

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, November 4, 2013
7:00pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, November 4, 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		David Modricker, Public Works Director
	Drew Clemson		Erika Green, Planning & Zoning Director
	Elliott Killian		

Others in attendance included: Heather Bird, Recording Secretary; Joe Small, Stonebridge Development; John Sepp, PennTerra; Ronald Woodhead, CRPR/COG 2014 Budget; George Henning, Schlow Library Representative; Tom Zilla, CCMPO/CRPA; Steve Jackson, State College Borough Water Authority Representative; Jim Steff, CRCOG; Cathi Alloway, Schlow; Joe Viglione, CRCOG; Galen Dreibelbis, Variance

II. CALL TO ORDER

Mr. Pytel called the Monday, November 4, 2013, regular meeting to order at 7:00pm.

III. CITIZENS INPUT

IV. ABC REPORT – Mr. Steven Jackson, State College Borough Water Authority

Mr. Jackson stated that since his last report in April he has attended six meetings. The State College Borough Water Authority (SCBWA) has made 32 new water connections in Ferguson Township in 2013. Ferguson is second to Harris Township in total connections for the year. The SCBWA remain fiscally sound with year to date revenues of \$4.954 million and expenditures of \$3.2 million leaving the Authority \$1.754 million in the black. The average daily water production year to date has been 4.9 million, which is an increase in daily production of over 100,000 gallons. The acquisition of a small water company in Patton Township, known as the Ridgemont Project, has proceeded as planned, on time and under budget. Final disposition of the project is pending legal closure of those small authorities. The issue of Slab Cabin run and its designation as a High-Quality Cold Water Fishery was raised by Executive Director John Lichman at the October 17th meeting. Mr. Lichman expressed many of the same concerns as the Ferguson Township Board of Supervisors such as the potential impact that a DEP anti-gradation designation might have on SCBWA well withdrawals and the potential impact for their beneficial reuse of the UAJA water. They echoed the Board's concerns that our good custodianship of local water resources might have the ironic effect of placing additional regulatory burdens on them and UAJA. Mr. Jackson expressed to them that the Board felt the need for joint work among affected agencies regarding this issue. The SCBWA Board was in agreement.

V. PUBLIC HEARINGS – ORDINANCES

VI. PUBLIC HEARING – RESOLUTIONS

1. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING A REVISED STRATEGIC PLAN.

Mr. Pribulka stated that the Board has held several worksessions to review and revise the Strategic Plan, which provides direction to Township staff on how to execute goals the Board has established. There have been a few new features in the Strategic plan including the addition of an executive summary, simple and easy to use progress tracker and new goals, objectives and action steps. After completion of the editorial review by Mr. Keough and Mr. Clemson, the final draft included minor editorial revisions, removal of Action Step 6.2.2 which was written to identify a spokesperson for controversial issues and word changes to the mission and vision statements.

Mr. Mascolo made a motion to ADOPT Resolution #2013-29 adopting a revised Strategic Plan. Mr. Killian seconded the motion.

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

2. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN/VICE CHAIRMAN AND SECRETARY TO EXECUTE AN EASEMENT AGREEMENT BETWEEN PINE HALL DEVELOPMENT COMPANY, CIRCLEVILLE ROAD PARTNERS, LP AND FERGUSON TOWNSHIP.

Mr. Kunkle stated the Township is in the process of working through the terms and conditions for conditional approval of Phase 2 of the Turnberry TTD. One of the terms has to do with Southwick Blvd and its connection to the Pine Hall Development. The area deals with the connection of Phase 2, Turnberry TTD and Pine Hall Development. During the process of the approval of Phase 2 the question was raised about how was the turn-around between Southwick Blvd and the two streets that go into the Pine Hall Development going to be dealt with. Our regulations state that where a street abuts an area that will be further developed a temporary cul-de-sac would need to be constructed and surety would be posted. For Turnberry it would be a number of years until Pine Hall would reach their phase of development. What the Township has come up with is an easement area that will be constructed by the Turnberry developers and is on the Pine Hall Development land. This easement allows the Township to obtain essential ownership of the new public street without a subdivision of the Pine Hall Development. Typically the Township would take this road over in a fee simple manner with a new deed created and provided to the Township. This would require Pine Hall to create a subdivision in a small area not currently connected to the existing completed phases. At the time when Pine Hall completes a specific implementation plan that includes this portion of Southwick Boulevard we will receive the area in a fee simple manner and replace the existing easement. This will allow the Township's public works department the ability to have a safe turn around location and accomplishes every ones goals until Pine Hall completes the specific implementation plan for the area including this roadway. As part of the easement agreement there will be gates and bollards located between the Pine Hall Development and Turnberry TTD to prevent trespass from traffic.

Mr. Killian made a motion to ADOPT Resolution #2013-30 authorizing execution of an easement agreement between Pine Hall Development Company, Circleville Road Partners, LP and Ferguson Township. Mr. Keough seconded the motion.

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

VII. COMMUNICATIONS TO THE BOARD

None.

VIII. ACTION ITEMS

1. STONEBRIDGE PLANNED RESIDENTIAL DEVELOPMENT, PHASE 5 SENIOR APARTMENTS

Ms. Green stated this plan is located on Bristol Avenue across from the Little League fields. It is approximately 5.5 acres and will include 108 senior living apartments. In March 2012 a variance was granted to reduce the required parking from 1.5 parking stalls per dwelling unit to 1 parking stall per dwelling unit. As part of the variance, at the sole discretion of the Township, the developer could be required to increase parking to 1.5 stalls if deemed necessary. During the construction of Phase 1 the developer has agreed to allow overflow parking for the little league but after the completion of phase 2 overflow parking will no longer be available. At the time of completion of Stonebridge V phase 1 Johnson Farm Associates, as part of the Landings Terms and Conditions, will pave the new little league parking lot adjacent to Bristol Avenue. The Centre Area Transportation Authority (CATA) made a request to have a sidewalk installed on both sides of the lot leading to the residential units. The Planning Commission felt that this was not necessary. As of now the planting list includes the planting of ash trees and Ms. Green would recommend a condition on the approval to have another variety of tree planted.

Mr. Killian made a motion to APPROVE the Stonebridge Planned Residential Development, Phase 5 subject to the completion of outstanding condition as set forth in the memorandum from the Director of Planning and Zoning as well as a condition to substitute the ash trees with another variety tree from the approved listing. Mr. Clemson seconded the motion.

Mr. Keough discussed the paving and non-paving issue of the little league parking lot. Ms. Green stated that having a paved parking lot with delineated stalls may be more efficient.

Mr. Kunkle stated that there was a rather intensive stormwater management study completed as part of the Landings Development and brought the conclusion that both of the gravel parking lots at the little league field would be removed due because it is in a storm drainage area. There will be modifications to the Haymarket Park that will create new stormwater management. Additionally, as part of the Landings Master Plan approval, a requirement for construction of the paved parking area to replace the gravel parking area. Finally Bristol Avenue is intended to be a three lane roadway with a center turning lane. With that delineation of the roadway there will be no parking on Bristol Avenue and this 38 stall parking lot will serve to replace the on street parking. There have been discussions with the developers of the Landings on paving the other gravel lot near the concession stands to maximize the capacity of that lot.

Mr. Mascolo questioned the time line on construction phases.

Mr. John Sepp, PennTerra stated that the construction is out for bid and is anticipated to begin in Spring 2014, as for the second phase there is not currently a time line. Mr. Kunkle questioned

if Phase 5 Stonebridge will have a separate homeowners' association. Mr. Sepp stated that they would be a part of the original homeowners association.

Mr. Pytel asked about the parking variance and the building height. Mr. Sepp stated that the parking variance was approved in 2012 and the data was provided supporting the reduction at that time. He confirmed that the building height is 56 feet.

Mr. Joe Small, 603 Ridgefield Terrace, right on the line of the Stonebridge development asked about the distance from the property line to the parking stalls on the side. He was reminded that at this time these parking stalls will not be constructed. He is concerned about the height of the building.

The motion passed unanimously.

2. DISCUSSION OF POLICE PENSION ACTUARIAL ASSUMPTIONS STUDY

In January 2013 Mr. Kunkle requested that Dave Killick, Conrad Siegel evaluate whether or not our assumptions for interest earning and salary increases were appropriate based upon the historical returns that the Township has had on the Police Pension Fund.

Mr. Killick evaluated the investment returns from 1991 to 2012 absent the disastrous year of 2008. Mr. Killick rendered an opinion that the interest earning assumption of 8% for the plan is appropriate. Given that assumption there is a requirement under Act 205 that once the interest calculation is validated than the wage increase assumption can't be anything less than 3% below that, so the wage increase assumption is 5%. These factors play a significant role in the cost of providing the retirement benefits. Mr. Killick's professional opinion is that the 8% interest assumption and 5% salary increase assumption are appropriate for the plan given the performance of the plan over the last 22 years. Mr. Killick recommended that the Township retain those two assumptions

Mr. Killian made a motion to APPROVE the Police Pension interest rate assumption of 8% and the salary increase assumption of 5% for preparation of the actuarial reports. Mr. Mascolo seconded.

Mr. George Henning made a comment that he feels that using a 20 year history may not be as accurate as a 10 year history.

The motion passed unanimously.

3. PINE GROVE MILLS TRUCK ESCAPE RAMP SURVEY RESULTS

Mr. Kunkle state the Board co-hosted an open house on Monday, Oct 7 with PennDot followed by a presentation at the Board meeting on the Lower truck escape ram. As part of the process attendees were requested to complete a survey on their opinion of the project. PennDot tallied the responses on Friday October 25th and divided the results into three categories, those in favor, those opposed and those uncertain. Out of the 28 responses received 5 were in favor, 17 were opposed and 6 were uncertain. Many of the respondents had some common themes of realignment of the intersection at Water Street, Nixon Road and Pine Grove Road and the intersection of West College Avenue and Shingletown Road. This evening staff is asking the Board if they would like to make any changes to the Long Range Transportation Plan (LRTP)

rankings that were previously submitted to the Centre County Metropolitan Planning Organization.

Mr. Killian is in favor of removing the project from the LRTP.

Mr. Pytel stated that if the lower truck ramp is removed he would prefer to straighten the intersection of Nixon Road, Water Street and Pine Grove Road.

Mr. Mascolo would like to leave the LRTP as it currently is.

Mr. Clemson feels that the alignment of the intersection is more important.

Mr. Keough does not feel informed enough about the straightening of the intersection which may include eliminating a business and effect Slab Cabin Run.

Mr. Pytel stated that intersection would improve the environment by eliminating the gas station right by Slab Cabin Run.

Mr. Keough would like to move the intersection of Shingletown Road and West College Avenue to the #2 position.

Mr. Killian made a motion to REPRIORITIZE the rankings of the LRTP to be #1 Atherton Street Stormwater, #2 Realignment of the intersection of Water Street, Pine Grove Road and Nixon Roads, #3 Intersection of Shingletown Road and West College Avenue and #4 Pine Grove Mills Lower Truck Escape Ramp. Mr. Clemson seconded. The motion passed unanimously.

4. DISCUSSION OF 2014 CENTRE REGION COUNCIL OF GOVERNMENT (COG) BUDGET

Mr. Kunkle stated the Board received a copy of the COG Budget at the General Forum. This evening the Board is asked to review the summary budget document and provide comments to the COG Executive Director by November 19th.

COG Regional Refuse and Recycling

Mr. Kunkle questioned on p. 42 the necessity at this time to purchase recycling containers for Whitehall Road Regional Park. Mr. Jim Steff responded that this is to promote recycling while the park is under construction and any unused funds would be transferred to the Capital Fund for when the park is complete. Mr. Kunkle asked if the recycling could be part of the construction contract. Mr. Steff stated that typically these questions and suggestions are referred to the Public Services and Environmental Committee. The Board does not feel that this money should be used for recycling at the park until the park is finished.

COG Codes Existing Structures

Mr. Mascolo questioned on p. 56 expenditures. He said \$10,000 has been included for the agencies fire safety house located in the Ferguson Township Building. Mr. Kunkle stated that in the Township's 2014-2018 Capital Improvement Budget as well as the 2014 Operating Budget this facility will be constructed and COG will pay an annual fee to lease and maintain the building.

COG Code Capital Fund

Mr. Mascolo questioned on p 62 about existing vehicles being sold. He stated it was his understanding that one of the trucks was to be transferred to Centre Region Parks and

Recreation and not sold. Mr. Steff confirmed that is correct. The Board would like to remove the last sentence about vehicles being sold.

COG Schlow Centre Region Library

Mr. Mascolo stated that at the last Board meeting there was a discussion on funding and at that time he recommended that municipal contribution should not exceed 3% and that the Township should use the funding formula with the students included which would be \$360,734.38. Mr. Pytel agreed with this figure. Mr. Keough stated that the library is a heavily used service by our residents and he believes that with the willingness of the library to shut down for a week and the library board's efforts he is in support of the 5% or \$369,835. Mr. Clemson and Mr. Killian would support a middle amount at 5% with students of \$365,325.58.

Mr. Mascolo made a motion to APPROVE support of Schlow Library with a contribution of \$365,325.58 with students. Mr. Killian seconded.

The motion passed by a vote of 4-1. Mr. Pytel, Mr. Mascolo, Mr. Clemson and Mr. Killian in Favor, Mr. Keough Opposed.

COG Centre County Metropolitan Planning Organization

Mr. Mascolo made a comment that in May 2013 the CCPMPO approved a new funding formula by all municipalities except Centre County Government. He does not think the formula should be changed just because the county did not agree with the new calculation.

Mr. Kunkle stated that Centre Region Planning Agency anticipates receiving an additional \$2500 from the County. Mr. Steff stated the fund balance may be higher than anticipated because of a staff opening effective today which should cover the \$2500 if it were not received.

COG Regional Fire Protection

Mr. Kunkle called attention to the end of 2014 where the fund balance will be zero which will likely increase municipal contributions in 2015.

COG Parks and Recreation Operation

Mr. Mascolo noted that the municipal contributions have gone down for 2014 from the estimated 2013.

COG Aquatics

Mr. Mascolo noted that the Aquatics will be transferring \$70,000 in revenue to the Pools Capital Fund.

COG Senior Center

Mr. Clemson questioned p. 103 and what the plans are to meet the cost if the County doesn't increase funding. Mr. Steff stated they do have a fund balance they can use if the funding from the County isn't increased. They have asked the County for an additional \$12,000. Mr. Kunkle asked if the County's reimbursement fluctuating is tied into the number of seniors served. Mr. Woodhead stated that the County reimbursement deals with two components, one being meals and the other deals with visits causing the fluctuation. Mr. Keough asked what the rental arrangement in State College and what is the cost. Mr. Woodhead stated it is rented from the State College Borough at \$56,000 a year with four years remaining on the lease. Mr. Woodhead stated there is a concern about parking when the Fraser Center is constructed

across the street. Mr. Keough suggested checking with are Homeowner's Associations about their onsite facilities that may be able to accommodate senior services.

COG Millbrook Marsh Nature Center

Mr. Kunkle asked if there is a fee schedule for use by non-residents. Mr. Woodhead stated that there is not a fee for facilities but there is a non-resident fee for the programs.

5. VARIANCES

1. CHARLES & MICHELLE WALTERS, 2004 CHELSEA LANE

Mr. Kunkle stated the variance application is for Charles and Michelle Walters for property located at 2004 Chelsea Lane. The requested variance is to allow the continuation of a rental that has four unrelated individuals in the residence. Originally the rental had two related and two unrelated individuals, when one relative moved out another unrelated individual moved in. This came to the attention of the Township by complaint. The Walters are looking for a continuation of the four unrelated individuals through December when one of the renters will be graduating college.

Mr. Mascolo made a motion to REMAIN NEUTRAL on the variance request of Charles and Michelle Walters with a comment to make sure the continuation is only through December. Mr. Killian seconded the motion. The motion passed unanimously.

2. RICHARD L. FYE ESTATE, 6100 TADPOLE ROAD

Mr. Kunkle stated this is for property located at 6100 Tadpole Road. This variance request is in conjunction with a subdivision plan under review. Part of the requirements of a subdivision plan is to delineate the flood plain on the property. This request is similar to the request of Ralph and Marion Wheland. On the Wheland request, the Board remained neutral but placed a condition that if something changed with the property they would be required at that time to designate the flood plain.

Mr. Killian made a motion to REMAIN NEUTRAL but communicate to the Zoning Hearing Board that if the variance is granted is subject to the conditions that the variance is for this subdivision only and would not apply to future land development plans or building permits for structure located on either of the tracts created by the subdivision. Mr. Mascolo seconded the motion. The motion passed unanimously.

3. GALEN & NANCY DREIBELBIS FAMILY PARTNERSHIP, 410 WEST CHERRY LANE

Mr. Kunkle stated this is for property located at 741 W Cherry Lane and includes three variances to permit the development of two parcels which will be consolidated to allow for the development of a 16 unit, one bedroom apartments with the conversion of an existing stone garage to a detached dwelling unit and the retention of the existing single family house. Multiple variances are requested for minimum lot size, conversion of the structure to a residence that does not meet the required separation distances and setbacks and a reduction of the separation distance between buildings.

Mr. Killian made a motion to REMAIN NEUTRAL on the variance request. Mr. Keough seconded the motion.

Mr. Mascolo questioned about the 16 unit building. If the number of units were 14 instead of 16, would it eliminate the problem. Mr. Dreibelbis stated that the setbacks are related to the garage. If the garage or house was eliminated the variance would not be needed.

The motion passed unanimously.

4. DARREL ZACCAGNI, LOT 53 THISTLEWOOD SUBDIVISION

Mr. Kunkle stated this variance is for Lot 53 in Thistlewood Subdivision. This is an undeveloped lot. The lot does have a flood plain on the property and the variance is requesting relief from the requirement that a site land development plan be submitted depicting where the structure would be in relationship to the flood plain. This is an appeal and a variance application. First they will appeal the interpretation of the zoning and subdivision/land development regulations. Should the applicant fail with the appeal they will seek a variance from the requirements. The basis of the appeal is the definition of a land development, under the municipalities code a single family home does not meet the definition of a land development.

Mr. Killian made a motion to REMAIN NEUTRAL on the variance request. Mr. Keough seconded the motion. The motion passed unanimously.

6. CONSENT AGENDA

Mr. Mascolo made a motion to approve the Consent Agenda including an Act 14 Notification for Turnberry TTD Sanitary Sewer Extension; Payment Authorization for New Enterprise Stone and Lime Co; Surety Reductions for The Landings and Torron Center and a Time Extension for CVS Pharmacy, 1101 North Atherton Street. Mr. Killian seconded the motion. The motion passed unanimously.

V. REPORTS

1. Manager

Mr. Kunkle included with his report the study on Rock Springs Water Company which is being initiated by the Alpha Fire Company. On October 11th there was a fire that occurred and when the Alpha Fire Company connected to the fire hydrant, the hydrant was dry. This has raised some concerns. Through Alpha Fire Company they have requested that Rock Springs allow some testing to see the capacities of the hydrants.

The second item has to deal with the letter of intent to participate in the Centre County Hazard Mitigation Grant Program. Shawn Kaufman has been designated as our Hazard Mitigation Point of Contact and Jeff Ressler as our Floodplain Coordinator.

Mr. Pribulka provided a memorandum relative to a worksession related to fire suppression cisterns and their location in relationship to new subdivisions. Mr. Pribulka stated Mr. Bair provided an analysis comparing our current ordinance requirements that require as part of subdivision plan to include the installation of a 4000 gallon cistern. Based on his analysis a 4000 gallon cistern would be sufficient. One challenge with this is equity with the original subdivider of the land bearing the full cost of the cistern with a possible solution of a municipal lien, surety or tying the costs into the building permit. Some of the remaining challenges include placement, they may not be placed in the optimal location for fire suppression after all lots are developed and exemption of a subdivision of four lots or less, the concern of lots being divided

in sets of four eliminating the requirement for a cistern. The maintenance of the cisterns, the current ordinance allows the Township to collect a fee for the maintenance.

Mr. Keough commented that if this ordinance was not in place would we be in violation of any state laws or regulations. The Board stated this is not a requirement by the state but the Township. Mr. Keough would like to see this ordinance repealed.

Mr. Pytel stated that the ordinance is in place for the protection of the fire department personnel.

The Board discussed what is in the current Township Ordinance, questions about Mr. Pribulka's memorandum and additional options.

The Board would like Mr. Pribulka to talk to Steve Bair and the COG Public Safety and Environmental Committee and see what they have to say about the questions raised. At this time the Board would not like to make changes until they received further information.

2. Public Works Director

Mr. Modricker stated the state portion of Whitehall Road, Atherton to West College Avenue, will be complete in two weeks. The Ferguson Township portion of Whitehall Road, West College Avenue to Tadpole Road, will be substantially completed in two weeks with the detour to be removed by Thanksgiving. Work remaining includes shoulder back up, seed and mulch and installation of guiderails. A draft street tree ordinance is being prepared. Street trees will be removed in Hunters Chase and Saybrook with new trees being planted in the spring.

3. Planning & Zoning Director

Ms. Green stated that at the Planning Commission meeting on Monday, October 28th they reviewed the Stonebridge, Phase V plan. They discussed two new land development plans that have been submitted. One is on North Atherton for the construction of parking lot behind an existing home in the Office Commercial Zoning District and one for Pletcher's Beer distributor adding additional storage.

4. COG Committee Reports

1. Transportation & Land Use

Ms. Green stated that at the meeting there were three discussion items. The first items was the Penns Valley Rails to Trails feasibility study, stretch from Lemont to Haines Township. Many land owners were not interested in participating in the study so they narrowed the study down to four main areas. Also discussed at the meeting was bicycle pedestrian safety on shared use facilities focusing on new signage and a brochure on sharing the path. They had a new logo for placement on all multi use paths that was presented for comment. Lastly, a zoning district analysis report was done and submitted for discussion. The focus of the study was to determine if the municipal zoning districts for properties outside the regional growth boundary were consistent with the general plan and how the zoning allows for growth in these areas. Based on existing zoning, it's estimated that the potential exists for 25,000 additional dwelling units at 1 unit per acre covering approximately 39 square miles will be added outside the regional growth boundary.

VI. MINUTES

Mr. Mascolo made a motion to approve the October 21, 2013 Board of Supervisors Minutes. Mr. Killian seconded the motion. The motion passed unanimously.

VII. ADJOURNMENT

Mr. Mascolo 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. Pytel adjourned the regular meeting at 9:40 pm.

RESPECTFULLY SUBMITTED,

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 11/18/2013