

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

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

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, July 16, 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; Denise Meyer; Ron Lucas; Barb Christ; Elwin Stewart; Kathy Hicky; Matt Vidic; Doug Loviscky; Kieth Ickey; and Katherine Watt

II. CALL TO ORDER

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

III. CITIZENS INPUT

Mr. Vidic expressed concern for a growing need for access to the sports fields at the planned Whitehall Road Regional Park to play organized sports such as what Centre Soccer currently does. He noted that the soccer teams use the fields heavily and stated some statistics that keep growing. Other concerned citizens spoke on the need to have access to fields for organized sports that tend to overlap at times and noted it is important because of programming, careers, and social aspects for the players that range from age 4 to 64.

Ms. Watt noted that Centre Soccer represents only a small percentage of Centre Region residents and that other stakeholders in the Centre Region are concerned for the environmental needs at the Whitehall Road Regional Park.

IV. SPECIAL REPORTS

Centre Region Parks and Recreation Authority – Ms. Denise Meyer

Ms. Meyer highlighted previous and upcoming meetings. The next meeting will be on July 19, 12:15 p.m. at Eugene Fasick Park. Presentation included responses to previous inquiries on dog aggression reporting at Tudek Dog Park and the CRPRA annual report discussion held at the June meeting. An update was given on the work the comprehensive plan steering committee is doing. An action sports committee was created to investigate building a local action sports park and the findings are with CRPRA to determine the best path moving forward. A preliminary drawing was provided by Ms. Meyer to the Board on a pavilion restrooms concessions building for Whitehall Road Regional Park. Details followed on the pavilion's options along with the projected cost of \$1.1M. The Authority will discuss at their next meeting the option to be recorded on C-Net. An update was provided on the Ferguson Parks & Recs Committee and their recent meetings held at the Township's area parks showing updates needed/done and unique features. The next Ferguson Parks & Rec meeting will be on August 13th at Greenbriar Park and September 10th at Tom Tudek Memorial Park.

Discussion followed on the pavilion's projected cost and process. The cost does include the commercial kitchen and structure but does not include solar panels.

V. **APPROVAL OF MINUTES**

Ms. Dininni moved that the Board of Supervisors **approve** the July 2, 2018, Regular Meeting minutes and the June 5, 2018, Joint Board of Supervisors/Planning Commission Worksession.

Ms. Dininni noted an item of clarification on page 5 of the regular minutes. Specifically, the CCMPO report that all of the Supervisors are attending the CIP worksessions in reference to not attending the next CCMPO meeting. Ms. Carlson noted her first name was incorrectly spelled in the joint worksession.

The motion passed unanimously.

VI. **UNFINISHED BUSINESS**

a. **PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER ONE, ADMINISTRATION AND GOVERNMENT, SECTION 1002, ORDINANCE AND ADOPTION PROCEDURES, AND SECTION 607, CITIZENS RIGHT TO BE HEARD**

Mr. Buckland introduced the ordinance for public hearing. Mr. Pribulka presented on the ordinance as advertised. No public comments were noted.

Ms. Dininni moved that the Board of Supervisors **adopt** the ordinance amending Chapter 1, Administration and Government Section 1002, Ordinance and Adoption Procedures, and Section 607, Citizen's Right to be Heard. Ms. Carlson seconded the motion.

Roll Call vote on Ordinance #1043: Ms. Carlson – YES; Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES.

b. **CONTINUED DISCUSSION - COMMENT LETTER ON PROPOSED RULE OF THE ENVIRONMENTAL PROTECTION AGENCY TITLED, "STRENGTHENING TRANSPARENCY IN REGULATORY SCIENCE"**

Mr. Buckland reviewed the draft letter with the incorporated comments from the previous regular meeting. A copy of the draft letter was provided with the agenda packet. A detailed discussion followed on the language, intent and clarity on the subject matter. The Board agreed on the intent of the letter. Following discussion, updated language was approved.

Ms. Dininni moved that the Board of Supervisors **remove** the word "cynically" in the third paragraph. Mr. Miller seconded the motion. Discussion followed. The motion passed 4 to 1 with Mr. Buckland dissenting.

Ms. Dininni moved that the Board of Supervisors **remove** the first sentence on page 2 that starts with "The only possible beneficiaries..." and reword the sentence. Mr. Miller seconded the motion. Discussion followed and a rewrite of the sentence was introduced. Ms. Dininni withdrew her motion.

Mr. Buckland moved that the Board of Supervisors **strike** the first sentence on page 2 and replace it with "We fear that fossil fuel and chemical special interests who profit from pollution will unfairly benefit from this rule." Mr. Miller seconded the motion. The motion passed unanimously.

Ms. Dininni moved that the Board of Supervisors **remove** the words "deliberate attempt" in the second sentence on page 2 and replace it with "having the effect of impinging on our access". Mr. Miller seconded the motion. Discussion followed regarding active lobbying. Ms. Dininni amended

the motion to have the sentence read, "We see the rule as an effect of deliberate lobbying which impinges our access...". Mr. Miller seconded the motion. The motion passed unanimously.

The motion to forward the letter to the Interim Director of the Environmental Protection Agency and other recipients passed unanimously.

c. SOURCEWATER PROTECTION ORDINANCE AD HOC ADVISORY BOARD REPORT AND DISCUSSION

Mr. Stolinas reviewed the history of the ordinance, meetings and presented the proposed changes as provided with the agenda packet. Mr. Buckland prioritized next steps. Mr. Stolinas continued the discussion with the recommendations to the Board that included climate change, purpose and intent. No public comments were noted.

Board members discussed educational components, clarification on process as well as other areas of interest. Mr. Pribulka noted that zoning will need amending as well. The Board consensus was to schedule a joint worksession with the Sourcewater Ad Hoc committee. A timeline was discussed.

d. AGRICULTURAL ZONING ORDINANCE AD HOC ADVISORY BOARD REPORT AND DISCUSSION

Mr. Stolinas reviewed the history and discussed the direction the Board took with looking at the three zoning districts. Mr. Stolinas summarized two main topics of discussion that were on livestock allowance on properties less than 50 acres and minimum lot size of 50 acres. Details followed on both topics. Right-to-farm law language was discussed. Discussion followed on the uses in the ordinance's tables. No public comments were made.

Clarification was made on the process. A question was raised on whether "less than 1 continuous acres" should be "less than "10" referring to the first page of the summaries in paragraph 3. Mr. Stolinas stated he will check on this information. Discussion followed on usage table and conditional uses. Mr. Pribulka discussed use-by-right with permitted conditions vs. a conditional use hearing in reference to next steps the Board may choose to take. Mr. Stolinas discussed opportunities for "value added" agricultural uses. A question was raised on whether other municipalities' rules were taken into consideration in regards to adopting those rules for consistency in the region, i.e., livestock rule. Mr. Stolinas discussed the livestock rule in detail from another township as a model outside the Centre Region. The consensus of most of the Board was to set up a joint worksession with the Agricultural Zoning Ad Hoc committee. Schedules and timeframe were discussed.

Mr. Buckland requested a five minute recess.

VII. NEW BUSINESS

a. CONSENT AGENDA

- a. 2018-C1 Pay App 2_FTPW: \$94,881.44
- b. 2018-C6 Pay App 1_FTPW – Curb & Ramp Upgrades: \$67,198.06
- c. 2018-C8 Invoice Pay App - additional: \$375.00
- d. Special Event Application – You Matter 5K
- e. The Cottages Planned Residential Development - Time Extension Request
- f. The Landings PRD, Phase 1A and Phase 1B Surety releases
- g. June 2018 Voucher Report

Ms. Dininni moved that the Board of Supervisors **approve** the Consent Agenda. Mr. Miller seconded the motion. Ms. Dininni requested that The Cottages – Time Extension Request be taken off the Consent Agenda for further discussion. Mr. Buckland moved the item to after the Sustainable Pennsylvania discussion. The motion passed unanimously.

b. SUSTAINABLE PENNSYLVANIA – ECONOMIC DEVELOPMENT STRATEGY

Ms. Dininni discussed complimentary models of economic development as provided with the agenda packet regarding the PML Sustainable Communities Local Economy and Main Street Revitalization program area. A detailed discussion followed on benefits and strategy on economic development based on local economics and Fay-Penn Economic Development Partnership. Discussion included focusing on local food economies. Mr. Buckland asked if there was interest in the Board members visiting a local economic model? More discussion followed on partnership opportunities and to add these items as agenda items when they are presented to the Board.

c. The Cottages Planned Residential Development - Time Extension Request

Ms. Dininni discussed the time extension request that was provided with the agenda packet.

Ms. Dininni moved that the Board of Supervisors **not grant** The Cottages time extension request. No second was made to the motion.

Mr. Miller moved that the Board of Supervisors **grant** the Cottages time extension request. Mr. Ricciardi seconded the motion. A detailed discussion followed on the history of The Cottages time-extension requests, policy and existing conditions. Mr. Miller noted his motion was to grant a time extension and not a third time extension and discussed the purpose of the 90-day extension in order to keep the project moving forward. Discussion followed on remaining outstanding conditions of approval. Mr. Pribulka noted the main outstanding condition to be met prior to recording is the approval of the sewer main. A discussion followed on recording of a plan and reviewing of the Township's subdivision and land development ordinance.

The motion passed 3 to 2 with Ms. Dininni and Ms. Carlson dissenting.

d. AUTHORIZATION TO EXPEND FUNDS TO ABATE AND TREAT OAK WILT AT 2405 TADPOLE ROAD

Mr. Modricker reviewed what the Township Arborist had investigated as provided with the agenda packet. The expenses are higher than the threshold of \$10K and requires Board approval.

Mr. Miller moved that the Board of Supervisors **authorize** staff to expend an amount not to exceed \$15,000 to remove the infected oak tree at 2405 Tadpole Road and treat the surrounding oak trees within a 150-foot radius. Ms. Carlson seconded the motion.

Discussion followed on infected trees, radius and process including preventative maintenance.

The motion passed unanimously.

e. APPOINTMENTS TO THE COG TRANSPORTATION AND LAND USE AND THE CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION COORDINATING COMMITTEES

Recently, a Board member resigned from the TLU and CCMPO committees leaving a vacancy on both committees. TLU's annual term expires December 31, 2018, and CCMPO's bi-annual term expires December 31, 2019.

Mr. Buckland opened nominations to the Transportation and Land Use Committee.

Mr. Miller nominated himself for the TLU committee. The motion passed unanimously. Mr. Miller was appointed to the COG Transportation and Land Use Committee.

Mr. Buckland opened nominations for the Centre County Metropolitan Planning Organization Coordinating Committee.

Ms. Carlson nominated Mr. Ricciardi for the CCMPO committee. The motion passed unanimously. Mr. Ricciardi was appointed to the Centre County Metropolitan Planning Organization Coordinating Committee.

Mr. Miller withdrew from participating in the Finance Committee and nominated Ms. Carlson for the Finance Committee. The motion passed unanimously. Ms. Carlson was appointed to the Finance Committee.

VIII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS – agendas included with the packet

- a. Ad Hoc Facilities Committee. Mr. Buckland noted the committee met on July 3rd. Report included highlights on the financial recommendation and action on the 2019 program plan, COG building and how to distribute workload among committee members.
- b. Steering Committee Parks & Rec. Regional Comp Plan. Ms. Dininni deferred to Ms. Meyer's report included with the agenda packet. Report touched on the process for ranking and reading of submitted proposals and the possibility of opening the bid at the next meeting.
- c. Finance Committee. Mr. Miller reported the committee received the preliminary draft of the program plan and more in-depth discussion will happen in meetings moving forward; action was taken on a recommendation on how budget amendments are done on small changes. A question was raised on the cost to taxpayers to fund COG staff vs. municipal staff. A discussion followed on salary surveys.
- d. Public Safety Committee. Mr. Pribulka attended in place of Ms. Carlson. Report included the update on the ACT 235 funding and costs for training first responders in preparation for tactical response situations; discussion points noted in detail and most likely will be reviewed in a broader discussion at the General Forum; and statistics on the presentation from EMS Centre LifeLink.
- e. Joint Parks Capital Committee and Centre Region Parks and Recreation Authority. Ms. Dininni noted the committee met on July 12th. Report included highlights on actions for the sports park; update on Whitehall Road Regional Park with emphasis on the pavilion and dimensions-details followed on kitchen options.

2. OTHER REGIONAL COMMITTEES - none

3. STAFF REPORTS - reports included with the packet

- a. Township Manager. Mr. Pribulka presented the report. The draft 2019-2023 Capital Improvement Plan (CIP) will be reviewed by the Board at scheduled worksessions on July 31st and August 1st, 6:00 p.m., at the Township's Main Meeting Room with C-NET coverage; CIP road tour is scheduled for July 31st at 8:00 a.m. The Township's Parks & Rec Committee met on July 9th at Autumnwood Park and had discussed the CIP. Mr.

Pribulka will be attending the Zoning Hearing Board on July 17th to oppose the variance requested by HFL for 1224 N. Atherton Street-Discovery Space for relief from the Townships floodplain and off-street parking regulations. An update was provided on the Procedural Validity Challenge that staff and the Township Solicitor attended regarding the TTD ordinance amendment filed by Circleville Road Partners (Turnberry TTD).

- b. Planning and Zoning Director. Mr. Stolinas presented the report. The report included the Active Plan list. June 25th Planning Commission meeting minutes and Permit Activity were provided with the packet. Updates included King Wealth Strategies LDP; Zoning/SALDO; Pine Hall General Master Plan submission; Pine Grove Mills Small Area Plan and timeline/milestones; TTD Ordinance Validity Challenge as noted in the Manager's report-no appeal on the decision as of this date; and Spring Creek Watershed Action Plan - Mr. Stolinas attended the Spring Creek stakeholder meeting that will be part of the upcoming steering committee meetings.

Ms. Dininni noted a presentation from DCNR held on July 10th on Rothrock State Forest changing plan and have a goal of low density use and to shift recreational opportunities out. Discussion followed on possible opportunities in the recreation node of the Small Area Plan.

- c. Public Works Director. Mr. Modricker provided a verbal report. Non-routine maintenance update for sinkhole repairs and letter request to Rock Springs on work for Timothy Lane. The township's Arborist has been responding to requests to look at trees with possible Oak Wilt – noted are conditions for treatment and residents are encouraged to contact the Township for more information. The Tree Commission will meet on July 23rd followed by a tree tour. Staff is looking at utilizing existing trees at the Silvi baseball field as a storm worthy feature for the next phase of design construction. Cold-in-place recycling of asphalt is complete.

A discussion followed on specifics on seams for the cold-in-place project on Tadpole Road.

- d. Chief of Police. Chief Albright reported highlights included crimes and calls for service are down; traffic stops/citations are up a little; June narcan update; internet on-line scams update; community relations - the Police Department assisted Penn State with a youth bike event and presentations to local businesses on run-hide-fight; body/car cameras are in full operation; SPE bank robbery update; and Arts Fest weekend statics.

Chief Albright responded to a Board member's question on how the body cameras are working. There is a learning process and a few glitches to work out.

IX. COMMUNICATIONS TO THE BOARD

1. Mr. Buckland updated the Board on communication he received from residents at the Greenbriar development in regards to the potential extension of sewer service.
2. Ms. Carlson noted the manager of the Waffle Shop on N. Atherton St. had expressed concerns over traffic closures during 4th of July and the Arts Festival. Information was provided.
3. Ms. Dininni noted her above comment on Rothrock State Forest changes.

X. **CALENDAR ITEMS**

1. Coffee and Conversation, Friday, July 20, 2018, Naked Egg Café, 8am, local representatives and Township staff will be present.
2. 2019 – 2023 Capital Improvement Plan Worksessions:
Tuesday, July 31, 6:00 p.m. and Wednesday, August 1, 6:00 p.m.,
Ferguson Township Main Meeting Room

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 9:36 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 08-06-18