

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Wednesday, March 20, 2013
7:00pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Wednesday, March 20, 2013 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman	Staff: Mark Kunkle, Township Manager
Drew Clemson	David Pribulka, Assistant Manager
Elliott Killian	Dave Modricker, Director of Public Works
William Keough	Diane Conrad, Chief of Police

Others in attendance included: Kelsey Taylor, Recording Secretary; Caleb Clouse, Ferguson Township Police Officer; Ronda Reid, Community Communications Coordinator;; Bob Poole, S&A Homes; Dave Palmer, S&A Homes; John Sepp, PennTerra.

II. CALL TO ORDER

Mr. Pytel called the Wednesday, March 20, 2013 regular meeting to order at 7:00pm.

III. INTRODUCTIONS

The Board was introduced to Caleb Clouse, the newest police officer for Ferguson Township and Ronda Reid, the Township's new Community Communications Coordinator.

IV. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION FOR THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPOINTING AN INVESTMENT MANAGEMENT CONSULTANT FOR THE FERGUSON TOWNSHIP POLICE PENSION PLAN

Mr. Kunkle said Merrill Lynch advised the Township in January that it would be divesting itself of its entire pension portfolio so the Township must begin the process of selecting a new investment management consultant. Mr. Kunkle said that Act 44 now requires municipalities to issue requests for proposals for professional services related to pension plans. The Board adopted Resolution 2011-11 for Professional Services Procurement Procedures in accordance with Act 44. The request for proposal was put on the Township website and was picked up by several publications.

Ferguson Township received 11 responses from qualified investment management consultant firms. The Advisory Committee for the Police Pension Plan met on February 5 to review responses and narrowed these down to the three most qualified firms. These final three firms were interviewed March 12. The committee members included: Elliott Killian, Jonathon Mayer, Michael Lamb, Mr. Kunkle, and several staff members. The unanimous decision was to appoint PNC Institutional Investments as the new investment management consultant for the plan, which carried a balance of \$3.6 million as of February 22, 2013.

Mr. Killian made a motion that the Board of Supervisors, acting as the Police Pension Plan Trustees, ADOPT Resolution 2013-10, appointing PNC Institutional Investments as the investment management consultant for the police pension plan. Mr. Keough seconded the motion.

Mr. Pytel asked whether the new investment firm will be able to transfer the existing investments over to PNC. Mr. Kunkle said yes, that is what would happen, although the new firm will conduct their own analysis of the portfolio and make suggestions accordingly.

Mr. Kunkle explained that PNC represents many municipal plans and that he is confident in the abilities of the two representatives brought in to manage the fund. Mr. Pytel asked about how the fee structures compared between the two firms. Mr. Kunkle said the fees were slightly lower with PNC Institutional Investments, which was 0.6% on the first \$5 million along with an additional custodial fee.

Mr. Clemson also asked about the new investment firm's diversification and how it compares to that of the prior firm. Mr. Kunkle said that he expects PNC will invest these funds fairly conservatively, that the proposed portfolio consisted of 60% equities and 40% fixed investments. Mr. Clemson asked whether PNC Institutional Investments is related to PNC Bank. Mr. Kunkle said he believes they are affiliated, but that it is more of trust arm of the Bank.

ROLL CALL VOTE: Mr. Clemson – ABSTAINED; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES.

Mr. Kunkle explained to the Board that Mr. Clemson abstained from the vote to avoid the appearance of a conflict of interest because he is a retiree of the pension plan.

2. A PUBLIC HEARING ON A RESOLUTION DESIGNATING APRIL 20, 2013 AS WATERSHED CLEANUP DAY IN FERGUSON TOWNSHIP

Mr. Kunkle introduced the resolution and brief history of the Watershed Cleanup Day, which he said has been a big success in previous years. He said that there the event involves approximately 300 volunteers who do site-specific cleanups, for example, places where trash has been thrown over embankments. Mr. Kunkle said that the Board has generally recognized these efforts in the past by designating a Watershed Cleanup Day.

Mr. Killian made a motion to ADOPT the Resolution 2013-11 designating April 20, 2013 as Watershed Cleanup Day in Ferguson Township. Mr. Clemson seconded the motion.

ROLL CALL VOTE: Mr. Clemson – YES; Mr. Keough – YES; Mr. Killian – YES; Mr. Pytel – YES.

V. ACTION ITEMS

1. DISCUSSION OF PROPOSED FOXPOINTE PRD REVISED MASTER PLAN

Mr. Poole made a presentation for the proposed Foxpointe PRD Revised Master Plan. First he introduced the currently approved master plan which included 583 dwelling units. One of the proposed revisions was modifying the roadway in Section 1B to accommodate stormwater issues. Another proposed revision involved changing what was originally planned as condominiums to 4600 square foot lots. He said the driveway lengths would be about 35-40 feet, the same as Hunter's Chase and The Landings.

The plan also included a collector road with shared driveways to eliminate the problems associated with too many driveways along Foxpointe Drive. The proposed homes are 2-3 bedrooms, 1 ½ bath, 900-1400 sq. ft., which would be sold in the range of \$185,000-\$220,000. In comparison, the Hunters Chase homes are 3-4 bedrooms, 1 ½ bath, 1600-2100 sq. ft. with a price range of approximately \$275,000 to slightly over \$300,000. The Landings are 2 bedrooms, 1250-2100 sq. ft., and range from \$199,000 to \$279,000.

Mr. Poole said he thought the proposed revisions would be more aesthetic, would please the residents, and that he is hoping to keep home values up, like in Foxpoint where residents have seen good increases in home values. It was also proposed to shave 5 ft. off each side of the roadway to change it from a 70-foot road to a 60-foot road. He said the driveways depths of 25 feet would be the same as The Landings and as Hunters Chase. Mr. Poole said he has seen lot sizes decrease over the years as a response to the need for affordable housing. He said the typical rule of thumb is that the lot price should be about 20% of the home value, so as lot prices have risen to keep houses affordable, such as the homes proposed in the Foxpointe plan.

Mr. Poole said the trend now seems to be away from bigger homes and toward more reasonably sized homes such as those in Foxpointe. He showed pictures of houses from the various developments and told the Board that the values of smaller and more affordable homes tend to go up more than homes that are already more costly. He gave Greenleaf Manor as an example of smaller homes that have increased considerably since they were built.

He said that the average distance between driveways at Foxpointe will be essentially the same as that of Saybrook, although the total length of roadway is different. He said that if it is determined that a 70-foot road is needed then they will not pursue the 60-foot revision. The phasing for building the collector road has been changed in the revision so that each phase can be built along with roadway and completed first to raise revenue for the next phase. This should prevent many funding issues that sometimes stop building projects such as these.

John Sepp from PennTerra then explained his work with storm water management for this project. He said this has been a challenging project regarding storm water issues, some of which related to poor soil quality. After many problems he said they decided to start over and identify the best storm water recharge areas first and then designed the rest of the site around those areas. Mr. Sepp said he believes that this site will meet and exceed regulations for storm water management. There are some wetlands on the site which will require DEP general permits for the proposed crossings.

Mr. Pytel said he was concerned about the safety of so many driveways rather than the two driveways shown for the multi-family units in the original plan. He was also concerned about the increase in the number of people in the area, especially since they are likely to be lower income but will be a considerable distance away from commercial areas. He asked how many residents the revised proposal would draw to the area. Mr. Sepp responded that there would be an increase from 583 units in the original plan to 663 in the revision. He also said that, since Foxpointe will be close to two other major developments, they may be able to help attract some businesses to support the area.

There was discussion between Mr. Pytel and Mr. Sepp regarding the sizes of the houses in the proposed plan. Mr. Pytel thought that the smaller homes, at 900 sq. ft., would not be enough space for families as had been suggested during the presentation. Mr. Sepp believed these properties would be well suited for young or small families and retired people. He saw this project as providing opportunities for people that are being priced out of the Centre Region due to rising costs. Regarding Mr. Pytel's concerns about the number of driveways, Mr. Sepp said that the new plan has a more curved road to help slow traffic. Mr. Pytel suggested that the home sizes increase the home size slightly and have a single driveway serve two homes.

Mr. Keough was also concerned about the lack of commercial development in the area that Foxpointe is being developed in. He said that it seems that many PRDs are being built now with a different philosophy in the past. Mr. Keough observed that when such developments are built they need a population service area big enough to support the property. He has seen a lack of commercial interest in such areas which causes problems for residents.

Mr. Keough asked whether reduction in the width of the roadway would affect on-street parking and whether there would be on-street parking in this development. Mr. Modricker said that it's possible on-street parking would be affected although this has not been fully evaluated yet. He expressed some concerns regarding opening up the Foxpointe Drive as a collector road and possible problems with traffic, buses, and parking amongst other things with the roadway being used as a residential street. He said that the roadway, as presented looked fine, but once opened up to traffic from other roads it could be an issue. Mr. Keough brought up the fact that school buses will need to be brought in to serve the area and that this plan, when combined with the other nearby developments, may require CATA bus service in the future as well. Mr. Keough said he would like to see some accommodations specifically for the growing senior population in Centre Region.

Mr. Modricker suggested that the developers have a back-up plan for storm water and basin overflow. Mr. Keough asked Ms. Conrad for her opinion on the roadway. She said the police department would be mostly concerned with traffic and parking, but that she would want to see the traffic report once its completed before making a decision.

Mr. Killian voiced his support for the smaller lot sizes. Mr. Clemson said he supported keeping the cul-de-sacs in place to help reduce non-residential traffic. He asked what the Saybrook development's road would be classified as, since he didn't view it as a collector road. Mr. Sepp said that Saybrook is considered a residential sub-collector road, which might be comparable to Foxpointe's plans. Mr. Keough suggested that the square footage reduced from the roadway be added to the backyards of these lots which he believed would satisfy resident desires. This would add 4-5 feet depth to the backyard for each home. Mr. Sepp said that, although these are still small lots, they would still be larger than the yard space allowed in the original plan which had townhomes in that space.

There was some discussion regarding the placement of the development's bikeway. Mr. Keough said he had heard complaints before from residents with bike paths running through their backyards about several issues, including litter and safety concerns. Mr. Sepp said that any winter maintenance of the bike path would be the responsibility of the Township if they decided to maintain it. Mr. Keough and Mr. Clemson were supportive of keeping the bike paths in the locations shown rather than moving them.

Mr. Killian noted that the current plan would require bikes to cross the street twice to get through the development, which could increase safety issues depending on the amount of traffic there. Mr. Clemson said the bike paths already needed to cross major intersections at Science Park Road and Blue Course Drive, which are much more difficult than the double-crossing at Foxpointe would be. Mr. Sepp said that he wouldn't expect much through-traffic for Foxpointe since drivers are likely to choose Science Park Road or Blue Course Drive which are more accommodating to outside traffic.

2. DRAFT REVISED SPECIAL EVENTS POLICY

Mr. Pribulka introduced the revised Special Events policy which dealt with public roads and bikeways. He said there are several problems with the existing policy, mainly that it was fairly prohibitive of special events taking place and that it did not provide a way for the Township to recuperate costs related to holding such events. It also did not coordinate well with the Centre Regional Parks and Recreation Department's Large Group Events (LGE) policy use for parks. These policies need to work together for some events such as 5k or 10k races and walkathons which often take place in both Township roads or bikeways and in Centre Region parks.

Mr. Pribulka said the need for a less prohibitive policy and more detailed procedure stems from an increased demand for special events. He said this revised policy would also provide the police department with a more objective way to review and regulate these events. The policy also outlines certain essential roadways that are not allowed to be closed due to special events. Mr. Keough said

he would like a more specific description in the beginning of the procedure that describes very specifically what it applies to. Mr. Keough confirmed with Mr. Pribulka that this policy would not apply to events not using public roads or bikeways, which he said it did not.

Mr. Keough expressed concern that this policy, as written, was not sufficiently user-friendly and that the timelines could be confusing to event organizers. He recommended a chart or matrix showing the dates and deadlines more clearly. Mr. Pytel said that this information would likely be on the application or form rather than on the regulation or ordinance, which is usually supplementary to these forms.

Mr. Pribulka agreed that attaching such a chart to the policy would be beneficial. He explained that this revised policy is written to coordinate with, rather than integrate with the Parks & Rec's policy because the Township's policy is more restrictive in response to regulations. Mr. Keough thought that the way a part of Parks & Rec's policy was woven throughout the Special Events Policy was confusing. Mr. Pribulka said that the Parks & Rec director did not want their policy separate from the Township's so he was cautious in how far they would overlap.

Mr. Killian suggested that the online document include some charts and explanations rather than just the policy. Mr. Pribulka planned to also incorporate a checklist of actions necessary to obtain a permit to make the process easier for event organizers. When questioned about the amount of special events, Mr. Pribulka said are typically about 8 calls per week regarding permits although not all of these reach fruition. Ms. Conrad guessed that there are probably 6-12 events like this per year. Mr. Pribulka said the policy would make Ferguson Township a more desirable host for special events by cutting many of the fees in half or offering various discounts to non-profit organizations. The Board agreed that it was time to move forward and begin drafting an ordinance based on this policy, noting that this is possible since the Board would get an opportunity to review another draft before voting on it.

3. 2013 STREET LIGHT EXONERATIONS

Mr. Kunkle introduced the item which would exonerate properties from the 2013 street light assessment in the amount of \$1,354.56. He said that the original budget allowed \$12,000 total for street lights assessments and that the fund balance would be used to cover these costs.

Mr. Clemson made a motion to APPROVE the exoneration of properties from street light assessment as listed in the memorandum from the Finance Associate dated March 14, 2013. Mr. Killian seconded the motion. The motion passed unanimously.

4. REQUEST FROM CLEARWATER CONSERVANCY – LETTER OF SUPPORT

Mr. Kunkle introduced Clearwater Conservancy's request for a letter of support for its application to the PA Department of Conservation and Natural Resources for a land acquisition grant for 281 acres. He said that the Planning Commission has not yet had the opportunity to review this yet, but because the application is due April 10, 2013.

Mr. Keough made a motion to write a letter of support for Clearwater Conservancy to acquire, through a grant application to the PA Department of Conservation and Natural Resources, lands located in Ferguson and Harris Townships to be conveyed to the PA Department of Forest. Mr. Killian seconded the motion. The motion passed unanimously.

5. PA HOUSING AUTHORITY FINANCE AGENCY – STONEBRIDGE SENIOR APARTMENTS

Mr. Kunkle explained that the Board provided a letter of support on January 21, 2013, to the PA Housing Authority for this project. The Pennsylvania Housing Finance Agency sent a letter offering for the Township to provide any further comment by March 26, 2013. The Board did not have any further comments or objections.

Mr. Keough made a motion that the Board send a letter to the HFA confirming their support and that there were NO OBJECTIONS to their application for Stonebridge Senior Apartments project to the PHAFA. Mr. Clemson seconded the motion. The motion passed unanimously

6. APPROVAL OF FEBRUARY 2013 VOUCHER REPORT

Mr. Killian made a motion to APPROVE the February 2013 voucher list. Mr. Clemson seconded the motion. The motion passed unanimously.

7. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda, consisting of the February 2013 Treasurer's Report; a payment authorization for West Penn Power in the amount of \$244,398.16; and a Surety Reduction for Turnberry TTD in the amount of \$564,315. Mr. Clemson seconded the motion. The motion passed unanimously.

VI. REPORTS

1. Manager

Mr. Kunkle reported that the Township's semiannual Open House is scheduled for May 9, 2013, from 4:30-6:30pm. He also said that candidates were being reviewed for the position of Director of Planning and Zoning, which should be completed sometime next week. He hoped that he could have a recommendation for the Board in time for its April 15th meeting. Mr. Kunkle said he receive notice from the Municipal League that its annual conference will be held in State College from June 25th-28th at the Penn Stater Conference Center.

2. Public Works Director

Mr. Modricker referred the Board to a draft press release and map included in their packet on the Whitehall Road project which will appear in the CDT. He also referred them to a supplemental report regarding a particular driveway access along Whitehall Road, on which he will need direction from the Board in the future. Mr. Pytel stated that it was his opinion that the Township could not afford to delay the project any more than it has been already. There was some discussion about how to proceed with this property, and it was questioned whether this area was overlooked in the original plan. Mr. Modricker explained that it was each property owners' responsibility to ensure they would have sufficient access during the closure.

Several Board members expressed their support for pursuing Action 1 of those listed which was to advise the property owner that it was her responsibility to ensure access to her property and that she was given adequate notice to allow her to make any improvements necessary. Mr. Keough objected to this action because he felt this project was creating problems for the neighborhood that past projects did not. Mr. Pytel suggested that, since this closing has been a part of the plan from the beginning and treats all residents equally, he sees Action 1 as the best option.

Mr. Killian said he supported this action but asked whether there would be any possible legal ramifications. Mr. Clemson did not think that the Township would be responsible for any damage or legal issues. Mr. Pytel was concerned about the timeline since any further delays would push the project into the winter months. He concluded that the majority of the Board supported the first option, to advise property owner of her responsibilities and not take any further action.

3. Planning & Zoning

Mr. Kunkle announced that the March 11, 2013 Planning Commission's meeting was cancelled but there will be a meeting on March 25.

4. Chief of Police

Mr. Conrad reported that Part 1 crimes were up substantially this month due to a string of burglaries and car thefts in the area. Part 2 crimes for alcohol-related offenses also increased. Mr. Killian asked if she thought State Patty's Day would still be running next year, despite the efforts taken by the Borough of State College to discourage it this year. Ms. Conrad said she thinks it will eventually die out like other similar events but not necessarily within the next year. Mr. Pytel asked how the police reports for State Patty's Day and Saint Patty's Day compared. Ms. Conrad said that the police department received a few calls on Saint Patty's Day but it was nowhere near the scale of State Patty's Day.

5. COG Committee Reports

a. Finance

Mr. Kunkle reported that the Finance Committee had discussed the parameters to be followed in the development of the 2014 COG budget. The Committee has recommended not having more than a 3% increase in the budget of any single department and anything above that would need to be justified to the Committee. The Finance Committee determined that legal fees would be paid out of Contingency.

b. Public Safety

Mr. Kunkle reported on the State College Borough's withdrawal from Centre Region Code Agency and updates on vehicle acquisitions. The Alpha Fire Department plans to purchase a new tanker to replace the old one from 1991. This purchase will cost \$395,000.

6. Other COG Committee Items

Mr. Pytel reported that the COG meeting next Monday is cancelled. John Elinski of Benner Township's Board of Supervisors asked if COG would support his Township applying for a grant to place a path along Spring Creek. They estimated that total cost to be \$226,000, and planned to apply for half of that amount in the grant, in the amount of \$113,000. Mr. Elinski said the Township is currently attempting to raise at least \$50,000-\$55,000 to help cover the rest of the costs and this is why he approached COG.

Mr. Pytel was concerned about this request coming through COG and becoming a property that COG is then responsible for. Since the path is entirely within Benner Township he thought that the Township should be entirely responsible. Mr. Pytel said the Township is not requesting any maintenance but only want help raising sufficient funds to build it. Mr. Pytel said that COG gave several suggestions of places to try getting donations from, including Clearwater Conservancy. Mr. Pytel said he suggested Benner Township ask each municipality for support which would be ideal.

Mr. Pytel said the COG Committee discussed Calvary Baptist Church's legal expenses at the meeting. These expenses had dropped from \$4,000 to \$2,000 but the COG was still trying to find

ways to cover that. One idea discussed was whether to pay that out of the COG contingency fund, although there was some disagreement regarding whether that was warranted or not.

Mr. Pytel reported on the ad hoc committee update of the Regional Growth Boundary and the Sewer Source area. The Committee decided that this was not ready to go forward since there was disagreement with much of this application on the part of the municipalities. One major issue raised was that recent applications have not provided sufficient written requests that are highly specific about what the extension would be for. Mr. Pytel said he would like to see extensions being limited to what is stated in the application and that it is a written request. Mr. Pytel emphasized they requests should be written and contain a detailed description of the extension as well what feedback they had received thus far. He thought that without more information, these applications were not likely to be approved. Mr. Pytel did not want to bring this to the COG Committee until there is at least some agreement amongst the municipalities, and thought that a work session might be appropriate for this issue.

Mr. Pytel will be attending an MPO meeting on Tuesday and reported on some items to be discussed there. One item is how to budget and charge each municipality for the MPO. A survey was conducted and concluded that the major factors, in ranked order, were: population, road mileage, assessed property values, employment and earned income, bridges and transit, previous funding, land area, and traffic signals, This is supposed to be settled by June, since one committee planned to drop out if it was not ready by then.

The County is putting in a request to MPO for half of the funds to transfer some of their buses and public transit to natural gas. There was also a report on the natural gas industry in the area.

VII. CALENDAR ITEMS – MARCH/APRIL

It was suggested that the Board hold an executive committee meeting prior to the next Board meeting since the COG meeting was cancelled.

VIII. MINUTES

Mr. Killian moved to approve, with corrections, the Board of Supervisors meeting minutes from February 19, 2013 and March 4, 2013. Mr. Keough seconded. *The motion passed unanimously.*

IX. ADJOURNMENT

Mr. Killian made a motion to adjourn. Mr. Clemson seconded the motion. *The motion passed unanimously.*

With no further business to come before the Board of Supervisors, Mr. Pytel adjourned the regular meeting at 10:13pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 04/15/2013