

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, April 2, 2018
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, April 2, 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		Lindsay Schoch, Director of Planning & Zoning
	Sara Carlson		Chris Albright, Chief of Police
	Tony Ricciardi		

Others in attendance included: Faith Norris, Recording Secretary; John Spsychalski-CATA; Dorothy Blair; Andy McKinnon; Ed Guenot; Ron Guenot; David Stone-NVEC; Justin Mandell; Art Curtze; Louwana Oliva; Jeremie Thompson; Tony Fruchtl; Zane Saylor; Raechelle Saylor; Pam Smith; Darlene Smith; Dan Harner; Christine Baily; Wesley Glebe; Thompson Harner; Scott Yocum; Don Snowden

II. CALL TO ORDER

Mr. Buckland called the Monday, April 2, 2018, regular meeting to order at 7:00 p.m.

III. CITIZENS INPUT – none noted.

IV. SPECIAL REPORTS

a. Centre Area Transportation Authority – John Spsychalski

Presentation included updates on the new building project, expanded bus storage facility, comprehensive plan and goals in regards to depreciation and maintenance of buses, bus assessment study, ridership, and a potential for up to ten additional articulated buses. Recently approved by the CATA Board, was the purchase of nine 40-foot CNG busses with concurrence from PaDOT and a management proposal to engage consultant services to assist with alternative service models for quality/cost effectiveness and passenger access. Mr. Spsychalski thanked Ferguson Township for assisting with overflow of parking.

Discussion followed on funding for articulated buses that comes from three different government sources and limit on how many buses get full rap advertisements.

V. MINUTES

a. Mr. Miller moved that the Board of Supervisors approve the March 19, 2018, regular meeting minutes. Ms. Dininni seconded the motion.

Ms. Carlson noted to add her name in attendance. Ms. Dininni referenced page 5 and noted an update to the memo referenced dated April 18, 2013, for the Whitehall Road Regional Park discussion.

The motion passed unanimously.

b. Ms. Dininni moved that the Board of Supervisors approved the March 26, 2018, Board of Supervisors Special Meeting. Ms. Carlson seconded the motion. The motion passed unanimously.

VI. UNFINISHED BUSINESS

a. Public Hearing on a Petition of Electors of Ferguson Township

Mr. Pribulka reviewed the petition requesting that, "Ferguson Township require written confirmation, prior to construction that Penn State University and Toll brothers are to be held financially responsible, in perpetuity, for any pollution to [the Harter and Thomas Wellfields] directly attributable to the development." He noted 53 registered voters had signed the petition. The Home Rule Charter obligations and Township Solicitor's opinion letter were reviewed. Mr. Pribulka summarized the opinion letter comments and noted that staff concurs with the Solicitor's opinion in this matter. An alternate course of action was discussed as a post-construction impact agreement between the Township and developer that would be voluntary.

Following the reading of the petition by Ms. Blair, citizens voiced their concerns regarding clean water and potential of containment risks, growth boundary, hydrogeological aspects, open space, insurance as an added level of protection, mitigation and future provisions/improvements. Citizens who spoke included Ms. Blair, Mr. McKinnon, Mr. Glebe and Mr. Stone.

Mr. Miller moved that the Board of Supervisors acknowledge the request submitted through the petition and **decline** to take the requested action on the grounds that the Board does not have the authority to develop the requested agreement. Mr. Ricciardi seconded the motion.

Mr. Miller discussed the petition's requested action and why such an agreement cannot be legally enforced. He went on to discuss the process on water issues that are covered by State and Federal law and are not under the Township's authority. Further Board discussion followed on potential options for water protection, the three-month timeline and to request a post-construction impact agreement separate from the petition request. Mr. Miller noted a separate discussion may need to take place on future implications. Referenced was Article 1, Section 27 of the Bill of Rights and to get a synopsis from the PA Municipal League Conference notes for the Board's future discussion. It was determined that background information will be needed and for staff to discuss with the Solicitor what prototypes are used in regards to post-construction impact agreements, execution of agreements in this context and the likely outcome with a developer.

The motion passed unanimously.

b. Rezoning Request – 2191 West Whitehall Road, Harner Farms

Mr. Pribulka reviewed the history of the submitted application that was included with the agenda. Ms. Schoch presented an overview of the zoning request that was Rural Ag with Corridor Overlay and the revised proposed General Commercial Zoning District that is less acreage than the previous request. Mr. Pribulka noted the process that this request will go through for a public hearing in June if moving forward with this rezoning request.

Mr. Ricciardi moved that the Board of Supervisors **refer** the request to rezoning 2191 West Whitehall Road to the Planning Commission for review and comment. Ms. Carlson seconded the motion.

Discussion followed on the process of acquiring right-of-way, warrant analysis and the conducting of a traffic study. Mr. Mandell noted the plan that was developed was in direct response to the feedback from the Board and surrounding property owners. Letters were sent to adjacent property owners for feedback and gave some detail on the sessions attended. Main topics included: Proportion of residential and commercial development; concern for what was going to be adjacent

to area property owners; preserving natural features, i.e., woodland area. Further discussion followed on specifics for referring the request to the Planning Commission, rezoning, parcel designations and traffic impact.

The motion passed unanimously.

VII. NEW BUSINESS

a. Consent Agenda

1. Contract 2018-C7a Fuel Bid
2. 2018-C1 Cold-In-Place Recycling
3. 2018-C2 Owens Drive and Myrtle Avenue

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

b. Public Hearing Resolution Authorizing Chair to Execute Instrument for Declaration of Restrictions and Covenants for Land Designated as Cecil Irvin Park

Mr. Pribulka presented the narrative, resolution and declaration that was provided with the agenda stating NPDES requirement and, in perpetuity, the Township shall be responsible for long-term maintenance and operations of the Stormwater BMPs located at the park's property.

Ms. Carlson moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman to execute an instrument of restrictions and covenants for land designated as Cecil Irvin Park, formerly Westfield/Hillside Farm Estates Park. Mr. Ricciardi seconded the motion.

Mr. Buckland asked to clarify that if the property was to go to a new property owner, all the covenants would pass on to the successor of the land.

Roll Call vote Resolution 2018-12: Ms. Carlson – YES; Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi - YES; Mr. Buckland – YES.

c. Proclamation Expressing Appreciation to Valerie Snyder for 15 Years of Services to Township

The proclamation was included with the agenda. Mr. Pribulka noted Ms. Snyder has been a Tax Associate at Ferguson Township for the past 15 years and had recently announced her resignation for a new opportunity. Mr. Miller noted it was a pleasure working with Ms. Snyder.

Ms. Dininni moved that the Board of Supervisors **adopt** the proclamation expressing appreciation to Valerie Snyder for fifteen years of service to Ferguson Township and its residents. Mr. Miller seconded the motion. The motion passed unanimously.

d. Guenot Subdivision – Replot of Tax Parcels 24-005-,018M,0000- into Lots 1RRR, 2RR & 3R

Ms. Schoch noted the property owners were in attendance. The replot was included with the agenda. A review was presented on the subdivision as provided with the agenda. Key elements were reviewed with a few remaining conditions outlined.

Mr. Miller moved that the Board of Supervisors approve the Guenot Subdivision – Replot of Tax Parcels 24-005-,018M,0000- into Lots 1RRR, 2RR and 3R subject to the conditions outlined in the Director of Planning & Zoning memorandum dated March 28, 2018. Ms. Dininni seconded the motion.

Ms. Dininni asked for clarification on Note 10 on the plan. The acreage changed to be consistent with the new plan.

The motion passed unanimously.

e. Authorization to Submit a Municipal Recycling Grant through PA DEP

Mr. Modricker presented the request as included with the agenda. This request included two items: a wheel excavator/grappler for brush collection and a pull behind brush chipper with a grant match for both items.

Ms. Dininni moved that the Board of Supervisors **authorize** the submission of an Act 101 Section 902 Municipal Recycling Grant in the amount of \$282,333, through the Pennsylvania Department of Environmental Protection, for the purchase of a pull behind brush chipper at 90% grant funded and a wheel excavator/grappler for brush collection at 80% grant funded and authorize chair to sign the grant and authorized the Chair to sign the application. Mr. Miller seconded the motion.

The motion passed unanimously.

Mr. Modricker stated this grant request will be submitted this week.

f. Discussion of Procedure for Board of Supervisor's Requests to Place Items on the Agenda

Mr. Buckland introduced the request that was provided with the agenda along with the procedures manual. Staff would be exempt from rule, proposed items to be added at the end of New Business and receive minimal discussion and if needed a course of action in a future agenda. If adopted, it would become part of the procedures manual.

Mr. Buckland moved that the Board of Supervisors **direct** staff to prepare a policy for inclusion in the Board of Supervisors Procedures Manual outlining the process by which Board members request items be placed on the Regular Meeting agenda. Mr. Ricciardi seconded the motion.

Discussion followed on the process of how to formally submit requests. Mr. Pribulka will draft an amendment to the existing procedures manual for review and consideration at the next regular meeting.

g. Approval of Settlements in Lieu of condemnation for Right-of-Way Acquisition Needed for a Traffic Signal at the Blue Course Drive and Bristol Avenue Intersection

This is part of off-site traffic improvements that were made part of the terms and conditions of The Cottages and residential development. Mr. Pribulka reviewed the narrative that was included with the agenda. The Township's financial obligation is to acquire the right-of-way in order to install the signal at portions of the noted property owners' associations.

Mr. Miller moved that the Board of Supervisors **authorize** the settlements in lieu of condemnation for right-of-way in an amount equaling \$7,800.00 for Washington Place Condominium Association and \$7,400.00 for Thoroughbred Crossing. Ms. Carlson seconded the motion. The motion passed unanimously.

Mr. Modricker, the Township's Right-of-Way administrator, will continue working with Interstate Acquisition Services to acquire the acquisitions, following The Cottages take over and are required to secure the permitting of the traffic signal and pay cost of construction.

- h. Authorization – Agreement with By Design, Inc., for design & engineering services for Township Municipal Building Interior Renovations Project

Mr. Pribulka presented the proposal and agreement as provided with the agenda and reviewed the bids that were received. The scope of work for the project includes design development, construction documentation, bidding, and construction administration. Mr. Pribulka noted that the Township has a standardized contract in addition to the agreement and detailed the type of language included.

Ms. Dininni moved that the Board of Supervisors **award** the contract for architectural and engineering services for interior renovations of the Ferguson Township Municipal Building to By Design Consultants, Inc. in an amount not to exceed \$36,000 plus reimbursables. Mr. Ricciardi seconded the motion. The motion passed unanimously.

VIII. STAFF AND COMMITTEE REPORTS

a. COG COMMITTEE REPORTS

- 1. Executive Committee. Mr. Miller noted the committee focused on setting the agenda for the COG Meeting.
- 2. TLU-CRPC Joint Committee. Ms. Dininni noted the joint committee met today, April 2nd. They had introductions and open discussion, set project priorities for CRPA-details followed, received the REDCAP report and discussed the report's usefulness.

Possible agenda item discussed on report of the REDCAP report.

b. OTHER REGIONAL COMMITTEES

- 1. Spring Creek Watershed Commission. Mr. Buckland reported the Commission met on March 21st. Two items of interest included hiring of Jeanie French, Director of Headwaters chair Trust to facilitate update of Phase 1 of the management plan-details followed; Penn State staff update on a Watershed facilitated discussion by law students that will be held at the Central PA Institute of Science & Technology on April 18th at 6:30 p.m. – discussion can be joined online by a tool called *PlaceSpeak* that link will be provided.

Ms. Dininni inquired about the invite list for the Watershed facilitated discussion and asked that it can be extended to the Spring Township Water Authority.

c. STAFF REPORTS – Reports included with the agenda.

- 1. Township Manager. Mr. Pribulka presented his report and included detail of the DCED audit. The Board discussed the Ferguson Township Spring Newsletter. Discussion followed on audit and debt service. Follow-up discussion occurred regarding the approved plan for The Cottages and whether the provisions are consistent with or met with the new stormwater ordinance. Staff will seek a response from Scott Brown on whether The Cottages would meet the provisions of the new stormwater ordinance.
- 2. Planning and Zoning Director. Ms. Schoch presented the report.
- 3. Public Works. Mr. Modricker presented the report.

c. COMMUNICATIONS TO THE BOARD - none

d. **CALENDAR ITEMS**

1. COG Facilities Committee, April 3rd, 8:30 a.m., COG Building
2. COG Public Forum, April 18th, 6:30 p.m., Central PA Institute of Science & Technology
3. Stormwater Fee Feasibility Study Open House, April 18th, 4:30 p.m.
4. Watershed Cleanup Day, April 21st, 8:00 a.m. – 12:00 p.m.

e. **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 9:30 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: 04/16/18