

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, December 9, 2013  
7:00pm

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, December 9, 2013 at the Ferguson Township Municipal Building. In attendance were:

|               |                             |               |                                         |
|---------------|-----------------------------|---------------|-----------------------------------------|
| <b>Board:</b> | George Pytel, Chairman      | <b>Staff:</b> | 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             |               | Diane Conrad, Chief of Police           |

*Others in attendance included:* Heather Bird, Recording Secretary; Matt Harlow, Turnberry Master Plan; Bond Reinhardt, Sweetland Engineering for Pletchers Beer; William Elmendorf, Penn State University; Steve Miller and Janet Whitaker, Board Members Elect

### II. CALL TO ORDER

Mr. Pytel called the Monday, December 9, 2013, regular meeting to order at 7:00pm.

### III. PUBLIC HEARING – RESOLUTIONS

#### 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE BUDGET FOR THE FISCAL YEAR 2014, BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014.

Mr. Kunkle stated this resolution is to adopt the 2014 Final Operating Budget for the Township beginning January 1, 2014 and ending December 31, 2014. Mr. Kunkle went over key points of the 2014 budget. This is the seventh year where no new or increase in tax is proposed. The general fund budget shows a modest increase in expenditures of 1.9% due to the completion of the West Whitehall Road project, there is also a significant reduction in the capital expenditures for 2014. The general fund budget will require a little over \$411,000 in unassigned fund balance to balance revenues and expenditures but the general fund budget still maintains a healthy balance going forward. There are a number of notable achievements from 2013 including completing and updating and reformatting of the strategic plan, increase our citizen engagement, our information and technology software has been advanced, we are better prepared for emergency with the completion of our COOP plan, completed capital public works projects on time and in budget, progress in our park improvement and positioned the Township for future improvements, first Centre County police department to have a CNG vehicle and the police department is on schedule to receive accreditation in 2014. The overall 2014 budget excluding fiduciary funds proposes an \$11,230,900 in revenues and \$12,762,421 in expenses. The budget proposes using fund balances of \$411,534 from the General Fund and other funds such as \$930,909 from Capital Reserve Fund, \$63,910 from Regional Capital Projects Fund and \$50,909 from Park Improvements funds to balance the budget. The Assigned Fund Balance is \$4,689,358 at the end of 2014 and our Un-Assigned Fund Balance at the end of 2014 will be a \$3,032,839.

The Township five year time horizon 2010-2014 shows that the revenues have flattened out for 2013-2014, partially due to a downturn in the economy. A comparative chart showing revenues from 2013 to 2014 budgets and to be relatively flat with a difference of \$430,000. If you take out operating transfers, funds being moved from the General Fund to other funds, the total increase in revenue including grant revenues was about \$1,139,000. A five year expenditure projection

shows the Township is spending about \$12 million a year. Mr. Kunkle stated that in 2015 the Board will be giving direction to the reallocation of our distribution of operating transfers to the capital reserve and transportation improvements fund in order to smooth out the expenditures to avoid tax increases in that year and going forward. The significant difference of 2013 to 2014 budget is mainly due to the West Whitehall Road project. The project was a \$3.9 million project in construction alone.

In the area of the Centre Region Council of Government programs (COG), the budget includes expenditures that are beneficial to the Township to participate as a group and not provide independently. The Township has major contributions to the Schlow Centre Region Library, Alpha Fire Department and Centre Region Park and Recreation Programs. The Township is the largest contributor for local dollars to COG at 26.4% of total local contributions of \$6.2 million.

What is new in the 2014 budget? Personnel cost is one of the largest areas of budget changes, overall between wage increases and benefits the overall cost to the Township is \$167,678 for 2014. COG services as compared to last year there was a 3.24% increase overall or \$190,155 in total COG expenditures and the Township share of that increase was a little over \$53,000. In the capital projects area the Township is looking at about \$1.8 million in projects including Selders Circle, Rosemont Drive, Westerly Parkway, Vairo Boulevard, Deepwood Drive, East Park Hills Avenue, Abby Place, Marjorie Mae Street and Gateway Drive in the Townships microsurfacing program. The Selders Circle and Rosemont Drive will include a new structure, culvert or bridge. The budget includes equipment replacements and additions of \$477,000 and \$182,000 expenditure in buildings and grounds, which includes building a structure for the Centre Region Fire Program and will be paid back to the township through the Centre Region. The Townships debt service is a little over \$550,000 a year and will and will be debt free from the Township side in 2017 and in regional parks debt service is \$172,285 a year.

Beyond 2014, what are future year challenges? Funding for increased regional park maintenance for Oak Hall, Whitehall Road Regional parks and Hess Field will have an increase in maintenance costs and can anticipate seeing an increase in parks and recreation contributions to cover these increased costs. Funding for the second phase development of the three regional parks is also on the horizon. How will we balance our capital road street projects with the increase pressure on the General Fund. Finally, finding the funding for the development of West College Avenue Streetscape.

Mr. Killian made a motion to ADOPT Resolution #2013-34 adopting the budget for the fiscal year 2014, beginning January 1, 2014 and ending December 31, 2014. Mr. Keough seconded the motion.

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

**2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, LEVYING TAXES AND ASSESSMENTS FOR FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014.**

Mr. Kunkle stated that annually the Board adopts tax rates for the upcoming year. As approved in the budget there will not be a tax increase or in fees for fire hydrants and street lights.

Mr. Killian made a motion to ADOPT Resolution #2013-35 levying taxes and assessments for the fiscal year beginning January 1, 2014 ad ending December 31, 2014. Mr. Mascolo seconded the motion.

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

**3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING A REVISED COMPENSATION PLAN FOR NON-UNIFORMED EMPLOYEES WITH AN EFFECTIVE DATE OF JANUARY 1, 2014.**

Mr. Kunkle stated that this is an annual adoption by the Board in order to keep the salary schedule for the various grades current with the changes in the cost of living increase approved by the Board. Each of the salary grades are modified. For 2014 the figures have been increase by 1.2%.

Mr. Killian made a motion to ADOPT Resolution #2013-36 adopting a revised compensation plan for non-uniform employees with an effective date of January 1, 2014. Mr. Mascolo seconded the motion.

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

**4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ESTABLISHING CONTRIBUTIONS TO THE POLICE PENSION FUND BY MEMBERS.**

Mr. Kunkle stated that in accordance with Act 205 the Board is required to establish a contribution rate if any by members of the police pension plan. Based upon our minimum municipal obligation provided to the Board in September and revised in October. Members of the police pension will be required to contribute a minimum of 5% of their base salary to the plan for the fiscal year 2014. This is a result of poor earning in 2008-2009.

Mr. Killian made a motion to ADOPT Resolution #2013-37 establishing the contribution of 5% to the police pension fund by member. Mr. Keough seconded the motion.

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

**IV. PUBLIC HEARINGS OTHER**

**1. A PUBLIC HEARING ON A REQUEST TO REVISE THE PHASING SCHEDULE FOR TURNBERRY TRADITIONAL TOWN DEVELOPMENT**

This plan included a request to make changes to the phasing schedule for the Turnberry Traditional Town Development. The noteworthy changes are to include changing the final implementation submission for Phases 2B and 3A from September 2013 and September 2014 to May 2014 and an overall reduction in the number of dwelling units by 29 units.

Mr. Mascolo made a motion to APPROVE the request to alter the phasing schedule for the Turnberry TTD in accordance with the revised Phasing Plan dated November 25, 2013.

The motion passed unanimously.

**V. COMMUNICATIONS TO THE BOARD**

Mr. Mascolo stated that a resident does not feel that the request for relocating the exit road of Hess Field is necessary. Instead the passing zone should be removed.

Mr. Pytel received calls with appreciation for not raising taxes and thanks to Dave and the Public Works Department about good snow and leaf removal.

## **VI. ACTION ITEMS**

### **1. DRAFT STREET AND PARK TREE ORDINANCE – DR. WILLIAM ELMENDORF**

Mr. Modricker stated that Dr. Elmendorf is a Penn State Urban Forester and staff has worked with Dr. Elmendorf over the last year and a half on the amendments to the tree ordinance. The Township has had several issues with various types of trees, such as the Ash Tree, and Dr. Elmendorf has helped the Township work through some of these issues and develop strategies for the future. Part of this revised ordinance deals with arboricultural issues and care of trees and part of this deals with creating a street tree commission.

Dr. Elmendorf has been working with staff for several years and he feels the new ordinance is important for the Township to have. Some examples of the value of trees and parks are

- mature street trees can add between 12 – 17% to property values
- trees and natural elements have been known to have profound impacts on individuals health and healing
- trees and natural elements provide clean air and water, stormwater management
- they support a persons sense of place

Dr. Elmendorf understands that tree issues are growing in the Township such as the Emerald Ash Bore. He suggested that this ordinance and the tree commission policy and procedures will help to build legitimacy, visibility for community tree program that helps the township plan for and manage public trees and the many benefits provided by them. It will assist township staff in administering an active community tree program which provides for the removal and planting of trees each year on public property and in this is an increase in tree diversity which is key to the stability and resilience of the community forest. Establish a commission that will better provide for better public participation and education and solicit donations and other funding to assist with the community tree program. This ordinance will protect public trees and provide proper horticultural standards such as pruning and the maintenance of public trees and provides a list approved public trees. In his opinion this ordinance is for the benefit of the health and welfare of the community.

The proposed ordinance provides for following:

- creates a Ferguson Township Tree Commission that is advisory to the Director of Public Works and ultimately to the Board of Supervisors. Responsibilities of this tree commission include recommending various tree species, annual tree removals, proper tree maintenance standards, programs of public education such as Arbor Day, preparing an annual report of activities, holding public hearings for tree planting and removal permits and as an appeal board and a body to solicit grants and donations
- creates a process to manage unsafe trees that threaten the public safety either in the right-of-way or on private property
- creates processes to manage trees that are infected with serious disease or insect problems whether on public or private property
- establishes a duty to protect public trees from unpermitted removal, pruning or other action that may destroy or damage them
- establishes a duty to protect trees from construction activities on private or public property that may affect the health of the tree
- establishes a process for removal of public trees to accommodate development on private property
- establishes a permit process for the planting, removal and pruning of public trees

- establishes a permit process for the planting of trees on public property ensuring the proper species are used and the proper numbers
- process that ensures that public trees are being properly evaluated before removal
- establishes a process that any permit decision made by the tree commission would be appealed to the Board of Supervisors
- establishes an easement process where the Township may negotiate with private property owners to plant trees on private property if space is limited in the public planning area
- provides for both criminal citation for violation of the ordinance as well as restitution to the Township for damage to a public tree
- provides accepted horticultural standards
- provides a list for the planting small, medium and large trees

Mr. Pytel thinks a tree commission is great idea for the Township.

Mr. Mascolo asked as far as street trees, what type of tree will be used in a 6 foot wide barrier. Dr. Elmendorf stated that not just one tree species would be recommended any more in case of disease. There would be 3-4 species per street and the commission would look at the plans and make recommendations of trees to be used in the area.

Mr. Pytel asked if invasive species would be included in planting. Dr. Elmendorf stated that those trees could be included in the list.

Mr. Keough asked if this ordinance will apply to the entire township, every building zone, or a particular portion of the Township?

Mr. Kunkle stated that the first draft is very broad and covers the entire township. Mr. Kunkle thinks that trees on private property in the AG and RR zoning district should not be areas that the Township should be involved in. This ordinance should focus concern with public trees or hazardous trees primarily within the regional growth boundary.

Mr. Modricker asked the Board if there was an occasion with a tree on private property outside of the regional growth boundary, would the Board want the Township to take care of this tree. This is an item to think about.

Mr. Keough asked how this ordinance will affect the Whitehall Road Regional Park. The intent of this ordinance is not to hold up any planning process.

The Board had some further discussions on the fees for tree removal and fines and citations filed through the magistrate.

## **2. PLETCHER'S BEER DISTRIBUTOR EXPANSION**

Ms. Green stated that this plan is for a 1250 square foot addition for storage at the Pletcher's Beer Distributor located at Aaron Drive and Martin Street. The Planning Commission recommended this plan for conditional approval. There are some outstanding stormwater issues but not significant enough.

Mr. Reinhardt, Sweetland Engineering, stated that the stormwater issues were a clarification issue and are being addressed.

Mr. Killian made a motion to APPROVE the 1250 Square foot storage space subject to the completion of the outstanding conditions set forth in the Director of Planning and Zoning memorandum dated December 4, 2013. Mr. Clemson seconded.

Mr. Reinhardt stated that this is an extension of cooler storage at the facility and that there will be additional tree planting including six evergreens and two red maples.

The motion passed unanimously.

### **3. CONTRACT 2013-C20 SALT SHED ROOF**

Mr. Modricker stated that on Tuesday, December 3<sup>rd</sup> bids were opened for 2013-C20R, Salt Shed Roof Shingle Replacement. The contract was advertised and eight contractors picked up bids with the following four being submitted to the Township: Tome Enterprises \$22,400, J S Construction \$13,500, Veronesi Building & Remodeling Inc. \$18,250 and Faul Construction \$19,867. The bids were within budget and Mr. Modricker recommends the contract be awarded to J S Construction.

Mr. Killian made a motion to APPROVE the award of Contract 2013-C20R Salt Shed Road to J S Construction in the amount of \$13,500. Mr. Mascolo seconded the motion.

The motion passed unanimously.

### **4. APPROVAL OF NOVEMBER 2013 VOUCHER REPORT**

Mr. Mascolo questioned the payment to Rock Springs Water Company. Mr. Kunkle responded that this payment was for 2013.

Mr. Killian made a motion to APPROVE the November 2013 Voucher Report. Mr. Mascolo seconded the motion.

The motion passed unanimously.

### **CONSENT AGENDA**

Mr. Mascolo made a motion to APPROVE the consent agenda including the November 2013 Treasurer's Report, Payment Authorizations for Glenn O. Hawbaker \$56,633.11 and \$127,938.17, New Enterprise Stone and Lime \$33,416.66 and a Time Extension for Stonebridge V Senior Living Apartments. Mr. Killian seconded the motion.

The motion passed unanimously.

## **V. REPORTS**

### **1. Manager**

Mr. Kunkle stated that Chief Conrad and the Police Department received a thank you from the University for their participation in the 2013 football season. The Township, primarily Dave Pribulka, have been working to put together funding for the State College Teener League's S & A Field located off of Airport Road. The project is to extend the fence to PIAA standards and to install updated, modern lighting fixtures. The project is approximately \$225,000 and after completing and application to the Louis E. Silvi Foundation, the Township received a donation of \$50,000. Another note of good news is that the Township submitted an application to the Department of Conservation and Natural Resources for a \$200,000 grant for public parks and the Township was successful in receiving this grant which will go toward the Westfield/Hillside Park.

## **2. Chief of Police**

Chief Conrad stated that in November Part 1 crimes exact same as last year at 12, Part 2 crimes are under a little bit, total crimes are 77 this month and 89 last month a 13% decrease, other calls for service are up both for the month and year to date. As of November we had 4130 calls for service last year and are at 4496 for this year. All the following are up for both the month and year: traffic citations, traffic stops, criminal arrest, supplements and hearings. The department did have a pursuit with an individual that had been previously held for public drunkenness, he was pursued to Tyrone. A new phone scam occurred in the Township, an individual seeking cash advances from prepaid money cards. Crimes located in the Turnberry Development are relatively normal for comparable housing areas.

## **3. COG Committee Reports**

### **1. Public Services and Environmental**

Mr. Killian stated that bicycle safety signs have been reviewed and will be placed on the paths. The signs read: All users -- keep right except to pass, be respectful of all users, pets must be on a leash. Bicycles – use audible warnings when passing, use lights when dark and children under 12 must wear helmet. The committee also discussed the refuse services. How would they like to proceed and changes to the services. The main discussions were on composting, electronic arms pick up trash cans and what other municipalities would join our contract. They discussed eliminating unlimited trash service. Mr. Killian proposed a multi-year phasing, where residents would receive new trash cans in one year and then the following year the trucks would begin to pick up with the robotic arms. Mr. Killian would like to see composting bin and there was interest in having a pilot program in each township. He mentioned that composting may be something that should go by zoning districts. Also they discussed using compressed natural gas and building a facility to fuel.

## **VI. MINUTES**

Mr. Mascolo made a motion to APPROVE the November 25, 2013 Board of Supervisors Special Meeting Minutes. Mr. Killian seconded the motion.

The motion passed unanimously.

## **VII. ADJOURNMENT**

Mr. Killian made a motion to ADJOURN the meeting. Mr. Keough 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 8:46 pm.

Respectfully submitted,

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Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 01/06/14