

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, August 5, 2013  
7:00pm

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, August 5th, 2013 at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	George Pytel, Chairman	<b>Staff:</b>	Mark Kunkle, Township Manager
	Drew Clemson		David Pribulka, Assistant Manager
	Richard Mascolo		Erika Green, Planning & Zoning Director
	William Keough		Eric Endresen, Finance Director

*Others in attendance included:* Kelsey Taylor, Recording Secretary; Jon Andrews; Matt Harlow; Adam Volanth; Walter Schneider; Ron McLaughlin; Eileen White; Jim Steff.

### II. CALL TO ORDER

Mr. Pytel called the Monday, August 5, 2013, regular meeting to order at 7:00pm.

### III. CONSENT AGENDA

Mr. Keough had one question regarding where to find an addition for one of the New Enterprise Payment Request on the consent agenda. Mr. Kunkle explained that it was a change in the paving design for West Whitehall Road.

### IV. PUBLIC HEARINGS – RESOLUTIONS

1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE FERGUSON TOWNSHIP AGRICULTURAL SECURITY AREA BY ADDING AN ADDITIONAL 54.9 ACRES INCLUDED IN TAX PARCEL 24-006-006B OWNED BY AMANDA G. ROCKOWER.**

Mr. Keough made a motion to ADOPT Resolution 2013-20 adding an additional 54.9 acres of land owned by Amanda G. Rockower, tax parcel 24-006-006B to the Ferguson Township Agricultural Security Area. Mr. Mascolo seconded the motion.

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

2. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA PROVIDING AN EASEMENT AND RIGHT-OF-WAY AGREEMENT TO COLUMBIA GAS OF PENNSYLVANIA, INC. AND AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE SAID AGREEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND COLUMBIA GAS OF PENNSYLVANIA, INC.**

Mr. Keough made a motion to ADOPT Resolution 2013-21 providing an easement and right-of-way to Columbia Gas of Pennsylvania to relocate and expand the current regulator station located at the corner of the Township's property at 3147 Research Drive. Mr. Clemson seconded the motion.

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

## **V. ACTION ITEMS**

### **1. CVS PHARMACY LAND DEVELOPMENT PLAN**

Mr. Mascolo made a motion to APPROVE the CVS land development plan subject to completion of the outstanding conditions as set forth in the Director of Planning and Zoning memorandum dated August 1, 2013. Mr. Clemson seconded the motion.

Mr. Pytel thought that drivers would be likely to try taking a left turn into the CVS lot which concerned him. Developer Adam Volanth said that the access shown on the map is in compliance with PennDOT's standards. It was his opinion that drivers would effectively need to take a U-turn to take a left-hand turn at the spot indicated by Mr. Pytel. Mr. Pytel said it did not appear as a U-turn on the map but as a standard left turn.

Mr. Mascolo asked whether the barrier could be extended to prevent this from happening. Mr. Volanth said that his concern about this from an engineering and safety standpoint would be the possibility of catching a wheel on the barrier if it were to be extended. He also stated that the appropriate signage would be posted to discourage U-turns. At Mr. Kunkle's suggestion Mr. Volanth said he would re-stripe the center lane of the roadway to eliminate the left turn symbol between Cherry Lane and the right in only driveway off North Atherton Street and accepted that as a condition of approval..

Mr. Keough asked if this project requires any easements. Mr. Volanth responded that there would be a temporary grading easement, however by completion everything will be within the PennDOT right-of-way. He confirmed that the right-turn onto Atherton off Cherry Lane would not encroach onto the oncoming left turn lane.

The motion passed by majority, 3-1.

### **2. DISCUSSION OF DISPOSITION OF TURNBERRY TTD BARN**

Mr. Kunkle introduced for discussion the future of a barn located on the former Circleville Farm. He said that the next step would be to invite Matt Harlow of the ELA Group to speak further about the details of the disposition. Mr. Pytel said that removal of the barn had already started without a permit. In response to this incident the Board of Supervisors had ordered an independent assessment by Walter Schneider, an independent structural engineer and Director of the Centre Region Code Agency.

Mr. Harlow of the ELA Group said they had received clearance in June 2009 verifying that the barn was not considered to be of historical significance by the PA Historical and Museum Commission. In February of 2012 an engineer employed by the developers had recommended tearing down the barn. However this engineer left the project team later that spring which is why his letter was not officially submitted. Mr. Harlow said that the ELA Group still has this letter and can provide it to Board members for reference. A second engineer was then hired who also confirmed that the barn was not worth rehabilitating financially. He said that the developers have looked into reusing the barn's siding and spoke with a local mason that was interested in making use of the stone once the barn destruction commences.

Mr. Harlow said he also personally consulted with architects experienced in barn reconstructions in the Lancaster area. He learned that the frame was unsalvageable and that rehabilitation could easily cost \$100-\$200/sq. ft or more. As a point of comparison, Mr. Harlow said that most residential construction costs around \$100-\$125/sq. ft and commercial construction approximately \$150-\$200/sq. ft. If it were to be used for assembly he said it could also need an elevator and an elaborate ramp system to bring it up to ADA Codes. Mr. Harlow stated that the developer will provide a report on the reuse of the barn materials in other buildings approved with the Master Plan.

Mr. Schneider said that, according to his assessment, the barn has been subject to both water and insect damage. He noted that the requirements for the proposed assembly use of the facility would make it very costly to renovate. Mr. Schneider said that would mean the barn would be experiencing much heavier loads, which would require significant upgrades and updates. His overall assessment was that an assembly use of the barn would not be an economically feasible option.

Ron McLaughlin, a resident in GreenLeaf Manor, spoke to the Board of Supervisors on this issue. He read a prepared statement which highlighted the significance of the barn to him and some of the possibilities he saw for that facility. He said that the Circleville Farm bank barn is an important symbol of the region's agricultural heritage even though it does not appear on any official list of historic structures.

Mr. McLaughlin questioned whether the developer's assessment of the barn's state and cost of rehabilitation was truly independent and unbiased. He claimed that the township would have nothing to gain from this removal, and that only the land developer stands to benefit from the barn's destruction. Mr. Mascolo gave his opinion that the costs of rehabilitation that the costs were too high, considering that the barn's utility would be limited and it would provide uses already covered in the existing land development plan.

Eileen White, a resident of Partridge Lane in Green Leaf Manor, asked that the Board of Supervisors monitor what is going on at the development since it appears to be at least partially student housing. She said she was concerned about what effect students would have on the environment of that community. Mr. Pytel said that Ferguson Township does not have designated student housing, but just general housing and anyone can decide to live there, however he does plan to ensure that the development is properly monitored.

Mr. Keough agreed that rehabilitation of the barn did not seem worthwhile economically, but he was supportive of reusing its building materials in the area. He said he would also like to see a plaque or other acknowledgment of the barn's materials wherever they are used. Mr. Clemson said he would also like to see the materials reused.

### **3. 2nd QUARTER FINANCIAL REPORT - MR. ERIC ENDRESEN**

Given the timing and the seasonal nature of the budget, Eric Endresen said he would be reviewing the financial report year-to-date rather than just the 2nd quarter. He said this would provide a more accurate overview of the township's financial situation. General expenditures were under budget by more than \$270,000. The 2013 revenue is greater than the 2012 revenue YTD by \$49,301. Mr. Endresen said that EIT revenue was higher than last year, which contributed to overall higher revenues. The General, TIF, and Capital Reserves funds all had

higher cash balances than in 2012. Mr. Endresen's opinion was that Act 32, which changed the timing of certain tax contributions, caused the 2012 tax revenue to be artificially low and predicted that next year's revenue should be more stable.

Mr. Endresen concluded by listing upcoming financial items, including: the Whitehall Road project for \$4 million; 2013 road paving projects for \$1.3 million, a transfer from the General Fund to the Capital Reserve Fund for \$1 million; radio replacements for police and public works for \$100,000.

#### **4. 2014-2018 CENTRE REGION COUNCIL OF GOVERNMENT CAPITAL IMPROVEMENT PROGRAM BUDGET**

Mr. Kunkle introduced the CIP Budget, which had been forwarded to the participating municipalities for comment by August 22. He commended the COG staff for their hard work on this financial planning tool. He reviewed the budget for Regional Parks Fund 38, which listed \$670,000 in income, but he noted that the budget did not detail how these funds would be used. Municipalities are expected to contribute \$110,000 to this fund in 2016 and this figure increases by \$2,000-\$3,000 each of the following two years. Mr. Kunkle's question was how this income would be distributed amongst the three regional parks.

Under Parks Capital Equipment, Mr. Kunkle noticed that the CIP indicated a maintenance facility cost of only \$2 million. He noted that, since the upper range of facility options costs \$2.95 million, this figure will need to be updated.

Mr. Keough was concerned that the area currently has three regional parks under construction. He said Ferguson has two options: to either accumulate small amounts of money for each park and slowly build them all up over the years; or to concentrate more funds to apply to making significant progress towards the completion of one park.

Mr. Mascolo drew attention to the \$15,000 set aside for conference room renovations. He asked how high the new ceiling would be. A representative of the project said he would look into this and report back to the Board of Supervisors.

Mr. Clemson commented that the price of the library's new security system seemed to be quite high. He said he hoped that this included all aspects of security including theft, carbon monoxide, fire, etc. Mr. Mascolo recommended replacing many appliances, such as boilers, as needed instead of replacing them all at once as stated in the budget. He thought it would be better to wait until they need replacement to avoid unnecessary expenses.

Mr. Keough stated the importance of having a solid business plan for all of Parks and Recreation, which he felt was interconnected with the budget. He also commented that the repair costs for some of the vehicles seemed awfully low and wondered if there was any information missing. The Board was in general agreement that vehicles that are still running well, regardless of year or mileage, should not yet be replaced. They did acknowledge the relationship between mileage or age and vehicle condition.

The Board of Supervisors REVIEWED the Draft 2014 COG Program budget and agreed to PROVIDE COMMENTS, as discussed to the COG Executive Director by August 22nd.

## **5. 2014 COG PROGRAM PLAN**

In his review of the 2014 COG Program Plan, Mr. Kunkle was said there was a suggestion that library hours be reduced, provided that the minimum required hours for state funding can still be met. He agreed that this could be a good method to reduce costs. He suggested identifying times of low library usage to target which hours are reduced.

Mr. Kunkle also reviewed the suggestion to update the Centre Region Act 537 Plan, but was concerned that the DEP would require some additional technical work on the plan. He recommended that further work on this project await approval of a scope of work by the DEP. Upon reviewing the Parks Capital Fund - borrowing for the park maintenance facility - he said he was questioning whether Ferguson should separate this cost from the operating fund.

Mr. Kunkle said there had been some recommendations to demolish the former Millbrook Marsh residential structure if the rental rate cannot cover necessary updates, improvements, and operating costs. He commented the Board of Supervisors should also consider the fact that the destruction of this building would cost the Millbrook Marsh Program approximately \$45,000 in annual revenue. The property is owned by Penn State University, but on a 35-year lease.

Mr. Mascolo thought the 46 computers the library committed to providing to the public access were too many. He said if the MPO funding issues cannot be resolved, he would like Ferguson Township to no longer provide MPO funding but request to remain a voting member.

Jim Steff, Executive Director of the COG, approached to answer Board members' questions. He said that the task of Human Resource Manager has migrated to the Staff Assistant to the Executive Director. He said he is not proposing a new position, but more re-titling the role to reflect this change in job responsibilities. Mr. Steff said his Staff Assistant will continue to provide assistance in other functions including some insurance work, in addition to her HR work. He said he considers this to be a reasonable staff assignment for a COG of this size. One of the benefits of this transition is that it would make more time available for the Finance Department to process invoices and other responsibilities.

Mr. Steff said that his assistant will have some committee assignments, however the COG will not be creating new responsibilities just to fill that person's new full-time hours. He said there should be a centralized HR function in the COG and that it should be titled appropriately. Several Board members expressed concern that currently only 50% of this person's time would be utilized for HR functions. Mr. Pytel said he would like to see a complete job description from Mr. Steff's assistant before the transition so that the COG will know which skills will be required of somebody filling that person's former role.

Mr. Mascolo was concerned about the possibility of more requirements being added for the regional parks since Ferguson is currently fighting for money to complete the regional park projects. He said that adding the nearly \$3 million dollar maintenance building project to the Regional Parks budget instead of the COG budget would needlessly complicate this struggle. Mr. Steff explained that keeping this cost within the COG budget would present auditing problems.

There was some discussion regarding how to respond to the new health-care act's requirements. Mr. Mascolo said he thought the COG should simply reduce the number of hours

for some employees rather than paying for their health-care coverage. Several members agreed that this could be feasible for certain positions, however they feed into a bigger policy question of how to respond to the new requirements COG-wide.

Mr. Kunkle explained that the COG has received some of its health-care costs back due to the good health of its employees and its exemplary loss ratio. Mr. Keough said he would prefer not to have a legislated minimum balance in the health-care premium fund. This minimum would limit the funds available for direct pay-back to employees, but could also serve as a financial cushion for years when the fund balance is low. Mr. Keough considered these to be dollars earned by the employees because of their good health decisions. He thought the decision should be made on an annual basis based on the fund balance each year rather than being set at a fixed amount.

Mr. Kunkle suggested using any excess funds for health improvement programs instead of further reducing health insurance premiums. Mr. Keough found it acceptable to put a cap on the amount to be directly returned to the employees provided that any excess funds would be spent on the employees in other ways, such as Mr. Kunkle suggested.

Mr. Keough thought it was time for municipalities and the COG to centralize their web resources and have a single vendor instead of having many different sub-contractors. Mr. Steff said that several of the municipalities do use the same vendor, however since each municipality has its own particular preferences it might be difficult to have one uniform platform. There was some discussion on whether Schlowl Library should have its own standalone website or its web traffic should flow through the central COG website.

Mr. Mascolo recommended that the Fire Company have a full-time training chief. It was his opinion that the Millbrook Marsh fundraising plan remain separate from the regional parks'. He considered these two entities to have different goals and that their fundraising efforts should be targeted to different audiences. He agreed with other members' previous comments that any vehicle still in operating condition should be retained rather than replaced simply due to its age or mileage.

Mr. Mascolo said he would like to know why the numbers for the senior center were so variant over the past few years. He recommended that one of the salaried staff positions be eliminated due to the falling numbers of participants. He suggested that the center may experience an increase in participants if it was relocated. Mr. Steff commented that some of the construction may have affected these numbers. At the conclusion of this discussion Mr. Steff thanked the Board of Supervisors for reviewing the Program Plan so thoroughly and for providing its suggestions.

## **6. CENTRE COUNTY LONG RANGE TRANSPORTATION PLAN (LRTP) 2044**

Mr. Kunkle introduced the LRTP that CCMPO Transportation Planner Mike Bloom has invited municipalities to submit new candidate projects to be considered for the LRTP 2044 by August 30, 2013. The new candidate projects that have been suggested include:

- West College Avenue Streetscape project from Blue Course Drive to Buckhout Street and re-blazing Route 26 from its intersection with Route 322 to Route 45 Exit creating a Business 26 Route.

- Signalizing the intersection of Route 45 (Shingletown Road) and Route 26 (West College Avenue).
- Construction of a Bike Lane along West College Ave from Pine Grove Mills to downtown State College.

Mr. Keough asked whether there was sufficient accident data to justify installing the new traffic signal at the intersection of Route 26 & Route 45. Mr. Kunkle said that, while the accident data is in existence and available, he was not sure whether it was sufficient to support this project or not. After some further discussion the Board of Supervisors decided to include this project in its submission. Mr. Kunkle suggested including Nixon Road in the Bike Lane project to get to Whitehall Road due to its narrowness.

#### **7. RESIGNATION OF JOHN MASON FROM FERGUSON TOWNSHIP PLANNING COMMISSION**

Mr. Kunkle said there are currently three potential applicants, all of whom have been interviewed in the past for other Ferguson Township positions.

#### **8. CONSENT AGENDA**

Mr. Mascolo made a motion to APPROVE the consent agenda, consisting of three payment authorizations: New Enterprise Stone & Lime \$112,834.01; New Enterprise Stone & Lime \$206,012.94; Unico Sealing \$31,551.85. Mr. Clemson seconded the motion. The motion passed unanimously.

### **VI. REPORTS**

#### **1. Manager**

Mr. Kunkle reported that there had been a site meeting with the code director, zoning administrator, and contractor for a problematic property at 116 E. Pine Grove Road. He said the township has already removed a tree that was a safety hazard and invoiced the property owner, who lives out of town, for the maintenance costs. He said the property is not in condition to be condemned but is uninhabitable and its property taxes are being paid.

Mr. Kunkle reported on the final round of residential septic tank inspections. He said that property owners were advised to schedule the tank inspections immediately after their tanks had been pumped. Some property owners did not comply and will require another inspection at a later date. He said he did not have a list of how many property owners did not comply but since it was reported that there were fewer than 20 such property owners region-wide. Property owners that failed to have their tanks inspected after pumping will be required to repump the tanks to be inspected.

#### **2. Planning & Zoning**

Ms. Green reported that the Planning Commission held its regular meeting on August 22nd. She said that the issues discussed included the CVS Plan, a narrative and information on the Turnberry sewage, permit data, and GIS data.

## VII. MINUTES

### 1. JULY 1, 2013 Board of Supervisors MEETING MINUTES

Mr. Mascolo made a motion to approve, with one correction, the Board of Supervisors meeting minutes from July 1, 2013. Mr. Clemson seconded. *The motion passed unanimously.*

### 2. JULY 15, 2013 Board of Supervisors MEETING MINUTES

Mr. Mascolo made a motion to approve, with one correction, the Board of Supervisors meeting minutes from July 15, 2013. Mr. Clemson seconded. *The motion passed unanimously.*

## VII. 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 10:40pm.

RESPECTFULLY SUBMITTED,

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Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 08/19/2013