

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Tuesday, January 2, 2018  
7:30 p.m.

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, January 2, 2018, at the Ferguson Township Municipal Building. In attendance were:

**Board:** Peter Buckland  
Steve Miller  
Laura Dininni  
Sara Carlson  
Tony Ricciardi

**Staff:** Dave Pribulka, Township Manager  
Chris Albright, Chief of Police

*Others in attendance included:* Mike Twomley; William Keough; Katie Oliver-District Judge; Randy Hurst-Rock Springs Water Company; Faith Norris, Recording Secretary

### II. CALL TO ORDER

Mr. Buckland called the Tuesday, January 2, 2018, regular meeting to order at 8:02 p.m.

### III. CITIZENS INPUT

Mr. Hurst, counsel for Rock Springs privately-owned water company, address some concerns the public had on the recent boil water notice. Ms. Dininni asked whether the company has a complete list of customers to notify in regards to this type of notice. Mr. Hurst stated that they have addresses but do not have a complete list of emails and phone numbers. Mr. Hurst went into detail on the posting of the notice and how the customers were recently notified. He noted the delayed lab test came back negative. Discussion followed in regards to Rock Springs customer inquiries to the Township. Mr. Pribulka asked Mr. Hurst what the succession plan is for the private water company serving western Ferguson Township. Mr. Hurst was not able to address the question and noted the owners have been considering selling the company. Mr. Buckland asked for further discussion on the concerns raised from prior outstanding issues brought forward. Mr. Pribulka discussed prior concerns and recommendations that were forwarded to Rock Springs following a community forum and multiple focus groups. It was noted that the company is under a Consent Order to reduce its water loss. Mr. Pribulka stated that the Township has very little authority to influence the operation. The water company reports directly to PA DEP and the PUC. Discussion followed on what the Township has a right to do, jurisdiction and options for solutions. Mr. Hurst continued the discussion on the lab test and acceptable losses. Ms. Dininni clarified that residents were concerned since they were drinking their water and did not get the notification in a timely matter.

### IV. SPECIAL REPORTS - No Report.

### V. MINUTES

- a. December 11, 2017, Board of Supervisors Regular Meeting.

Mr. Miller made a motion to **approve** the December 11, 2017, regular meeting minutes. Ms. Dininni seconded the motion.

Ms. Dininni asked for a motion to amend the minutes followed with corrections stated below.

Ms. Dininni made a motion that the Board of Supervisors **amend** the minutes on page 6 - Staff Reports, Planning and Zoning, last paragraph, strike second sentence starting with “Staff responded...”. Mr. Miller seconded the motion. The motion passed unanimously.

Ms. Dininni made a motion that the Board of Supervisors **amend** the same paragraph, change sentence to read “Ms. Dininni noted that the owners of the previous Houtz property, Penn State, have not updated their Master Plan...”. Mr. Miller seconded the motion. The motion passed unanimously.

The motion to approve the minutes as amended passed unanimously.

## VI. UNFINISHED BUSINESS

### a. Sourcewater Protection Overlay District Ordinance – continued discussion

Mr. Pribulka recapped the history of the draft ordinance that was postponed indefinitely by the Board at the December 11, 2017, meeting to allow for further discussion. An Ad Hoc Advisory board was a suggested option.

Mr. Buckland suggested placing ideas on the table at this meeting for consideration on how to proceed with the ordinance.

Mr. Miller addressed some concerns in the ordinance and recommended against reconstituting the advisory committee and bring the ordinance back to the table for review. Ms. Dininni addressed her concerns and to consider some changes. The Board discussed in detail how to move forward and how to possibly add public and business members to the committee or a constituency ad hoc board, public comment process, proprietary information and time constraints. It was clarified that an ordinance and any amendments would go through the same approval process.

Mr. Keough was recognized and welcomed the new Board members. He voiced his appreciation for what has been done thus far on the ordinance. Mr. Keough voiced some concerns in regards to regional issues versus local issues, and the preference for education and regulation. He also reiterated concerns from the farming community about reporting requirements and agricultural exemptions.

Mr. Buckland asked if the Board would like to continue the discussion due to being at the 25-minute limit. Ms. Dininni **approved** overall discussion for additional five minutes. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Keough continued with his concerns and suggestions on the ordinance.

Mr. Buckland reiterated the possibility of a regional task force. Ms. Dininni continued the discussion and stated that there is political interest for a regional task force to do a comprehensive water conservation plan. This item will be added for discussion on a future agenda with consideration of establishing an advisory committee to hear citizen’s input and report to the Board. A regional taskforce will also be discussed.

## VII. NEW BUSINESS

### 1. Consent Agenda

#### a. Treasurer’s Report – November 2017

Ms. Dininni made a motion that the Board of Supervisors **approve** the Consent Agenda. Mr. Miller seconded the motion. The motion passed unanimously.

2. Public Hearing Ordinance amending Chapter 1, Code of Ordinances, Parks and Recreation Committee, Section 447, Creation and Membership

The recently created Parks and Recreation Committee Ordinance was amended to increase the number of appointed members from five to seven on the committee. The ordinance was provided with the agenda.

Ms. Dininni made a motion that the Board of Supervisors **adopt** the ordinance amending Chapter 1, Administration and Government, Part IV, Boards and Commissions, Part G, Parks and Recreation Committee, Section 447, Creation and Membership. Mr. Ricciardi seconded the motion.

Roll Call Vote on Ordinance #1040: Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – Yes.

Mr. Miller made a motion that the Board of Supervisors **approve** the slate of appointed members. Ms. Dininni seconded the motion.

Constitution of Parks and Recreation Committee included seven applicants. Below is a list of applicants:

Shawna Doerksen (4-year); Laura Moser (2-year);  
Niki Tourscher (4-year); Kathie Vondracek (2-year);  
Norris Muth (4-year); Andrew McKinnon (2-year);  
Connie Puckett (4-year).

The list above represents four 4-year appointments through December 31, 2021, and three 2-year appointments through December 31, 2019, retroactive to January 1, 2018.

Mr. Miller made a motion that the Board of Supervisors **approve** the slate of applicants as presented above.

Roll Call Vote: Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni – YES

3. Public Hearing Resolution authorizing Local Services Tax Collection Agreement

The resolution that was included with the agenda authorizes the Chair and Secretary to execute a new Local Services Tax Collection Agreement with the Borough of State College. The current 3-year agreement expires January 1, 2018. Mr. Pribulka stated that the Township engages the Borough to collect its Local Services Tax and the agreement will be for a new 3-year term. For clarification and assurance of payment collection, it includes additional language on collection of delinquent taxes and reporting requirements. The rate of compensation has not changed from the prior agreement.

Mr. Miller made a motion that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute a new Local Services Tax Collection Agreement with the Borough of State College. Ms. Dininni seconded the motion.

The Chair recognized Ms. Dininni who had a question on tax agreements. Ms. Dininni asked Mr. Pribulka whether there is an equivalent agreement similar to the above agreement between the county and other municipalities; whether it gives them the authority to negotiate with Penn State for the tax-exempt properties; or whether it's in the counties hands due to the county being the assessor? Mr. Pribulka stated it is done by an agreement with the relevant parties with the exception of College Township that has its own separate agreement.

Roll Call Vote on Resolution 2018-3: Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni – YES; Mr. Miller – YES

## **VIII. REPORTS**

### **1. COG COMMITTEE REPORTS – Agendas provided in the packet.**

- a. Executive Committee. Mr. Miller stated the meeting was approval of the minutes.
- b. Public Safety Committee. Ms. Dininni stated the meeting was cancelled.
- c. Joint Parks Capital and CRPRA Committee. Ms. Dininni stated the big news was the grant was received that will cover the Compensation Plan. Still working towards the RFP.

## **IX. OTHER REGIONAL COMMITTEES – No report.**

## **X. STAFF REPORTS**

- a. Township Manager. Board members are invited to attend the PA Municipal League Capital Conference on January 23<sup>rd</sup> in Harrisburg, PA. Mr. Pribulka clarified for new Board members that Ferguson Township is a member. The League handles legislative advocacy on behalf of municipalities around the state and part of its services include member training and conferences. The conference agenda and registration form were provided with the report. Ferguson staff attended a presentation done by Penn State and consultants on the University's plans for development of West Campus. He further discussed in detail a one-plan design that is being considered.

Ms. Dininni asked if Penn State had indicated when the plans would be made available or posted on their website. Mr. Pribulka responded no and went into detail on the transportation topic discussed at the presentation. Further discussion followed. A request was made to extend an invitation to Penn State to come before the Board with a presentation when they have something to report. Ms. Dininni requested information, if any, on any previous transportation studies that may have led to that location.

- b. Planning and Zoning Director. Active Plan list was provided with the agenda.
- c. Public Works Director. Report was provided with the agenda.

## **XI. COMMUNICATIONS TO THE BOARD**

Rock Springs update as discussed in section III.

**XII. CALENDAR ITEMS**

Mr. Buckland noted the Public Services and Environmental Committee meeting is postponed until January 11<sup>th</sup> at 11:30 a.m. in the COG building. Ms. Dininni noted the Parks Committee will meet on January 9<sup>th</sup> at noon at the COG building.

**XIII. ADJOURMENT**

With no further business to come before the Board of Supervisors, Ms. Dininni made a motion to adjourn the meeting. Mr. Miller seconded the motion. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Pribulka', written in a cursive style.

David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 01/16/18