

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 21, 2013
7:00pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 21, 2013 at the Ferguson Township Municipal Building. In attendance were:

Board:	Richard Mascolo, Vice Chair	Staff:	Mark Kunkle, Township Manager
	William Keough		David Pribulka, Assistant Manager
	Drew Clemson		Erika Green, Planning & Zoning Director
	Elliott Killian		David Modricker, Public Works Director

Others in attendance included: Heather Bird, Recording Secretary; Michael Pratt, Keller Engineers; Tom Daley, Pine Hall; George Henning, Schlow Library Board Representative; Sue Werner, Friends of Schlow; Joe Vigilone, COG; Cathi Alloway, Schlow Library Director; Natalie Corman, CIT Officer Recognition; Keith Jervis, Hunters Chase.

II. CALL TO ORDER

Mr. Mascolo called the Monday, October 21, 2013, regular meeting to order at 7:00pm.

III. RECOGNITION OF POLICE OFFICER TRAVIS PARK – SGT ROBERT GLENNY

Sergeant Glenny stated that each year the Crisis Intervention Team International honors several individuals for exemplary work. Centre County started the CIT program in 2011 that consists of all the local police departments including Ferguson Township, Patton Township, Penn State University, State College Borough, Bellefonte Borough and Spring Township. District Justice Leslie Dutchcot, probation officers, state corrections officers and state police also participate with the group. The local group has gained notoriety very quickly because of the dedicated officers. Officer Travis Park has been with Ferguson Township for eight years and this year had the honor of receiving an international award for Crisis Intervention Team Officer of the Year.

IV. PUBLIC HEARINGS – ORDINANCES

1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 27, ZONING, AS FOLLOWS: (1) PART 2, DISTRICT REGULATIONS, SECTION 204, USE REGULATIONS, BY REPLACING THE WORD “USES” WITH “STRUCTURES” IN II, NEIGHBORHOOD PLACE OF ASSEMBLY; JJ, COMMUNITY PLACE OF ASSEMBLY; AND KK, REGIONAL PLACE OF ASSEMBLY; (2) PART 2, DISTRICT REGULATIONS, SECTION 204, USE REGULATIONS, BY REPLACING THE PRESCRIPTIVE SQUARE FOOT LIMITATIONS IN II, NEIGHBORHOOD PLACE OF ASSEMBLY; JJ, COMMUNITY PLACE OF ASSEMBLY; AND KK, REGIONAL PLACE OF ASSEMBLY, WITH A PERCENTAGE OF LOT COVERAGE; (3) PART 2, DISTRICT REGULATIONS, SECTION 204, USE REGULATIONS, BY EXPANDING THE MAXIMUM LOT SIZE IN II, NEIGHBORHOOD PLACE OF ASSEMBLY, FROM A MAXIMUM LOT SIZE OF FIVE (5) ACRES TO A MAXIMUM LOT SIZE OF EIGHT (8) ACRES; JJ, COMMUNITY PLACE OF ASSEMBLY, FROM A MAXIMUM LOT SIZE OF TWELVE (12) ACRES TO A MAXIMUM LOT SIZE OF TWENTY (20) ACRES; AND KK, REGIONAL PLACE OF ASSEMBLY, FROM A LOT SIZE EQUAL TO OR GREATER THAN FIFTEEN (15) ACRES TO A LOT SIZE EQUAL TO OR GREATER THAN TWENTY (20) ACRES; (4) PART 2, DISTRICT REGULATIONS, SECTION 204, USE REGULATIONS, SUBSECTION KK, REGIONAL PLACE OF ASSEMBLY, BY DELETING SUBSECTION “F” IN THE RURAL AGRICULTURAL (RA) DISTRICT WITHIN THE REGIONAL GROWTH BOUNDARY AND SEWER SERVICE AREA

(RGB/SSA) AND IN THE GENERAL COMMERCIAL (C) DISTRICT; AND (5) PART 12, DEFINITIONS, SECTION 1202, DEFINITIONS, BY ADDING THE DEFINITION OF IMPERVIOUS SURFACE "IMPERVIOUS AREA".

Mr. Kunkle began by reviewing the ordinance as stated above. Ms. Green stated that the Board has reviewed these changes over the year and that the Centre Region Planning Agency and the County Planning Office are in support of the changes.

Mr. Killian made a motion to ADOPT Ordinance #979 amending the Code of Ordinances Chapter 27, Zoning. Mr. Clemson seconded the motion.

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

2. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY PENNSYLVANIA AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, PART 1, GENERAL REGULATIONS, SECTIONS 101 THROUGH 107 AND ADOPTING A NEW CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, PART 1, GENERAL REGULATIONS, SECTIONS 101 THROUGH 107. SECTIONS 108 THROUGH 110 REMAIN UNCHANGED.

Mr. Pribulka stated that provided to the Board was a copy of the ordinance as advertised amending Chapter 15, Motor Vehicles and a copy of the modification of the modifications and amendments made to the ordinance which incorporates changes as follows:

1. places the authority for road closures and other public right-of-ways with the Board of Supervisors rather than the Township Manager
2. adds definitions for assemblage and procession
3. incorporates the Special Events Policy into the ordinance
4. increases the fine from \$25 to \$300 for violation of the ordinance

Mr. Killian made a motion to ADOPT Ordinance #980 amending the Code of Ordinances Chapter 15, Motor Vehicles and Traffic, Part 1, General Regulations, Sections 101 through 107. Mr. Clemson seconded the motion.

Mr. Keough questioned the reasoning for the legal holidays that were selected in section 101.

Mr. Kunkle stated the only holiday not listed that the Township recognizes is President's Day.

The Board made a note that on any further revisions to this ordinance that a change in holidays be made to be consistent with the holidays the Township recognizes.

Mr. Keough questioned section 106 in reference to road closures. Should weather be specifically listed as an acceptable reason to close a road? Mr. Clemson's stated that this would not need to be referenced specifically since that authority already exists in other laws of the Commonwealth.

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

V. PUBLIC HEARING – RESOLUTIONS

1. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION 2000-4 AND ADOPTING A REVISED SPECIAL EVENTS POLICY FOR USE OF TOWNSHIP ROADS, BIKEWAYS, SIDEWALKS AND OTHER PUBLIC RIGHT-OF-WAY.

Mr. Pribulka stated that the Board reviewed the draft at the October 7, 2013 meeting and authorized staff to prepare the resolution. The notable revisions that were made per Mr. Keough's request including making it more evident that this will only apply to the closure of Township roads, bikeways and sidewalks and per Mr. Ron Woodhead's, Director of Centre Region Parks and Recreations, that this policy does not apply to bike path closures held within Centre Region Parks.

Mr. Killian made a motion to ADOPT Resolution #2013-26 adopting a revised Special Events Policy. Mr. Clemson seconded the motion.

Mr. Keough questioned if a pop-up tent is considered a temporary structure? Mr. Pribulka stated that he followed up with Mr. Jeff Ressler, Township Zoning Officer, that those types of structures have not historically required a permit.

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

2. A PUBLIC HEARING ON A RESOLUTION AMENDING RESOLUTION 2012-26 AND RESOLUTION 2013-01 TOWNSHIP FEE SCHEDULE, POLICE DEPARTMENT BY ADDING SECTION D – SPECIAL EVENTS.

Mr. Pribulka stated that this is to incorporate additional fees including permit, escrow and staff hourly rates for the Special Events permits under the previous resolution.

Mr. Clemson made a motion to ADOPT Resolution #2013-27 amending the Township Fee Schedule. Mr. Killian seconded the motion.

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION #2011-19 BY ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP.

Ms. Green stated the Township annually adopts a sidewalk snow removal map to delineate areas that homeowners are not required to clear their sidewalks. The updated map includes one area that is to be exempt from snow removal. This map does include new sidewalks that have been installed since 2011.

Mr. Kunkle stated that some of the major additions to the map are located in Turnberry, located between Blue Course and Circleville Road; along Whitehall Road, north side from the Borough line to Stonebridge; sections of Thistlewood; sections of Foxpointe and sections of Old Gatesburg Road, between Science Park and Blue Course Drive.

Mr. Clemson made a motion to ADOPT Resolution #2013-28 adopting a revised sidewalk snow removal map. Mr. Killian seconded the motion.

Mr. Keough questioned areas that do not have houses on them. Will there be communication with adjacent properties that these areas now fall under a covered area. Ms. Green has compiled a list and these properties will be notified that they will have an obligation to clear these sidewalks. Mr. Keough asked about the areas on Whitehall that are primarily farmland, would they be able to get an exemption. Mr. Clemson stated that if they were to be exempted the Township would need to post that the portion is not maintained. Mr. Modricker reminded the Board that these sidewalks are part of a network going from West College Avenue to North Atherton Street.

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

VI. COMMUNICATIONS TO THE BOARD

Mr. Keough stated that he met with Mr. Clemson immediately before the meeting about the strategic plan editing.

VII. ACTION ITEMS

1. PINE HALL TRADITIONAL TOWN DEVELOPMENT AMENDMENT TO MASTER PLAN TERMS AND CONDITIONS FOR PHASE 2A

Ms. Green stated that Pine Hall is requesting an amendment to their terms and conditions, proposing four modifications that would apply to Phase 2A only. The reason for these four amendments is because of the constraints on the parcel. The parcel is constrained by curbing, a detention basin, the HMS Medical Building and the Township has requested an unanticipated wider right-of-way for the back ally to allow the road to become public. The following are the four requests:

1. increasing the coverage to 55% without incentives
2. elimination of maximum lot width for single family attached end units
3. allowing zero setback
4. adjusting driveway, side and rear yard setbacks to allow for zero setback

Mr. Michael Pratt, Keller Engineers stated that they are comfortable with the 55% for this phase only but will address later phases as they come.

Mr. Kunkle stated that on the fourth request the Planning Commission did recommend that they maintain the 2 foot side yard setback for the driveways.

Mr. Clemson made a motion to APPROVE modifications to the Pine Hall terms and conditions subject to the conditions in the October 15, 2013 memorandum from the Director of Planning and Zoning with a 55% maximum coverage and 2 foot setback for driveways. Mr. Killian seconded the motion. The motion passed unanimously.

2. PINE HALL TRADITIONAL TOWN DEVELOPMENT, PHASE 2A SPECIFIC IMPLEMENTATION PLAN

Ms. Green stated Phase 2A has been reviewed by the Township engineer, consultants and the planning and zoning department. The minor outstanding issues have been outlined in the memorandum to the Board.

Mr. Killian made a motion to APPROVE the Pine Hall, Phase 2A Specific Implementation Plan subject to the completion of the outstanding conditions set forth in the Director of Planning and Zoning memorandum dated October 15, 2013. Mr. Clemson seconded. The motion passed unanimously.

3. 2014 SCHLOW CENTRE REGION LIBRARY BUDGE REQUEST – CATHI ALLOWAY, LIBRARY DIRECTOR

Ms. Alloway presented the 2014 Schlow Centre Region Library Budget. The budget was approved by the Library Board at its September 11, 2013 meeting. Over approximately the past hour 100 people have entered the library, close to 29% of this use are Ferguson Township residents which is a close second to Borough residents. This year the library had to make serious cuts in all areas such as collections, hours, salaries and building care. The state for the first time is granting waivers from the state standards allowing the library to spend less than the mandated 12% on materials and be open less than 65% hours a week.

Across the state many libraries have had to close branches and lay off staff. Schlow avoided this by laying off two staff, had great support from municipalities, drew down a large fund balance, kept municipal contributions low, aggressively reduced utility bills and had aggressive fund raising. State revenues have changed; in 2008 state aid was 34% of the total revenue and in 2013 it is down to 22%. Schlow will be installing new parking mechanism to charge for parking after hours to provide some additional revenues.

Schlow is proposing to save money; a one week closure and furlough of all employees. They plan to be closed for service May 12-18th to save a minimum of \$25,000. This is a way to allow the public to see how the cuts are affecting the library.

Last year Ferguson Township residents had 1.4 million encounters with the library which averages to about \$.23 per encounter. Ferguson Township residents have donated 363 gifts valued at close to \$26,000 ranging from \$10 to \$600. 23% of all donations have come from Ferguson Township residents and are up 18% from 2011. Residents are “voting” by donating.

Mr. Mascolo verified that \$369,835 is what is being requested and stated that in the past they have always used a contribution amount based on including students which would result in a contribution of \$365,325.58. Speaking for Chairman Pytel he felt that Ferguson Township should not even contribute the \$365,000. The Township is trying with our own budget to not increase taxes. Mr. Mascolo would prefer to see an increase of 3% as opposed to the 5% being requested and based on his numbers the amount with students would be \$360,734.38. He did state that the Library Board has done a great job with funding efforts but he is not sure that Ferguson can keep contributing such increases.

The Board has some discussion about the calculations for Ferguson’s share and how they were calculated.

Mr. Keough is encouraged by the work of the Friends of the Library and the efforts with fundraising, closing the library, etc. so he is in support of giving the amount requested of \$369,835.

Mr. Kunkle asked about the County's contribution. Ms. Alloway stated that they plan to contribute the \$159,500 currently indicated.

Mr. Kunkle stated the General Forum is going to refer the 2014 COG Budget to the municipalities so the Board has some time to think about this with the COG information as well as having the 2014 Proposed Township Budget, which will be distributed November 4th.

Mr. Keough proposed to use the \$369,835 in the budget so that they can see what this would do with Ferguson's budget. The Board agreed to use this figure in the budget.

Ms. Susan Werner, Vice President Friends of Schlow spoke to the Board as a Ferguson Township resident and stated she knows the difficulty that the Township faces but she wanted to say that the library is a really important asset in the community.

4. CLARIFICATION OF DEED COVENANTS FOR HUNTERS CHASE, PHASE 9, LOTS 169-178 AND 155-166 IN SECTION D – BOB POOLE, S & A HOMES

Mr. Poole stated that the mistake happened when an attorney's office missed the clause that should have been included in the deeds. Three deeds were corrected and all of the individuals accepted these changes and the deeds have been corrected.

Mr. Kunkle stated that during the process of approving the Foxpointe PRD there was a question about removing the 200 foot buffer. During the process of this change the Board requested that that a covenant on each of the properties deeds that there may be noise at odd times, smell from herbicides, pesticides and fertilizers. Mr. Poole stated that an air cannon going off at the Happy Valley Winery and Vineyard which was what brought to attention that the covenant was not included in these three deeds.

Keith Jervis, resident in Hunters Chase explained that he did know about the air cannon but he does appreciate that this information be added to deeds so residents are aware. He stated the trees that were to help protect from the crop dust and things have died and the buffer should be thicker because it is not what it was originally set to be.

5. APPROVAL OF SEPTEMBER 2013 VOUCHER REPORT

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

6. CONSENT AGENDA

Mr. Killian made a motion to approve the Consent Agenda including the September 2013 Treasurer's Report, Payment Authorizations for Alpha Space Control and New Enterprise Stone & Lime Co. and a Time Extension for Cellco Partnership d/b/a Verizon Wireless. Mr. Keough seconded the motion. The motion passed unanimously.

V. REPORTS

1. Manager

Mr. Kunkle included in his report that the Township hosted its third Coffee and Conversation, October 15th at the Naked Egg Café with a small crowd but some good suggestions. One of suggestions was enhancing the Jo B. Hayes Overlook. Staff pursued the suggestion with DCNR Bureau of Forestry in Huntingdon which include opening up the view shed a little more and a possibly of an informational kiosk with mapping, which could be a good Eagle Scout project. Work is progressing on the 2014 proposed Township budget and is on schedule to be distributed to the Board on November 4th. Judge Kistler has closed the hearing on the College/Ferguson Township boundary line issue and Mr. Kunkle anticipates a decision soon. He also provided a letter from CBICC President following up the economic summit. It may be advantageous for the Board to have a meeting with Mr. Squire and it might work best to be combined with a budget worksession. Finally he congratulated Ms. Ronda Reid, Communications Coordinator and Mr. David Pribulka, Assistant Manager for their contributions to the articles in the most recent PA Municipal League Publication, The Reporter, which featured Ferguson Township.

2. Public Works Director

Mr. Modricker stated the township has contracted New Enterprise Stone and Lime for paving on Whitehall Road. Also included in the project is guide rail installation, center lane rumble strips, shoulder backup and seeding with all work substantially completed by the first week of November. This past week bids were opened for tree trimming contracts and work will take place on Beaver Avenue and in Greenleaf Manor. He spoke with Pennoni about a remedy to the HMS medical storm basin. Last week staff met with Bill Elmendorf to rewrite the Township street tree ordinance. Tomorrow he will open quotes for contract snow operations and will inform the Board of the results. Have completed brush collection for the month and leaf collection is ongoing at this time of the year. In November they will be doing collection daily and on at least one Saturday. The public works department will be installing new street signs in Stonebridge.

3. Planning & Zoning Director

Ms. Green went over the two items discussed at the Planning Commission meeting and what was on the Zoning Hearing Board Report.

4. Police Report

Chief Conrad was not present at the meeting.

5. COG Committee Reports

1. Executive

Mr. Kunkle stated that the meeting will be tomorrow. Mr. Elintski will be there to discuss Spring Creek Canyon. They will also be talking about RGB/SSA Implementation Agreement and this will be referred back to the municipalities. The 2013 Centre Region Comprehensive Plan Update question will be whether or not to hold a public hearing on its adoption and at a COG General Forum Meeting. It would then be advertised as individual meetings but all held at the General Forum. The COG 2014 budget will be referred to municipalities for comment back by Nov 19th. Board will discuss this at the November 4th meeting.

2. Parks Capital

Mr. Mascolo stated that they did a review of Oak Hall Regional Park. All four fields have grass on them and the dugouts and restrooms are looking good. November 7th at 4pm there will be a tour at the Oak Hall Park for all officials who would like to view the park. Hess field for the first time since purchase is running in the black mainly due to additional tournaments. A proposal was received from the community tennis association requesting that COG build them an indoor tennis facility. At this time a decision has not been made. The committee had a discussion on a funding model proposal for regional park development. The idea is to set up a fund where each municipality would put money into a fund that would match outside donations. What are the Board's thoughts on this? Mr. Keough and Mr. Clemson like the concept of this idea. Mr. Mascolo's opinion is that they should get a bond issued to finish the parks. Lastly they received a proposal from the Bestwick Foundation to build an action sports park. They looked at based on the size where could they put a park like this and what would the costs be. This is being looked at by the Authority and CRPR.

3. Spring Creek Watershed Commission

Mr. Killian informed the Board that the Spring Creek Watershed Commission will be holding a public event about Pharmaceuticals in the sewer and how it gets into our streams and environment. The event will be held at Mt. Nittany Medical Center and Mr. Killian will let the Board know when the event is.

VI. MINUTES

Mr. Clemson made a motion to approve the October 7, 2013 Board of Supervisors Minutes. Mr. Killian seconded the motion. The motion passed unanimously.

Mr. Clemson made a motion to approve the October 10, 2013 Strategic Plan Worksession Minutes. Mr. Killian seconded the motion. The motion passed unanimously.

VII. ADJOURNMENT

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

With no further business to come before the Board of Supervisors, Mr. Mascolo adjourned the regular meeting at 9:18 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 11/04/2013