminal arrests are up 32% for December and 27% for year.

Chief Conrad said that the most time-consuming incident was the bike path assault in December. It was determined that the crime was committed on University Property, so the University Police took over the investigation, which is still open.

Chief Conrad said that procedures for blood alcohol evidence have just changed, and the Township has switched from a private contractor to a PA State Police service. She said samples will now be sent from the Police Department rather than a medical center. She said this will result in procedural changes at the station. Also, she said a judge increased the court cost, so this new system will defer that expense.

Mr. Killian wished to congratulate Sergeant Hendricks for being recognized as a Centre County Hero in the Town and Gown magazine.

5. COG Committee Reports

a. Executive

Mr. Pytel said that this committee meets Tuesday, January 22. He said that Ferguson Township will be the chair of COG this year.

b. Human Resources

Mr. Keough said two items were discussed. One was regarding a change in the personnel at the senior services center. He said the other item concerned a report by the code director regarding issues that continue to plague the system. Mr. Keough said that there was confusion with regard to what they do and don't enforce, so the process was reviewed.

c. Public Safety

Mr. Clemson said that he was unable to attend, but after touching base with the committee Chair discovered that there was continued discussion about the Borough of State College's decision to discontinue participation in the Centre Region Code services program.

d. Public Service and Environment

Mr. Killian said this committee reviewed the Comprehensive Plan (Comp Plan) chapter on the environment. He said that lots of people were concerned about union of the sewage service area (SSA) and the regional growth boundary (RGB). He said they also reviewed the sewer management program and the change in process. He said that one can no longer apply to skip the pumping cycle every 3 years.

Mr. Keough said that the process was put into place 3 years ago and adopted by COG to monitor the whole septic system process in the region. He said that the current rules treat every home on a septic system exactly the same, even though a family of 6 with a garbage disposal will produce a different result than a family of 2 that works most of the day.

Mr. Killian said topics the committee intends to discuss in the upcoming year include environmental purchasing guidelines, storm water on North Atherton Street, recycling and trash bins, and Marcellus Shale.

6. Other Non-COG Regional Committees

Mr. Keough said that he is serving on the State College Area School District steering committee that has been formed to evaluate renovating the high school. He encouraged the public to attend a community forum this Wednesday the 23rd of January from 7-8:30pm at the South Auditorium.

7. AMERON

Mr. Kunkle requested that the Board add this item to the consent agenda. Mr. Killian made a motion to add this item to the Consent Agenda and approve it with the rest of the items. Mr. Keough seconded. It passed unanimously.

V. MINUTES – January 7 Organizational and Regular Meetings

Mr. Killian made a motion to approve both of the minutes from January 7, the reorganizational meeting and regular meeting. Mr. Clemson seconded the motion. It passed unanimously.

VI. ADJOURNMENT

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

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the regular meeting at 9:10 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 02/19/2013