

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, November 19, 2018  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, November 19, 2018, at the Ferguson Township Municipal Building. In attendance were:

**Board:** Peter Buckland  
Steve Miller  
Laura Dininni  
Sara Carlson  
Tony Ricciardi

**Staff:** Dave Pribulka, Township Manager  
Dave Modricker, Public Works Director  
Ray Stolinas, Director of Planning & Zoning  
Chris Albright, Chief of Police

*Others in attendance included:* Faith Norris, Recording Secretary; Jon Dietz-CATA; Scott Brown-NTM Engineering; Ron Seybert-Township Engineer; Cory Miller; Christopher Schubert-AT&T/FirstNet; Jim Mullen-AT&T/FirstNet; Christopher Lash-Jacobs; E. Green, Pam Steckler, Joan Bouchard, Steven Lachman, Andy McKinnon, Bill Hechinger, Doug Mason, Renee Steffensmeier; and Scott Pflumm.

### II. CALL TO ORDER

Mr. Buckland called the Monday, November 19, 2018, regular meeting to order at 7:00 p.m.

### III. CITIZENS INPUT – None.

### IV. SPECIAL REPORTS

#### a. University Area Joint Authority – Dr. Jonathan Dietz

Dr. Dietz reviewed current activities that included updates on Odor Control project that was rebid, awarded and under construction; Beneficial Reuse project-water treatment to Harris Township, treatment plant upgrades; solar panel project is operational and the battery component will be installed shortly; Greenbriar Demonstration Project for improving ground water has been approved to connect residents to a public sewer system – connection details followed on incentives and cost range that has been lowered per resident homeowners.

Expanded discussion followed on the Greenbriar's timeline scheduled for next Spring; feedback; any identified new projects in or outside the regional growth boundary in reference to the Act 537 Plan; the percentage of homeowners needed upfront to justify the connection of the high-pressure sewer system that was noted as 40-60%. According to the demonstration project's exploration motion made by the UAJA Board, feasibility of a connection of on lot septic to a sewer system for acceptable communities can be replicated inside or outside the regional growth boundary

### V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the November 5, 2018, Regular Meeting minutes. Mr. Miller seconded the motion. The motion passed unanimously.

### VI. UNFINISHED BUSINESS

#### a. A PUBLIC HEARING ON A PETITION FILED IN ACCORDANCE WITH SECTION 9.02 OF THE FERGUSON TOWNSHIP HOME RULE CHARTER, REQUESTING CONSIDERATION OF AN ORDINANCE TO BAN SINGLE-USE PLASTIC BAGS IN FERGUSON TOWNSHIP.

Mr. Pribulka introduced the item for Public Hearing with history and some background information.

Citizens Input. Ms. Steckler voiced her approval for the ordinance. She presented statistics on current plastic bag usage throughout the country. Ideas were presented on recycling, alternative options and fees. A bill and other restrictive laws were discussed. Ms. Steckler referenced a Fall 2017 newsletter that is available to the public on this topic from the Moshannon Group - Sierra Club.

Other citizens who spoke in favor of the ordinance moving forward were Ms. Bouchard and Messrs. Hechinger, Mason, McKinnon, and Pflumm. Noted were some area establishments that are swapping out plastics; concern regarding debris along local roads, environment and wildlife; to set an ecological example for neighboring municipalities; comprehensive plan for all forms of plastics; national statistics; what a reasonable timeline would be for a public discussion group; education and awareness for the public prior to ordinance adoption; and a portion of the funds derived from fees that would go towards educational programs.

Ms. Carlson moved that the Board of Supervisors *direct* staff to research ordinances in Pennsylvania banning single-use plastic bags and any potential legal concerns that have been raised. Ms. Dininni seconded the motion.

Discussion followed on the subject that included opportunities to see examples from other municipalities, more research; the process, timeline and implementation; input from local and state representatives; discuss with other municipal supervisors; options for local businesses taking a step further; focus on educational component and collectively have a behavioral change; consistent with other Ferguson Township green endeavors; the impact on less affluent; and discussion on the use of the word banning vs. regulating. Discussion followed on local areas with stream flow data and nutrient management. Mr. Buckland noted that Ms. Steckler had approached the State College Borough on the subject and that it will be on a future Borough agenda. Mr. Miller inquired about enforcement costs and time to the Township.

The motion passed unanimously.

b. A CONTINUED DISCUSSION OF THE DRAFT SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE AND ITS CONSISTENCY WITH CHAPTER 26, STORMWATER OF THE FERGUSON TOWNSHIP CODE OF ORDINANCE

Mr. Pribulka introduced the item along with history of both sourcewater and stormwater ordinances and the concern for consistency with Chapter 26 in Code of Ordinances. Mr. Pribulka reviewed possible actions if a motion were to be made and a timeline to incorporate the revised language. Mr. Stolinas continued the presentation in detail with storm water language. Discussion with the Board, Staff and Mr. Brown included extraordinary and sensitive development definitions; layers of stormwater protection; water quality components; closed depressions and setback features; mitigation of stormwater diverted to sinkholes; environmental emergency response plans; incinerators as a conditional use; and blasting regulations. Following an expanded discussion on pesticide laws in regards to sourcewater management, Mr. Stolinas was asked to provide any comments and information on State law and regulations. Questions moving forward can be emailed. Mr. Stolinas continued with incinerator definition discussion as conditional use and blasting regulations.

Mr. Pribulka clarified a question on blasting and analyzed effects and proposed ordinance language for follow-up with possible new language to obligate the developer to disclose information to the Township to use for setbacks or other regulations with the supporting data. With some outstanding questions to resolve, the Board's consensus was to place this item on the December 3<sup>rd</sup> agenda for continued discussion and possible public hearing. Mr. Pribulka reviewed the approval process.

Mr. Buckland called for a five minute recess.

VII. **NEW BUSINESS**

a. CONSENT AGENDA

1. Voucher Report for October 2018
2. Treasure's Reports: September and October 2018
3. Centre County Housing and Land Trust – 2019 Schedule of Fees and Services/Activity Report
4. 2018-C5 Chestnut Ridge Pipe Lining: \$454,290.00
5. 2018-C15 Street Tree Pruning: \$18,050.00
6. Time Extension – Step-By-Step School for Early Learning

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

b. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2017-31 AND ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP

Mr. Pribulka introduced the item for public hearing. Other than the date, no other changes were made to the map.

Mr. Ricciardi moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2017-31 and adopting a revised sidewalk snow removal map. Ms. Dininni seconded the motion.

Roll Call vote on Resolution 2018-25: Mr. Miller – YES; Mr. Ricciardi - YES; Mr. Buckland – YES; Ms. Carlson - YES; Ms. Dininni – YES.

c. FOXPOINTE/HUNTER'S CHASE PLANNED RESIDENTIAL DEVELOPMENT CORRECTIVE ACTION PLAN

Mr. Stolinas introduced the item and presented details of the corrected action plan. PennTerra staff were present at this meeting to answer questions.

Mr. Miller moved that the Board of Supervisors **approve** the corrective action plan for the Foxpointe/Hunter's Chase Planned Residential Development Phase 1. Ms. Carlson seconded the motion. Discussion followed on the process for recording.

The motion passed unanimously.

d. AWARD CONTRACT 2018-C20 PARK HILLS DRAINAGEWAY IMPROVEMENTS DESIGN & PERMITTING

Mr. Pribulka introduced the item for discussion. Cost estimate reductions, goals and the Township's 2019 tentative budget for the project were reviewed along with the two proposed motions. Mr. Modricker continued the presentation along with Mr. Seybert's presentation of examples of channels, modeling, eligibility of credits and possible easements. Discussion followed with the Board and Staff that included options, property values and timeline for optimal levels. Noted is that DEP looks at this as one project; therefore, permitting needs to be done for the entire project. The goal will be to have a naturalized no-maintenance channel at some point.

Mr. Miller moved that the Board of Supervisors **award** Contract 2018-C20 Park Hills Drainageway Improvements Design and Permitting to NTM Engineering in an amount not to exceed \$242,830. Mr.

Ricciardi seconded the motion. It was clarified that there are two separate motions in order to amend the budget. The motion passed unanimously.

Ms. Carlson moved that the Board of Supervisors *increase* the account for storm water engineering in the draft 2019 Operating Budget to \$375,000. Ms. Dininni seconded the motion. The motion passed unanimously.

e. PRESENTATION OF ENVIRONMENTALLY SENSITIVE AREAS MAP AND INTRODUCTION TO GEOGRAPHIC INFORMATION SYSTEMS, MS. KRISTINA ANECKSTEIN, GIS TECHNICIAN

Mr. Pribulka introduced the item and some background information. This falls in line with the Strategic Plan's objective to identify and preserve natural resources and environmentally-significant areas. It did show the GIS (Geographic Information Systems) and its capabilities that could be utilized in the future. Ms. Aneckstein reviewed the zoned layers and locations to preserve on the GIS map and showed areas of opportunity. Discussion followed on Ag security and Ag preservation areas that were combined on the map. Mr. Pribulka clarified that a resident would need to be in an Ag security area (ASA) to qualify for the Ag Conservation Easement Program with the County. However, not all properties in ASAs are preserved farms. A detailed discussion followed on whether the map could be used as an interactive online tool. More information would be needed to be able to make available to the public, to be refined and updated and to be considered for land development processes. A request was made by a Board member to give the Parks Committee a copy of the map. Mr. Pribulka noted this tool may be a component to help guide the Board's decision on preservation efforts and those kinds of projects. Mr. Buckland noted using a smart mapping tool could help refine some areas in storm water management.

f. REQUEST FOR CONSIDERATION OF A TOWER-BASED WIRELESS COMMUNICATIONS FACILITY AT HOMESTEAD PARK – MR. STEVEN VOLKERT, JACOBS TELECOMMUNICATIONS, INC.

Mr. Pribulka introduced the item for discussion. The requested tower at Homestead Park would be used for first responders in what was identified as a coverage gap area. Individuals representing AT&T and FirstNet were present and reviewed the request with the Board.

Mr. Schubert spoke of post-911 experiences and how FirstNet came about in helping first responders. He noted that there is a video resource at the FirstNet website. Discussion followed on the lack of service in the highly residential area in Park Hills, the Township ordinance in place, and possible options.

Discussion followed. Chief Albright discussed areas that have no service communication for Police first responders and how FirstNet gives the police first priority on the network. Discussion followed on options, zoning, feasibility, funding and contracts, public safety, appropriate site, rural and congested areas public safety priority, and eminent domain-no.

No motion was not made at this meeting due to the current ordinance and regulations in place. A rendering and illustration based on need along with examples and alternate sites were requested to be provided. In response to a Board member's question, Mr. Mullen said propagation maps can be shown.

VIII. **STAFF AND COMMITTEE REPORTS**

a. COG COMMITTEE REPORTS

- i. Ad Hoc Facilities Committee. Mr. Buckland reported on developing facilities/assessments for management schemes; space use/utilization will be done separately. Mr. Buckland noted Mr.

Endresen attended the meeting.

- ii. Joint Public Safety & Public Services & Environmental Committees. Mr. Buckland reported Board members and Ferguson staff in attendance at the meeting. Speakers in attendance included PennDOT, WPP, PA State Police, Centre County 911 Communications Center, and State College Borough. Noted detail on rescue task force; storm management dual shifts; and clear level of communication among the different agencies.
- iii. Finance Committee. Ms. Carlson noted the meeting took place at 8:30 a.m. on November 15<sup>th</sup>. Accepted comments on the Summary Budget - the Borough had not yet discussed the budget and comments are forthcoming; discussion and comments focused on policies and strategic planning that may be better discussed in the General Forum for policy decisions. Meeting was kept short due to impending storm. A Board member noted it would be good if the discussion item becomes an action point on overarching policy and understanding it.

b. OTHER REGIONAL COMMITTEES

- i. Parks & Rec Regional Comprehensive Plan Steering Committee – Ms. Dininni noted the committee met on November 6<sup>th</sup>. Discussed Comprehensive Plan; planning process; met with consultants – requested key personal to submit for discussion.

c. STAFF REPORTS

- i. Township Manager. Mr. Pribulka noted the report was provided with agenda packet. No comments were made.
- ii. Planning and Zoning Director. Ms. Stolinas reported the next Planning Commission Meeting will be December 4<sup>th</sup>; minutes provided from October 8<sup>th</sup> meeting; Zoning & Saldo update and next meeting with EPD representative on December 12<sup>th</sup> and met with the Tree Commission concerning for both documents; Sourcewater Protection Overlay – previously discussed and for review at CRPC's meeting on December 6<sup>th</sup>; Pine Hall Master Plan taken off the Planning agenda due to updates to Transportation Improvement Study. Mr. Stolinas thanked everyone who coordinated and attended the Pine Grove Mills SAP Town Hall Meeting that had good input and will move forward with drafting language.
- iii. Public Works Director. Mr. Modricker touched on two items from the report provided. Update on proposed Public Works building plan-preliminary plan this week and formal plan scheduled for January 2018; proposals for SFFS-Phase II are due end of November.
- iv. Chief of Police. Chief Albright highlighted a couple of items that included Winter weather related minor crashes; 24 snow related calls; issued 63 parking tickets vs. last year at 100 tickets issued; helpful tips on scams located on our website and FB – noted, do not pay for items if the form requested is Google Play or Green Dot cards.

Mr. Buckland made a note to thank the Police and Public Works departments for their work during the storm.

- v. Third Quarter Financial Report – Mr. Endresen touched on highlights of the detailed report that included Cash balances, Financial Summary that included encumbrances; Net Revenue is performing satisfactory; General Fund budget to actual comparison; Tax Revenues collection is on par; and update on Road projects. The detailed report was provided with the agenda.

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

X. **CALENDAR ITEMS – OCTOBER**

a. Holiday Office Closures - November 22-23, 2018 and December 24-25, 2018

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 10:22 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: 12-03-2018