

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, May 6<sup>th</sup> 2013  
7:00pm

### I ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, May 6<sup>th</sup> 2013 at the Ferguson Township Municipal Building. In attendance were:

**Board:** George Pytel, Chairman  
Richard Mascolo, Vice Chair  
Elliott Killian  
William Keough

**Staff:** Mark Kunkle, Township Manager  
David Pribulka, Asst. Township Manager  
Dave Modricker, Public Works Director  
Eric Endresen, Finance Director  
Erika Green, Planning & Zoning Director

*Others in attendance included:* Kelsey Taylor, Recording Secretary; George Henning, Schlow Library; Pam Steckler, CRAFT; Bill Heckinger; Jean Hoffman; John Gouchk; Roxie Nestlende; Dan Sieminski.

### II CALL TO ORDER

Mr. Pytel called the Monday, May 6, 2013 regular meeting to order at 7:00pm. He announced that an Executive Session would be held after the regular meeting was over to discuss legal and personnel issues.

### III INTRODUCTION OF ERIKA GREEN

The Board of Supervisors was introduced to Erika Green, the Township's new Director of Planning & Zoning.

### IV CITIZEN'S INPUT

Pam Steckler of Centre Region Activists of Ferguson Township (CRAFT) spoke against the proposed CNG gas line. She explained that she considered this poor placement because the line would be ½ mile past a nursing home, daycare, and numerous residences. Ms. Steckler said her organization, CRAFT, is requesting that both the PSI pressure (pounds per square inch) and PIR (projected impact radius) be made available to the public. She said that this way every resident and business owner in the area will be informed and able to invoke the Community Bill of Rights if necessary. Mr. Kunkle told Ms. Steckler that the Township does not have this information and recommended that she contact Columbia Gas Company directly to obtain the requested information.

### V. ABC REPORTS

George Henning reported that the Schlow Library Board has approved a new strategic plan which would be presented at the next COG meeting. In response to past incidents, the library has also approved new guidelines for patron behavior to replace existing guidelines he said were overly general. He announced that the Annual Fund Drive started six weeks early this year. At this point \$31,585 has already been raised, and based on this figure the library is hoping to exceed last year's total.

Mr. Henning said the library board is currently interviewing for a new children's librarian and has narrowed this search down to two strong candidates. He said that running the library with two different financial systems has caused some difficulty completing state reports. Mr. Henning reported that the popularity of the library's e-books has continued to soar, and the library now has around 5,000 e-books. He noted that the number of times that an e-book can be checked out is limited and after hitting that limit Schlow is required to re-purchase the rights.

## **VI. PUBLIC HEARINGS – RESOLUTIONS**

- 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE DISPOSITION OF SPECIFIC PUBLIC RECORDS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES ISSUED JULY 16, 1993 AND AS AMENDED DECEMBER 16, 2008.**

Mr. Killian made a motion to APPROVE Resolution 2013-13 authorizing the disposition of specific public records of Pennsylvania municipalities issued July 16, 1993 and as amended December 16, 2008. Mr. Mascolo seconded the motion.

ROLL CALL VOTE: Pytel - YES; Mascolo – YES; Killian – YES; Keough – YES. The motion passed unanimously.

- 2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP TO EXECUTE AN AGGREGATION AGREEMENT BETWEEN CENTRE COUNTY (COUNTY) AND FERGUSON TOWNSHIP (TOWNSHIP) FOR THE PURPOSES OF FILING A GRANT APPLICATION WITH THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A NATURAL GAS ENERGY DEVELOPMENT GRANT TO CONVERT VEHICLES TO BI-FUEL USING BOTH COMPRESSED NATURAL GAS AND GASOLINE.**

Mr. Killian made a motion to APPROVE Resolution 2013-14 authorizing the execution of an aggregation agreement to file a natural gas energy development grant application with the PA DEP to convert police vehicles to bi-fuel. Mr. Keough seconded the motion.

Ms. Steckler of CRAFT approached the podium to express her concerns about the effect of fracking on the area's clean water supply and other environmental consequences. She urged the Board to consider the negative consequences of fracking before using more CNG vehicles in its police fleet.

Bill Heckinger also spoke to the Board regarding this resolution. He said that because he is a Ferguson Township taxpayer he is contributing to the incentives provided for CNG vehicles. He claimed that, if the fracking industry was required to pay its true water and sewage bills, CNG would not be considered a financially viable option. Mr. Heckinger cited some CNG-related accidents in other parts of Pennsylvania, such as an incident involving the top coming off a water hose, which spilled onto the nearby residences.

Mr. Keough responded by stating his appreciation for both Ms. Steckler's and Mr. Heckinger's concerns for their community. He asked what alternatives they are suggesting that would be both financially viable and reliable enough to meet the township's needs. Mr. Heckinger responded that he did not have a specific solution in mind but simply wanted to speak out against the gas pipeline. Ms. Steckler listed some renewable alternatives such as geo-thermal, wind, and solar power. She said that the incentives provided for fossil fuels do not allow for a fair financial comparison between renewable and non-renewable energy sources.

ROLL CALL VOTE: Pytel - YES; Mascolo – YES; Killian – YES; Keough – YES. The motion passed unanimously.

### **3. A PUBLIC HEARING ON A RESOLUTION OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, APPROVING CERTAIN BOUNDARY LINES AMONG FERGUSON, COLLEGE, AND HARRIS TOWNSHIPS**

Mr. Kunkle introduced the resolution and showed the Board a map with the municipal boundary lines to be approved. He said that the GIS mapping provided is not the most accurate representation but it gives board members a general idea of where these boundaries lie. There was some discussion to clarify the placement of the boundary line between Tussey View Estates and Penn State University property.

Mr. Killian made a motion to ADOPT Resolution 2013-15 authorizing the filing of the stipulation with the Centre County Court of Common Pleas and recording of a boundary line survey establishing the common municipal boundary line of College, Ferguson and Harris Townships. Mr. Mascolo seconded the motion.

ROLL CALL VOTE: Pytel - YES; Mascolo – YES; Killian – YES; Keough – YES. The motion passed unanimously.

## **VII. ACTION ITEMS**

### **1. 2013 FIRST QUARTER FINANCIAL REPORTS - MR. ERIC ENDRESEN**

Mr. Endresen presented a comparison of the first quarter general fund balance of 2012 and 2013. He introduced a new measure, General Fund expenditures per capita, shown as a line graph for 2007 through 2012. Township debt service projection for 2008-2017 (the year it would be paid in full). Regarding upcoming events, Mr. Endresen said he is still waiting for the revenue from EIT Annual tax returns which were due April 15<sup>th</sup> but have not yet been completed. Some major expenses that Mr. Endresen reviewed revenue due from real estate tax collections, state liquid fuels receipt in the amount of \$400,000; new accounting software payment for \$110,000; and the purchase of three new police vehicles.

### **2. CATA DRAFT 2013-2014 BUDGET – KIM FRAGOLA**

Ms. Fragola reported on the CATA draft budget for 2013-2014. She explained the justification for offering apartment bus passes, which had been questioned by the Finance Committee. Apartment passes are offered at a discounted rate of \$0.94 per trip rather than the usual \$1.50 fare. There was a 22% increase in revenue generated by apartment passes last year and this revenue is projected to be slightly higher next year. Ms. Fragola said that CATA's van pool service has been popular and there is currently one group on a waiting list. Due to new laws regarding federal and state funding, there will be no more new competitive grants, however CATA will need new buses and to pay for the new building. She said the draft budget has been prepared with the assumption of a 5% increase.

Mr. Keough asked Ms. Fragola to describe the discounts given on apartment passes. She compared the apartment discount to buying a OnePass since both give a significant discount for frequent use. She said the apartment rides are also highly efficient since there are many people being picked up and dropped off at the same location, allowing the discounted cost of \$0.94 per ride from the regular \$1.50 per ride cost.

Mr. Mascolo had some comments regarding the mistake attributed to the Miller formula, which resulted in a request for a refund to College Township. It was his opinion that there is no error in the Miller formula but in its application, which Ms. Fragola agreed with. Mr. Mascolo thought that this formula is the fairest way of allocating costs for CATA. The K Route was originally intended to serve the hospital area. In the end CATA used the Red Link instead, but had mistakenly missed removing

the cost of those miles. Ms. Fragola said that, if approved, CATA would do a re-run of the Miller formula with the corrected mileage. Mr. Mascolo noted that there had been errors in the application of this formula before, but there had never been any reimbursement as a result. Ms. Fragola responded that reimbursement was being requested this time due to the more significant dollar amount.

Mr. Mascolo voiced his opinion that the township should maintain the minimum mandated contribution to CATA's budget. Mr. Keough asked about what the practical differences would be if a 5% budget increase was approved versus the standard 3%. In response Ms. Fragola presented a document showing the impact of various local share percentage options. Several board members expressed concerns about the precedent that the township would set by recommending a 5% increase this year. Mr. Keough said he would prefer to keep contributions at a reasonably constant level over a long period of time rather than paying more certain years in response to needs. He said that, for this reason, he would prefer a 5% increase in contributions. Mr. Killian asked what the budget increase would be for next year if the increase was given at 5% this year. Ms. Fragola said the increase next year would still be 5%.

Mr. Killian made a motion to reimburse College Township for the mis-application of the Miller formula. Mr. Mascolo seconded the motion. *The motion passed by majority, 3-1.*

Mr. Keough asked to discuss the proposal to sell advertisements on the sides of CATA buses. Ms. Fragola said there would be approximately \$30,000 in additional revenue with the approval of four bus wraps. Mr. Pytel said he would like to see some guidelines regarding the taste and subject of these advertisements. Ms. Fragola responded that there is already a policy in place and that each ad would be approved individually. She offered to forward these guidelines to Mr. Pytel. Mr. Keough asked what would happen at the end of the contract period if CATA decided not to renew. Ms. Fragola said the ads would simply be removed and the CATA siding would still be underneath.

#### **4. 2013-C1 CONTRACT – ROAD PAVING PROJECTS**

Mr. Modricker said both the bids were greater than the budgeted amount, but when combined with the second contract to be considered that night, the total of the two contracts was still within budget.

Mr. Mascolo made a motion to AWARD Contract 2013-C1 to Glenn O. Hawbaker, Inc. in the amount of \$453,037.15. Mr. Killian seconded the motion. *The motion passed unanimously.*

#### **5. CONSIDER AWARD OF CONTRACT 2013-C2 CAPITAL RECYCLING PROJECT**

Mr. Mascolo made a motion to AWARD Contract 2013-C2 to Glenn O. Hawbaker, Inc. in the amount of \$797,277.60. Mr. Keough seconded the motion. *The motion passed unanimously.*

#### **6. VARIANCE APPLICATION – 104 EAST BLADE DRIVE**

Mr. Kunkle introduced the variance application for 104 East Blade Drive, PA Furnace. The applicant is seeking the side yard setback to be reduced from 30 feet to 15 feet to construct a 2 car garage.

Mr. Killian made a motion for the Board to REMAIN NEUTRAL on the variance application for 104 East Blade Drive to reduce the side yard setback from 30 feet to 15 feet for the purpose of construction of a two car garage. Mr. Mascolo seconded the motion. *The motion passed unanimously.*

#### **7. CONSENT AGENDA**

Mr. Killian made a motion to APPROVE the consent agenda, consisting of payment authorization for New Enterprise Stone & Lime Company in the amount of \$209,534.40 and a surety reduction for Turnberry TTD, Phase 1 in the amount of \$454,661. Mr. Mascolo seconded the motion. *The motion passed unanimously.*

## **VIII. REPORTS**

### **1. Manager**

Mr. Mascolo asked whether the Board should discuss the memo that was included with the agenda but Mr. Kunkle said this was included for their reference, but the related agenda item was not up for discussion yet.

### **2. Public Works**

Mr. Modricker reported that the work on the West Whitehall Road Improvement Project over the next couple weeks will include tree removal, excavation, and layout for storm sewer pipe system up Whitehall Road towards West College. He said that as of last week the street tree installation was completed along Shellers Bend and the Saybrook Developments. The siding contract for the implement shed at Tudek Park was approved for J.S. Construction and should be completed sometime in June. Mr. Modricker said that a truck upfitting contract is currently out for bid, and all bids will be due May 28<sup>th</sup>. He said that current maintenance projects include brush and leaf collection; street sweeping; landscaping and mowing; preparing for the open house Thursday. Mr. Keough asked whether the concerns regarding bicycling along Whitehall Road had lessened or not. Mr. Modricker said that there are different opinions on the issue but no objective measurement was available at the moment. He did add that it is no longer an issue that is documented in the Public Works meetings.

Mr. Modricker reported that he had looked at the zoning ordinance to research the guidelines for collector road traffic volume. He said that restricted access streets were designated as those having less than 400 ADT (Average Daily Trips); sub collector roads have less than 1,000 ADT; and collector roads are those with greater than 1,000 ADT. Mr. Mascolo if any of the collector roads had on-street parking. Mr. Modricker said most of them do not, although Old Gatesburg Road is one example of a collector street with on-street parking.

Mr. Modricker also informed the BOS that Columbia Gas defines gas line pressure levels as the following:

Low: 0-1 PSI (Pounds per Square Inch)

Intermediate: 1-10 PSI

Moderate: 10-99 PSI – moderate; 100PSI and up – high.

### **3. Planning & Zoning**

Mr. Kunkle reported on the PC's support for the creation of a committee to develop criteria for an affordable housing inventory, which Marc McMaster agreed to serve on. Planning Commission members will be reviewing and prioritizing the goals they would like to see for each element in the Comprehensive Plan at their next meeting.

## **4. COG COMMITTEE REPORTS**

### **a. Transportation and Land Use**

Mr. Pytel reported on the joint Centre Regional Planning Commission (CRPC) and Transportation & Land Use (TLU) committee meeting, where he said there was discussion on whether student housing pays for itself. He said that the discussion on the study from the comprehensive plan was eliminated from the agenda due to lack of a second for the motion. Mr. Killian said there was also discussion regarding the difficulty of defining sustainability in the way the Centre Region Planners had written the plan for buying sustainable products.

Due to time constraints, it was noted at the joint meeting that there must be an agreement on the Regional Growth Boundary & Sewer boundaries in order to continue with the Comprehensive Plan. Mr. Keough was concerned that the Comprehensive Plan has been modified often rather than being entirely rewritten as it should have. Mr. Kunkle explained that the current draft Comprehensive Plan recommends that the RGB & SSA lines remain unified but the current debate is on whether to separate these lines. He reported that the majority of municipalities seem to be in favor of separating the lines. Mr. Keough asked whether the discussion over the boundaries would be resolved if the Comprehensive Plan was approved as it is currently written. Mr. Pytel did not believe that would happen since the plan could be amended even once it has been approved. Mr. Keough said he was surprised to hear from Mr. Kunkle that the Comprehensive Plan itself could be held up until the RGB/SSA discussion has been resolved. Mr. Keough said that the Plan concerns much more than these two boundaries so he would not want to see the entire plan put on hold due to this one issue.

## **5. OTHER NON-COG REGIONAL COMMITTEES**

Mr. Keough reported on three new issues within human resources. He said that HR is looking at revising some of the fire protection program's plan for staffing over the next seven years. It was Mr. Keough's opinion that the proposed changes would increase costs but he would not have the full details until the issue is presented on Tuesday.

Mr. Keough had heard discussion potentially taking the HR function into the COG Department of Administration, which has been historically provided to COG by the Borough, and bringing that function into COG itself. Mr. Mascolo asked whether the Borough managed only the financial aspects of HR or other parts as well. Mr. Keough said they also handled the benefits packages but not the staffing function. Regarding the financial services function of COG, Mr. Keough said there is a possibility of adding an assistant financial manager and there were beginning discussions on building a succession plan for the executive director position.

Mr. Kunkle reminded the BOS that the Ferguson Township Open House would be held on Thursday, May 9<sup>th</sup>, 2013 from 4:30-6:30pm.

## **IX. MEETING MINUTES**

Mr. Mascolo made a motion to APPROVE the April 15, 2013 BOS meeting minutes. Mr. Killian seconded the motion.

## **X. ADJOURNMENT**

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

With no further business to come before the Board of Supervisors, the Monday, May 6, 2013 regular Board of Supervisors meeting adjourned at 9:09pm.

Respectfully submitted,

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Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 06/17/2013