

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, June 17, 2013
7:00pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, June 17, 2013 at the Ferguson Township Municipal Building. In attendance were:

Board: George Pytel, Chairman	Staff: Mark Kunkle, Township Manager
Richard Mascolo, Vice Chairman	David Pribulka, Assistant Manager
Elliott Killian	Erika Green, Planning & Zoning Director
William Keough	Diane Conrad, Chief of Police
Drew Clemson	

Others in attendance included: Kelsey Taylor, Recording Secretary; Sue Mascolo, CRPR; John Spychalski, CATA; Tom Giles, C-NET; Cindy Hahn, C-NET.

II. CALL TO ORDER

Mr. Pytel called the Monday, June 17, 2013 regular meeting to order at 7:00pm.

III. ABC REPORTS

1. Centre Region Parks & Recreation Report (CRPR) - SUE MASCOLO

Ms. Sue Mascolo informed the Board that the name change from CRPR to the Centre Region Parks & Recreation Authority is now official. She said that the Authority operates 908 acres of parks at 54 sites. The Tudek Park phase three facility was opened on Memorial Day weekend. She said the regular June meeting for the Authority will be held next Thursday at 12:15pm at the Tudek Park pavillion. She said the renovation at Tudek Dog Park, which started last fall, is now complete. She mentioned that maintaining the grass can be a challenge due to the dog park's popularity. She said that the summer events listed in the Active guide have been quite successful.

Ms. Mascolo announced that plans for fundraising for the regional park are underway. At the May 10th meeting, the Authority asked the Visitor's Bureau to assist with funding some specific facilities at the Oak Hall Regional Park that were previously cut from the budget. These items included the lighting of the main softball field, and adding baseline fences and construction to the tournament headquarters building, which was a total of \$476,000.

Ms. Mascolo said that the land development plan for Whitehall Road Regional Park is being submitted by the Rec Authority to Ferguson Township. She mentioned the Authority remains concerned about developing a cooperative relationship with the proposed Toll Bros student housing development, which will now have an impact on access to the park.

There are currently ten tournaments scheduled for 2013 at the Hess Softball Field Complex and 33 youth teams were involved in the tournaments held on Father's Day weekend. . She said admission this year for the swimming pools has surpassed last year's revenue by \$10,200. The concessions licenses were issued to two snack vendors for the pools and these vendors will alternate at the pools to offer more options for the patrons.

Ms. Mascolo reported that the CRPR website has served as many as 1,008 visitors each day since 2001. In addition the agency also has 630 subscribers to its free e-newsletter. The proposed plan for a centralized park maintenance facility at Whitehall Road Regional Park will be presented to the

Authority at COG this month. She said there have been some groups trying make commercial use of the park recently, which is not permitted. She said that the staff has stayed vigilant to prevent fitness businesses, sports instructors, or food vendors that are using the municipal park for commercial purposes.

2. CENTRE AREA TRANSPORTATION AUTHORITY (CATA)– DR. JOHN SPYCHALSKI

Dr. John Spychalski reported that he will have more definitive data on CATA ridership the next time he speaks to the BOS since it is now the last month of the current fiscal year. He said that CATA is on track to match historic levels of ridership based on the current data, although these are not yet official. Vanpool usage continues to grow, overall ridership is up, the number of vans has increased, and new groups have signed up to use these new vehicles.

Dr. Spychalski said the individual One Passes has increased slightly from last year and Penn State's Ride for Five Program is mostly staying stable somewhere between \$6,500 and \$6,900. He said there will be some new developments in the region. Dr. Spychalski said that one prominent change within Ferguson Township will involve rerouting the W route along some portions of Circleville Road, which will lose service because the bus will be routed through the new development, although he doesn't believe this will be a major inconvenience.

The new buses all came wired for video cameras, and during initial pilot demonstrations on Bus #15 which has been outfitted with video cameras. Dr. Spychalski expected that the number one benefit to be in the area of safety. He said the new video cameras would allow drivers to see what is going on around the bus on multiple sides, and allow for video record of any incidence that may occur. Dr. Spychalski informed the Board that CATA representatives will begin giving presentations for the expansion of the maintenance facility and the garage facility

If you look at CATA's balance sheet there is currently a bank loan for over one million dollars because PennDOT has not yet paid for its share of the project. He said that CATA currently has both the federal funds and the local share, but is still paying interest on borrowed money to cover the state's share of this project which is now 12 months late.

IV. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CERTIFYING PROVISION OF LOCAL MATCH FOR STATE OPERATING FINANCIAL ASSISTANCE TO THE CENTRE AREA TRANSPORTATION AUTHORITY

Mr. Kunkle read the resolution which certifies Ferguson Township's intent to provide financial assistance to CATA for the fiscal year running July 1, 2013 through June 30, 2014. The local share of CATA's operating costs is \$86,021, in addition to the \$12,489 in capital funding from the Township. Each of these payments will be made quarterly.

Mr. Mascolo made a motion that the Board of Supervisors ADOPT Resolution 2013-17 approving Ferguson Township's local share contribution to the Centre Area Transportation Authority for fiscal year 2013-2014. Mr. Killian seconded the motion.

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

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP MANAGER TO APPOINT AN ACTING MANAGER DURING HIS ABSENCE IN ACCORDANCE WITH THE ADMINISTRATIVE CODE, CHAPTER 1, PART 2, SECTION 207, ACTING MANAGER AND REPEALING RESOLUTIONS 2003-01, 2004-09, 2005-02, 2006-03, 2007-06 AND 2008-01.

Mr. Kunkle explained that this resolution allows for an acting manager while he is out of town, and updates the prior resolutions listing previously authorized acting managers. Mr. Keough asked regarding the wording of the Administrative Code which states that the Township Manager “may” appoint someone in writing and whether that actually requires written notice prior to Mr. Kunkle taking leave.

Mr. Keough also asked whether it would be possible to pass a resolution allowing for a more automatic transition. Mr. Kunkle said that it may occur that he and Mr. Pribulka would both be out of town at a conference or event, however it does make sense that the default Acting Manager would be the Assistant Township Manager.

Mr. Keough made a motion to ADOPT Resolution 2013-18 authorizing the Township Manager to appoint certain individuals as Acting Manager during Mr. Kunkle’s absence. Mr. Killian seconded the motion.

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

V. COMMUNICATIONS TO THE BOARD

Mr. Pytel reported that he had received several calls from local residents inquiring about the micro surfacing contract, which he said they had confused with tar and chipping the surface. He explained the difference between the two processes to these residents and they seemed satisfied with this response.

VI. ACTION ITEMS

1. C-NET ANNUAL REPORT - MS. CINDY HAHN AND MR. TOM GILES

Mr. Tom Giles, Township Representative to the C-NET board, started off C-NET’s annual report on the utilization and viewer satisfaction available to customers of Comcast and Windstream cable services. He said that the C-NET programming does not increase except in response to audience requests. There are some new franchise agreements, with Windstream Cable in both College & Ferguson Townships.

Mr. Giles announced that this will be C-NET’s 25th year broadcasting, after starting in 1988 from a closet in the Schlow Library. He said there would be an anniversary celebration in August. Mr., Giles noted that C-NET’s combination of coverage is quite unique which can make it difficult for them to reference other existing programs as a model.

Ms. Cindy Hahn, Executive Director of CNET, reported that in 2012 Ferguson Township had 28 programs total, most of which were BOS meetings, but which also included 5 other programs meetings. There were 50 Bulletin Board Messages, which are each valued at 1/10th of a regular program in regards to sponsorship. Ferguson Township was responsible for 5.89% of C-NET programming, compared to 5.5% the previous year.

Ms. Hahn gave a brief overview of the trends in Ferguson's coverage since joining C-NET in 2009. She said that the debate on the Ferguson Township's Homerule Charter amendment received 346 hits, which was by far the most of any other meetings. One upcoming project is the re-design of the cnet1.org website to better support web streaming and recording in HD format. Although C-NET does not have an HD channel at the moment, she said they are working towards recording in HD.

2. TURNBERRY PHASE 2A SPECIFIC IMPLEMENTATION PLAN, LAST PLAN DATE JUNE 6, 2013 PLAN DEADLINE AUGUST 12, 2013.

Ms. Green introduced the Turnberry Phase 2A specific implementation plan and her June 12, 2013 memo setting forth the conditions for approval. This new phase contains 95 units distributed across six lots, which includes five single family detached units, eight single family semi-detached units, 70 single-family attached units and 12 multi-family dwelling units.

Mr. Killian made a motion to APPROVE, with the outstanding conditions as approved, the Turnberry Phase 2A specific implementation plan subject to the completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memorandum dated June 12, 2013. Mr. Clemson seconded the motion. *The motion passed unanimously.*

3. HUNTERS CHASE PHASE 10, FINAL SUBDIVISION, PLAN LAST DATED JUNE 4, 2013 PLAN DEADLINE AUGUST 5, 2013.

Ms. Green noted that some of the required 20-foot vegetative buffer in Hunters Chase had been removed by homeowners unaware of the regulation. This buffer is required to be established by the developer and maintained by homeowners on lots abutting the RA zoning district. She suggested distributing a notice or deed condition that would alert homeowners to this issue.

Mr. Kunkle said that such notifications could be presented as either a note in the sales agreement or a covenant attached to the house deed. Mr. Killian suggested hanging notices on residents' doors similar to lawn notices.

Mr. Killian made a motion to APPROVE Hunters Chase Phase 10 Final Subdivision Plan subject to completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning Memorandum dated June 12, 2013. Mr. Mascolo seconded the motion. *The motion passed unanimously.*

4. AWARD OF CONTRACT 2013-C22

Mr. Clemson made a motion to AWARD Contract 2013-C22 upfitting of a 2013 International 7400 Single Axle Truck in the amount of \$72,600 to Valley Fab & Equipment Inc. Mr. Killian seconded the motion.

5. REVISED CENTRE COUNTY MPO FUNDING FORMULA

Mr. Kunkle reported that the Centre County Metropolitan Planning Organization (CCMPO) Coordinating Committee approved a new local share funding formula for allocating contributions to the MPO budget on May 15, 2013. The revised formula is based on three equally weighted criteria, population by municipality, assessed value of property by municipality and lane miles of roadway by municipality. Mr. Kunkle drew the Board's attention to a spreadsheet showing the effect that the new formula would have on each municipality. He explained that the MPO Chairman is requesting that each governing body provide responses to two questions by July 10, 2013:

(1) Does the governing body support the new formula approved by the CCMPO as the basis for equitably determining member contributions?

(2) Is the governing body willing to make a commitment to continue financial support in calendar year 2014 based upon the new formula approved by the CCMPO?

Mr. Kunkle reviewed the changes that would occur for Ferguson Township as a result of the new formula. Mr. Pytel informed the Board that Ferguson Township does not currently have any formula for determining its contributions to the MPO. The Board as a whole was in agreement that this formula seemed fair across the municipalities.

Mr. Pytel recommended that Mr. Kunkle inform the MPO staff that the BOS has reviewed and is in favor of the new formula for equitably determining member contributions and is willing to make a commitment to continue financial support in calendar year 2014 based upon the new formula approved by the CCMPO.

6. APPROVAL OF MAY 2013 VOUCHER REPORT

Mr. Killian made a motion that to APPROVE the May 2013 voucher list included with the agenda packet information. Mr. Clemson seconded the motion. *The motion passed unanimously.*

VII. CONSENT AGENDA

1. MAY 2013 TREASURER'S REPORT

2. PAYMENT AUTHORIZATIONS

- a. **Alpha Space Control Inc. \$15,668.57**
- b. **Payment Authorization – Glenn O Hawbaker \$54,463.37**
- c. **Payment Authorization – Glenn O Hawbaker \$38,352.15**
- d. **Payment Authorization – New Enterprise Stone & Lime Co. Inc \$60,528.98**
- e. **Payment Authorization – Robert W. Behrer LLC \$23,914.00**

3. SURETY REDUCTION - TURNBERRY TTD, PHASE 1: \$1,246,860

Mr. Killian made a motion to APPROVE the May 2013 consent which included the May 2013 Treasurer's Report, five payment authorizations, and a Surety reduction for Turnberry TTD, Phase 1 for \$1,246,860. Mr. Clemson seconded the motion. *The motion passed unanimously.*

VIII. REPORTS

1. Manager

Mr. Kunkle reported that a new contract with Duquesne Power and Light began on May 28, 2013 to provide generated electricity from July 1, 2013 until June 30, 2015. Duquesne Power and Light was selected after one month of seeking competitive quotes from several electric generation suppliers.

He said the township received a \$3,000 grant from PennPRIME to provide driver training to employees, which covers a one day training session consisting of both classroom and field training. Mr. Pytel noted that all the affected drivers already have the training and licensing necessary for the vehicles they operate and that this grant is simply up for renewal.

Mr. Pribulka reported on the eNewsletter registration contest, which was promoted through several outlets such as the Township Open House and via email. He said the contest was done to encourage residents to sign up for the Township's new e-Newsletter, first published on June 13, 2013, to keep themselves involved and informed. He said there was also an increase in some other listservs such as press releases or police reports, which accompanied the success of the e-Newsletter promotion.

Mr. Pribulka said that at last count there were 322 eNewsletter registrants. He said the biggest listserv is the printed newsletter, which is the oldest, which has over 400 recipients. Mr. Keough commented that he would like to see a continued effort to increase eNewsletter registrations.

The winners of the eNewsletter drawing were:
Melissa Hnatkovich: iPad Mini, 16 GB
Suzy Cimbala: \$50 Gift Certificate to GiGi's Restaurant
Mike Ostroski: \$50 Gift Certificate to Giant Foods

Mr. Kunkle reported that there were 30-35 attendees at the recent Open House and that the feedback from residents on this event seemed to be favorable overall.

2. Public Works Director

Mr. Kunkle gave the Public Works report in Mr. Modricker's absence. He said there have been some minor adjustments to projects and that they are working on issues that occur in the field. He said that the 2013-C1 road paving contract has begun work on North Allen Street and Cherry Lane and that the 2013-C2 road recycling and paving project on Aaron Drive and Old Gatesburg Contract C2 along Old Gatesburg Road will be starting as well.

Mr. Kunkle said by mid-July the new equipment should be installed at Autumnwood Park. The micro surfacing contract start date has been moved up from the first week of July to Thursday, June 20th. The contractor will be required to provide 24-hour door hanger notification to affected residents.

Mr. Kunkle said that the permit for Columbia Gas' new high-pressure line from Science Park Road to the Turnberry Development is signed and ready for issuance, but waiting for on the escrow fund to cover inspection costs.

3. Planning & Zoning

Ms. Green reported on the last Planning Commission meeting on June 10th. There was a minor change to the entry and exit at the Mt. Nittany Health Care Building driveway entrance along Old Gatesburg Road to alleviate driver visibility concerns. Additional Planning & Zoning activities included a Places of Assembly Ordinance revision, which should come before the Board in July; and the TTD requirements for Workforce Housing, for which the Planning Commission has set up a working group of affordable housing experts. There was some discussion at the meeting regarding whether this would be a legacy plan and if so, how that would be arranged.

4. Chief of Police

Ms. Conrad reported that the May calls for service for the most serious, Part 1 Crimes for the month had decreased from 23 total in May 2012 to 14 crimes in May 2013. She said there were also fewer Part 2 Crimes this May compared to the same month last year. Altogether total crimes within Ferguson Township had decreased for the month of May, however total crimes year-to-date were up 6%.

Other calls for service had increased, as well as traffic stops and criminal hearings. Ms. Conrad reported she is still working with schools to improve safety and these efforts have included contributions from the Department of Homeland Security. She recently attended a meeting to look at domestic violence call protocol in response to two domestic violence homicides in the past.

Ms. Conrad said that truck inspection numbers were a little low but the police department has been busy inspecting trucks. She said approximately 60-70 trucks have been inspected so far this year and only a few vehicles have been removed from the roadway.

5. COG Committee Reports

a. Executive

Mr. Pytel reported on the various municipalities' comments on the Centre Region RGB/SSA Agreement. Several BOS members said that they would like to see College Township's comments, but these have not yet been provided. Mr. Pytel said he would like to first move through the issues that the municipalities already mostly agree upon and work on areas of dissent next.

Mr. Pytel said that there are several COG staff members retiring or leaving soon and that more detailed job descriptions will be necessary for a smooth transition. There was some discussion on whether this was an issue to be addressed by the Executive Committee or by Human Resources. Mr. Pytel responded that he had been asked for his opinion as COG Chairman. He said he wanted to get the new process incorporated as soon as possible and admitted this would involve some overlap amongst different committees.

b. Finance

Mr. Mascolo reported on the discussions that the Finance Committee had regarding some upcoming retirements. He said committee members have been provided with a Capital Improvement Plan for five years for them to review. Mr. Keough asked whether there had been much discussion at the meeting on the possible realignment of the administrative positions. Mr. Mascolo responded that there had been very little discussion on the matter.

c. Human Resources

Mr. Keough reported on the June 4th Human Resource Committee meeting. He said that the upcoming Affordable Care Act will mostly have an impact on part-time and seasonal COG employees. COG is currently in a required study stage to identify which employees meet the thresholds of the Affordable Care act and which do not. There are not yet any results available though so the extent of the impact of the Act would be hard to determine at this time.

Mr. Keough said the Personnel Committee is addressing this as it moves forward and is notifying people that this will have an impact. The Personnel Committee has realized that there is currently no distinction between the way part-time employees and part-time seasonal employees are defined. He said they are reviewing this since a separate identification of these positions will be necessary in the future.

d. Parks Capital

Mr. Mascolo reported on the joint Parks Capital meeting on Thursday, June 13th. He said there was some discussion about Toll Brothers beginning construction due to access concerns.

e. Public Safety

Mr. Clemson reported on the June 12th Public Safety Committee meeting. He said there had been no action items on the agenda so the Committee had mostly discussed planning some large upcoming events such as Fourth Fest, Arts Fest, People's Choice Festival, and Penn State Football season. Mr. Clemson announced he would be attending a special Public Safety Committee meeting on Friday, June 21st to review the 2014 Program Plan for the Codes, Fire, and Emergency Management budgets. The Finance Committee has also been invited to attend.

f. Public Services & Environmental

Mr. Keough reported that he attended the last Public Services & Environmental Committee meeting on June 5th for Mr. Killian, who was unavailable that evening. The main agenda item was a final

review of the Draft Purchasing Guidelines which will be moving forward. The intent of these guidelines is to encourage the purchase of more environmentally sound items when such purchases are practical.

Mr. Mascolo expressed concern over whether these new guidelines would encourage purchases that are significantly more expensive than their less ecological counterparts. Mr. Killian said that the intention of these guidelines is to examine the environmental impact of purchases and choose the more environmental choice mainly when both options are comparable and economically feasible.

Mr. Keough said the Committee was mostly in agreement that the region is falling short on its participation in the Commercial Refuse & Recycling Program. Mr. Killian informed the Board that participation in this program is mandated. Mr. Keough said the PS&E Committee will be getting in contact with its commercial partners to improve participation levels. He added that, although the residential rebate for the recycling program seems small, on the regional level these rebates have had a significant and positive impact.

g. Transportation & Land Use

Mr. Pytel said that the only item discussed at the last Transportation & Land Use Committee was the CATA maintenance facility expansion. He said this discussion would be transferred to the COG Executive Committee.

6. Other COG Committee Items

There will be a ribbon-cutting ceremony for the new playground at Orchard Park on Tuesday, July 25th at 3pm.

IX. CALENDAR ITEMS – JUNE/JULY

Mr. Killian announced that there will be an Oak Hall Regional Park walking tour for municipal and Authority individuals on Tuesday, June 18th at 7:30pm.

X. MINUTES

Mr. Mascolo moved to APPROVE, the Board of Supervisors meeting minutes from May 6, 2013 and May 20, 2013. Mr. Killian seconded the motion. *The motion passed unanimously.*

XI. ADJOURNMENT

Mr. Mascolo 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 9:20pm.

Respectfully submitted,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 07/15/2013