

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, November 5, 2018  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, November 5, 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		Chris Albright, Chief of Police
	Sara Carlson		
	Tony Ricciardi		

*Others in attendance included:* Faith Norris, Recording Secretary; Missy Schoonover-Director-CCHLT; John Spsychalski-CATA; Louwana Oliva-CATA; Brittney Baker-CCAR; Joe Green-Township Solicitor; Derek Anderson; Doug Keith; Stephen Jackson-SCBWA; Wes Glebe; Bill Keough; Jim Steff-COG; Joe Viglione-COG; Pam Steckler; Bill Hechinger; Charlie Suhr; Jeremie Thompson.

### II. CALL TO ORDER

Mr. Buckland called the Monday, November 5, 2018, regular meeting to order at 7:00 p.m.

### III. CITIZENS INPUT – None.

Mr. Glebe commended the Township for clearing brush today in his neighborhood.

### IV. SPECIAL REPORTS

- a. State College Borough Water Authority – Dr. Steven Jackson  
Dr. Jackson reported on recent meetings. The next meeting is November 15<sup>th</sup>. Report included normal water functions; Toll Brothers PRD sewer easement was voted down; Brian Heiser was appointed Executive Director of SCBWA and the Authority is now looking for an assistant director; Whitehall Road Regional Park update-COG approved sewer easement and SCBWA has a separate issue on design and use of impermeable surfaces; Rock Springs boil water advisory and partnering from Ferguson and SCBWA was appreciated by residents-details on water levels discussed; Dr. Jackson noted his appreciation of serving as the Township's representative to SCBWA for the last six years but respectfully declined to seek reappointment. He noted he will forward the two remaining reports for this year to the Board.
- b. 2019/2020 CATA Local Match Presentation – Ms. Louwana Olivia  
The report included the announcement of the new Director of Finance, Dough Keith. Ms. Olivia continued with a detailed report on the Local Match that highlighted the budget; shares; 3<sup>rd</sup> year of new CATA formula; review of member municipalities match/split formula – Ferguson's operating match came in under 5% at 4.14% that is an increase from the prior year; commuter routes; future match effective June 2019.

A Board member asked if there was a way to figure out what each Ferguson resident pays in service in regards to the new formula as well as other member municipalities. Ms. Olivia did not have the numbers at this meeting but will provide that information to the Board at a later date. Ms. Olivia noted following one more presentation, the agreement will be sent out to each participating municipality.

### V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the October 15, 2018, Regular Meeting minutes and the October 9, 2019, Board/Sourcewater Protection Ad Hoc Joint Worksession. Mr. Miller seconded the motion. The motion passed unanimously.

## VI. UNFINISHED BUSINESS

### a. A PUBLIC HEARING ON CONDITIONAL USE APPLICATION FOR A SKATEPARK ON PROPERTY LOCATED AT 1316 WEST COLLEGE AVENUE IN THE TERRACED STREETSCAPE DISTRICT

Mr. Pribulka started the discussion with some options for the conditional use public hearing: 1) approve with/without conditions, 2) deny application, or 3) continue public hearing until the next Board meeting to add additional conditions. Mr. Stolinas continued with a narrative and visual presentation.

Public Comment. Ms. Steckler voiced her concerns over Private recreational areas as conditional uses in the Terraced Streetscape District (TSD) that she views as out of sync with the TSD.

Mr. Buckland called for a motion. Mr. Miller moved that the Board of Supervisors approve the conditional use application with the recommended provisions. Mr. Ricciardi seconded the motion.

Discussion followed on zoning and determining the definition of what the conditional use application falls under, i.e., private recreation facility vs. a private recreation area. A board member pointed out that the site is an abandoned industrial site. Another Board member asked for clarification on the reasons for the two opposing votes from the Planning Commission. Mr. Stolinas responded with what was noted in the Planning Commission minutes on provisions for the skatepark and provided detail as a more expanded discussion followed that included lighting and fencing.

Mr. Buckland moved that the Board of Supervisors **amend** the motion by removing chains on the features to make them useless when not in use. Ms. Carlson seconded the motion. The motion passed 4 to 1 with Mr. Miller dissenting. Discussion followed on fencing, lighting and daytime use in the TSD.

Mr. Buckland moved that the Board of Supervisors **amend** the motion to remove daytime use on the conditions. Ms. Carlson seconded the motion. Mr. Pribulka stated that other standards or requirements in the TSD will still be expected to be met, i.e., noise ordinance. Discussion on liability followed. Chief Albright noted the Police Department has no issues with the project but did voice a concern on how far the noise will carry over to Ash Avenue and Madison Street.

Mr. Buckland withdrew the motion on the table. Ms. Dininni seconded the motion.

Mr. Buckland noted the time for discussion and made the following motion.

Mr. Buckland moved to postpone the vote on the public hearing on the skatepark until the next regular board meeting on 11-19-18 in order to have the definition of private recreation facility defined. Ms. Dininni seconded the motion. The motion failed 2-3 with Messrs. Miller and Ricciardi and Ms. Carlson dissenting.

Discussion followed on no restrictions on maximum number of occupants and definition of private recreation and fee.

Mr. Buckland called for a vote on the amended motion on the table with conditions.

Roll Call Vote: Ms. Dininni - NO; Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – YES. The motion passes 4 to 1.

Mr. Buckland called for a five-minute recess.

b. PINE HALL TRADITIONAL TOWN DEVELOPMENT WORKFORCE HOUSING DEVELOPMENT AGREEMENT

Mr. Pribulka introduced the draft workforce housing development agreement and history for discussion. Ms. Schoonover continued the discussion on the best path forward for housing goals, security and partnership. She noted that this is a new venture and all parties have an equal role in addressing the affordable housing issue. A detailed discussion followed on how the fee-in-lieu program works to fulfill the goals of the governing municipality and how it can provide provisions that assist all interested parties. Ms. Schoonover stated the Land Trust is going through the strategic planning process and is in transition in looking at the affordable housing issue for the whole county and how fee-in-lieu can impact in a positive way through partnerships. An Ad Hoc Committee comprised of area planning representatives have been meeting to discuss the housing issue in hopes to have a proposal and formula for the Centre Region to bring to the municipalities by the end of this year.

Mr. Green commented on Chapter 27 housing regulations. He discussed the termination provision or fee-in-lieu and that it is not required in the ordinance; however, it can be instituted into an agreement as with the draft. Mr. Pribulka clarified what the Board may want to do moving forward as staff progresses with developer discussions and the plan review process - possibly providing for some of the workforce housing units to be relieved via a fee-in-lieu program or use other mechanisms such as a variance that could be included with the agreement.

Board discussion followed on assessment, assigned land value, and regional approach vs. Ferguson Township. Ms. Schoonover gave Borough examples of fee-in-lieu that is based on multiple units vs. private homes; land boundaries/values are different when looking at the growth boundary and cost. Fee-in-lieu usually stays within the municipality that it's in.

Mr. Buckland addressed the three items for the Board to address: 1) Fee-in-lieu, with boundary restrictions; 2) available for some units but not all units, a percentage or range and what the fee-in-lieu funds could be used for; and 3) escape clauses. Discussion followed on options, keeping in mind what is best for the community and its residents.

c. SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE DISCUSSION

Mr. Stolinas introduced the item for discussion. Mr. Buckland called for a motion prior to review of the Sourcewater Ad Hoc Committee's recommendations.

Mr. Miller moved that the Board of Supervisors **direct** staff to prepare a draft sourcewater protection overlay district ordinance for authorization for advertisement for public hearing. Ms. Dininni seconded the motion.

The Board reviewed the Ad Hoc Committee's recommendations provided by Mr. Stolinas. Changes on a number of sections were recommended as discussed by the Board and Staff. The consensus of the Board is that a number of items need further discussion on the language.

Clarification was made on the motion made. The motion passed unanimously.

d. CONTINUED DISCUSSION OF DRAFT DISCRIMINATION ORDINANCE

Mr. Pribulka introduced the item, reviewed the history, changes and restrictions. He thanked those who had provided feedback on the draft ordinance. Mr. Pribulka recommended that the draft ordinance not be authorized for advertisement for public hearing yet as clarification on the relationship between the local ordinance and the Pennsylvania Human Relations Commission was requested. A discussion followed on Example 1 (Sec. 205) of the draft ordinance.

Mr. Buckland stated in the interest of time, the Composting Toilets discussion was tabled until a December board regular meeting.

## VII. NEW BUSINESS

### a. CONSENT AGENDA

1. September 2018 Treasurer's Report
2. Contract 2018-C1, #5: \$153,796.93
3. Contract 2018-C17 Vehicle Detection Upgrade Final Invoice: \$112,804.60
4. Contract 2018-C22 Tudek Barn Roof Replacement: 43,400.00
5. Saybrook 10 Surety Reduction 4

Ms. Carlson moved that the Board of Supervisors **approve** the Consent Agenda. Ms. Dininni seconded the motion. The motion passed unanimously.

### b. 2019 CENTRE REGION COUCIL OF GOVERNMENTS SUMMARY BUDGET

Mr. Pribulka introduced the item for discussion. Mr. Pribulka reviewed the proposed budget figures. Messrs. Steff and Viglione were both in attendance at this meeting to field questions from the Board.

Mr. Buckland initiated the discussion. A board member asked Mr. Steff about the presentation of the information in regards to the COG formula and that it would be helpful to show amount per person as compared to the 27% overall that Ferguson provides COG and compared to other contributions. Discussion followed on how per capita expense is figured in aggregate, different programs and student populations. The COG formula uses three factors: property value from the county; earned income tax base; and population. Items discussed with the COG staff present were: consistent application of the metrics-can be followed-up later; how the General Forum allocates costs among the municipalities; projection of scenarios; specific areas of the budget: Fire program; Parks & Rec. programs/wages-market based, operational costs and utility costs and tracking. Mr. Buckland brought the expanded discussion back to the budget on the table for comment.

Mr. Pribulka clarified the comments made during the 2019 COG Summary Budget discussion that will be forwarded to COG's Executive Director prior to the deadline.

Comment 1: Fire Program – request for projection of range of different budget scenarios moving forward and any other enhancements for service. A side note from a Board member stated that the Public Safety Committee has been working on strategic planning and projections that were suggested by Mr. Bair.

Comment 2: Parks & Rec program usage - request for anticipated Operational costs with the development of Whitehall Road Regional Park and to help forecast additional expenses through a "general business plan" associated with the park's development and to offset it with predictions of fees and revenue generated for park utilization.

Mr. Steff thanked the Board members for their comments.

### c. AUTHORIZATION OF APPROPRIATION TO THE CHAMBER OF BUSINESS AND INDUSTRY OF CENTRE COUNTY FOR A BUSINESS RETENTION AND EXPANSION PROJECT – KCF TECHNOLOGIES

Mr. Pribulka introduced the item for authorization. Review of the performance agreement provisions were discussed including full-time employment expansion from about 100 FTE to 200 FTE positions locally by the end of a 36-month period. The Industrial & Commercial Development Authority was

approached for half of the funds for what the proposed Ferguson portion will be, of which was approved contingent on the Board's approval of the other half of the funds.

Mr. Ricciardi moved that the Board of Supervisors **authorize** the appropriation of \$12,500 to the Centre County Economic Development Partnership to be released to KCF Technologies in accordance with the provisions of the Performance Agreement. Ms. Carlson seconded the motion.

Discussion followed on incentives to bring new companies into the area vs. good use of economic funds for existing companies' growth and expansion. Details of the recall provisions for the incentive funds if the project goes defunct were discussed and other details of the agreement. The Board noted their concerns about the CBICC officially announcing the Township's financial support before action was taken by the Board. Following the discussion, Mr. Buckland called for a vote.

The motion passed 4 to 1 with Ms. Dininni dissenting.

d. SCHEDULING OF INTERVIEW FOR ABC VACANCIES

Mr. Pribulka introduced the item for discussion for incumbent and new applicants as provided to the Board members. Discussion followed on a date for interviews, open vacancies for SCBWA and CRPRA, and policy on interviews. The Board scheduled a date for interviews for Thursday, December 13, 2018, at 6:30 p.m., at the Township Building. The ABC interviews will be advertised.

VIII. **STAFF AND COMMITTEE REPORTS**

a. COG COMMITTEE REPORTS

1. Public Services & Environmental Committee. Mr. Ricciardi noted three main items of discussion: update on greenhouse gas presentation on Penn State's goals; Act 537-feedback requested as provided with the agenda; refuse and recycling and MOU that will be at the General Forum in January-details followed on organics collection.

Discussion followed on Act 537 update in regards to the EDU system and volumetric billing. No changes as of yet.

2. Transportation & Land Use Committee. Mr. Miller reviewed discussion on bike lane safety at Waddle Road Bridge and option of painting the lane green to be more apparent; update on Penn State's bike share program-positive comments and possibility of electronic scooters and how it would fit into the multi-use paths; development-related fees on single family home construction and tapping/inspection fees - suggestion - fee-in-lieu could help recover costs and waivers not an option.

b. OTHER REGIONAL COMMITTEES - NONE

c. STAFF REPORTS

1. Township Manager. Mr. Pribulka report highlights included Coffee and Conversation held on October 20<sup>th</sup> that was well attended and talked about traffic concerns and upcoming construction projects; Mr. Miller and manager attended KCF Technologies public announcement function; Ms. Dininni and manager met with executives from State College Borough Water Authority and discussed water concerns in western Ferguson; draft Operating Budget was distributed to Board members today; two upcoming budget special meetings will be November 13<sup>th</sup> and 15<sup>th</sup> at 6:00 p.m.-tentative adoption on December 3<sup>rd</sup> and final on adoption December 10<sup>th</sup>; Suburban Park Steering Committee met on October 17<sup>th</sup> and its first public meeting was held today to discuss new ideas on the master plan and two public

meetings scheduled for early next year; and a noteworthy item that Mr. Modricker is finishing a second term as president with the PA Chapter of American Public Works Association.

In response to a Board member's inquire, Mr. Pribulka will provide a list of Suburban Park Steering Committee members.

2. Planning and Zoning Director. Mr. Stolinis reported on the following items: Zoning & SALDO 4<sup>th</sup> draft received for review with the Tree Commission on November 19<sup>th</sup> and to schedule an open house; Pine Hall Master Plan 3<sup>rd</sup> draft for review and comment by November 14<sup>th</sup>; Town Hall is scheduled for Pine Grove Mills SAP on November 14<sup>th</sup> that has been advertised through social media outlets; CCH&LT annual report with 2019 scheduled fees that is concurrent with the MOU with the Board of Supervisors and CCH&LT. Refer to the written report for permit activity and Active Plans list.

A Board member thanked staff for picking up the slack on the SAP due to CRPA recently losing one of their staff members.

3. Public Works Director. Refer to the written report included with the agenda packet. Noteworthy item not on report was an update on the LEED Gold Public Works Facility submission. Mr. Modricker expects a 90% complete land development submission the week of November 18<sup>th</sup> which gives staff an opportunity to review the preliminary submission prior to a formal submission in January of 2019 and to come before the Planning Commission and Board in February/March timeframe.

In response to a Board member's question on the Public Works Facility final design plan check, Mr. Modricker responded with details of the step-by-step plan and the check point on whether to move forward is when the project goes out to bid.

A Board member noted comments made by a resident regarding turning lanes in Ferguson Township. More details followed on the request for longer turning lanes at certain locations.

**IX. COMMUNICATIONS TO THE BOARD - NONE**

**X. CALENDAR ITEMS – OCTOBER**

- a. Suburban Park Master Plan Update Public Meeting, November 5, 5:00 – 6:30 p.m., Township Bldg.
- b. November 14<sup>th</sup>, 6:00 p.m., Pine Grove Mills Small Area Plan Town Hall, St. Paul Lutheran Church
- c. November 6<sup>th</sup>, Election Day

**XI. ADJOURNMENT**

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ms. Carlson motioned to adjourn the meeting. The meeting adjourned at 11:00 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 11-19-2018