

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, June 18, 2018
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, June 18, 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, Community Planner
	Sara Carlson		Centrice Martin, Asst. to Township Manager
	Tony Ricciardi		

Others in attendance included: Faith Norris, Recording Secretary; Steven Jackson, SCBWA; Jon Dietz, UAJA; John Simbech; Michelle Spiering, Golden Orchard Association; Jennifer Paullin; Todd Giddings; Dorothy Blair; Thompson Harner; Maureen Casey; Chris Harner; Meghan Hoskins; Brad Badkin; Lara Kingshipp Carter, realtor; John Jacob; Greg Flise; John Sinbeck; Robert Lingenfelter, WMF, Inc.

II. CALL TO ORDER

Mr. Buckland called the Monday, June 18, 2018, regular meeting to order at 7:00 p.m.

Mr. Buckland recognized a Board member prior to Citizens Input that had two motions to add to this meeting's agenda.

Mr. Miller made a motion that the Board of Supervisors **add** a discussion to New Business to consider the Township Manager writing a letter to elected officials in our region at the Federal level regarding the current Immigration Policy issues. Mr. Ricciardi seconded the motion. The motion passed unanimously.

Mr. Miller made a motion that the Board of Supervisors **remove** item 2 under New Business, stating a Discussion of a letter to the State College Borough Water Authority.

Mr. Miller had discussed the topic and feels the cooperation will be there since talking with representatives from both the Parks and Water authorities. Mr. Miller thought it was best that the Township not make comment.

Mr. Ricciardi seconded the motion. The motion passed unanimously.

Ms. Dininni clarified what item was being removed from the agenda.

III. CITIZENS INPUT

Ms. Hoskins, representing the Elementary School Environment Club, had sent a letter in the Fall of 2017 to the Township requesting funds for a tree planting project for Arbor Day celebration. She updated the Board with how well the day went with the students. The students were presented with the Township's Tree City Flag at an award ceremony and the flag will be displayed at the school. In appreciation, Ms. Hoskins presented a signed card with pictures and signatures from club students in to the Board and Township.

A number of residents voiced their concerns on health and safety issues in the Greenbriar development. The concerns centered on drainage/leaching issues from the septic systems that are outdated and not adequate for the current usage for younger families moving into the area. The residents would like to see the pending sewer project continue for a safe environment for their children.

IV. SPECIAL REPORTS

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

A June 18, 2018, written report and May 17, 2018, meeting notes were provided to the Board. In summary, the report included the Authority's meetings that Mr. Jackson had attended. Two major topics were the Whitehall Road Regional Park impermeable surface playing fields near well fields and sewer easement along Whitehall Road. Mr. Jackson detailed the history and issues surrounding both topics. He noted the search for a new Executive Director is moving forward with interviews and anticipates having the position filled by August. Work continues in phases for Atherton Street. The Authority remains financially sound from January to May 31 with a net income of \$1.1 Mil.

Ms. Dininni thanked Mr. Jackson as liaison to the Board and for his report. Ms. Dininni inquired about a discussion on the choice of pipe to be used along Whitehall Road in reference to a document dated May 17 regarding the SCBWA's April 19 meeting. A detailed discussion followed on what could be used depending on the right-of-way. Ms. Dininni and Mr. Jackson discussed the concern for breakage and infiltration into drinking water and the 45-minute shut down. Easement concerns were discussed.

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

The presentation started with background on UAJA's flow capacity and permit limits. Discussion followed on the flow capacity reports; beneficial reuse project on treated water; economic growth including gradual increase of 15-20 connections per month vs. around 10 connections a year ago; planned expansion of beneficial reuse line to Harris Township; NPDES (National Pollutant Discharge Elimination System) draft permit from PaDEP with thermal limits with details on the 316(a) Thermal Variance Study on aquatic life in the stream; online solar and battery project that produces 30% of UAJA's energy requirement-components discussed; Odor Control project update – likely rebids in July after approval of conceptual redesigns due to initial engineers' estimated bids over budget; Greenbrier project study vs. DEP mandate update with handout provided – processed discussed that includes a future open house.

Ms. Dininni inquired about the growth boundary regarding the growth pattern of the septic system over the next thirty years and if there is a comprehensive plan to address the impacts. Dr. Dietz responded as an environmental engineer and not as a UAJA board member. In summary he stated sewer and waste water treatment is superior to septic, septic is used when there is no feasibility or possibility of a sewer connection, and referring to the development in the Centre region and potential impacts on ground water related to functional septic systems.

Dr. Dietz noted he could provide pictures via email of Slab Cabin showing that the run above the wetland discharge point is dry in reference to a discussion on imposing temperature limits on a stream that is dry.

V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the May 21, 2018, Regular Meeting minutes. Ms. Carlson seconded the motion. The motion passed unanimously.

VI. UNFINISHED BUSINESS

- a. Public Hearing Ordinance rezoning Harner Farm parcel #24-004-,067-,0000-

Mr. Pribulka provided history of the parcel. Ms. Schoch provided a visual presentation recapping the Harner Farm existing zoning and updated changes.

Ms. Spearing, Golden Orchard representative, spoke positively of having R1 zone and bike path opportunities; however, voiced a number of concerns opposed to having a Traditional Town Development due to what she thought is controversial and detrimental to the community. Other comments included to move forward with the zoning and focus on the landowners' rights on selling the land. The Board members discussed the topic prior to making a motion. Ms. Carlson noted the changes made appears to be what the community was looking for and the Board had reviewed this to ensure appropriate use of the land. Ms. Dininni inquired about the Centre Region Planning Commission's comment on universal access referencing CRPA's letter attached to the Ordinance in the agenda. She stated an example of granting of conditional use and whether the process of rezoning of this parcel has some kind of process to incentivize certain things within a zoning district. Mr. Pribulka clarified the conditional use process is done after the zoning is established and stated the Township does not have anything requiring or incentivizing universal access standards in any of its zoning districts. Following further discussion on land development Mr. Harner requested that the address be delineated as the parcel number and not as his home address. Mr. Pribulka stated the correct address and parcel number is listed on the zoning map.

Mr. Miller moved that the Board of Supervisors **adopt** the ordinance amending the Chapter 27, Zoning, of the Ferguson Township Code of Ordinances and the Ferguson Township Zoning Map by changing to General Commercial and Single-Family Residential property located at 2177 West Whitehall Road, as more fully described in Exhibit "A" of the ordinance. Mr. Carlson seconded the motion.

Roll Call Vote, Ordinance 1042: Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni – YES; Mr. Miller – YES.

- b. Public Hearing Resolution adopting "Songbird Sanctuary" as the park name at Owens Drive

Mr. Pribulka reviewed the narrative and advertisement for public hearing.

Mr. Ricciardi moved that the Board of Supervisors **adopt** the resolution naming the park located on Owens Drive at Tax Parcel 24-019-073E, "Songbird Sanctuary". Ms. Dininni seconded the motion.

Roll Call Vote, Resolution 2018-19: Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES.

- c. Discussion of Administrative Code Amendment to correct inconsistencies with Home Rule Charter

Mr. Pribulka reviewed the history as provided with the agenda's narrative and memo on the Inconsistencies. He summarized the three main areas in review.

Ms. Dininni moved that the Board of Supervisors **authorize** staff to prepare an ordinance amending Chapter 1 of the Code of Ordinances, Administration and Government, in accordance with the recommendations provided by the Township Manager and Assistant to the Manager dated June 13, 2018, for advertisement for public hearing and action on July 16, 2018. Ms. Carlson seconded the motion.

Ms. Dininni discussed two items in the memo regarding vacancies and the filling of vacancies, referencing sections 2.10 and 1-404 referring to 60 days vs. 40 days and meeting cycles for the Board vs. other vacancies. Mr. Pribulka agreed with Ms. Dininni's statement and noted he will review the sections and prepare a draft ordinance to bring to a future Board meeting. Ms. Carlson thanked Mr. Pribulka and Ms. Martin for preparing the detailed memo.

The motion passed unanimously.

Mr. Buckland called for a short break. Ms. Dininni seconded the motion.

VII. NEW BUSINESS

a. Consent Agenda

1. April 2018 Treasurers Report
2. 2018-C1, Payment Authorization – HRI, Inc.
3. 2018-C17, Traffic Signal Detection Upgrade – Tel-Power, Inc.
4. Board Member Request – Statement of intent to Remain in COG Programs
5. Board Member Request – Statement of intent to Evaluate in COG Programs
6. Board Member Request – EPA Comment letter
7. Board Member Request – Whitehall Rd. Regional Park & The Cottages Sewer Service

Mr. Miller requested that item #7 be pulled off the Consent Agenda.

Ms. Dininni moved that the Board of Supervisors **approve** the Consent Agenda excluding the last item.

Mr. Buckland stated the item "Whitehall Rd. Regional Park & The Cottages Sewer Service" would be placed at the end of New Business.

Mr. Miller seconded the motion. The motion passed unanimously.

b. Discussion of continued design of Public Works Maintenance Facility

Mr. Pribulka introduced the discussion as included with the agenda. Mr. Modricker continued with a presentation that reviewed the continued project. In summary items included benchmarks, breakdown of cost estimates, cost-saving suggestions, site plan and the bid process. Mr. Pribulka discussed fleet fueling options that were discussed at a previous meeting and noted that the Township is pursuing cost-saving alternatives for the fueling station.

Mr. Miller moved that the Board of Supervisors **direct** staff and the consultant to complete architectural and engineering services for the design of the Public Works Maintenance Facility. Mr. Ricciardi seconded the motion.

Discussion followed with Board comments that included to continue the process and put out to bid due to architect's estimates being high; should the Board revise their expectations; and how much will be spent in getting the 40% in design. Mr. Modricker continued the discussion with a review of the worksessions, what has been spent to-date, phases, what can be brought under control, financing, market/competitive pricing and construction costs in the geographical area. Mr. Buckland recapped the discussion and noted he was in support of the HVAC recommendations and to look into the long-term cost effectiveness for the fueling station. The discussion concluded

on what the Township could do in regards to landscaping, i.e., storm water improvements and other amenities.

The motion passed unanimously.

c. Zoning Appeals/Variances – provided with agenda packet.

1. 1224 North Atherton Street (HFL Corporation – Discovery Space)

Ms. Schoch provided a visual presentation. Some concerns included 65% impervious coverage for commercial zoning district. Mr. Pribulka went into further detail on the variance and discussion followed on the floodplain. The Hearing is scheduled for July.

Mr. Miller moved that the Board of Supervisors **oppose** the variance request for 1224 North Atherton Street, unless an Engineering Study shows that it would not have a negative effect on the flood plain. Ms. Dininni seconded the motion.

Discussion followed on the replacement of the culvert on Atherton Street. It was clarified that two related variances were being requested: encroach, buffer, and off-street parking. Discussion followed on parking requirements for an overflow lot in a floodplain. Mr. Buckland opposed encroachment on a floodplain.

Mr. Buckland moved to amend the motion to strike the requirement for the Engineering Study. Ms. Dininni seconded the motion.

Ms. Carlson noted that area has heavy traffic that may cut through the lot to avoid traffic. Discussion followed.

Mr. Buckland called for a vote on the motion. The motion passed unanimously.

Mr. Pribulka asked who the Board wished to defend the Township's position before the Zoning Hearing Board. The Board chose the Township Manger in this case instead of the solicitor.

Mr. Buckland called for a vote on the amended motion. The amended motion passed unanimously.

2. 102, 114, and 120 West Cherry Lane (HFL Corporation – W. Cherry Ln. Apts.)

Ms. Schoch provided a visual presentation with history of the variance.

Mr. Miller moved that the Board of Supervisors **remain neutral** on the variance request for 102, 114 and 120 West Cherry Lane. Mr. Ricciardi seconded the motion. The motion passed unanimously.

3. 401 Science Park Road (Sound Technology Inc.)

Ms. Schoch provided a visual presentation with history of the variance. Temporary use would require a Land Development Plan that the applicant is requesting not to do.

Mr. Miller moved that the Board of Supervisors **remain neutral** on the variance request for 401 Science Park Road. Mr. Carlson seconded the motion.

Ms. Dininni asked for more clarification on why the applicant is applying for a variance on a temporary use if not permitted in the zoning district. Mr. Miller responded by saying the temporary use examples given on requested variances were in two different zoning districts.

TSD vs. IRD. This particular variance request is asking for a temporary use without providing the required Land Development Plan in the IRD. Detailed discussion followed on temporary uses in zoning districts at the discretion of the Board.

The motion passed unanimously.

d. Communication with Elected Officials

Mr. Miller introduced the new agenda item. The topic was zero tolerance policy on the current immigration issue. He noted citizens have taken opposition to this policy on separating parents and children at the border. Mr. Miller proposed to have the Board communicate through a letter to local officials to take action through congressional action to end the policy of separating children from their parents at the border.

Mr. Miller moved that the Board of Supervisors **authorize** the Township Manager to contact the Federal elected officials representing all or part of Ferguson Township on behalf of the Supervisors and urge them to address the issue at the Congressional level and to take whatever action is within their authority to end the policy of separating children from their parents at the Border. Ms. Carlson seconded the motion.

Point of clarification, Ms. Carlson noted anyone seeking to immigrate is being charged as a criminal even in cases where the adults are seeking asylum and this is why the children are being separated from parents since the children are not being charged as criminals.

Mr. Buckland did note the Board had passed a resolution regarding the rights of immigrants and refugees and it is appropriate to site the Board's previous commitments. Mr. Pribulka clarified what elected officials would be receiving the communication. Ms. Dininni referenced language to possibly use referencing Former first lady Laura Bush's comments about separation of families on the US border. Mr. Buckland thanked Mr. Miller for bringing this topic forward.

The motion passed unanimously.

e. Discussion of Letter to SCBWA urging cooperation with CRPRA on Whitehall Road Regional Park

Mr. Buckland directed the Board to have an open discussion. Ms. Dininni discussed a point of concern regarding the pathway and material of the sewer pipeline. She went into detail on routes for connection options to carry the capacity and the options for the type of pipe being considered. Ms. Dininni said if the Township would be a partner in the Study, she recommended that interested parties including Toll Brothers, Park representatives and the Township possibly discuss the safest material and route to be used.

Mr. Buckland inquired about a motion for this discussion. Ms. Dininni moved that the Board of Supervisors **place** this topic on a future agenda. Mr. Miller seconded the motion.

Mr. Miller noted the application for PennDOT for the right-of-way pipeline includes a high density Polyethylene Polymer of which the Water authority had requested. He recommended the Board not discuss funding the Study due to the request coming from the Borough of State College with no interest in funding the Study. Further discussion followed on the reason for the Study and whether to place this topic on the next agenda for discussion.

The motion failed 2 to 3 with Messrs. Buckland and Miller and Ms. Carlson dissenting.

f. ABC Vacancies – Zoning Hearing Board and Planning Commission

Mr. Pribulka reviewed the information as included with the agenda. There were two applicants provided to consider.

Mr. Buckland entertained nominations for Zoning Hearing Board for a core member.

Mr. Ricciardi made a motion nominating Irene Miller to **serve** on the Zoning Hearing Board for a term expiring December 31, 2019. There were no other nominations. The motion passed unanimously.

Ms. Dininni clarified the mutli-Ward representation on the boards.

Mr. Buckland entertained nominations for the Planning Commission for up to three alternates.

Ms. Carlson made a motion nominating Shannon Holliday to **serve** on the Planning Commission as an alternate. There were no other nominations. The motion passed unanimously.

Irene Miller was appointed to the Zoning Hearing Board and Shannon Holliday was appointed as an alternate to the Planning Commission.

VIII. **STAFF AND COMMITTEE REPORTS**

a. COG COMMITTEE REPORTS – Committee agendas provided with the agenda packet.

1. Executive Committee. Committee will meet tomorrow, June 19. Mr. Miller reported the main item will be release of the RFP for the Steering Committee's Parks study. Another item will be to cancel the COG meeting scheduled for next week due to no urgent agenda items.
2. Transportation & Land Use Committee. Met June 4. Ms. Dininni reported the longest agenda item was the open discussion for committee members on affordable housing; decided not to cancel the next meeting; CATA service changes-detail followed; PennDOT Connects update; CCMPO will meet on June 26 and another meeting at the end of July on extension of public feedback period regarding air quality standards - Ms. Dininni is unable to attend due to the CIP worksessions.

Ms. Dininni noted for Communications to the Board concern for affordable housing of which is going to be discussed at the next committee meeting. She noted she is interested in discussing the bike plan. She discussed last year's Township budget that looked at investing in some segments of the bike path plan and possibly looking at it again this year at budget time, in particular Whitehall Park and Musser Gap.

3. Parks & Recreation Regional Comp. Plan Steering Committee. Met June 5. Ms. Dininni reported the RFP is finished – details followed; referenced the PML conference presentation the was on implementable comprehensive plans; voiced concern to the committee on what they might get is a glorified inventory vs. an implementable comprehensive plan and encouraged the Board to read the RFP and give Ms. Dininni feedback on it.

Mr. Buckland asked that Ms. Dininni continue with her reports on the Joint Parks Capital & CRPRA committees below.

4. Joint Parks Capital & CRPRA committees. Met June 14. Ms. Dininni reported the main conversation was about the Parks Capital Committee that had a motion to recommend to the General Forum as per both committees' directive as accepting regional facilities as part of the

purview. The recommendation was that Millbrook Marsh Nature Center, Welsh Pool, Park Forest Pool and Active Adult Center will all be part of the Parks Capital Committee purview. Details followed. Action Sports Park was tabled.

5. Ad Hoc Facilities Committee. Mr. Buckland reported on an informative and productive presentation made by Mr. Gutberlet, Manager of Penn State Engineering Services. Topics of discussion detailed the following: scale of the University's combined facilities, Kilowatt hours of electricity used, energy and greenhouse reduction strategies, programs, how the University invests in the energy savings program and what works well, financial borrowing for past and future, payback periods, process for vetting the buildings, energy conservation measures and challenges such as campus growth, new construction progress such as high intensity of some buildings, and principles among other items. Another discussion included how to allocate resources. Mr. Buckland noted each of the elected officials in the group are being assigned a task of reviewing a pair of facilities and his are Oak Hall Regional Park and the Borough's fire station.
6. Public Services & Environmental Committee. Mr. Buckland reported the committee discussed greenhouse gas emissions inventory and what the Township is currently doing and participation in Local Government for Sustainability at the regional level; extensive discussion took place on the contract bid specifications for composting.

Ms. Dininni asked Mr. Buckland for an example of a cost savings for the Sustainability Initiative. In summary Mr. Buckland stated that it is still being looked into and part of an inventory process prior to doing a climate action plan. Discussion followed on what an individual municipality may want to see in the plan and that it would not hinder another municipality in doing something different.

7. Public Safety Committee. Met on June 12. Ms. Carlson reported a discussion that included plans for code, fire and EMT service, budget amendments, most of the discussion centered around new proposed positions – details followed on the three positions, how to potentially increase stipends to encourage more volunteers, proposed new animal policy – details followed, expansion of 2-way radio plan, request to amend budget by \$12K to purchase additional 2-way radios, HazMat services – committee was proposed and formed to pull people to look at moving current administration that is under Penn State to the purview of the Alpha Fire Company. Discussion followed on costs for administering the HazMat services. Ms. Carlson noted that Penn State has an interest to continue to fund it but to allocate administration.
8. Finance Committee. Met on June 14. Mr. Miller reported the main topic was significant proposals for changes in the budget that are included with the agenda; College Township discussed going back to a CAP or target on the budget – details followed but the motion did not pass; approval of 2-way radios. Discussion followed on whether it is consistent with the Township's budget based on incremental increases. Ms. Dininni noted the Parks Authority will be meeting at Sidney Friedman Park on June 21 and will discuss their annual report in context with the COG budget.

b. OTHER REGIONAL COMMITTEES

1. Centre Area Cable Consortium. Met on June 11. Mr. Ricciardi reported Mr. Tom Robinson from CBG Communications presented his needs assessment report – upgrades for C-NET – details followed with services, costs and upgrades.

c. **STAFF REPORTS** – Reports included with the agenda.

1. **Township Manager.** Mr. Pribulka reported a good year for health insurance for 2017 and detailed the reimbursement and distribution as listed in the report. Other items presented included the Auditor's report for UAJA; the June 11 Parks & Rec meeting - reviewed a draft of the Suburban Park Master Plan RFPs followed by a productive tour of several parks in the Township - next meeting is scheduled for July [9], attendance at the PA Municipal League Sustainability Conference on June 5 with noted sessions listed, met with the Tudek Memorial Trust that approved two action items - new insurance policy with expanded liability coverage to address uncovered exposure that existed in the previous policy and moved assets to Centre Foundation to help generate additional revenue and create recognition for the Trust with a presentation from Molly Kunkel on the Centre Foundation funds. Staff had a productive meeting with Steve Bair in reviewing the Scope of Work for draft RFPs for the fire station's needs assessment as a follow-up to the Feasibility Analysis previously done by the Alpha Fire Company – more details to come. Mr. Pribulka met with Joe Wilson, Wilson Ecological Services, to talk about a Board appropriation on the 2018 budget for an environmentally sensitive area inventory – further details followed on capturing data and minimal cost. Municipal Manager Committee Meeting with CBICC on project updates that included discussion on the Stormwater Impact Fee that the Township is moving ahead with Phase 2 analysis, discussion with local utilities to help streamline the building process.
2. **Planning and Zoning Director.** Ms. Schoch reported the June 11 Planning Commission Meeting was cancelled. The next meeting is June 25 with two agenda items – Step by Step Early Learning Center land development proposal and an appointment for the Centre Region Planning Commission representative-details followed. The report included Planning/Zoning Director's report, Permit Activity, Active Plan list, Zoning and SALDO Ordinance update and three Sourcewater Ad Hoc meeting summaries update. Ms. Schoch thanked the Board for attending the joint worksessions along with feedback on the SALDO ordinance.
3. **Public Works Director.** Mr. Modricker reported completion of the 2019-2023 Capital Improvement Plan for Public Works – planned roadway projects and road tour is scheduled to start the morning of July 31, not the date stated in the report. Tree Commission met today with two main discussion items involving subdivision land development ordinance and zoning update and Pine Hall Master Plan update/comments. Staff met recently with Dr. Bill Elmendorf regarding examples of other tree preservation ordinances. Report followed as provided. For the Transportation Mobility Study, recommendations will come before the Board following review of the proposals.

Mr. Buckland noted positive comments of tree care according to the Township's Twitter account.

4. **Chief of Police.** The report was attached to the agenda packet.

IX. COMMUNICATIONS TO THE BOARD

Ms. Dininni noted affordable housing as stated in her TLU report above. Discussion followed on workforce housing.

X. CALENDAR ITEMS

- a. **Coffee and Conversation, Friday, July 20, 2018, 9:00 a.m., Naked Egg.** Mr. Pribulka noted some local officials will be attending this function.

XI. **ADJOURNMENT**

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 10:00 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: 07/02/18