

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, March 19, 2018
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, March 19, 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
	Sara Carlson		Chris Albright, Chief of Police
	Tony Ricciardi		

Others in attendance included: Faith Norris, Recording Secretary; Jon Dietz, UAJA; David Del Grosso, PNC, Michael Kelly, PNC; Katherine Watt; Todd Giddings; Tony Fruchtl; Bill Keough; Ralph Wheland; Michael Radis, PA Human Relations/Fair Housing; Denise Connelly; Ron Connelly; Larry Harpster; Bill Hechinger; David Pike.

II. CALL TO ORDER

Mr. Buckland called the Monday, March 19, 2018, regular meeting to order at 7:00 p.m.

III. CITIZENS INPUT – none noted.

IV. SPECIAL REPORTS

a. Police Pension Plan Update – Mr. Del Grosso, PNC

Presentation included Capital Markets Review, Portfolio Review and Performance, Annual Portfolio Value, Asset Allocations, Portfolio Holdings and summary. Discussion followed on how to evaluate and manage investments, customization of portfolio holdings, capital market review and asset classes.

b. University Area Joint Authority (UAJA) – Mr. Dietz

Report included activities, operations and permits issued. Discussed Kissinger Meadow, Slab Cabin Run, thermal limits and discharge, solar panel system, bid process on Odor Control, Capital expenditures, bids for Waste Water Treatment Plant for reuse system improvements and the Greenbriar community, fines and nitrogen loading, and goals of the Chesapeake Bay initiative.

Discussion followed on thermal effects of beneficial reuse, the odor control study, tap-in and connection fees, and the Act 537 Plan. Mr. Dietz noted he was appointed the liaison to the State College Borough Water Authority (SCBWA). Mr. Dietz and Mr. Dempsey will periodically be attending the SCBWA meetings.

V. MINUTES

Ms. Dininni moved that the Board of Supervisors approve the March 5, 2018, regular meeting minutes. Mr. Ricciardi seconded the motion.

Mr. Miller noted a change to the minutes under Special Reports, SCBWA discussion. To state “It was clarified that there was a suggestion that the line would be connected to the UAJA sewer system in Ferguson Township ...”. Ms. Dininni seconded the amended motion. The motion passed unanimously.

The motion passed unanimously on meeting minutes as amended.

VI. UNFINISHED BUSINESS

a. Public Hearing Ordinance Amending Code of Ordinances, Chapter 1, Admin. and Government

Mr. Pribulka reviewed the history of the proposed ordinance that was provided with the agenda that included the detailed amendments. The advertisement was authorized at the February 20, 2018, regular meeting. No public input.

Ms. Dininni moved that the Board of Supervisors **adopt** the ordinance amending Chapter 1, Administration and Government, Part 6, Board of Supervisors of the Ferguson Township Code of Ordinances by amending Section 608, Rules of Procedure and adding Section 611, Definitions. Ms. Carlson seconded the motion.

Ms. Dininni noted a de minimis change in item 4 to remove an apostrophe.

Public hearing was closed.

Roll Call Vote, Ordinance 1041: Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES.

b. Appointments to Sourcewater Protection Ordinance Ad Hoc Board

Mr. Pribulka reviewed the recommendations and tasks for appointments to the Ad Hoc Board. Ms. Dininni clarified the motion that is being made at this meeting will not include a Board of Supervisors' member but will include a State College Borough Water authority representative.

Ms. Dininni moved that the Board of Supervisors **appoint** from the *Farming Community* - Larry Harpster and Ron Connelly, *Business Interests* - Charles Driscoll and Barb Christ, *Environmental Interests* - James Hynes and David Hughes, *State College Borough Water Authority* - Gary Peterson, *Ferguson Township Planning Commission* - Erik Scott, and *Sourcewater Working Group* - Todd Giddings to the Sourcewater Protection Ordinance Ad Hoc Board. Mr. Buckland seconded the motion. The motion passed unanimously.

VII. NEW BUSINESS

a. Consent Agenda

1. C-NET Sponsorship Request – Spring Creek Watershed Commission Meetings
2. Voucher Report for February
3. Treasurer's Report for January 2018
4. Treasurer's Report for February 2018
5. Contract 2018-C8 Pavement Markings: \$200,272.03

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

Mr. Buckland asked members of the public if anyone was present for the Whitehall Road Regional Park discussion. Two were noted.

b. Proclamation Designating April 21, 2018, as the 22nd Annual Spring Creek Watershed Cleanup Day

An event flyer and the proclamation were provided with the agenda. April 21, 2018, is designated as Spring Creek Watershed Cleanup Day in Ferguson Township. This year will be Clearwater Conservancy's 22nd year of hosting the event. Mr. Pribulka provided some history on the event since its inception in Centre County. Volunteers are encouraged to sign up online by visiting clearwaterconservancy.org.

Mr. Miller made a motion that the Board of Supervisors **proclaim** April 21, 2018, as the 22nd Annual Spring Creek Watershed Cleanup Day in Ferguson Township. Ms. Carlson seconded the motion. The motion passed unanimously.

- c. Public Hearing Resolution Authorizing Submittal of a Grant Application to Department of Transportation (PennDOT) for Traffic Signal at W. College Ave. (SR0026) and Corl Street (T-340)

The resolution was included with the agenda. Mr. Pribulka presented background on the project. Improvements to the signalized intersection are largely funded by a grant to the Township through the PennDOT Green-Light-Go program. This project includes providing accessible pedestrian signals, LED lighting, ADA-accessible ramps, emergency vehicle preemption, digital radar detection, and a new signal cabinet.

Mr. Hechinger voiced his concern on the operation of the LED lighting and asked whether the light would be timed or whether the radar would identify a cyclist. Mr. Modricker noted the lighting will operate off digital radar detection and is more reactive and should recognize bike traffic.

Public Hearing was closed.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Township Manager to submit an application for traffic signal approval to PennDOT for the intersection of West College Avenue and Corl Street. Mr. Ricciardi seconded the motion.

Roll Call Vote, Resolution 2018-8: Ms. Carlson – YES; Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland - Yes

- d. Public Hearing Resolution Authorizing Submittal of a Grant Application to Department of Transportation (PaDOT) for Traffic Signal at Blue Course Dr. (T-989) and Bristol Ave. (T-970)

The resolution was included with the agenda. The project includes providing accessible pedestrian signals, LED lighting, ADA-accessible ramps, emergency vehicle preemption, digital radar detection, and a new signal cabinet. Per the agreed-upon Terms and Conditions of The Cottages Planned Residential Development, the Township is responsible for acquisition of any additional right-of-way required for the traffic signal, but State College Apartments, LLC (developer) is responsible for the construction of the signal.

Mr. Hechinger voiced his concern for future projects that residents receive procedural information/requirements on major subdivision plans at the start of a project. Discussion followed on a host of procedures depending on the type of land development plan.

Public Hearing was closed.

Mr. Miller moved that the Board of Supervisors **adopt** the resolution authorizing the Township Manager to submit an application for traffic signal approval to PennDOT for the intersection of Blue Course Drive and Bristol Avenue. Mr. Ricciardi seconded the motion.

Ms. Dininni suggested for the future with this type of PRD, cost of easement can be requested up front. Discussion followed on procedures on right-of-way and clarification on cost of reimbursement after completion.

Roll Call Vote, Resolution 2018-9: Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson - YES

e. Public Hearing Resolution Authorizing Donation of Abandoned and Unclaimed Bicycles Per Act 72

Chief Albright reviewed the proposed resolution and background that was provided with the agenda. The Pennsylvania State Treasurer authorizes a municipality to donate abandoned/unclaimed bicycles or such tangible property to a charitable organization by resolution. The Township recommended bikes currently in its possession that have not been claimed be donated to Poverty Resolutions, a charitable organization established to provide relief to the victims of the 2010 Haiti earthquake.

No public comments. Public Hearing was closed.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the donation of abandoned and unclaimed bicycles pursuant to the disposition of abandoned and unclaimed property act. Ms. Carlson seconded the motion.

Discussion followed on the length of time bikes are stored until donated, procedure for donating, previous organizations donated to and future options. Mr. Pribulka noted that there is no subset of charities used other than to be a 501(c)(3) organization.

Roll Call Vote, Resolution 2018-10: Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland; Ms. Carlson – YES; Ms. Dininni - YES

f. Request for Variance – 2245 West Gatesburg Road, T.P 24-005-,018M,000-

Mr. Stolinas presented history on the variance application that was included with the agenda. The proposed subdivision is a replot of a previously approved subdivision for Edward G. & Ronald L. Guenot. All acreage exists within the Rural Agricultural (RA) district. Floodplain Zone A exists on a portion of the remaining Lot 1 RRR along with a 50' floodplain buffer. Note 10 on the Replot Plan illustrates variance language from the previous Zoning Hearing Board decision granted on August 16, 2016, for a previous replot application.

Ms. Dininni moved that the Board of Supervisors **remain neutral** on the application for variance for the Guenot subdivision replot. Mr. Miller seconded the motion.

Ms. Dininni had a discussion on the variance determination.

The motion passed unanimously.

g. Accuweather Land Development Plan – 385 Science Park Road, 24-004-,021R,0000

The application was provided with the agenda. Mr. Stolinas presented the history and detail of the Land Development Plan. Key comments were addressed and the Plan was moved forward for Board approval per recommendation at the March 12th Ferguson Township Planning Commission meeting.

Ms. Dininni moved that the Board of Supervisors **approve** the Accuweather Land Development Plan subject to the conditions outlined in the Director of Planning & Zoning memorandum dated March 14, 2018. Mr. Ricciardi seconded the motion.

Ms. Dininni asked a procedural question. Discussion followed on stormwater plan under review and property features, i.e., stormwater features in the corridor overlay. Mr. Pipe, Sweetland Engineering, presented a brief overview of the two stormwater features and noted outstanding stormwater issues have been addressed with Mr. Brown from NTM.

The motion passed unanimously.

Mr. Buckland called a five-minute recess.

h. Discussion of Whitehall Road Regional Park Planned Infrastructure

Ms. Dininni led the discussion on the history and proposed future of the park. She noted that she is the Ferguson Township representative on the Parks Capital Committee. The Master Site Plan, Summary and a 2016 letter from the Patton Township Board of Supervisors were provided with the agenda. Ms. Dininni provided a handout to the Board at the meeting that included a timeline, financial summaries, map of subdivision plan and other publications relating to the discussion.

Discussion followed on the funding of the park master plan, including the centralized park maintenance facility. Discussion included the best use of the land and taxpayer dollars. Park amenities discussed included walking trails, pavilions, shade trees/flowers, playground areas, open space, fitness trails, restrooms, parking areas, public gardens, and picnic areas. The region moved forward with an active-use park as identified as a need by a COG memo for active recreation areas. Noted opportunities include: 1) look at Phase I and see how green infrastructure can be provided and 2) look at remaining land and see what the Board might want in a Master Plan. Concerns about migratory birds and other wildlife were noted.

Ms. Dininni moved that the Board of Supervisors direct staff to forward a memorandum summarizing the Board's discussion and provide it to the Centre Region Parks and Recreation Authority. Mr. Miller seconded the motion.

Ms. Dininni referenced a memo from the Township back on April 18, 2013, regarding the noise ordinance that applied to the park. Discussion followed on noise and light buffering.

Mr. Miller noted the general purpose of the park is for playing fields according to the identified need; however, Phase I will not include the entire Master Plan. Consideration should be given on how to continue and grow in a natural state, given there will be a long period before any development takes place beyond initial phase. Standards discussed on light design and spill-over lighting.

The Board summarized their comments to forward to the Centre Region Parks and Recreation Authority.

Ms. Dininni noted Phase 1 does not extend to the full acreage that was to be graded and if not developed as an amenity, don't grade it. Discussion followed on small animal and bird habitat, timeline update suggestion, and details on the maintenance facility that was not funded.

Mr. Buckland noted to be mindful of time spent on discussion and called for a motion.

Mr. Miller moved that the Board of Supervisors **extend** discussion for ten additional minutes. Ms. Dininni seconded the motion. The motion passed unanimously.

Discussion followed on delays that decrease potential funds available, revisit the Master Plan after the initial phase and possibilities for green infrastructure/low impact development.

Ms. Watt encouraged to keep deliberation opened and continue advocating for Ferguson Township at the General Forum in regards to low-impact development and passive parkland.

A short discussion followed on artificial turf and to follow-up with the draft EPA report.

The motion passed unanimously.

i. Discussion of Fair Housing and Public Accommodations Ordinance

The State College Borough adopted Fair Housing and Public Accommodations Ordinance was included with the agenda. Mr. Pribulka did a recap of the narrative. Noted for Ferguson Township, this ordinance would reside under Chapter 11 Housing.

Ms. Carlson moved that the Board of Supervisors **direct** staff to prepare a draft fair housing ordinance for review by the Board of Supervisors at an upcoming Regular Meeting. Ms. Dininni seconded the motion.

Ms. Carlson led the discussion and presented some history, federal ruling, studies and displacement of the LGBTQA community as a vulnerable population. Mr. Pribulka noted it would be beneficial for the language to be in parity with the State College Borough's adopted ordinance so as not to create jurisdictional confusion. Noted, due to limited staff time it may be a couple meetings before the draft ordinance comes before the Board.

Mr. Radis noted if the ordinance is passed and a Memorandum of Understanding is done with the PA Human Relations Commission, the Commission will take on possible law suits with minimal cost to the municipality for any prosecution. Mr. Radis noted if enough municipalities pass such an ordinance, the Centre County Commissioners may look at passing a county-wide ordinance.

It was noted the State College Borough, within the COG, is the only entity that has this type of ordinance in this area. Bellefonte has recently passed a similar resolution.

Motion passed unanimously.

j. Removal of Andrea Harman from Ferguson Township Planning Commission – Consideration of Appointment of a Replacement Member to the Commission

Mr. Pribulka reviewed the history and Administrative Code, Section 404 that was provided with the agenda. Ms. Harman has missed more than three consecutive meetings and is not able to continue to serve stating personal reasons. Staff recommended an alternate be appointed to serve the remainder of Ms. Harman's term, which expires December 31, 2018. The Planning Commission will continue to have a Ward III representative as a core member.

Ms. Dininni moved that the Board of Supervisors **remove** Andrea Harman from the Ferguson Township Planning Commission and appoint *Cristin Mitchell* to serve the remainder of Ms. Harman's term expiring December 31, 2018. Mr. Ricciardi seconded the motion.

Mr. Miller noted appreciation for Ms. Harman's work on the Township's Planning Commission and would welcome her back as an alternate if anything changes.

Motion passed unanimously.

k. Appointments to the Centre Region COG Ad Hoc Building Committee

The information was provided with the agenda. Mr. Pribulka reviewed the adopted motion from the February 26th COG meeting that states to appoint a Board/Council member to the Committee. One of the purposes of this committee will be to evaluate the general condition of COG-owned, managed, or funded facilities and implement best practices for facilities management.

Mr. Ricciardi moved that the Board of Supervisors **appoint** Peter Buckland from the Board of Supervisors and Eric Endresen, Director of Finance, to the COG Ad Hoc Building Committee. Ms. Carlson seconded the motion.

Mr. Buckland accepted being an advocate for green/sustainable buildings on the COG AD Hoc Committee.

The motion passed unanimously.

VIII. **STAFF AND COMMITTEE REPORTS**

a. COG COMMITTEE REPORTS

1. Human Resources Committee. Mr. Ricciardi noted the committee discussed the Personnel Policy handbook and is at the point of request for proposals for consulting services for review; budget is set - details followed. April meeting will be as scheduled and the May meeting will be moved to May 9th to allow for time to acquire a consultant for the handbook.
2. Public Services & Environmental Committee. Mr. Buckland attended the March 8th meeting. Group picture is still needed; two presentations by a representative from Penn State on waste treatment facility and the sewer service to portions of UAJA - details followed; Act 537 Plan update that is separate from the beneficial reuse line and presentation to follow at the General Forum.
3. Parks & Recreation Steering Committee. Ms. Dininni noted the committee picture was taken; continued work on request for proposals (RFP) and have a full draft – highlighted the study process timeline - June 5th is the deadline to finalize the draft RFP and present in May to the General Forum – plan is to have the Comprehensive Rec Plan done by May 2019; two meetings are scheduled for April to review grants prior to deadline.
4. Finance Committee. Mr. Miller attended the meeting last Thursday (March 15); Library Facilities Study completed; update on assessed infrastructure of building - recommendations made for improvements; update request to amend fire operating budget to add an intern for collecting data - detail followed; budget amendment to replace Welch pool UV system and diving board.

Ms. Dininni had a question on the diving board replacement and whether the expense will show on next year's capital budget. Mr. Miller said it should. Mr. Ricciardi had a question on the intern and whether they will be required to receive college credits. Ms. Carlson noted they would be earning college credits in addition to a stipend per a discussion at the Public Safety meeting in February.

- b. OTHER REGIONAL COMMITTEES - none.
- c. STAFF REPORTS – Reports included with the agenda.

Township Manager. Report included attendance at the PA Municipal League's Public Employer Labor Relations Advisory Service Annual Conference (PELRAS) on topics of human resource law; 2018 Spring Letter from Centre County Association of Township Officials (CCATO) on the Spring Convention scheduled for Thursday, March 29 at 7:00 p.m. at Patton Township Municipal Building; the Township's Parks & Rec Committee met on March 12th- details followed on the discussion. Additional report items included the Owens Drive Park naming, the building interior renovations project, and the 2018 Budget Executive Summary. Discussion followed on the Township's park naming policy and procedures regarding the renaming of parks and permanent naming of parks.

- 1. Planning and Zoning Director. The committee met on March 12th; Senior Planner presentation on student housing in the Centre region – details followed; Active Plan list and Planning Commission meeting minutes were included with the agenda; land development updates; provided information to Centre Parks & Rec on the park naming policy and a public hearing to schedule for submission of names to the Board; Zoning and SALDO update – date is set for May 8th for the joint meeting to review latest draft and will be televised by C-NET; Pine Hall Master Plan update; Validity Challenge on TTD Ordinance Amendment update; permit review for February.

Ms. Dininni had a question on Thistlewood land development signs. Mr. Stolinas noted Lot #7 was recently approved. Lot #20 is a new application for review. Discussion followed on signs at the Toll Brothers site. Staff will check on the signs at the site.

Mr. Buckland suggested to add the special joint committee with the Board and Township Planning Commission to a future agenda. Mr. Pribulka discussed the review and presentation of the General Master Plan and the appointment of two members each from the Board and Planning Commission respectively. Following discussion, the consensus was to proceed once the General Master Plan is reviewed.

- 2. Public Works. Design of the LEED Gold building project is 60% complete; sixth meeting for the stormwater fee study is March 21st and the last public meeting will be held on April 18th; Tree Commission meeting update; maintenance update; contract bid updates; tree removal preparation at Owens Drive for a road project.

Discussion followed on who owns the property across from the Naked Egg and flags at Park Hills for a sewer/water drainage project that is not through the Township.

- 3. Chief of Police. February monthly activity report. Overall crimes to-date are down, overall calls for service are up; highlights update; increase in usage and possession of cocaine; continuing to work with school districts to talk about security in the schools; Community Events: participated in Read Across America Week, presentations on active shooters; summary of calls over State Patty's day weekend for comparison; in reference to a recent CDT article the Township's Police Department did not have any untested sexual assault kits.

There is no data for comparison for St. Patty's Day vs. State Patty's Day in response to the question raised.

IX. **COMMUNICATIONS TO THE BOARD**

Mr. Buckland commended the neighborhood residents and Mr. Little, SCASD Assistant Director of Physical Plant, for working out communications and good follow-up in regards to the laydown yard near Butts Street.

X. **CALENDAR ITEMS**

Stormwater Fee Feasibility Study Open House – March 21st, 5:00 p.m.
CCATO Spring Convention - March 29th at 7:00 p.m., Patton Township Municipal Building.
Spring Creek Watershed Commission - March 21st. Bellefonte Borough Chambers.

Ms. Dininni suggested reaching out to the Spring Township Water Authority and let them know about the fee feasibility study meetings since they had voiced their interest in the study at their last meeting.

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 10:00 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 04/02/18