

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, January 7, 2019  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, January 7, 2019, at the Ferguson Township Municipal Building. In attendance were:

**Board:** Peter Buckland  
Steve Miller  
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; Wes Glebe; Bill Keough; Gerry Lynn Hamilton; Anna Nattucata; Bettina Welz; Bill Hechinger; Pam Steckler; Deborah a. Benedetti; Dale Roth; Bob Semson; Sue Jackson; Tom Sevensits; Tamela Sevensits; Susan Steinberg; Lewis Steinberg; Andy Reisinger; Charlene Harrison; Frank Pugliese; Jon Dietz; David Vanness; Connie Baggett; Michelle Spiering; Laua Kingship Carter; Mike Chobody; Don Cindy Koss.

### II. CALL TO ORDER

Mr. Buckland called the Monday, January 7, 2019, regular meeting to order at 7:00 p.m.

### III. CITIZENS INPUT

Ms. Steckler inquired on the status of the plastic bag ban. Mr. Pribulka responded that staff is currently researching the issue and the Board will discuss the matter in February.

### IV. SPECIAL ACTION ITEM: ACCEPTANCE OF THE RESIGNATION OF MS. SARA CARLSON

Mr. Pribulka provided background on the procedures for resignation of a Board member. The remainder of the Ward III term ends December 31, 2019. Clarification was made on the Vacancy Board process. Following discussion, a motion was made.

Mr. Ricciardi moved that the Board of Supervisors **accept** the resignation of Ms. Carlson effective today (1-7-19) and direct staff to accept applications for a registered elector to serve on the Vacancy Board. Mr. Miller seconded the motion. The motion passed unanimously.

Ms. Carlson was thanked for her service on the Board of Supervisors.

### V. APPROVAL OF MINUTES

Mr. Miller moved that the Board of Supervisors **approve** the December 10, 2018, Regular Meeting Minutes. Mr. Ricciardi seconded the motion. The motion passed unanimously.

### VI. UNFINISHED BUSINESS

Mr. Buckland noted that the Greenbriar discussion was moved on the agenda until such time as the Citizen's Input could be heard.

#### a. REVIEW OF DRAFT SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE

Mr. Stolinas reviewed the proposed the history, red-lined changes and recommendations set forth to the Board by the Planning Commission. Discussion followed on each line item.

Follow-ups included geographical data types, schedule of fees in regards to review fees as an escrow and definition of a qualified professional.

Mr. Keough was recognized. He spoke about the term qualified professional and noted it was part of a Planning Commission discussion on the application of the term.

Discussion followed on allowing the term “scientifically plausible” to be added back into the document, referencing page 2. The Board consensus was to add the term *scientifically* back into the document. Mr. Stolinas continued with the reviewing recent communication received from the State College Borough Water Authority on ground water recharge and decommissioning of wells, specifically water purveyor and storage of hazardous materials regulations, registration with LEPC (Local Emergency Planning Committee) and Right to Know requests and exemptions. Mr. Pribulka will report back to the Board on whether hazardous material locations are exempt from Right-to-Know requests.

Discussion followed on adding language to Section 10.2 for Zone II map that includes “Seasonal high pond and streams”. Following discussion, the consensus was to add the above language. Mr. Stolinas continued with language for Blasting in Zone 1. Following the discussion the consensus was to include language suggested. Mr. Pribulka noted any late addition comments will be compiled and added for the January 21<sup>st</sup> public hearing. Mr. Buckland applauded those who had worked on and given feedback and stated that we have a much smarter and better focused ordinance.

Mr. Buckland stated at this point to move to what was item 1 under Unfinished Business.

b. UNIVERSITY AREA JOINT AUTHORITY DEMONSTRATION PROJECT – GREENBRIAR SUBDIVISION

Mr. Buckland introduced the item for discussion. Mr. Modricker reviewed the history of communication with Columbia Gas and UAJA, the Development’s background, research and costs analysis on potential updates to-date.

Mr. Hamilton was recognized. He reviewed the pro and con statements in detail on the Greenbriar Sewer Project. A handout was provided to the Board on the comments and history of the project thus far. Ms. Kingshipp Carter spoke on the concern and urgency for health and safety. Other residents spoke of their personal experiences with the Greenbriar development and the need for a conducive strategy moving forward, consider equitable cost-sharing with all involved parties, concern for open-ended fees not realized that may be passed on, and remediation costs.

Mr. Pribulka clarified some points of interest and misconceptions and stressed the importance of maintaining the structural integrity of the public right-of-way. Board discussion followed on open cutting and repaving the roadway versus the cost to directional bore.

Mr. Cory Miller from UAJA spoke on the concept of directional boring that is not allowed in the current specifications and explained what has and has not worked in the past for sewer projects. He noted there is a timeframe for ordering supplies and when construction can start on the project.

Following the project discussion, Mr. Buckland thanked those who came to the meeting and called for a five minute recess.

VII. **NEW BUSINESS**

a. CONSENT AGENDA

1. 2017-C17 Pay Application: \$110,573.00
2. Treasurer's Report – November 2018
3. Voucher Report – November 2018
4. Board Member Request – Beaver Branch Preservation
5. Board Member Request – Pennsylvania Cap and Trade Petition

Mr. Miller moved that the Board of Supervisors **approve** the Consent Agenda. Mr. Ricciardi seconded the motion. The motion passed unanimously.

b. PUBLIC HEARING RESOLUTION APPROVING A SETTLEMENT OFFER WITH NAVISTAR, INC. AND ALLEGHENY TRUCKS, INC. TO RESOLVE PENDING LITIGATION IN THE CENTRE COUNTY COURT OF COMMON PLEAS DOCKET #15-4057

Mr. Pribulka reviewed the resolution as presented.

Mr. Miller moved that the Board of Supervisors **adopt** the resolution approving a settlement offer with Navistar, Inc. and Allegheny Trucks, Inc., of \$27,500 to resolve pending litigation in the Centre County Court of Common Pleas. Mr. Ricciardi seconded the motion.

Roll call vote on Resolution 2019-03: Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES.

Mr. Buckland noted the Presentation of Harner Farm Concept Plan has been postponed until the next Board meeting.

c. REVIEW OF DRAFT AMENDMENTS TO THE FERGUSON TOWNSHIP PERSONNEL POLICY MANUAL

Mr. Pribulka reviewed the policy and proposed amendments. Discussion followed on the amendments to policies relative to pay periods, as well as possible changes to FMLA leave requirements, paternity leave, remote work and compensation. Items will be followed-up on for discussion. A question was asked if the Board would support Martin Luther King Day as a holiday. It was noted that the Board will still need to meet due to the advertised Public Hearing for that Monday date. The Board's consensus was to pass the red-lined changes as presented at this time.

Mr. Buckland moved that the Board of Supervisors **direct** staff to prepare a resolution for public hearing amending the Ferguson Township Personnel Policy Manual. Mr. Ricciardi seconded the motion. The motion passed unanimously.

d. AUTHORIZATION OF ENGINEERING STUDY TO EVALUATE LENGTHENING TURN LANES AT THE INTERSECTIONS OF WEST COLLEGE AVENUE AND SCIENCE PARK ROAD AND WEST COLLEGE AVENUE AND BRISTOL AVENUE

Mr. Pribulka introduced the item in the absence of the Board member who requested the evaluation. If the engineering warrants are met to lengthen the turn lanes, the Township will complete the analysis in-house and submit results to PaDOT for review and approval. If the results support lengthening the turn lanes, the project could be included in the 2019 line striping contract.

Mr. Miller moved that the Board of Supervisors **direct** staff to conduct an engineering study to determine if turn lane lengths should be increased on West College Avenue at its intersections with

Science Park Road and Bristol Avenue. Further, that the Board direct staff to forward the results to the Pennsylvania Department of Transportation for review and approval, if warranted. And further, that the Board direct staff to add the pain line eradication and re-striping for the turn lane improvements to the 2019 line striping contract. Mr. Ricciardi seconded the motion.

Discussion followed on the process and approvals.

The motion passed unanimously.

e. AUTHORIZATION FOR TOWNSHIP STAFF TO SUBMIT A GREEN-LIGHT-GO ROUND 5 GRANT APPLICATION FOR TRAFFIC SIGNAL DETECTION IMPROVEMENTS AT VARIOUS INTERSE

Mr. Pribulka stated that this has been an annual exercise with PaDOT to continue upgrading signalized intersections in the Township with digital radar detection. If successful, the grant requires a 20% match from the Township.

Mr. Ricciardi moved that the Board of Supervisors **authorize** staff to submit a Green-Light-Go Round 5 Grant Application for traffic signal detection improvements at various intersections. Mr. Buckland seconded the motion. The motion passed unanimously.

VIII. STAFF AND COMMITTEE REPORTS

a. COG COMMITTEE REPORTS

1. Executive Committee. No report until next week.
2. Joint Parks Capital and Parks & Rec Authority. Mr. Buckland stated that both he and Ms. Dininni attended. Mr. Buckland presented the report in Ms. Dininni's absence. Highlights included two proposed action sports parks totally unrelated that impacts the local park areas. Details followed.

b. OTHER REGIONAL COMMITTEES - NONE

c. STAFF REPORTS

1. Township Manager. Highlights of the written report included Messrs. Buckland, Miller and Pribulka attendance at a meeting with board members of the Chamber of Business and Industry to discuss economic development projects; and attendance at an agricultural conservation easement closing on Harpster Farm property.
2. Planning and Zoning Director. The Active Plans List and end of year Permit Activity Report with comparisons were provided with the agenda.
3. Public Works Director. No written report. Mr. Modricker wished everyone a Happy New Year!

IX. COMMUNICATIONS TO THE BOARD

- a) Mr. Buckland received comments on issues heard at tonight's Board meeting, referring to the Greenbriar Demonstration Project.
- b) Mr. Buckland stated an article that he and Brandi Robinson from the Ferguson Township Climate Action Committee co-wrote entitled, "11 Policy Ideas to Protect the Planet" was recently in the Washington Post on reducing PA Greenhouse Gas Emissions. (This item was included with tonight's Consent Agenda.)

X. **CALENDAR ITEMS**

- a. Coffee and Conversation, January 12<sup>th</sup>, 8:00 a.m. – 9:30 a.m., Baileyville Community Hall.

XI. **ADJOURNMENT**

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ricciardi motioned to adjourn the meeting. The meeting adjourned at 9:36 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Pribulka". The signature is stylized with loops and a long horizontal stroke at the end.

David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 01-21-2019