

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, February 4, 2013
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, February 4th, 2013 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman
Richard Mascolo
William Keough
Elliott Killian
Andrew Clemson

Staff: Mark Kunkle, Township Manager
David Modricker, Director of Public Works
David Pribulka, Assistant Manager
Trisha Lang, Director of Planning & Zoning

Others in attendance included: Gale Sunday; John Sepp; Eric Endresen; Jeffrey Weiss.

II. CALL TO ORDER

Mr. Pytel called the February 4th, 2013 regular meeting to order at 7:00 pm.

III. CITIZEN'S INPUT

Ms. Sunday said there is a flooding problem on her road and it is the same problem she encountered in years past. She said that people from the Township have come to view her property in the past, but that the problem was not fixed. She said that there are too many sump pumps running and that there is a sheet of ice 25 or 30 feet long across the road. She said it has cost her \$600 to fix mold issues. She lives on Kansa Street and she said that the Township has given her salt in the past to help with the problem.

Mr. Modricker said that Ferguson Township crews began doing drainage work on this property, but had to stop because it became apparent that the project was more complicated than anticipated, involving issues such as drainage on private property and the apparent need for easements for example.

Ms. Sunday said that her husband buried a small pipe years ago in order to help with the problem, but the water has nowhere to go once it reaches the end of the road. Mr. Modricker said that this will need to be a capital improvement project and he knows it is in the lineup for the next 5 years. He also commented that the sump pumps are an issue because it is not legal for people to be pumping the water into the street. He said the Township could enforce the ordinance and cite people, but it would not solve the problem.

Mr. Keough requested that the Township look again at the property, to see if short term mitigations are possible. Mr. Modricker said he will revisit the site.

IV. PUBLIC HEARINGS – ORDINANCES

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 21, STREETS AND SIDEWALKS, PART 2 SIDEWALKS, SECTIONS 207, SNOW REMOVAL FROM SIDEWALK, SECTION 208, REMOVAL OF OBSTRUCTION BY TOWNSHIP, SECTION 209 CONTINUATION OF EXISTING REGULATIONS, AND SECTION 210 PENALTY, AND REPLACING SAID SECTIONS WITH NEW AND REVISED SECTIONS 207, 208, 209, 210 AND 211.**

Mr. Kunkle said that at the January 21 meeting, the Board reviewed this ordinance in draft form. He said that the most significant change to the ordinance is the new provision that allows the Township to remove snow and ice from sidewalks after a property owner has been notified three times and does not remove the hazard on their own.

Mr. Kunkle said that last meeting, Mr. Keough requested a history of citations and notices with regard to snow and ice, and Mr. Kunkle said that the data is now available. He said that in the 2009/2010 season, there were 163 written notices, which means a non-fine notice. He said that 71% of the written notices were for rental properties, and of those, 73% were repeat violators. Mr. Kunkle said that after the first notification, the number of violations drops significantly up until the third fine. Mr. Kunkle said that in 2010/2011, there were 89 written notices, 88% of which were rentals. Of those rentals, 68% were repeat violators. Mr. Kunkle said that the snow and ice is a hazard to pedestrians, school children walking to the bus, handicapped individuals and others.

Mr. Mascolo made a motion that Board of Supervisors adopt the ordinance amending the Code of Ordinances by repealing Chapter 21 Part 2 and adopting the new sections 207, 208, 209, 210, and 211. Mr. Killian seconded the motion.

ROLL CALL VOTE: Mr. Keough - YES; Mr. Clemson - YES; Mr. Killian - YES; Mr. Pytel - YES; Mr. Mascolo - YES. It passed unanimously.

IV. PUBLIC HEARINGS – RESOLUTIONS

- 1. A PUBLIC HEARING ON AN APPLICATION FOR A PERMIT TO INSTALL AND OPERATE TRAFFIC SIGNALS AT THE INTERSECTION OF BLUE COURSE DRIVE AND HAVERSHIRE BOULEVARD**

Mr. Modricker said that this is an application to install and operate a traffic signal. He said that the Township goes through this same process with all traffic signals, and the paperwork indicates that the Township has maintenance responsibilities for the signal. He said that this is being constructed as part of the Turnberry development.

Mr. Mascolo made a motion that the Board of Supervisors adopt the resolution authorizing the application for a permit to install and operate a traffic signal at Blue Course Drive and Havershire Boulevard. Mr. Killian seconded the motion.

ROLL CALL VOTE: Mr. Keough - YES; Mr. Clemson - YES; Mr. Killian - YES; Mr. Pytel - YES; Mr. Mascolo - YES. It passed unanimously.

2. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A DEED OF EASEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND WEST PENN POWER COMPANY

Mr. Modricker explained that this would transfer the right of way that the Township acquired from property owners on Whitehall Road to allow West Penn Power to move their overhead facilities. He said that this is part of the work West Penn Power has been doing over the last year.

Mr. Killian made a motion to adopt the resolution authorizing the Chairman and Secretary to execute a deed of easement between the Township of Ferguson and West Penn Power. Mr. Clemson seconded the motion.

ROLL CALL VOTE: Mr. Keough - YES; Mr. Clemson - YES; Mr. Killian - YES; Mr. Pytel - YES; Mr. Mascolo - YES. It passed unanimously.

3. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A DEED OF EASEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND VERIZON PENNSYLVANIA, LLC

Mr. Modricker said that this is a similar resolution, and in this case the deed of easement would go to Verizon. He said it is for the same project, which is the widening of Whitehall Road. Verizon also needs to move their overhead facilities.

Mr. Killian made a motion authorizing the Chairman and Secretary to execute a deed of easement with Verizon. Mr. Keough seconded the motion.

ROLL CALL VOTE: Mr. Keough - YES; Mr. Clemson - YES; Mr. Killian - YES; Mr. Pytel - YES; Mr. Mascolo - YES. It passed unanimously.

4. PUBLIC HEARING ON A CONDITIONAL USE ALLOWING CONSTRUCTION ACTIVITY IN AN AREA OF NOLIN SOILS IN THE LANDINGS PRD

Mr. Kunkle said that the consultant for The Landings, Penn Terra Engineering, provided a letter with regard to this conditional use request. He said approval of the conditional use s would permit development of Phase 1 of The Landings PRD Master Plan. Mr. Kunkle said that prior to this meeting, the applicant went to the Zoning Hearing Board to obtain a variance to come to the Board for a conditional use on a section of property that is shown as drainage way and contains Nolin soils. Mr. Kunkle said that under the ordinance, Nolin soils are a protected class of soils that indicate there is or was drainage across the property. In 1993 or 1994, the applicant obtained a map revision, showing the flood plain as removed.

Mr. Sepp said that he is from Penn Terra Engineering and that he is speaking on behalf of The Landings PRD. Mr. Sepp said that his firm has been working with the Township for the last 18 years on this PRD. He confirmed everything that Mr. Kunkle said, and added that they will be constructing a swale that will go along the perimeter of the lot. He said that although there is a small section of Nolin soils, the swale has soils that absorb in a similar manner to the Nolin soils. Mr. Sepp said that his firm will have to meet or exceed the Township's storm water regulations still, and that the existing detention basin will be improved.

Mr. Mascolo made a motion that Board approve the conditional use for Section 1 of The Landings

revised master plan, pursuant to a January 18, 2013 letter from Penn Terra Engineering, subject to the following conditions:

- That the calculations and design for the conveyance of storm water and man-made drainage swale moving water around the perimeter of lots 13-27 is acceptable to the Township Engineer
- That the maintenance responsibilities for the man-made drainage swale shown on Phase 1 of the PRD will be included in the Homeowners' Association documents covering this phase of The Landings PRD. Mr. Killian seconded the motion. The motion passed unanimously.

V. ACTION ITEMS

1. Recommendation on Acquisition of Enterprise Resource Planning (ERP) Software – Jeff Weiss, Susquehanna Group Advisors

Mr. Kunkle said that Mr. Weiss of Susquehanna Group advised the Township in replacing their 20+ year old software for accounting.. Mr. Kunkle said that staff's recommendation is to accept Mr. Weiss's recommendation and allow staff to start contract negotiations with the selected vendor.

Mr. Weiss said he has been working with the Township since May 2012, and his firm has been doing government consulting since 1996. He said he met with each department head and core users at Ferguson Township, to get feedback about the current system, and ideas of what staff wants in a new system. He identified vendors based on this and put out requests.

Mr. Weiss said that companies gave demonstrations on site, and that staff filled out an evaluation checklist. Based on his analysis of these responses, they narrowed down the choices to 3 companies, and sent a request proposal. which included almost 1,000 questions, to each entity.

Finally, Township staff went on site visits to other municipalities that are already using the software packages in question to get feedback. The group narrowed it down to KVS and Springbrook companies, and eventually decided on Springbrook for their first choice. Mr. Weiss said that shortly after this decision was reached, he learned that Springbrook was acquiring KVS.

Mr. Weiss said that the cost of the system is approximately \$125,000, which is a one-time fee, and includes the license, implementation services, and data conversion from the previous system. The annual maintenance agreement going forward will cost \$14,000. The system will be housed here, and not cloud-based. Mr. Clemson asked about the advantages of a server-based system as opposed to a cloud-based system. Mr. Weiss said that the Township would be in control of the server, and the access. He said that cloud computing is relatively new, and if something happens to the company, there could be issues.

Mr. Clemson asked how data will be backed up. Mr. Kunkle said that the region already has a redundant system for this. He also said that although it seems like a large up-front cost, the Township has budgeted for this expense for the past few years, knowing that the current system would not be supported starting at the end of this year.

Mr. Endresen said that the cloud component was actually an additional cost, not a savings, and that overall the cost of the new system will be close to the cost of the old system.

Mr. Keough asked if there is a shortfall between what has been saved and the anticipated cost. Mr. Kunkle said the Township has saved more than required for the software, so cost will not be an issue.

Mr. Keough asked about the timeline for implementation of the software. Mr. Kunkle said the Township hopes to have the entire process, including staff training and installation, finished with the software functional by January 1, 2014.

Mr. Keough made a motion to authorize staff to complete contract negotiations with Springbrook for the software program. Also, that the final contract will be brought to the Board for final approval at a later date. Mr. Killian seconded the motion. It passed unanimously.

2. A Request to Separate Phase 1 of the Landings PRD into Phases 1A & 1B

Mr. Kunkle said that the Master Plan of this PRD was approved around 1994. Ms. Lang said that Phase 1 does not have a final subdivision plan. Mr. Kunkle said there are roughly 44 lots in this phase, and the developer would like to divide this into two phases, 1a and 1b, with 23 lots in the first phase and 21 in the second. Mr. Kunkle said that the developer hopes to be before the Board for approval at their first meeting in March. Ms. Lang said that the timetable for this project has not changed, even with the phase being split.

Mr. Killian asked if either of the phases include affordable housing. Mr. Kunkle said no.

Mr. Killian made a motion to approve the split of Phase 1 into Phases 1a and 1b for The Landings PRD. Mr. Keough seconded the motion. It passed unanimously.

3. Authorize Submission of Community Development Block Grant (CDBG)

Mr. Modricker said there is an application to the Board of Commissions for funding under the Community Development Block Grant (CDBG) for assistance for installation of sidewalk curb ramps at intersections within the Township. He said he conducts inspections of various parts of the Township each year to find dangers such as trip hazards. He said that normally the Township takes responsibility for upgrading handicap ramps, and that when roads are repaved, handicap ramps are always brought up to current standards. He said that this source of funding will assist with bringing more ramps up to the current standards. Mr. Modricker said that the funding will become available in 2014.

Mr. Clemson made a motion to authorize the submission of a CDBG funding request to Centre County for ADA handicap accessible ramps. Mr. Killian seconded the motion. It passed unanimously.

4. Variance Request – Penn State University, College of Ag Sciences

Mr. Kunkle said that applicant, Penn State University, is requesting a use variance from the primary uses listed in tables 303 of the Zoning Ordinance for their property in the Ag Research Zoning District. They are requesting to conduct educational equine events related to agriculture. Mr. Kunkle said that the two groups that will be holding the events are Keystone Dressage and Lion Country Pony Club. Neither is associated with the university. Historically, Mr. Kunkle said that the Agricultural Research District was made to recognize the university and its commitment to research, and that the four intents of the district are to preserve a portion of the Township's prime agricultural land for research, to limited development in the district to uses compatible with agricultural research, to preserve the character of the surrounding rural agricultural area, and to limit subdivision of the land in the district.

Mr. Kunkle said that staff met with the applicant and suggested that if additional uses are desired, they should be added through the preferred process of a Zoning Ordinance amendment. He said,

however, that the applicant is facing a strict timeframe, and the preferred process takes a longer amount of time.

Mr. Mascolo asked if conditions for these uses can be approved for one year. Mr. Kunkle said this is possible. Ms. Lang said that the new Places of Assembly ordinance is not considered in this, and this may cover their request.

Mr. Keough made motion that staff review the ordinances and report back to the Board at the next meeting with an update regarding the Places of Assembly ordinance. Mr. Clemson seconded the motion.

Mr. Pytel felt that the applicant should have come to the Board of Supervisors instead of the Zoning Hearing Board, and as it stands now he said he would oppose it.

Mr. Mascolo expressed concern about Grange and other competing equine facilities. Mr. Keough agreed, and Mr. Pytel agreed, saying that it is not fair that someone with a tax free area is competing with someone who is doing it for a living.

There was general agreement to table this item until the next meeting when more information is available.

5. Code Board of Appeals

Mr. Mascolo made a motion that the Township approve the nominations for the member municipalities for appointment to the Building and Housing Board of Appeals for a 3 year term commencing February 15, 2013. Mr. Killian seconded the motion. It passed unanimously.

6. Consent Agenda

Mr. Killian made motion to approve the consent agenda. Mr. Mascolo seconded the motion. It passed unanimously.

VI. REPORTS

1. Manager

Mr. Kunkle said that he met with the developers of the Turnberry project and three of the adjacent Greenleaf Manor property owners on Thursday, January 24, 2013 to discuss concerns that the property owners had with the potential impacts from the Turnberry development. In general, the Greenleaf Manor property owners are concerned about property values, safety and the student population anticipated to reside in the townhomes and apartments being built in Turnberry. He said that concerns were expressed about the potential for overflow parking from weekend events at the University occurring on the Greenleaf Manor streets and trespass over their property to access Turnberry residences. Mr. Kunkle said that there were continued discussions about the potential for a fence. However, he said that Turnberry developers are not willing to install a fence. They have agreed to consider additional and enhanced buffer plantings, improving the berm that separates the two developments with more earth material as well as large rock in an effort to discourage cut through pedestrian traffic.

With regard to parking the developers clarified that in addition to off-street parking that there will also be on-street parking. There are 1.5 parking spaces per unit already.

Mr. Kunkle said that the Township has received letters of appreciation from the Spring Creek Watershed Commission and Clearwater Conservancy for its contributions to the annual operating budget of the Commission and for the 2013 Water Resource Monitoring Project and Musser Gap Greenway Trail Project.

Finally, Mr. Kunkle said that the Township has received notification from the County Commissioners that its application for county liquid fuels was not funded. The Township requested \$30,000 towards the West Whitehall Road Widening and Reconstruction Project.

Mr. Pytel said that at the recent Transportation Committee meeting, CATA mentioned they are looking to send busses to the Turnberry development. He asked if the road will be completed between Circleville Road and Blue Course Drive. Mr. Kunkle said that Turnberry hopes to open for residents in August, and Ms. Lang said that connection of both ends of the road is required before occupancy. Mr. Pytel said that if the road is not completed and accepted by Ferguson Township, CATA will not be able to go on it, and this is something that should be kept in mind.

2. Public Works Director

Mr. Modricker said that he met with New Enterprise last week regarding the Whitehall Road project, and the detour on the road will most likely begin in March if weather permits.

Mr. Modricker said that on February 19th, there will be an open house to discuss this year's capital road projects. He said it will be in the main meeting room from 4:30pm to 6:30pm, and notifications were sent to adjoining property owners, including people on Bristol Avenue, Cherry Lane, Allen Street, Aaron Drive, and Old Gatesburg Road.

Mr. Modricker revisited Ms. Sunday's issue, saying that the project for her neighborhood is not on the CIP until 2015. He said that it is an older development, and there are floodplains and a lot of flat ground. In addition, he said the project will require ditches and changes to private property. He said that a ditch may even be needed across someone's yard.

Mr. Clemson asked if any temporary fixes are available. Mr. Modricker said it is possible. Mr. Pytel said he does not like the idea of the Township being responsible for maintaining something they install, because it is not typical for the Township to go onto private property and maintain pipes.

Mr. Mascolo made a correction, stating that the CDBG money should read \$20,000 instead of \$10,000. Mr. Modricker confirmed this.

3. Transportation & Land Use

Mr. Pytel said that the municipalities plan to address safety of bicyclists, pedestrians and other users on the bike paths as a region. He said that especially bicycle safety will be consistent across the region, with signs matching, as well as policies. Mr. Pytel said that Ferguson was recognized for doing bicycle safety training every year in Weis parking lot. Cost of implementing these things was also discussed at the meeting. Finally, he said that officers were elected and the Chair and Vice Chair remained the same as last year, and that he is Vice Chair.

4. COG Committee Reports

Mr. Keough said that the Human Resources Committee will meet soon and will be reviewing job descriptions, particularly for positions at the library.

VII. CALENDAR ITEMS - FEBRUARY

1. February 6th @ 6pm – BOS & PC Worksession – Centre Region Comp Plan
2. February 13th @ 6pm – BOS & PC Worksession – Centre Region Comp Plan

VIII. ADJOURNMENT

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

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the Regular Meeting at 8:41 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 02/19/2013