

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, March 5, 2018
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, March 5, 2018, at the Ferguson Township Municipal Building. In attendance were:

Board:	Peter Buckland	Staff:	Dave Pribulka, Township Manager
	Steve Miller		Dave Modricker, Public Works Director
	Laura Dininni		Ray Stolinas, Director of Planning & Zoning
	Tony Ricciardi		Chris Albright, Chief of Police

Others in attendance included: Faith Norris, Recording Secretary; Sepideh Burkett; Rich Burkett; Holden Burkett; Owen Burkett; Bill Keough; Steve Jackson, SCBWA; Denise Connely; Ron Connely; and John Sepp.

II. CALL TO ORDER

Mr. Buckland called the Monday, March 5, 2018, regular meeting to order at 7:00 p.m. Mr. Buckland stated an executive session was held prior to this meeting on personnel matters.

III. CITIZENS INPUT – none noted.

IV. SPECIAL REPORTS

a. State College Borough Water Authority (SCBWA) – Mr. Jackson

Report of the SCBWA included a review of meetings, appointments, new taps, a fiscally sound budget and water production. Mr. Jackson noted that he was reappointed as the Ferguson Township representative to SCBWA. Areas of concern discussed were tapping fees charged by the Authority and on a sewer line easement for UAJA. A detailed discussion followed on the easement for Whitehall Road in Ferguson Township that would be built by the developer and owned by UAJA once completed. It was clarified that there was a suggestion that the line would be connected to the UAJA sewer system in Ferguson Township in order to avoid higher fees with the State College Borough's collection system. Concerns for the easement crossing the property were discussed along with a point raised on whether a connection to the Borough should be done for land development outside the Borough's boundary.

Mr. Keough voiced his concerns on the increase in tapping fees and how it will affect future affordable housing.

V. MINUTES

Ms. Dininni moved that the Board of Supervisors approve the February 20, 2018, regular meeting minutes. Mr. Ricciardi seconded the motion. The motion passed unanimously.

VI. UNFINISHED BUSINESS

a. Public Hearing Resolution amending 2017 Ferguson Township Operating Budget by increasing Expenditures in the General Obligation Fund and the Hydrant Fund

Advertisement was authorized at the February 20, 2018, regular meeting. The amendment states an increase in expenditures for the 2017 Operating Budget to meet the Township's obligation not

to exceed appropriated expenditures by fund. The resolution was included with the agenda that describes the increased adjustments in both Hydrant and General Obligation funds.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution amending the 2017 Ferguson Township Operating Budget by increasing expenditures in the General Obligation Fund and the Hydrant Fund. Mr. Ricciardi seconded the motion.

No public comment.

Roll Call Vote, Resolution 2018-5: Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES.

- b. Public Hearing Resolution amending 2018 Ferguson Township Operating Budget By increasing Expenditures in the General Fund And Capital Reserve Fund

Advertisement was authorized at the February 20, 2018, regular meeting. The amendment states an increase in expenditures for the 2018 Operating Budget in order to account for encumbrances or expenditures that were authorized in fiscal year 2017, but not entirely spent. The resolution was included with the agenda that itemized the account and fund adjustments in both General and Capital Reserve funds. Mr. Pribulka described how the funds work.

No public comment.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution amending the 2018 Ferguson Township Operating Budget by increasing expenditures in the General Fund and Capital Reserve Fund. Mr. Miller seconded the motion.

Roll Call Vote, Resolution 2018-6: Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Dininni – YES.

- c. Ad Hoc Board appointments for Agricultural Zoning and Subdivision and Land Development Ordinance Amendments

The Board authorized an ad hoc committee that will be tasked to engage the Farming community to provide input on modifications being discussed for the Township's Zoning/Subdivision and Land Development Ordinance. Mr. Pribulka listed the individuals for record that have been asked to serve on the committee. The list was included with the agenda.

Mr. Miller moved that the Board of Supervisors **appoint** Bill Peters, Clay Campbell, Mike Sevick, Emily Landis, Rita Graef, and Ralph Wheland to the ad hoc board for agricultural zoning and subdivision and land development ordinance amendments. Mr. Ricciardi seconded the motion.

Discussion followed on the background of the individuals and value added or processing base. Mr. Pribulka noted the nature of the committee is an informal structure and that names can be added to the existing list without subtracting from the makeup of the committee and to be cognizant of the size of the committee.

Ms. Dininni moved that the Board of Supervisors **amend** the motion and add a Shauffer family member to the committee. Mr. Miller seconded the motion. The motion passed unanimously.

Discussion followed on the task of the committee in regards to their time and engaging with the agricultural community, i.e., focus groups/community forums. Mr. Pribulka gave examples of lot size and development processes that have not been fully addressed or reviewed from the farmers'

perspective. Mr. Pribulka asked for direction from the Board on what the committee focus would be for rural agricultural zoning district and how to broaden the scope of work to include agricultural research and rural residential. Mr. Stolinas further discussed lot size and value-added side of agriculture to allow for areas that have larger lots and to consider it in the draft ordinance along with clarification from the committee on whether staff is moving in the right direction. Discussion followed on the ordinance amendment, addressing RR, request input of Penn State and off-sight signs in agricultural research districts. Staff will further research the signage options.

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

VII. NEW BUSINESS

a. Consent Agenda

1. Contract 2018-C13 Street Trees – Green’s Landscaping, \$43,750.00

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

With the Board’s consent, Mr. Buckland moved Thistlewood Lot #7 discussion item first up under New Business due to land owners being present at the meeting.

b. Thistlewood Lot #7 Land Development Plan (LDP)

Mr. Stolinas presented history and requirements of the proposed LDP. The Planning Commission’s conditions, recommendations and LDP maps were included with the agenda. Conditions and details of the proposed single family dwelling in the Rural Residential District were discussed.

Mr. Miller moved that the Board of Supervisors **approve** the Thistlewood Lot #7 Land Development Plan subject to the conditions outlined in the Director of Planning & Zoning memorandum dated February 27, 2018. Mr. Ricciardi seconded the motion.

Mr. Miller clarified rules for a Land Development Plan and drainage/conservation easements. Ms. Dininni noted there is a deed restriction on the property. Discussion followed on granting of variances. Mr. Stolinas clarified that there is no recognized Zone A floodplain and the drainage easements for the channel were established with the 2004 original plan. Discussion followed.

The motion passed unanimously.

c. Public Hearing Resolution Authorizing Submittal of a Grant Application to Department of Conservation and Natural Resources (DCNR) Community Conservation Partnerships Program for development of Cecil Irvin Park

A presentation was provided on the Capital Improvement Program’s appropriation for development of Phase II of Cecil Irvin Park formerly known as Westfield Hillside Farm Estates Park. Two grants were awarded for Acquisition of Property and Development, respectively. The discussion centered on the specific phases and what can be accomplished with Phase II grant funds.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the submittal of a DCNR C2P2 Grant Application for the development of Cecil Irvin Park. Mr. Ricciardi seconded the motion.

Discussion followed on preserving the field areas, area HOA, master plan, public engagement, parking, value of running water for the village/gathering spaces and recommendations.

Roll Call Vote, Resolution 2018-7: Ms. Dininni - YES; Mr. Miller – YES: Mr. Ricciardi – YES: Mr. Buckland – YES.

d. Science Park Plaza Land Development Plan (LDP)

Mr. Stolinas provided some history and a presentation on the parcel currently zoned in the Industrial, Research & Development (IRD). The LDP and Planning Commission conditions were provided with the agenda. The conditions and recommendations were read for record.

Mr. Miller moved that the Board of Supervisors **approve** the Science Park Plaza Land Development Plan subject to the conditions outlined in the Director of Planning & Zoning memorandum dated February 27, 2018. Mr. Ricciardi seconded the motion.

It was clarified that this land development plan falls under the Township's new stormwater ordinance. Discussion followed on infiltration and retention/detention in the ordinance; districts with low-impact design requirements/development and future incentives for SALDO/Zoning rewrite; arborist review of LDP; requirements of islands in parking lots met; maximum impervious surface for IRD (60%) vs. RR (50%); time limit conditions - built into the ordinance; traffic signals; easements and process of warranted traffic studies. Discussion followed with Mr. Sepp and a possibility of an easement with the developer and provisions of current ordinances. Mr. Pribulka noted the traffic impact study was acceptable to both the consultant and Township Engineer.

The motion passed 3 to 1 with Ms. Dininni dissenting.

e. Letter of Support - Kissinger Meadow NPDES Permit Renewal, University Area Joint Authority (UAJA)

Mr. Pribulka provided some background regarding the Township's supporting letter that supports the authorized letter from COG to PaDEP for the renewal of the UAJA National Pollutant Discharge Elimination System (NPDES) Permit. The background and draft letter were provided with the agenda. The letter requests a condition be applied to allow for a UAJA funded study to determine whether there are negative thermal impacts as a result of the beneficial reuse project on Slab Cabin Run. This is in-line with the request from the General Forum in that the motion requested member municipalities to consider similar letters of support. There were minor changes to the letter noted for record.

Mr. Ricciardi moved that the Board of Supervisors **authorize** the Chairman to submit a letter of support to DEP for the renewal of the Kissinger Meadows NPDES Permit for UAJA. Ms. Dininni seconded the motion. The motion passed unanimously.

VIII. STAFF AND COMMITTEE REPORTS

Mr. Buckland noted other reports were added to the report list below and review of reports followed.

a. COG COMMITTEE REPORTS

1. CCMPO. Ms. Dininni stated the committee met on February 27th and that she had a 90-minute training session to prepare for the meeting. Update on actions items: approved the Unified Planning Work Program (UPWP) and the final draft of the Transportation Improvement Program (TIF) for public comment. Non-action items: presentation on highway and bridge construction; 2018 county projects; Route 45 maintenance paving update for west Ferguson and noted her question to PennDOT regarding parking concerns on a shoulder drop off. Discussion followed on parking concerns at the Naked Egg.

2. Transportation & Land Use. Ms. Dininni reported the committee met on March 5th. Agenda was included with today's agenda packet. No action items. Ms. Dininni noted a robust set of discussions on informational items: update on Bellefonte to Milesburg feasibility study meeting Ms. Dininni had attended and suggested bike connection to Musser Gap; update on Centre land use in the Centre region and suggested participation areas for sharing - discussion on code and controlled land uses; Comprehensive Plan Implementation Program summary.

b. OTHER REGIONAL COMMITTEES

1. Cable Consortium. Mr. Ricciardi reported the consortium met on February 23rd. Established regular meeting times will be the second Monday of each month at 12:00 p.m. Review of draft franchise agreement – discussion on remote origin points for each municipality, level of provided township service; review of audit process that is ongoing; update on the public hearing held on February 27th, 10-15 people in attendance - concerns on franchise agreement pricing and how it impacts billing, internet is not included – agreement is for cable TV, COMCAST representative was present and was helpful with answering questions. No meeting in March. Next meeting is scheduled for April 9th.
2. Spring Creek Watershed Commission (SCWC). Mr. Buckland reported the commission met on February 21st at the Bellefonte Council Chambers. A resident from Patton Township had voiced their concerns at the meeting on the potential impact of the proposed Nestle plant; an educational presentation on water law was done by legal staff at Penn State-EMS Energy Institute that is on C-NET for those interested in viewing it. Old Business: update on proposed management project; postponed the MOU for lead facilitator for further review; Laura Fowler proposed a community forum in response to the Nestle facility of which Mr. Buckland recused himself from the discussion due to the approved class that would go through the Sustainable Communities Collaborative - part of the Sustainability Institute; update on approved law class proposed for the end of April for a discussion regarding water withdrawal and water use in the SCW. Next meeting is 3rd Wednesday of March.

Ms. Dininni noted that she would like to address some of the details of the Whitehall Road Regional Park master plan at the next Parks Capital Committee Meeting prior to it going to the General Forum in May.

c. STAFF REPORTS – Reports included with the agenda.

1. Township Manager. Update on applications being accepted for the Assistant to the Manager position that is scheduled to be hired by end of April; submission of the Township's MS4 Permit Renewal Application for the new permit period was completed; the Police Pension Advisory Committee met on February 9th and the overall the pension portfolio is strong – a financial advisors presentation is set for the March 19th Board meeting; Tudek Memorial Trust was approved to participate in the 2018 Centre Gives Campaign in May to raise funds for the Trust; update on third straight year of not being selected to receive a grant from PennDOT for streetscape improvements on West College Avenue – discussion followed and a decision was made not to reapply.
2. Planning and Zoning Director. The Commission met on February 26th; addition to the Active Plan list is the update for the submitted Pine Hall Traditional Town Development General Master Plan and Plan Expiration is May 28, 2018; two of the plans discussed this evening were discussed at the last Commission meeting; Zoning/subdivision update – met on March 2nd with EPD and reviewed the latest revisions to the proposed ordinances and discussed an upcoming joint worksession between the Board and Planning Commission – still need to confirm a date

for either March 29th or April 4th and question on whether to have coverage on C-NET – discussion followed and consensus was to have C-NET coverage and to have more date options for the joint worksession. Ms. Dininni inquired about the Plan Expiration on The Landings Phase 3A subdivision plan that Mr. Stolinis noted the developer has granted an extension to June.

3. Public Works. Update on the LEED Gold Public Works design and review of preliminary construction cost estimate that is higher than budgeted and looking at cost-saving measures while preserving the intent of the basis of design; design meeting set for March 13th by teleconference; SFFS 6th and 7th advisory meetings are set for noon on March 21st and April 18th and the public meetings will be held the same evenings that are posted on the Township's website – discussion followed on whether C-NET should cover the public meetings and the consensus was to have C-NET cover the SFFS evening meetings; Tree Commission Meeting on March 19th and updates.

Ms. Dininni requested clarification on The Cottages and if it meets the new Stormwater Ordinance requirements. Mr. Modricker responded yes. Discussion followed on setbacks from sinkholes and it was noted that more clarification is needed from the stormwater engineer from NTM Engineering. More discussion followed on when the review of the new ordinance was done and when it was passed in relation to the approved development.

Mr. Modricker stated there was a Township Open House this evening on some noted capital improvement projects with 22 residents in attendance – the projects (Sycamore Dr., Owens Dr., Gatesburg Rd., Chestnut St. and Myrtle Ave.) will be out to bid in the near future.

IX. **COMMUNICATIONS TO THE BOARD** – none noted.

X. **CALENDAR ITEMS**

Stormwater Fee Feasibility Study Public Meeting, March 21, 2018, 5:30 p.m. and April 18, 2018, 4:30 p.m. Main Meeting Room.

Ms. Dininni requested clarification on what calendar items can be placed in this section. Mr. Pribulka responded and said these are calendar items that happen prior to the next meeting or throughout the month and gave some examples.

XI. **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 9:25 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 03/19/18