

# FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, April 16, 2018  
7:00 PM

## I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, April 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
	Tony Ricciardi		

*Others in attendance included:* Cheryl Sharpe, Recording Secretary, Wes Glebe; Michelle Spiering, Pine Hall; Katey Misher; Phoebe Mills Paul; Justin Gorsuch; Charles Serr; Michael Pratt

## II. CALL TO ORDER

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

## III. CITIZENS INPUT

Organizers for Movin' On Spring Music Festival sponsored by Penn State announced that on April 27 the festival will take place at the IM Field at Penn State starting at 3:00 p.m. and will conclude at 10:30 p.m. Details followed on housekeeping items. Noted was that every effort will be made to strictly adhere to the schedule. Questions can be directed to Movin' On organizers at [exec.movinon@gmail.com](mailto:exec.movinon@gmail.com).

Mr. Buckland stated an Executive Session was held prior to this meeting regarding staff and legal matters.

## IV. INTRODUCTION OF CENTRICE MARTIN- ASSISTANT TO THE MANAGER

Mr. Pribulka introduced the candidate for the position of Assistant to the Manager, Centrice Martin, followed by a detailed list of her credentials and previous experience.

## V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the minutes for the April 2, 2018, regular meeting. Ms. Carlson seconded the motion. Motion passed unanimously.

## VI. UNFINISHED BUSINESS

### 1. Draft Procedures Manual Amendment Review

A memorandum and draft policy was included with the agenda. Mr. Pribulka stated some history of the discussion and subsequent action that was held at the April 2<sup>nd</sup> regular meeting.

Mr. Miller moved that the Board of Supervisors **direct** staff to prepare a resolution for public hearing amending the Board of Supervisors Procedures Manual by adding a procedure for Board member requests to add items to the agenda. Mr. Ricciardi seconded the motion.

Discussion followed on language in the third sentence. Mr. Miller, with the consensus of the Board, proposed a change to the third sentence to read "in order to ensure consistency and impartiality, the Board agrees". Mr. Pribulka noted it can be worked into the resolution and advertisement.

The process was reviewed for clarification.

Motion passed unanimously.

## VII. NEW BUSINESS

### 1. CONSENT AGENDA

- a. Contract 2018-C6 M&B Services, LLC
- b. Contract 2018-C7c Hanson Aggregate
- c. Contract 2018-C7c GOH asphalt
- d. The Cottages Planned Residential Development, Time Ext. Approval Notice
- e. March 2018 Voucher Report

Mr. Miller moved that the Board of Supervisors **approve** the Consent Agenda. Ms. Carlson seconded the motion.

Ms. Dininni requested that the Cottages letter be removed from the Consent Agenda and placed under New Business.

Motion passed unanimously.

### 2. PROCLAMATION DESIGNATING APRIL 28<sup>TH</sup> AS FERGUSON TOWNSHIP ARBOR DAY

The proclamation was provided with the agenda. Noted, National Arbor Day is Friday, April 27<sup>th</sup>. There will be a tree planting project in Owens Drive Park with Ferguson Township Elementary School students on April 28, 2018.

Ms. Carlson moved that the Board of Supervisors **adopt** the proclamation designating Saturday, April 28, 2018, as Ferguson Township Arbor Day. Mr. Miller seconded the motion. Motion passed unanimously.

### 3. PROCLAMATION DECLARING APRIL 20<sup>TH</sup> AS KEVIN NELSON DAY IN FERGUSON TOWNSHIP

The proclamation was provided with the agenda. Mr. Ricciardi presented a brief history on Mr. Nelson and noted Mr. Nelson will be leaving the area after at least 20 years in the Township.

Mr. Ricciardi moved that the Board of Supervisors **adopt** the proclamation declaring April 20<sup>th</sup> to be Kevin Nelson Day in Ferguson Township. Ms. Carlson seconded the motion. Motion passed unanimously.

### 4. PUBLIC HEARING RESOLUTION AMENDING SCHEDULE OF FEES BY INCREASING FEE FOR SOLICITING APPLICATIONS

Mr. Pribulka presented history of the Fee Schedule. Noted is a recent change to the fee assessed by the Pennsylvania State Police for the cost to run background checks. Staff had requested that the Board approve an amendment to the fee schedule that would raise the fees that we are allowed to assess from \$10 to \$22, which is what was implemented by the Pennsylvania State Police.

Mr. Miller made a motion to **adopt** the resolution amending the Ferguson Township Schedule of Fees by increasing the fee for soliciting applications. Ms. Dininni seconded the motion.

Roll Call vote on Resolution 2018-13: Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni – YES.

5. PUBLIC HEARING RESOLUTION AUTHORIZING SUBMISSION OF PA DOT GRANT APPLICATION FOR 2018-2020 DUI ENFORCEMENT PROGRAM AND AUTHORIZING TOWNSHIP MANAGER TO SIGN ALL RELATED DOCUMENTS ON BEHALF OF THE TOWNSHIP

Mr. Pribulka presented history on the resolution that was included with the agenda. It is in its 24<sup>th</sup> year of operation. Municipalities involved were noted.

Ms. Dininni moved the Board of Supervisors **adopt** the resolution authorizing the submission of an application for a grant for the Pennsylvania Department of Transportation for the 2018-2020 Centre County Sobriety Checkpoint and Expanded DUI Enforcement Program, and authorizing the Township Manager to sign all documents related to the grant on behalf of the Township of Ferguson. Ms. Carlson seconded the motion.

Clarification was made on services provided by Penn State that is considered unreimbursed assistance that include random stops such as sobriety checkpoints. Mr. Miller noted that he objects to random stops for sobriety checkpoints with no reason to stop someone. Discussion followed.

Roll call vote on Resolution 2018-14: Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni– YES; Mr. Miller- NO. Motion passed 4 to 1 with Mr. Miller dissenting.

6. PUBLIC HEARING RESOLUTION AUTHORIZING DISPOSITION OF SPECIFIC PUBLIC RECORDS

The Resolution and exhibit outlining the records were included with the agenda. Mr. Pribulka presented this topic. This is in accordance with the Retention and Disposition Schedule for the Records of Pennsylvania Municipalities and it is an annual exercise of the Township.

Mr. Glebe voiced his concern on how long records are stored and noted a particular record in 1985. Mr. Pribulka responded to the citizen's question and went on to explain how the retention of records are processed and stored as it applies to the Commonwealth and The Pennsylvania Historical and Museum Commission. Discussion followed on paper and digital retention of records.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the disposition of specific public records in accordance with the retention and disposition schedule. Ms. Carlson seconded the motion.

Discussion followed on records kept on land development and subdivision plans and permits.

Roll Call vote on Resolution 2018-15: Mr. Buckland – YES; Ms. Carlson – YES; Mr. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES.

7. DISCUSSION OF PINE HALL GENERAL MASTER PLAN SUBMISSION

A link to the Plan was included with the agenda. The Plan was submitted on February 25<sup>th</sup>. Mr. Pribulka presented some history on the Plan. The Plan has a pending validity challenge on the text amendment that was adopted in December of 2017. Action on the Plan submission is currently on hold pending the resolution of the validity challenge. It was recommended that the Board review the plan and provide staff with additional comments, not just limited to the questions that were given to the Board for consideration but any other general thoughts on the Plan's presentation, i.e., street layout, circulation within the site, the proposed phasing of the plan and amenities that are offered.

The recommendation is for the Board to consider to direct staff to schedule a joint work session with the Planning Commission. Members representing residential housing would be invited to participate in that

the goal will give feedback on the initial thoughts of the plan and it will allow for an expanded dialogue between the Board and the Ferguson Township Planning Commission.

Noted the development plan encompasses a large geographical area that Ferguson staff feels it merits more than just a typical land development plan for a single family home. Mr. Stolinis presented additional background on the Plan.

Ms. Dininni moved that the Board of Supervisors **direct** staff to schedule a joint public worksession with the Planning Commission to review the Pine Hall Master Plan Submission. Mr. Miller seconded the motion.

Mr. Ricciardi started the discussion on workforce housing for Phase II/III and the timeframe of building. Development timetable options and risk management discussed. It is a 5-7 year development project. Mr. Pribulka clarified the need for workforce housing and that there is an ordinance in place that applies to the TTD Zoning District. There is an MOU partnership with the Centre County Land Trust to administer the workforce housing program that will assist with the market and to keep in mind the work it will take to insure developments progress in a timely manner.

Ms. Carlson noted her concern on the size of workforce housing project surrounded by commercial property and if that would work in the Centre Region given the history of other developers attempting to do similar projects only to be phased out due to the size. Concern for requirements not met due to being in Phase II, i.e., requirement of 5% for multifamily units. Low impact development/permeable surfaces discussion.

Ms. Dininni continued discussion with what can be done to incentivize green infrastructure. Mr. Modricker discussed the current Stormwater ordinance and what can be done with the rewrite of the ordinance to capture some of the elements on low impact development and on tree canopy. Mr. Pribulka discussed the procedures and process of approving the plan. Detail discussion followed on submission details of the Master Plan and Implementation Plan. Eco Village home area discussion.

Mr. Buckland discussed concerns on the Eco district/village referring to solar orientation; Stormwater features/regrading in regards to landscape restoration and referral to a conceptual open space plan/requirements and reforesting some features.

Discussion followed on 40% of retention of tree coverage and reforestation. It was noted the ordinance is based on trees and not the coverage. Related discussion followed on larger homes and workforce affordable detached housing that appears to be rentals.

Mr. Pribulka recapped the discussion items. The Planning Commission will have a meeting on April 23<sup>rd</sup> to provide/review the comments, put into a summary document to provide to the Board, Planning Commission and applicant to get answers to outstanding questions. Further related discussion followed.

Motion on the joint public worksession passed unanimously.

Mr. Pribulka stated this will be a calendar item for May that works for all parties for the joint worksession.

## 8. APPOINTMENTS TO CENTRE REGION BUILDING AND HOUSING BOARD OF APPEALS

Mr. Pribulka presented the history on this topic. The appointees were provided with the agenda.

Ms. Dininni moved that the Board of Supervisors **appoint and reappoint** the slate of nominations forwarded by General Forum to the Centre Region Building and Housing Board of Appeals for a term

beginning on March 26, 2018, and ending with the first General Forum meeting in January 2022. Mr. Ricciardi seconded the motion. The motion passed unanimously.

9. PENNPRIME LOSS CONTROL STANDARD #1 – STATEMENT OF COMMITMENT TO SAFETY/RISK MANAGEMENT

Mr. Pribulka presented history on this topic. The Township's Statement of Commitment was provided with the agenda.

Ms. Dininni moved that the Board of Supervisors **approve** the Township's Statement of Commitment to Safety and Risk Management. Mr. Miller seconded the motion. The motion passed unanimously.

10. THE COTTAGES PLANNED RESIDENTIAL DEVELOPMENT, TIME EXT. APPROVAL NOTICE

The time extension was clarified.

Mr. Miller moved that the Board of Supervisors **approve** the 90-day time extension. Mr. Ricciardi seconded the motion. The motion passed 4 to 1 with Ms. Dininni dissenting.

**VIII. COMMITTEE AND STAFF REPORTS**

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

- a. Ad Hoc Facilities Committee. Mr. Buckland stated the committee met for the first time on April 3<sup>rd</sup> and set the meetings for the first Tuesday of the month at 8:30 a.m. Meeting included a review of purpose and goals; elected a chair and vice chair – Frank Harden of Harris Twp. and Rich Franke of College Twp.; course of action set including touring of the 13 facilities for the next few months; training and education in facilities management and about the sites/green building/low-impact development. The next meeting is scheduled for Tuesday, May 1<sup>st</sup> at 8:30 a.m. Discussion followed on long-term planning.
- b. Steering Committee. Ms. Dininni. Reviewed the RFP and have it finalized; met with Rec Park and Tourism at Penn State- couple of different options discussed. Meeting is canceled for May due to not having feedback from DCNR prior to meeting time.
- c. Public Services & Environmental Committee. Mr. Miller attended for Mr. Buckland's. Some items discussed will be on The Forum agenda. Committee received a report on Climate Action; REDCAP; Refuse/Recycling customer satisfaction survey - positive response and comments reviewed; applying for a recycling grant for the organic recycling cards that will include yard waste. Further discussion followed on opt-out options.
- d. Public Safety Committee. Ms. Carlson stated they met on April 10<sup>th</sup> at noon. Partial Annual Report from EMS Services and will receive the rest of the report when all of the EMS members are available; short-staffed and need EMS volunteers throughout the county; MOU for hazmat services going in front of COG this coming meeting – draft for review is available; heard from Mr. Kauffman on emergency response interface for municipalities and police-details followed. Discussion followed on the interface and fixing some glitches before rolling out the program. Discussion on MOU followed.
- e. Finance Committee. Mr. Miller attended this past Thursday. Reviewed fund balance report from 2017; main item of discussion was the budget process to determine what guidance to give to staff in terms of increases in budget – details followed; Mr. Miller noted each municipality should discuss budget guidance prior to the next Finance Committee meeting and asked that this item be placed on the agenda for the next Board meeting and to include item 6 of the recent Finance Committee agenda.

Ms. Dininni asked a question on Matter of Record regarding Mill Brook Marsh Nature Center/Barn sprinkler. Discussion followed on cost.

- f. Parks Capital & CRPRA Joint Committee. Ms. Dininni attended April 12<sup>th</sup>. Regional Comprehensive Study progress-details followed; steering committee membership-DCNR requested appointment of community members; regional park update-details followed-packet provided at the meeting that is now in electronic version and additional information Ms. Dininni noted will forward to the Board.

## **2. STAFF REPORTS – reports provided with the packet**

- a. Manager. Mr. Pribulka presented the report. CBICC has begun initial discussion with the Township's Mr. Keough and others on Agra Tourism/Business in regards to economic development; Chamber is planning an orientation on economic development and what that may mean locally for the Township per the Ferguson Board's discussion on the 2018 Operating Budget-details followed; Cecil Irving Park update; naming of Owens Drive Park-April 23<sup>rd</sup> is the Public Hearing; adoption of bylaws and procedures; next Parks Committee meeting is planned for May 14<sup>th</sup>; Township hosted HOA Open House on April 11<sup>th</sup>; elected officials and staff visited Harrisburg to accept the 2018 Governor's Award for Local Government Excellence in Fiscal Accountability and Best Management Practices-citations approved by the House and Senate of the Commonwealth; Messrs. Modricker, Stolinias and Pribulka attended a meeting with representatives from UAJA, SCBWA, State College Borough engineering staff, and Toll Brothers that discussed sewer main material to service The Cottages – UAJA to add this item to their agenda for the April 18<sup>th</sup> UAJA meeting, easement on adjacent property to be submitted by Toll Brothers to SCBWA – details followed.

Ms. Dininni asked about easement conditions. Discussion followed on easement and Agra Tourism.

Mr. Buckland noted if the Board would like to make a request that the CBICC present at an upcoming Board of Supervisors meeting that it be made as an agenda item request separate from the Manager's report.

- b. Planning & Zoning Director. Mr. Stolinias presented the report. April 23<sup>rd</sup> is the next Planning Commission Meeting. Pine Hall update; Ad Hoc Committee meeting for Sourcewater Protection will kick off on April 18<sup>th</sup> at 2:00 p.m. and will schedule three meetings following this meeting in order to finalize recommendations for ordinance and appendices; Pine Grove Mills update; interview process update on ordinance officer – final candidate chosen was Serina Weaver that started training on April 2<sup>nd</sup>; Zoning Hearing Board alternate update – Chuck Farrell and a core member verbal confirmation for Karen English. Permit report included with the agenda.
- c. Public Works. Mr. Modricker presented the report. Next public meeting is on April 18<sup>th</sup> at 4:30 p.m. on Stormwater Fee Feasibility Study presentation; Advisory Committee will meet on April 18<sup>th</sup> to have their 7<sup>th</sup> and final meeting for this phase of project; brush collection update; Corl Street Traffic Signal-finalized-notice to proceed/construction in June; bid updates; RFP draft seeking proposals for transportation mobility study for N. Atherton/Aaron/Cherry corridor-details followed.
- d. Chief of Police. Chief Albright presented the report. Calls for Service and Crimes for the month of March are comparable to last year at this time; notable arrests update; community relations events update; Ferguson PD is a member of the Centre County Drug Task Force-update followed on activity of 1<sup>st</sup> quarter of 2018; update on final stages of the car camera/body cam installation project.

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

## **X. CALENDAR ITEMS**

- ) April 18, 4:30 p.m., Stormwater Fee Feasibility Study presentation, Township Building

- ) April 18, 6:30 p.m. – Spring Creek Watershed facilitated discussion, Central PA Institute of Science & Technology
- ) April 21, 8:00 a.m., Coffee and Conversation, Giant – Northland Center.
- ) April 21, Watershed Cleanup Day-will be on community calendar, in conjunction with Clearwater event.

Ms. Dininni noted appreciation for Public safety support/emergency services this past weekend from Ferguson PD to W. Ferguson area.

**XI 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 9:12 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: 05/07/18