

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, July 1, 2013
7:00pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, July 1, 2013 at the Ferguson Township Municipal Building. In attendance were:

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

Staff: Mark Kunkle, Township Manager
David Pribulka, Assistant Manager
Erika Green, Planning & Zoning Director
David Modricker, Public Works Director

Others in attendance included: Kelsey Taylor, Recording Secretary; Janet Whittaker; Tom Daley

II. CALL TO ORDER

Mr. Pytel called the Monday, July 1, 2013 regular meeting to order at 7:00pm.

III. 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 AND REPEALING RESOLUTION 2013-19.**

Mr. Keough made a motion for the Board of Supervisors to RESOLVE and CERTIFY that it will provide the Centre Area Transportation Authority with local funds in the amount of \$86,021 to match state funds provided pursuant to 74 Pa. C.S. Section 1513 in Fiscal Year 2013-14. Mr. Killian seconded the motion.

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

IV. COMMUNICATIONS TO THE BOARD

Mr. Mascolo reported that a community member had requested a modification to Martin Street near the CATA bus stop. He said that, due to the narrow roadway at that intersection, traffic is often held up when the buses stop there.

Mr. Keough reported that some Corl Acres residents had questions regarding the changes to drainage along Whitehall Road, Fir and Spruce. They were concerned about the large amount of water travelling through the area and which is affecting Corl Acres homes. Mr. Keough said that one power box had been covered in water during recent rain events. Mr. Modricker said this is not one of the power boxes that are planned to be moved as a result of the Whitehall Road project.

Mr. Keough said a main concern of residents was how late into the Whitehall Road project the Corl Acres swail was scheduled to be completed. Mr. Modricker said the Public Works Department is working with West Penn Power to get the utility lines lowered if necessary, which is causing some delays for the Corl Acres work. He offered to answer any questions from residents.

V. ACTION ITEMS

1. TORRON CENTRE LAND DEVELOPMENT PLAN

Ms. Green introduced the plan which calls for an 11,000 square foot addition and parking lot modifications to the site.

Mr. Mascolo made a motion to APPROVE the Torron Centre LDP subject to completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memo dated June 25, 2013. Mr. Keough seconded the motion.

Mr. Songer showed the BOS where the new fire hydrant would be placed on the plan. It was agreed to move the hydrant from the location originally suggested in order to comply with Ferguson's fire ordinance. He said there were no existing public hydrants within 300 feet of nonresidential buildings as required by the ordinance which is why a new hydrant is necessary.

Mr. Kunkle said that, if a hydrant was to be put in at an alternate location, the developers would only be responsible for the cost of installation but not the maintenance costs. He said the annual fire hydrant costs by the township is based on the total amount divided by the number of hydrants and then assessed based on front footage. Mr. Songer said he was surprised that there had not been a fire hydrant in this area in the past. He said that the building in question will not have a sprinkler system but that, due to its proximity to the fire station, he thought the benefits of installing a system would be limited. He said that existing regulations do not require a sprinkler system in such a building.

2. PINE HALL TTD REVISED MASTER PLAN

Ms. Green introduced a plan which proposes to subdivide ten residential lots within the Pine Hall TTD south of the Mount Nittany Medical Building and adjoining Old Gatesburg Road for townhouses. Both Mr. Mascolo and Mr. Keough said they did not consider this to be a major change to the original master plan. Mr. Killian asked about the time frame for the next phase of the plan. Mr. Daley said that February 22, 2016 is set to be the completion of Phase 2 under the original phasing plan.

Mr. Kunkle explained that the next steps would be an approval of the revised master plan showing phase 2A and then an additional approval for a Specific Implementation Plan for the additional 10 townhomes. After these approvals construction on the townhomes should be able to commence. The Board determined that this was not a substantial change and therefore no further action was necessary at this time.

3. PLACES OF ASSEMBLY ORDINANCE AMENDMENT

Mr. Kunkle introduced the amendment. Ms. Green reviewed a memorandum on the suggested changes to the Places of Assembly Ordinance. The first was to replace the term "uses" with "structures." She said she agreed that the intention was to regulate the structures themselves and not their use.

Then second change was to eliminate the square footage limits and replacing them with a 30% lot coverage limit, with two listed exceptions. Mr. Keough agreed that the percentage approach would be more appropriate than a flat square footage maximum. Mr. Pytel commented that the reasons for the original square footage limits are now outdated.

Mr. Keough made a motion to FORWARD the modifications to the Places of Assembly Ordinance 973 to the Planning Commission for further discussion and recommendation to the Board. Mr. Killian seconded the motion. *The motion passed unanimously.*

4. CENTRALIZED PARK MAINTENANCE FACILITY

The General Forum & Parks Capital Committee would like each municipality to discuss and comment on the new Centre Region Parks and Recreation Maintenance Facility by July 29th. Included in the pack were the cost estimates associated with each option, ranging from \$2.25 million to \$2.95 million. Mr. Kunkle said the township had debt capacity of over \$30 million as shown in the financial report ending December 31, 2012. He reviewed the existing debt obligations, including two new regional parks, capital park equipment, and pool construction.

Mr. Kunkle said the township should be debt-free, excluding regional debt, by 2018, although he drew attention to some impending projects that would require further debt in the coming years, such as the need for major road resurfacing or an additional floor being added to the Township building. The Hess softball field is also awaiting funding, which he said should be another consideration.

Mr. Kunkle also spoke about the new centralized park maintenance facility. He said he is requesting that the COG staff pursue a legal opinion on a lease/purchase or leased gift process option, which could offer approximately 25% savings and a potentially favorable tax situation for the developers. Mr. Mascolo said that expensive equipment has been stored outside unprotected and that the new facility is necessary to protect these investments.

Mr. Mascolo recommended choosing the 25-year or 30-year borrowing plan. He warned that if the buildings are not all constructed at the same time the costs would likely increase significantly by later stages of development. Mr. Kunkle commented that the current layout of the plan did not appear to allow very much space for expansion, although Mr. Mascolo noted that the property line was away from the proposed fencing.

Mr. Keough said he was in favor of fully funding the project under a 25-30 year borrowing plan. He said he was also open to a private leased purchase option but would want to obtain a legal opinion from the COG solicitor first. The Board of Supervisors consensus was to pursue the full build option in the amount of \$2.95 million under a 25-year borrowing plan, as well as researching the legal ramifications of a private leased purchase option.

5. INFORMATION TECHNOLOGY SERVICES

Mr. Kunkle that the staff has been evaluating the township's information technology needs. In 2011 the Township did provide notice to the Regional Technology Coalition (RTC) and the Borough that it was planning to withdraw from the RTC and analyze IT services outside of its current provider. Mr. Pribulka said that he, Mr. Kunkle, and Eric Endresen have been looking at several options for the township's IT services. He said the primary advantages of staying the current provider are that it is local and uses a regional network, however there have been concerns over cost, access, and the current service delivery structure

Mr. Pribulka reported that the committee looked at several different options. The first was researching several cloud-based computing systems and using "thin clients" that allow the majority of applications to be available online rather than through regular PCs. This could provide savings in utility and replacement costs, although the exact cost for this option is especially difficult to pinpoint. One disadvantage is the significant transition costs. The available cloud-based computing systems are not

able to host some of the township's more complex software, such as the graphic-intensive GIS imaging.

Another option that Mr. Pribulka reported on would be to hire an outside vendor. He said there is less of a risk contracting a third-party service since they usually only require a one or two-year contract. Such a solution would also be able to provide traditional IT services and offer expertise and consulting on projects. Mr. Pribulka said that using a third-party service would be consistent with what other similarly sized municipalities are using.

There are also numerous third-party solutions available. He said that the Township hiring its own IT staff appeared to be prohibitively expensive unless Ferguson involved three or four partners to offset some of the cost. This was deemed the most expensive solution, followed by remaining with the current provider, then the Cloud service, and finally hiring a third party service. Mr. Pribulka reported that the selected solution was hiring a third-party service.

Mr. Pribulka said his team chose Hinton & Associates based out of Camp Hill. This firm is a complete IT provider, experienced in working with municipalities, offers a comprehensive Service Agreement, is Microsoft Certified, and can provide monitoring and remote support. Mr. Keough asked for details regarding on-site assistance due to the distance of Hinton & Associates' headquarters. Mr. Pribulka said that the contract includes unlimited on-site visits and that the firm is partnered with local service providers in case emergency assistance is needed.

Mr. Kunkle explained the limitations of what the third-party IT provider would have access to. In example, he said that the Township is partnered with State College Borough to address any IT issues that arise with the police department's records management system, thus protecting confidential information.

Mr. Kunkle said there will be a disentanglement clause in the agreement to avoid establishing a legacy. He said this was important since it is a new solution and Ferguson wants to be able to change providers should the service provided by Hinton & Associates prove unsatisfactory. He advised the Board that there is also a GIS server that stores information periodically, which will remain the same along with the data backup software and servers. Ferguson is also hosting data backup for another municipality. Mr. Kunkle said that these servers will eventually need to be replaced but this is not an immediate concern. The transition is planned to occur in January 2014.

6. DISCUSSION OF BOARD REGULAR MEETING DATE CHANGE

Mr. Kunkle said there was a proposal to change the regular BOS meeting dates from Monday nights to Tuesday nights, which would allow them to be broadcast live on C-NET. There were mixed opinions on this and Mr. Clemson said he is not available Tuesday evenings. The Board decided not to change its regular meeting dates.

7. SALE OF TOWNSHIP EQUIPMENT

Mr. Mascolo made a motion would AUTHORIZE the sale of a 1999 Ford F550 4x4 Dump Bed VIN 1FDAF57F7XEB85960. Mr. Killian seconded the motion. *The motion passed unanimously.*

8. CONSENT AGENDA - NONE

VI. REPORTS

1. MANAGER

Mr. Kunkle was notified by First Energy that Ferguson Township has received an Energy Efficiency grant in the amount of \$2000. This grant was based on improvements made to the municipal complex lighting systems that have reduced energy consumption.

Mr. Kunkle reported that Ferguson Township and the CATA have been working on an agreement for the CNG vehicles. This will allow Township to be eligible to receive any Federal reimbursement money provided for switching to CNG vehicles. This is a five-year agreement. He said that Ferguson and CATA will sit down every two years to review the overhead costs and ramifications of this agreement.

2. PUBLIC WORKS DIRECTOR

Mr. Modricker reported that Thursday's rain event did affect some of the road projects. An entire drainage swale on Whitehall Road was washed out which will warrant topsoil replacement. There were also two sinkholes that opened along Whitehall Road as a result of the recent downpour. He said the larger of the sinkholes was appraised by a hydrogeologist who recommended fixing it as soon as possible. Another sinkhole opened on Science Park Road, which will be worked on over the next day or two.

Mr. Modricker reported that both the seal coating and bike path projects are being completed as the weather permits. He said he has tried to be very communicative with residents and trash collectors regarding changes to the microsurfacing schedule.

3. PLANNING & ZONING DIRECTOR

Ms. Green reported that the Centre Learning Charter School plan will likely be brought to the next BOS meeting.

The Planning Commission decided to have all its plans delivered electronically instead of being printed for each meeting.

4. COG COMMITTEE REPORTS

a. JOINT PUBLIC SAFETY AND FINANCE

Mr. Clemson reported on the Friday, June 21, 2013 Joint Public Safety and Finance meeting which he attended for on behalf of himself and Mr. Mascolo. He said the most notable item was that State College Borough repealed its notice to withdraw from the COG Centre Region Code Administration program. Mr. Clembsen reported that the Fire Protection operating budget has been hit with a large increase in insurance bills due to the Firefighters Cancer Presumption Act. He said this increase was a result of the costs associated with workers compensation, and is no fault of the department itself.

Mr. Clemson said Code Administration reported its workload as greater than this time last year and that it will be re-evaluating its staffing needs. He said that the hiring of two permanent staffing positions has been delayed until the budget has been settled.

b. TRANSPORTATION & LAND USE

Mr. Pytel reported that the Transportation & Land Use Committee discussed actions to take in response to the recommendations that Ferguson be designated as a bicycle-friendly community. It was decided to avoid forming another official Bicycle Advisory COG committee in favor of an unofficial bicycle committee that would require minimal time from COG staff.

Mr. Pytel announced that a funding report on the Universal Transit Access study is being worked on currently and will be presented to COG and to the Transportation & Land Use Committee. There was some discussion over how expectations and costs would change if Universal Transit Access was approved.

c. HUMAN RESOURCES

Mr. Keough reported that the Human Resources Committee would be meeting the next day. Items on the agenda include the 2014 Employee Relations Committee budget and the Medical Insurance Reserve Fund.

5. OTHER NON-COG REGIONAL COMMITTEES

Mr. Pytel said that he attended the PA Municipal League conference with Mr. Kunkle and Mr. Killian. He was surprised to learn that the state uses Centre Region as an example of a model COG for training or educational purposes. He noted that the Centre Region COG has come a long way from when it first started as a very small agency.

VII. ADJOURNMENT

Mr. Mascolo made a motion to adjourn. Mr. Killian 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 9:37pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 08/05/2013