

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, February 4, 2019
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, February 4, 2019, at the Ferguson Township Municipal Building. In attendance were:

Board: Peter Buckland
Steve Miller
Laura Dininni
Tony Ricciardi

Staff: Dave Pribulka, Township Manager
Chris Albright, Chief of Police

Others in attendance included: Faith Norris, Recording Secretary; Suzy Yetter, Kevin Abbey, Clearwater Conservancy; Wes Glebe; Eric Reisher; Jeremie Thompson; Chris Bradley; Joe Green, Township Solicitor; Ellen Freeman; Charima Young.

II. CALL TO ORDER

Mr. Buckland called the Monday, February 4, 2019, regular meeting to order at 7:00 p.m.

III. CITIZENS INPUT

- a. Mr. Glebe voiced his concerns on a couple of issues: 1) Rails to Trails and whether it should go under Parks & Recreation, and 2) Benner Township's ongoing issue with bio solids and PFAS chemicals and if Ferguson Township has something in place to address these issues. Following discussion, a follow-up will be done.
- b. Mr. Bradley voiced his concern regarding the Borough's transfer facility trucks that travel on West Beaver Avenue that is in a residential street vs using the commercial street that is one block away. This is in addition to dump trucks traveling the street being used for the elementary school project. The speeding hazards along with residue left from the trucks is an issue. Mr. Buckland noted a follow-up will be done.

IV. SPECIAL REPORTS

- a. Clearwater Conservancy. Ms. Suzy Yetter, Conservation Projects Coordinator. The presentation included an overview of the local landscape and the Scotia Barrens young forest, habitats and biological resources. The discussion focused on steering changes in a positive direction for area habitats through forest management. Noted are upcoming informational sessions that will provide how to topics to create a sustainable young forest habitat environment.

Discussion followed on topics that included habitat preservation, partnering in forest management and sharing of useful resources among other similar organizations.

V. APPROVAL OF MINUTES

Mr. Ricciardi moved that the Board of Supervisors **approve** the Regular Meeting minutes of January 21, 2019. Ms. Dininni seconded the motion. The motion passed unanimously.

VI. UNFINISHED BUSINESS

- a. Discussion on Draft Amendments to Zoning and SALDO Ordinances

Mr. Pribulka reviewed the two draft ordinances for discussion along with the public hearing process.

Mr. Pribulka reviewed the major changes to the ordinances in response to Mr. Buckland's request. The Board followed with a discussion on a number of items relating to the ordinances. Noted are that the Tree Commission comments were not provided with the draft. Mr. Buckland requested that C-PACE legislation be added to a future agenda. A follow-up will be done with the Planning Commission on the Tree Commission comments.

Mr. Pribulka did a review of follow-up items for the Board.

VII. NEW BUSINESS

a. CONSENT AGENDA

1. 2019-C13 Award Memo – Street Trees
2. Board Member Request – Kathy Matason letter of Support

Ms. Dininni motioned to pull item 2 off the Consent Agenda.

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

Discussion followed on item 2 – Board Member Request. Ms. Dininni requested a narrative be provided for the letter of support. Following discussion a motion was made.

Mr. Miller moved that the Board of Supervisors **place** the Board member requested item on the agenda for February 19th. Mr. Ricciardi seconded the motion. The motion passed unanimously.

b. Public Hearing Resolution Authorizing Agreements with Thistlewood Homeowners Association

Mr. Pribulka reviewed the draft resolution, exhibits and map for discussion as provided with the agenda. Mr. Green was in attendance to answer legal questions.

No comments noted at this Public Hearing.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman to execute the Article of Agreement with the Thistlewood Homeowners Association and the Easement & Right of Way Agreement with the Grantors and Thistlewood Homeowners Association. Mr. Ricciardi seconded the motion.

Discussion followed on code and the plan review process. Further discussion followed on future street tree planting and maintenance for conservation areas.

Roll Call vote on Resolution 2019-06: Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Dininni – YES; Mr. Miller – YES.

c. Request to Modify Conditions of Liquor License Transfer with Giant Food Stores - 255 Northland Center

Mr. Pribulka reviewed the request and the "Pizza Hut" rule. Ellen Freeman representing Flagerty & O'Hara was in attendance to answer questions.

Mr. Glebe was recognized and spoke on concern for yearly reporting versus quarterly reporting being done currently and if there were any inconsistencies in regards to collection of data. Prior to discussion, a motion was made.

Ms. Dininni moved that the Board of Supervisors **direct** staff to advertise for public hearing a resolution amending Resolution 2012-11 by modifying Condition 6(c) to require an annual report be filed with the Township in place of quarterly reports. Mr. Miller seconded the motion.

Following discussion with the Board, Staff and Solicitor, it was determined that there have been no inconsistencies or irregularity in reporting in the past regarding this applicant.

The motion passed unanimously.

d. Comments on Phase 2 Spring Creek Watershed Management Plan

Mr. Buckland reviewed the plan as provided with the agenda prior to the discussion.

Mr. Ricciardi moved that the Board of Supervisors **request** Mr. Buckland forward its comments on the Phase II Spring Creek Watershed Management Plan to the Spring Creek Watershed Commission. Mr. Miller seconded the motion.

Discussion followed on the plan and action steps. Comments from the Board included: define economic and biological growth; more defined objectives; design of structure; is the plan implementable and achievable; funding for Phase 3; update recommendations vs technical categories; policy recommendations; and justification and guidance for a model ordinance.

The motion passed unanimously.

e. Appointments to Centre Region Building and Housing Board of appeals

Mr. Pribulka presented the appointments for consideration.

- Core Board
 - Adam Fernsler, P.E., LEED AP
 - J. Michael Leakey, R.A. (Alternate)
- Property Maintenance Board
 - Sarah K. Lowe

Mr. Ricciardi moved that the Board of Supervisors **approve** the slate of nominations as forwarded by the COG General Forum for re-appointment to the Centre Region Building and Housing Board of Appeals for a three-year term beginning February 15, 2019. Ms. Dininni seconded the motion. The motion passed unanimously.

f. PennPrime Loss Control Standard #1 – Commitment to Safety/Risk Management

Mr. Pribulka reviewed the Loss Control Standard that is an annual Township requirement. The only noted change from the previous year was the date.

Mr. Ricciardi moved that the Board of Supervisors **approve** the Township's Statement of Commitment to Safety and Risk Management. Ms. Dininni seconded the motion. The motion passed unanimously.

VIII. **STAFF AND COMMITTEE REPORTS**

a. COG COMMITTEE REPORTS

1. Executive Committee. Mr. Miller noted the agenda was provided and everything was covered prior to the last COG meeting.

b. OTHER REGIONAL COMMITTEES

1. Centre Area Cable Consortium. Mr. Ricciardi reported the meeting was held on January 22nd on reappointments to the Board and an executive session.

c. STAFF REPORTS

1. Township Manager. Mr. Pribulka reported on preparation for the upcoming citizens' survey being done by the National Research Center that will include Pine Grove Mills subsection at no additional cost; UAJA agreement update on the Greenbriar development-details to follow at the next Board meeting if approved to go before the Board; CRPRA meeting update on playground safety audits; and pre-application meeting update with Stahl Shaeffer on the land development plan.

Discussion followed on details of the citizens' survey, playground inspections and winter maintenance plans.

2. Planning and Zoning Director. The report was provided with the agenda packet.
3. Public Works Director. No written report.

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

X. **CALENDAR ITEMS**

- a. A special meeting of the Board will be held tomorrow that will not be an executive session. Discussion followed on the rules for executive sessions.
- b. Meeting rescheduled: Centre Region Comprehensive Recreation, Parks and Open Space Plan Public Meeting, State College Area High School, Wednesday, February 6th, 7:00 p.m.
- c. Meeting rescheduled: Musser Gap conversation, Unitarian Universalist Fellowship, February 7th, 6:00 p.m.
- d. Pine Grove Mills Small Area Plan, February 13, 2019, 6:00 p.m., place TBD
- e. Zoning and SALDO Ordinances, Zoning Map / Idea Board Open House, Ferguson Township Main Meeting Room, February 21, 2019, 6:00 p.m.

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 9:03 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 02-19-2019