

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Tuesday, January 16, 2018  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, January 16, 2018, at the Ferguson Township Municipal Building. In attendance were:

|               |                |               |   |
|---------------|----------------|---------------|---|
| <b>Board:</b> | Peter Buckland | <b>Staff:</b> | Dave Pribulka, Township Manager             |
|               | Steve Miller   |               | Dave Modricker, Public Works Director       |
|               | Laura Dininni  |               | Ray Stolinas, Director of Planning & Zoning |
|               | Sara Carlson   |               | Chris Albright, Chief of Police             |
|               | Toni Ricciardi |               |   |

*Others in attendance included:* Marcella Bell, Recording Secretary; Pam Steckler; Bill Heckenger; Andy McKinnon; Wes Glebe; Todd Giddings; Sarah Walter, CCALPB; Steve Dubois; Bill Keough; Vicki Wedler; Tanya Furman; Janise Crow; Charlene Harrison; Ed Crow; Christie Bailey; Gary Myers; Peggy Schlegel; John Kucka; Bill Brosder; Ronald Connally; Steve Ford; Deborah Benedetti; Gerry Hamilton; Joseph Bernardo; Valerie Bernardo; Jon Dietz; Ford Stryker; Hazel Stryker; Dorothy Blair.

### II. CALL TO ORDER

Mr. Buckland called the Tuesday, January 16, 2018, regular meeting to order at 7:00 p.m.

### III. CITIZENS INPUT

Mrs. Steckler presented a petition to the Board requesting the Board hold Penn State University and Toll Brothers financially liable for any potential impacts to the Thomas and Harter Wellfields as a result of The Cottages Planned Residential Development. Mr. Pribulka clarified the petition process at the request of Mr. Buckland. Mr. Heckenger shared his thoughts on the sale and brought to attention certain aspects and suggestions.

### IV. SPECIAL REPORTS

- a. University Area Joint Authority (UAJA) Demonstration Project, Greenbriar Development, Mr. Edward Crow.

Mr. Pribulka provided the history of the development project and introduced Mr. Crow as a resident that has taken a leadership role in the project.

Mr. Crow reviewed the project in detail along with concerns surrounding the development of the surface recharge area. He voiced concern for water contaminants that may not be regulated, i.e., artificial sweeteners and medication disposal; and detailed the fees and landscaping. Some benefits included not having to replace a septic system when it goes bad, cleaner drinking water and real estate value/sale.

Ms. Furman, a Greenbrier resident, voiced her concern on the motivation, cost, clarity and level of success of the project and went into detail on the investment, water quality in regards to septic vs. sewer systems and UAJA nitrogen credits.

Next steps were also reviewed.

- B. Centre County Purchase of Agricultural Conservation Easements Program, Sarah Walter, AG Land Preservation Program Coordinator  
Ms. Walter detailed the Farmland Preservation program in Ferguson Township and Centre County. Following the presentation, Mr. Miller clarified that there are matching funds when there is a commitment of funds from the Township. Ms. Walter noted the certification is done on January 31<sup>st</sup> of every year and that she will need commitments at least two weeks prior to that deadline for the approval process.

Mr. Miller moved that the Board of Supervisors **authorize** the Township Manager to commit the funding for 2018 match at the rate of \$150 per acre. Mr. Ricciardi seconded the motion. The motion passed unanimously.

## V. MINUTES

- A. January 2, 2018, Board of Supervisors Reorganizational Meeting Minutes  
Ms. Dininni made a motion to **approve** the January 2, 2018, Reorganizational meeting minutes. Mr. Miller seconded the motion.  
Ms. Carlson made a motion to **amend** the minutes to include that Mr. Miller was sworn-in. Ms. Dininni seconded the motion. The motion passed unanimously.  
The original motion passed unanimously.
- B. January 2, 2018, Board of Supervisors Regular Meeting Minutes  
Ms. Dininni made a motion to **approve** the January 2, 2018, Regular meeting minutes. Ms. Carlson seconded the motion.  
Mr. Ricciardi made a motion to **amend** the minutes to state that Mr. Buckland started the meeting. Mr. Miller seconded the motion. The motion passed unanimously.  
The original motion passed unanimously.

## VI. UNFINISHED BUSINESS

- A. Continued discussion on Sourcewater Protection Overlay District Ordinance  
Mr. Pribulka provided an update from the January 2<sup>nd</sup> regular meeting. He noted the suggestions from that meeting was to establish an ad hoc advisory board and task it with receiving community input and response to questions along with exploring a regional taskforce on sourcewater protection.

Ms. Dininni moved that the Board of Supervisors **establish** an Ad Hoc Advisory Board that will be tasked with reviewing the current draft of the sourcewater protection overlay ordinance, suggesting specific revisions, and providing discussion points about the suggested revisions. The committee shall be comprised of one member of the Board of Supervisors, one member of the Planning Commission, one member of the sourcewater protection working group, two members from the farming community, two members from the business community, and two members to represent environmental interests. The ad hoc advisory board shall meet at least every two weeks and shall have two months from their initial meeting to complete its tasks. Ms. Carlson seconded the motion.

Discussion followed on the pros and cons of both alternative options and the makeup of the ad hoc committee. Following a lengthy discussion, Mr. Miller stated he believes the ordinance is ready as-is with some few minor changes since it has been in-the-works for an extended period of time. Mr. Miller's concern is that the objections may be the same as we currently have, it will not be resolved by a committee and it may or may not cause the ordinance to be changed significantly. Ms. Dininni stated she is open to changing the ordinance in a significant manner only if there are reasonable changes, it achieves our goals and it doesn't scrap what valuable work has already been done on the ordinance. Ms. Carlson stated she prefers alternative one listed above to have a voice and to

maybe combine some options from the second alternative. Mr. Ricciardi reiterated that it is a good idea to have the ad hoc committee converse together with a voice and come to a reasonable solution or conclusion at a reasonable timeframe of the 60 days so that the ordinance can move forward.

Mr. Miller moved that the Board of Supervisors **amend** the proposed structure of Alternative 1 to add a member appointed by the State College Borough Water Authority (SCBWA) due to the discussion that will include Zone 1 designation. Mr. Ricciardi seconded the motion. The motion passed unanimously.

Next steps were discussed. The proposed appointments will be presented to the Board at the February 20<sup>th</sup> Regular Meeting.

The original motion passed unanimously.

A motion was made to recess and the Board resumed nine minutes later.

- B. Board of Supervisors Procedures Manuel – Per unanimous consent of the Board, Mr. Buckland removed this item from the agenda to discuss at a future regular meeting.

## VII. NEW BUSINESS

### 1. Consent Agenda

#### a. December 2017 Voucher Report

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

### 2. Discussion of Economic Development Initiatives in Ferguson Township

Mr. Buckland recognized public comment for this topic and with Chamber of Business & Industry of Centre County.

Mr. McKinnon provided a statement condemning the location of a Nestle facility in the Centre Region, citing past environmental infractions and human rights violations.

Mr. Pribulka reviewed the recent history of the Township's relationship with the CBICC and relevant initiatives that the Board has supported with regard to economic development.

Mr. Buckland clarified that the Board has not at this time appropriated monetary support to the development initiatives. Mr. Buckland noted that the Board has little say in what the CBICC does and further detailed some of the prior and current concerns, accountability and specifically opposing organizations coming into the community that will violate a 2010 UN resolution in support of the human right to water (64/292). Other examples were discussed for economic development options. Mr. Ricciardi asked if these concerns have been addressed with COG or municipalities. Mr. Pribulka clarified that CBICC does have a concerted effort to engage some of the entrepreneurial groups in the region and incubator efforts. Ms. Carlson stated she would like to focus on economic development in Ferguson Township but in a sustainable and responsible way.

Mr. Buckland entertained a motion to continue the discussion passed the allotted time. Ms. Dininni made a motion that the Board of Supervisors **continue** discussion for five more minutes. Ms. Carlson seconded the motion. The motion passed unanimously.

Discussion followed on the funds that have not been committed. Clarification was made that a decision has not been made at this meeting; however, the topic can be proposed by a Board member on a future agenda to determine what to do with the committed economic development funds.

3. Consideration of Ad Hoc Board representing Farming Community for rewrite of Zoning and Subdivision and Land Development Ordinances

Mr. Pribulka stated this topic was introduced at a previous Board meeting as stated in the agenda and went into further detail. In summary, the purpose of this proposed ad hoc board would be to review proposed revisions to the Township's zoning/subdivision and land development ordinances with a specific focus on the agricultural community and to provide feedback and recommendations to staff and Board on how to approach potential revisions to the Townships three agricultural zoning districts. Mr. Pribulka asked that a method be identified to proceed.

Ms. Dininni asked if this proposed group will have the same function as the current committee on the zoning/SALDO rewrite. Mr. Pribulka stated the proposed group will have a more focused function as opposed to the rewrite committee that has broader interests. Following discussion, Ms. Dininni stated her concern on staff's time with the committee(s), i.e., empty barn issue, and how to acquire the information in a timely manner.

Ms. Dininni moved that the Board of Supervisors **establish** an ad hoc board to review and comment on proposed modifications to the Rural Agricultural Zoning District of the zoning ordinance and revisions to the subdivision and land development ordinance. Mr. Ricciardi seconded the motion.

Discussion followed on the proper structure for farmer engagement on the zoning ordinance rewrite.

Mr. Buckland entertained a motion to continue the discussion passed the allotted time. Mr. Miller moved that the Board of Supervisors **continue** discussion for five more minutes. Ms. Carlson seconded the motion. The motion passed unanimously.

Mr. Miller stated he was not concerned about staff time; however, concerned for farmers' time due to working the farms and not having time to serve on committees, i.e., in reference to a discussion with a local farmer.

Mr. Miller moved that the Board of Supervisors **postpone** the vote on the ad hoc board motion until the next meeting until staff has time to discuss this with the farming community and get feedback. Ms. Dininni seconded the motion. The motion passed unanimously.

4. Authorization of Axon Enterprise contract for Body Worn Cameras, Car Camera, Upgrade Equipment for Police Department

Chief Albright discussed the history as included in the agenda. He detailed the scope of work and breakdown of the first year's funding and the corresponding years' annual fee. The total cost of the contract was below the funding level requested for FY 2018.

Ms. Dininni moved that the Board of Supervisors **authorize** the contract for \$111,452.36 with Axon Enterprise, Inc., for the installation of body worn cameras, car cameras, and an upgrade to interview equipment for the Police Department. Ms. Carlson seconded the motion. The motion passed unanimously.

Mr. Miller thanked the Police Department for moving forward with this program and that it is good for the community and the department. Chief Albright stated all of the officers are in support of the program.

5. Appointment to the Centre Regional Planning Commission

Mr. Stolinas stated on January 8<sup>th</sup> the Planning Commission recommended appointments to the Centre Region Planning Commission. The recommended appointments were provided with the agenda. Appointments will be for a three-year term beginning January 1, 2018, and ending December 31, 2020.

Ms. Dininni moved that the Board of Supervisors **appoint** Cristin Mitchell to the Centre Region Planning Commission and Ralph Wheland as the Township's alternate to the Centre Region Planning Commission for a term beginning January 1, 2018, and expiring December 31, 2020. Mr. Buckland seconded the motion. The motion passed unanimously.

6. PA DEP Component 1 Sewage Facilities Planning Module – Dreibelbis, 160 Emory Lane

Mr. Miller moved that the Board of Supervisors **authorized** the Chairperson to sign Section K - Municipal Action indicating whether the Planning Model is found to be acceptable or unacceptable. Ms. Carlson seconded the motion.

Discussion followed for clarification on proposed second house to be built with a septic system. More detail was given and in regards to the Township's 537 Plan. No subdivision was listed and the parcel is under the PACE program.

The motion passed unanimously.

## VIII. REPORTS

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

Mr. Buckland noted that the Executive Committee met today, January 16<sup>th</sup> and a report will be received at this meeting that was not provided in the agenda.

- a. TLU Committee. Ms. Dininni reported the committee met on January 8<sup>th</sup>. CRPA organizational chart update; map of North Atherton project of utility relocations through March 2019 that will help with getting calls due to high volume corridor; reorganizational meeting; Ms. Lafer elected as chair.
- b. Public Safety Committee. Ms. Carlson reported general organizational meeting; appointed fire marshals, assistant fire marshals and fire chiefs; update on Emergency Drinking Water Response Plan that was drafted and relayed on October 31, 2017; update on alerting and notification that is the responsibility of entities based on PA DEP regulations; report from Mr. Bair on call volume in the Centre Region that was equivalent to Allentown and went into detail on statistics - the topic may be addressed in future discussion in the coming years at the COG level.
- c. Steering Committee – Parks and Rec Comp Plan. Ms. Dininni reported the committee met on January 9<sup>th</sup>; continued review of DCNR guidelines for comprehensive plans that are available online and at the next meeting will have a draft of the whole document to review and went into further detail for RFP consideration and components for Penn State's classes; and discussion on SCASD Priority Use Agreement with parks regarding facility sharing and tiers of who gets priority-copy of agreement available.
- d. Human Resources Committee. Mr. Ricciardi reported the committee met on January 10<sup>th</sup>; Mr. Wilson continues as chairperson and Ms. Whitaker as vice-chair; report from Mr. Steff-more detail

given; update on grievance committee; update on HR policy; and the picture will be done at the next meeting.

- e. Finance Committee. Mr. Miller reported the committee met on January 11<sup>th</sup>. Mr. Graham will be chairperson; Mr. Myers was not in attendance but will be vice-chair; discussion on procedures for COG budget and how to approach it - push for upfront information from municipalities for budget content in order to find the right approach; and report on change of designation of code agency employees regarding exempt, non-exempt and overtime.
- f. Joint Parks Capital CRPRA Committee. Ms. Dininni reported on the joint committee/board met on January 11<sup>th</sup>. Mr. Lord was elected as chairperson of Parks Capital and Mr. Bernier was elected vice-chair; reviewed COG Articles of Agreement; discussion on Whitehall Road Regional Park and restated what Ms. Graef had stated about the region to consider other locations as possibilities for the amenities that are slated to go into the park-more detail followed and definition of regional parks.
- g. PSE Committee. Mr. Buckland reported the committee met on January 11<sup>th</sup>. Joined by returning members and Ms. Whitman of Patton Township; noted appointments; new meeting times proposed on first Monday of the month at 8:30 a.m.; met the fully staffed CRPA that has a new Sustainability Planner; discussed Articles of Agreement and Mr. Buckland had raised a question on possible joint meeting with TLU regarding CATA/electric buses-more detail followed; update on recycling and refuse program and existing exemptions-committee favored universal participation to keep costs lowered; PSE activities for coming year; Mr. Miller of UAJA stated a need for action on Act 537 Plan-more detail followed; invitation to UAJA's ribbon cutting ceremony on January 17<sup>th</sup> at 2:30 p.m. at UAJA for activation of a 2.3 megawatt solar array-battery storage unit will be online later in the year. Discussion followed along with noting no rate increase and percentage of usage for the solar array. Act 537 Plan discussion followed.
- h. Executive Committee. Mr. Miller reported the committee met January 16<sup>th</sup>. Reviewed the agenda for next week's COG meeting; recommendations for general committee elections; main items included appointment of Alpha fire chiefs and fire marshals; recommendation to create an ad hoc COG building committee and looking to expand the COG building - more detail followed including the possibility for the committee to become a standing facilities committee; and update on Odor Control report from Mr. Corey Miller.

**IX. OTHER REGIONAL COMMITTEES - None**

**X. STAFF REPORTS - Reports provided with the agenda packet.**

- a. Township Manager. Contacted government liaison at Penn State at the request of the Board to schedule an update of the West Campus Master Plan and is working on a date for the presentation at an upcoming Board meeting; letter of appreciation from a township resident to the Board for the commitment sponsorship toward Senior's Club expenses; EMC members received an After Action Report from CREM Coordinator for improvements noted from a follow-up from a December 6<sup>th</sup> exercise with Penn State, Office of Emergency Management – more detail provided; spoke on report received from PennDOT as listed in the agenda report regarding Alternative 2 option for intersection improvements at routes 45 and 26 – requested a follow-up presentation to the Board at a future meeting; last item noted was a request from a Board member for ABC quarterly reporting in 2018-two alternatives suggested – discussion followed. Alternative 2 was recommended.

Ms. Dininni noted a letter she had provided to the Board surrounding the discussion of the COG Articles of Agreement that are out of date and asked that the Township Manager forward it to Mr. Steff at COG for a response.

- b. Planning & Zoning Director. The Planning Commission met at their first televised meeting on January 8<sup>th</sup>. The organizational meeting voted on the officers; dates advertised; report was presented as provided with the agenda; Active Plans list and permits; and REDCAP spreadsheet update.

Ms. Dininni had a question on Active Plans regarding Science Park Plaza – Parking relief was heard and the variance was approved. Detail followed.

- c. Public Works Director. Mr. Modricker reported on a previous current event regarding a Tree Planting Project on Owens Drive with elementary school students. The newly established local environmental club plan will support a larger organization's project goal of globally planting 1 trillion trees. In cooperation with Ferguson Township, the local partners and students will plan to plant 200-300 trees behind West College Avenue, accessed from Owens Drive, on Arbor Day in April. Noted was concern from the Tree Commission for the mortality of the trees and sustainability of the effort. The Tree Commission has asked a representative from the organization to come to the next Tree Commission Meeting.

Mr. Modricker reported on the results of the Park Hills Traffic Calming Study. There will be a worksession with the Board and the Stormwater Fee Feasibility Study group on February 8<sup>th</sup> at 5:00 p.m.

- d. Chief of Police. Chief Albright reported on the month of December and for the year of 2017. The more serious Part 1 crimes are down for the year noting the biggest decrease in burglaries and packaged thefts; less serious Part 2 crimes saw an increase in the area of fraud/scams and drug violations; calls for service were up overall; collected over 315 lbs. of unwanted medication; with assistance from our Communications Coordinator, compiled an annual review of PD's activities and accomplishments that are posted on the webpage and Facebook; highlights of incidents were reviewed including the issuing of 100 parking tickets during a snow event that the PD is working on to better educate the public to cut down on ticketing; and Narcan update. Discussion followed on vehicles' locations in regards to the ticketing.

- e. Treasurer's Report as provided with the agenda.

**XI. COMMUNICATIONS TO THE BOARD - None**

**XII. CALENDAR ITEMS**

Coffee and Conversation – Saturday, January 20<sup>th</sup>, 8:00 a.m. at Baileyville Community Hall.

**XIII. ADJOURNMENT**

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ms. Dininni made a motion to adjourn the meeting. The meeting adjourned at 10:19 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 02/05/18