

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, September 16, 2013
7:00pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, September 16, 2013 at the Ferguson Township Municipal Building. In attendance were:

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

Others in attendance included: Heather Bird, Recording Secretary; Eric Brinser, Verizon; Richard Williams, Verizon; Scott Devlin, Verizon; Herb Hungerman, Verizon; Janet Whitaker; Scott Smith, Oak Wilt

II. CALL TO ORDER

Mr. Pytel called the Monday, September 16, 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 AUTHORIZING THE TOWNSHIP TO ENTER INTO AN AGREEMENT WITH THE CENTRE AREA TRANSPORTATION AUTHORITY FOR THE FUELING OF THE TOWNSHIP'S COMPRESSED NATURAL GAS VEHICLES.

Mr. Kunkle stated this agreement permits the Township to utilize the Centre Area Transportation Authority's compressed natural gas fueling for one vehicle currently owned by the Township and two more the Township is obtaining grants to convert. This is a five year agreement including the cost of fuel and administrative fees.

Mr. Mascolo made a motion to ADOPT Resolution #2013-24 authorizing the Township Manager to enter into an agreement with the Centre Area Transportation Authority for the fueling of the Township's compressed natural gas vehicles. 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 APPROVING A CONTRACT TO PROVIDE INFORMATION TECHNOLOGY SERVICES WITH HINTON & ASSOCIATES, NEW CUMBERLAND, PENNSYLVANIA.

Mr. Kunkle stated this contract will provide information technology services and support to the Township. In addition to this contract the State College Borough IT Department has provided the Township with a cost for services not included in this contract for support with records management for police, the GIS system, internet, WAN/LAN services and data backup services. The estimated cost savings for the Township over three years, 2014-2016, is \$91,000.

Mr. Killian made a motion to ADOPT Resolution #2013-25 approving a contract to provide information technology services with Hinton & Associates. Mr. Clemson 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. Keough attended Borough IDA Program with regard to innovation and business within the region and the AccuWeather 50th anniversary. Also, he walked the streetscape zoning district with the Director of Planning & Zoning.

Mr. Killian spoke with residents who were impressed with how well Whitehall Road traffic was handled.

Mr. Pytel discussed with residents on Whitehall Road completion and he added Oak Wilt to agenda to make a decision.

V. ACTION ITEMS

1. DISCUSSION ON POTENTIAL OAK WILT PROGRAM

Mr. Kunkle stated that at last meeting, September 3rd, the Board had a discussion on the Oak Wilt fungus. After the last meeting with a vote of 2-2, it is being brought before the Board again for further discussion and a possible decision.

Mr. Scott Smith, 670 Berkshire Drive, stated that his purpose for coming is that he believes that there is more than one property infected in Ferguson Township. His handout indicated four Oak trees on neighboring properties that died and were removed but were not tested for Oak Wilt. All of the trees are within a contiguous area. He is suspicious that the dead trees were infected although they were not tested. His property has 20 full grown Oak trees and 14 on his property will be treated.

Mr. Smith stated that he was told by arborists to take quick action in treating trees. The arborist, C.S. Daughenbaugh from Port Matilda, consulted with Aikey Tree Service developed a treatment plan and based on the size and location they determined the danger zone of the trees. They had to take a sample from the tree to test for Oak Wilt. In the treatment plan they expose as much of the roots as they can (non-infected trees) and they inject chemicals into the roots. In Patton Township this treatment has had a 95% success rate. The next step is to dig a trench 4ft deep and 10" wide, sever roots and they refill the holes the same day. The last step is to take down the infected tree in full so it does not infect other trees.

Mr. Pytel would like to hire an arborist to test trees per staff recommendation.

Mr. Keough voted against this at the last meeting because he did not know enough about the issue. He is not opposed to any action but he would like the Board to have a sense of where this will lead down the road. Some questions he has are: Are we willing to subsidize private landowner issues with tax dollars? Would we have a defined geographic area or the whole Township? Whose responsibility is it when trenching must cross property lines? If we find Oak

Wilt, how do we deal with crossing underground utilities, sidewalks, septic tanks, etc.? Should a time period be established? Mr. Keough would like to have worksessions to do more research. Mr. Smith stated the approximate cost of saving 14 trees is \$3000 - \$4000.

Mr. Clemson stated that we should take step one and find out the scope of the problem. If Bartlett Tree Experts were to determine that the scope is severe then this would be a Township problem. We should do this cooperatively with Patton Township.

Discussion among Board members state that an area to survey should be defined.

Mr. Mascolo stated although he feels trees should be treated, he does not feel we should use taxpayer money to treat these trees.

Mr. Killian made a motion to engage Bartlett Tree Experts, Mr. Clemson seconded with addendum for staff to contact Patton Township to see if they would like to go in with us and to limit it to the existing project, Park Forest, Park Hills.

Mr. Kunkle stated that they could define the area by streets including Berkshire East, Valley Vista, Circleville Road, Princeton Drive and Devonshire Dr. He asked if the Board would like to set a budget and Mr. Clemson stated the Township should complete an RFP to get survey costs.

The motion passed 4-1, Mr. Mascolo opposed.

2. VERIZON WIRELESS – PARK HILLS LAND DEVELOPMENT PLAN, PLAN LAST DATED: AUGUST 20, 2013 PLAN DEADLINE: OCTOBER 20, 2013.

Ms. Green stated that this land development plan is for a monopole tower at 950 North Nixon Road. The Planning Commission has recommended some conditions of approval to the Board. Mr. Kunkle would like to include an additional plan note indicating that this is a general depiction of the municipal boundary line and not a surveyed location of the Ferguson/Patton Township municipal boundary line.

Mr. Killian made a motion to approve the Verizon Wireless Park Hills land development plan subject to the completion of outstanding conditions as set forth in the memorandum from the Director of Planning and Zoning and include note designating the Patton/Ferguson boundary line is a general depiction and not a surveyed line. Mr. Clemson seconded.

Mr. Keough amended the motion to include relief from the requirements of sidewalks at this time. Mr. Clemson seconded.

Mr. Rich Williams, Attorney for Verizon Wireless, stated that they will be seeking a variance on the buffer yard since there are mature trees surrounded the area.

The motion passed unanimously.

3. WORKFORCE HOUSING PRESENTATION – PLANNING AND ZONING DIRECTOR, ERIKA GREEN

Ms. Green stated that after a meeting with a housing work group discussing the TTD workforce housing program. A recommendation was made to make sure that the Planning Commission

and the Board of Supervisors have the same knowledge level on affordable housing before putting together the guidelines for the TTD.

Ms. Green's presentation included definitions of affordable and workforce housing, the need for affordable housing, cost of housing and Centre Region Programs. HUD defines affordable housing as housing which the occupants are paying no more than 30% of their income on the housing. When an occupant pays 30 – 50% this is considered a moderate affordability problem and more than 50% is a severe affordability problem. The Housing Alliance of Pennsylvania defines workforce housing is as homes affordable to the typical worker. Ferguson Township defines workforce housing as housing affordable to someone earning between 80 – 120% of the median household income in Centre County. We need affordable for those individuals who work in the community, such as retail, hospitality workers, young people and people on fixed incomes.

The Area Median Income (AMI) in Centre County for 2010 was \$66,300. Median Family Income, received by all family members over 15, in Centre County for 2010 was \$67,349 and the Median Household Income, income received by all household member over 15, was \$48,262. The median household income is what is used in the Ferguson Township workforce housing definition. With this the affordability of a home is \$153,000 with 20% down and \$116,000 with 2% down. Some factors that increase the cost of housing are construction on a new single-family home, land acquisitions, site development and infrastructure improvements.

Ms. Green touched base on affordable rentals. Nationally, 70% of low-income households are renters and in the Centre Region 55% of housing are rentals.

Affordable housing comes in all types for example single and multifamily, apartments, condominiums, new construction and existing homes. And the types of affordability vary as well such as perpetual affordability, community land trust, deed restrictions, sweat equity and shared equity. Through the Centre Region there are various programs in the State College Borough, College Township, Harris Township and Patton Township.

Ms. Green stated her next step will be to work on some guidelines for the TTD.

No Action needed by the Board.

4. 2014 MINIMUM MUNICIPAL OBLIGATION PENSION CERTIFICATION

Mr. Kunkle stated that for the for complying with Act 205 the Chief Administrative Officer of the pension plans certify to the governing body the minimum municipal obligation for pension contributions for the coming year. We have not received our Act 205 funding yet from the Commonwealth, this normally arrives the first week in October. The Act requires we certify by September 30th the estimated MMO. Police pension contributions are estimated to be \$195,283 and for non-uniform \$166,776. This amount will be offset by the Act 205. The 2013 unit value for distribution is anticipated to be higher than 2012.

No Action needed by the Board.

5. APPROVAL OF AUGUST 2013 VOUCHER REPORT

Mr. Killian made a motion to approve the August 2013 voucher report. Mr. Mascolo seconded the motion. The motion passed unanimously.

6. CONSENT AGENDA

Mr. Killian made a motion to approve the Consent Agenda including the August 2013 Treasurer's Report, Surety Reductions for Foxpointe 10; Hunter's Chase, Phase 9; two for the Landings, Phase 1A and Turnberry TTD, Phase 1; also time extensions for Musser Gap and Turnberry TTD. Mr. Mascolo seconded the motion. The motion passed unanimously.

VI. REPORTS

1. Manager

Mr. Kunkle included in his report five suggested dates for budget worksessions. In the past it has typically taken two worksessions. He noted October 15th at 9am will be the third Coffee and Conversation. Staff is working on a recognition policy for specific donation levels on the S&A field project. Mr. Kunkle will be attending the ICMA Conference in Boston and the Assistant Manager will be Acting Manager. He is also requested an executive session for personnel matters.

2. Public Works Director

Mr. Modricker's report was included with packet.

3. Planning & Zoning Director

Ms. Green stated that the PC met last Monday and heard the Verizon Wireless Plan and the affordable housing presentation that the Board heard tonight. The Zoning Hearing Board has three variances for their meeting tomorrow night.

4. Chief of Police

Chief Conrad summed up the police activity for August. The most serious crimes, part one are down 12 this year compared to 20 last year. The less serious crimes; disorderly conduct, dui and drug violations, are up a bit from last year but year to date is about the same. The other calls for service, non-crime, are up 13% year to date mostly due to emergency medical assist calls and general assistance calls. Traffic citations are up 20% for the month. Parking tickets, traffic stops and criminal arrests are all up. Parking tickets are down 3% year to date.

Group responsible for cash advance on MasterCard at a local bank was part of a larger group travelling state to state. A bank employee called right away and the individuals were still in the parking lot, two women fled and were later apprehended in West Virginia. Other states weighing in so the prosecution is being handled by the US Secret Service.

Sergeant Hendrick served as platoon leader for Camp Cadet for 7th year in row.

Ferguson Township had first meth lab in the county; case will be funded out of state funds.

Ag progress days had a record crowd; weather was beautiful, additional traffic posts were much appreciated.

Had first assessment of CNG Tahoe: had same miles per gallon, but price is 15% of gas prices.

Mr. Clemson passed personal commendations to those officers who had a gun pulled on them.

5. COG Committee Reports

a. Executive

Mr. Pytel said the Executive Committee would meet tomorrow with a big agenda. Two major items: (1) State College Borough leaving the codes program, and (2) Centre Region growth boundary and sewer service area and the revised Implementation Agreement. He plans to recommend that each municipality review this at upcoming municipal meetings.

b. Finance

Mr. Kunkle said the Finance committee considered the COG financial services study and approved transition to a finance department within COG effective January 1, 2015. Additional staff will be hired and purchase of accounting software. He received the audit for the library and other COG programs, program plan and comments and established budget review sessions (3 – 3 hour sessions).

c. Parks Capital

Mr. Kunkle stated Oak Hall Regional Park construction making good progress. They noted that on September 19th, 4pm there will be a guided progress walk. There are still a number of items to work through with the College Township Authority water well lease. There was a short update on Whitehall Road Regional Park which dealt with timing of Toll Brothers acquisition of the Penn State parcel and their submission of proposed land development plan. PSU Trustees will be authorizing agreement of sale with Toll Brothers with two contingencies. Also talked about rental of site at 2929 Stewart drive leased at a rate of \$4500/mo for the Parks and Recreation Agency. Jamie Bestwick, Bestwick Foundation, proposed an Action Sports Program in the region and it was recommended to be at High Point Park. This is a Borough Park but may be for the benefit of the whole community. Chairman Luck, Patton Township offered the possibility of a new model of funding for regional park facilities.

d. Public Safety

Mr. Clemson stated that they met on Wednesday, September 11th. The main topic of discussion was the State College Borough's withdrawal from the code program. Borough Council has narrowed the options down to three options. If they do anything other than withdrawal fully it will require amendments to 2004 Code Articles of Agreement. Two questions will be put before the General Forum. Are the Townships willing to allow State College Borough to withdrawal from the Codes existing administrative structure program but stay in contract for some things? Are the townships willing to allow the State College Borough to contract with Codes for inspection services? Borough council also wants the General Forum to consider COG establishing a citizen oversight board for the Centre Region Code Administration similar to the library board and want the bylaws and practices of Centre Region Building and Housing Code Board of Appeals reviewed to insure the best practices.

e. Public Services & Environmental

Mr. Killian stated that the DEP is looking to change Slab Cabin Run to a high quality fishing stream. This creates a problem for UAJA because they would no longer be able to use the stream as part of its beneficial reuse project. They had a presentation on the Boroughs recycling and composting programs. They are currently operating on 4 acres, they can go up to 5 acres and that is about all they can do because after that it would require a paid bond for insurance. Penn State is coming across a similar problem. UAJA has 70 acres available but because of College Township's zoning the whole Region can't use the area for a program like this.

f. Transportation & Land Use

Mr. Pytel stated that they discussed two major topics. The first was bicycle friendly communities. They decided the region should have a committee but not an official COG committee. Each municipality handles where bicycle paths are located. It was suggested that Trish Meek continue on with project and create a committee and create a map showing each municipality's bike paths so they can make an effort to join the paths. Bicycle paths should not be built for recreation but as a means of transportation. A motion was passed to endorse the formation of an unofficial bike committee. Second item discussed was universal transit access study. The purpose is to create no pay transit service. The major question is "How is this going to be paid for without the municipalities taking full cost?"

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 9:32 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 10/07/2013