

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, January 18, 2016
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, January 18, 2016 at the Ferguson Township Municipal Building. In attendance were:

Board: Steve Miller
Janet Whitaker
Laura Dininni
Peter Buckland

Staff: Mark Kunkle, Township Manager
David Pribulka, Assistant Township Manager
Dave Modricker, Director of Public Works
Ray Stolas, Director of Planning & Zoning
Diane Conrad, Chief of Police
Ron Seybert, Township Engineer

Others in attendance included: Heather Bird, Recording Secretary; Scott Brown, John Sepp, Steve Kirsch, Mark Savicue, J.P. Thornton, Morgan VanOurs, Bob Lindsay, Tom Jacobs, Dave Yoxtheimer, Tom Songer, Mark Glenn

II. CALL TO ORDER

Mr. Miller called the Monday, January 18, 2016, regular meeting to order at 7:00 pm and announced the Board held an executive session on litigation before this meeting.

III. RECOGNITION OF MARTIN LUTHER KING DAY

Mr. Buckland stated that we the Ferguson Township Board of Supervisors would like to honor the memory of Dr. Martin Luther King, Jr. by reading an excerpt from a speech Mr. King gave at Penn State on January 21, 1965, the winter before Freedom Summer, the summer when there was a very large voter registration drive for African Americans in the south.

"Love is understanding, creative, redemptive good will for all men. And when it becomes a great and powerful love, it becomes a demanding love which demands justice. It becomes a love that says in substance, You are your brother's keeper, and you have a moral responsibility to lead him from his evil ways. And I think this is the kind of love ethic, I think this is the kind of attitude, that will help us rise from dark yesterdays to bright and noble tomorrows."

IV. CONSENT AGENDA – No comments.

V. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY PENNSYLVANIA AMENDING RESOLUTION 2009-3 ADOPTING A SAFETY PROCEDURES MANUAL BY ADDING PROVISIONS FOR A LOCKOUT-TAGOUT PROCEDURE.

Mr. Kunkle stated in 2009 the Township adopted a revised safety manual. Frequently the loss control people from our insurance carrier provide additional input and suggestions on how to improve employee safety. One of the items that the safety manual does not include is a lockout-tagout procedure. This would be for equipment, vehicles and tools that are malfunctioning, damaged or unsafe to operate. The lockout-tagout procedure provides that those items be taken out of service until it is repaired or replaced. This would protect employees from operating these items when they are in an unsafe condition.

Ms. Whitaker made a motion to adopt Resolution #2016-02 amending the Safety Procedures Manual by adding a provision for a lockout-tagout procedure. Ms. Dininni seconded the motion.

ROLL-CALL VOTE: Ms. Dininni: YES; Mr. Miller: YES; Ms. Whitaker: YES; Mr. Buckland: YES

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP MANAGER TO EXECUTE AN AGREEMENT WITH MUNICIPAY ESTABLISHING A CREDIT/DEBIT CARD SERVICE

Mr. Kunkle stated this agreement is a creation of a relationship with Municipay to provide credit/debit card service and would allow for the use of all major credit/debit cards at the Township office to pay for invoices, fees, escrows, taxes, etc. One of the struggles in establishing a credit/debit card service is that normally the service provider is charged by the credit card a certain percentage of the total sales volume. This does not work for collection of taxes because the law requires the taxes to be collected one hundred percent less the discount if paid in that period, if the Township were charged a credit/debit fee than one hundred percent would not be collected. With this agreement the customer who chooses to use their credit/debit card will be charged a 2.45% charge with a minimum of \$3 fee.

Mr. Buckland is uncomfortable with credit card companies making money on municipal services.

Ms. Dininni asked that we provide an explanation to those individuals using this service on the fees involved. Mr. Kunkle stated we can provide a handout or posting informing individuals on the fees involved and why they are collected.

Ms. Whitaker made a motion to adopt Resolution #2016-03 authorizing the Township Manager to execute an agreement with MunicIPAY establishing a credit/debit card service. Ms. Dininni seconded the motion.

ROLL-CALL VOTE: Mr. Miller: YES; Ms. Whitaker: YES; Mr. Buckland: YES; Ms. Dininni: YES

3. A PUBLIC HEARING ON A RESOLUTION AUTHORIZING POLICE OFFICER CANDIDATE RYAN PLUNKETT TO ATTEND MUNICIPAL POLICE OFFICER TRAINING AND EDUCATION UNDER ACT 120 AND TO AUTHORIZE THE TOWNSHIP TO SEEK REIMBURSEMENT OF A PORTION OF THE COSTS FOR SAID TRAINING.

Mr. Kunkle stated for several years the Commonwealth did not provide reimbursement for the cost of tuition, salary, meals and lodging for attendance in municipal police officer training. Last year they began to put funds into the budget to allow for municipalities to recover approximately fifty percent of these costs. We currently have a police officer candidate, Ryan Plunkett, who has started the academy training. The Township has estimated the costs of the tuition, salary, meals and lodging for six months to be approximately \$19,000. This resolution will allow the Township to apply to the Commonwealth for one half of the incurred costs.

Ms. Whitaker made a motion to adopt Resolution #2016-04 authorizing the Township to seek reimbursement for Police Officer Candidate Ryan Plunkett to attend the Municipal Police Officers Education and Training as required under Act 120. Mr. Buckland seconded the motion.

ROLL-CALL VOTE: Ms. Whitaker: YES; Mr. Buckland: YES; Ms. Dininni: YES; Mr. Miller: YES

VI. COMMUNICATIONS TO THE BOARD

Mr. Buckland was contacted by a resident regarding the labeling of trees. Mr. Modricker stated residents may be noticing these trees throughout the Township. The ribbons are placed on the trees that are to be pruned. Once the Township Arborist inspects the tree after pruning the ribbons will be removed.

Ms. Dininni received communication about the last Board meeting, January 4th, where a resident stated a special effort should be made to allow for public contribution at the meetings.

VII. ACTION ITEMS

1. EXPLANATION ON BOARD VACANCY PROCESS – MARK KUNKLE, TOWNSHIP MANAGER

Mr. Kunkle stated the vacancy process is provided for under the Home Rule Charter process under Article 2, Section 210. Section 210 states that the Board shall by a majority vote fill a vacancy by appointing a person qualified under this Charter to hold such office until the next municipal election. An election for the remaining period of the vacated seat will be held if more than two years remain in the unexpired term. If a ward seat is vacated then an election shall be held in that ward. Otherwise, an at large election shall be held. This will be a ward election held in Ward 3. If the Board shall refuse, fail or neglect or be unable for any reason whatsoever to fill the vacancy within 45 days after the vacancy occurs, then the Court of Common Pleas shall, upon petition of the Board or of any five citizens of the Township, fill the vacancy in such office by the appointment of a qualified resident of the Township. On Tuesday, January 12th the Township placed a display ad in the Centre Daily Times, a bulletin board notice on CNET, notice placed on Township webpage and the Communications Coordinator has tweeted the information on the Township Twitter page. Individuals that are interested in filling the Ward 3 vacancy should complete an application, cover letter and resume and submit those to the Chairman, Steve Miller, by Monday, February 1st. Candidates will be interviewed February 8th and 9th and the board will be asked to take action on the appointment at its following meeting, February 16th, the final day to take action within the 45 day process.

Ms. Dininni asked for clarification on the 16th being the last day of the process. Mr. Kunkle stated if no agreement was made the Board at that time would need to petition the court.

2. CONSIDER APPOINTMENT OF ENGINEERING CONSULTANTS FOR SUBDIVISION AND LAND DEVELOPMENT REVIEWS

Mr. Kunkle stated Township staff recommended that the Board appoint Mr. Dan Miller for subdivision and land development plan review and Mr. Scott Brown for stormwater management plan reviews.

The Board discussed these appointments separately.

Ms. Dininni asked who completed the review of the plan for the trees that are being replanted in the wrong location in Thistlewood. Mr. Modricker indicated he was not sure if Mr. Dan Miller was the reviewer on that plan. When the trees were planted where there wasn't a conflict such as a drainage way or easement the area some were planted turned out to be on private property. This issue was missed during the planning and reviewing process

Ms. Dininni asked about the way the roundabout was originally planned and approved for the Toll Brothers development and how a bus would not have been able to turn around. Mr. Seybert, Township Engineer, stated that initially the master plan submitted showed a cul-de-sac that would not accommodate buses and after review a request was included in the terms and conditions to install a modern roundabout. Mr. Seybert added that the Township Engineer would not have designed the roundabout but would be responsible for ensuring the design would function according to Township standards.

Ms. Whitaker made a motion to APPOINT Pennoni Engineers, Mr. Dan Miller P.E. for subdivision and land development plan review. Mr. Miller seconded the motion. The motion passed unanimously.

Ms. Whitaker made a motion to approve NTM Engineering, Mr. Scott Brown P.E. for stormwater management plan reviews. Mr. Buckland seconded the motion. The motion passed unanimously.

3. FERGUSON TOWNSHIP MS4 STORMWATER MANAGEMENT PROGRAM – MR. RON SEYBERT, P.E. TOWNSHIP ENGINEER

Mr. Ron Seybert, Township Engineer, presented the Municipal Separate Storm Sewer System (MS4) Stormwater Management Program. Mr. Seybert explained those required to have MS4 permit. The permit requires a Stormwater Management Program be created with six minimum control measures. The first control measure is public education and outreach which requires a written plan. This includes newsletters, brochures, posters in the Township building, Spring Creek Watershed maps and fact sheets. The second control measure is public involvement and participation which requires a written plan. This measure includes holding one public meeting per year. The Township does this through legal notices, press releases, website, newsletters and constant contact. The participation is through public work groups, storm drain labeling, water quality monitoring, volunteer clean-up and public meetings. The third control measure is illicit discharge detection and elimination. This is locating stormwater flows that aren't actually stormwater. The stormwater ordinance allows for enforcing and taking action against those who are illicitly discharging. This requires the Township maintaining a storm sewer system map. Specific strategies include the storm sewer system map, ordinance prohibiting illegal discharges, inspecting outfall screening; investigate complaints and a procedure to eliminate illicit discharge. The fourth control measure is construction site runoff management. This portion of the Stormwater Management Program is administered by DEP. The Township has a memorandum of understanding with the Centre County Conservation District to handle these issues. The fifth control measure is post construction stormwater management. The Township has an ordinance that regulates the stormwater management of a development site. The Township encourages best management practice (BMP), ordinance requirements and ownership/maintenance/inspection. The Township is required to maintain a BMP map. The sixth and final control measure is pollution prevention / good housekeeping. This requires developing, implementing and maintaining written operation and training programs. A specific strategy includes fleet management of the Township. Lastly, Mr. Seybert discussed the Chesapeake Bay Pollution Reduction Plan. This is a new plan and it is to come up with ways to reduce impacts on the Chesapeake Bay. There are four components to this plan and two of the components are not applicable to Ferguson.

Ms. Dininni asked when this program was started. Mr. Seybert stated the first permit was issued in 2003. Ms. Dininni asked about the 25% of BMPs inspected. Mr. Seybert stated that requirement came out in 2014. Ms. Dininni asked about the credit for the Pine Hall recharge area. Mr. Seybert stated it is an acknowledgement that the Township is making efforts on best management practices.

Mr. Buckland asked what stormwater stenciling is. Mr. Seybert stated that it is marking the inlets so that people know where that water will end up such as a stream. Mr. Buckland asked if there is a Total Maximum Daily Load (TMDL) plan. Mr. Seybert stated that we do not have this and it is based on monitoring of habitat in a stream and annually monitored by DEP.

Mr. Miller clarified that the Township does not have any authority to require riparian buffers in agricultural areas in relation to the Chesapeake Bay Pollution Plan. Mr. Seybert stated the Township can encourage this but not require it.

4. PROPOSED STORMWATER ORDINANCE REVISIONS – MR. RON SEYBERT, P.E., TOWNSHIP ENGINEER AND MR. SCOTT BROWN, P.E., NTM ENGINEERING

Mr. Seybert, Township Engineer, stated that in 2013 the Township renewed their MS4 permit, as part of this process DEP required to the Township to adopt their model ordinance or create an ordinance that met all the necessary requirements. All the municipalities in the centre region that have an MS4 permit joined to create an ordinance together that met the necessary provisions. Through that process Ferguson Township found areas to add additional provisions.

Through public input on the adoption of ordinance 990 questions and concerns were raised. Since this adoption staff has been continuing to work on the ordinance to make changes. Many comments were received and incorporated into the ordinance. The State College Borough Water Authority recommended including a ground water protection overlay district. Staff did not incorporate this into the ordinance because they felt this district would fit better into the zoning ordinance.

Mr. Scott Brown, NTM Engineering, reviewed the memorandum that highlights the proposed changes to the ordinance.

- Section 26-201, Definitions there were a several definitions that were modified or added to ensure the intent of the ordinance was clear.
- Section 26-302, Water Quality. The biggest change in this section was related to the zone 2 wellhead protection areas. An updated map in the ordinance reflects all of the existing well head protection areas. There were minor changes to water quality sensitive developments which are developments that may produce contaminants that could pollute the watershed. The second largest impact to these sensitive areas or developments is the fact that it will now be required that the infiltration function be separate from the detention standard. Ms. Whitaker verified that these two separate basins are incorporated into the Toll Brothers plan. Mr. Buckland asked with regard to the water quality sensitive districts, does the proximity to the well really matter if there was a significant spill of gasoline. Mr. Dave Yoxtheimer, hydrogeologist, stated that the proximity to a well field would matter significantly and would depend on the type of spill.
- Section 304, Calculation Methodologies, Peak Runoff Rate Control. He read directly from the ordinance the addition and stated that basically this modification would encourage a minimum amount of disturbance on the landscape. Mr. Buckland asked who would determine this. Mr. Seybert stated that it would be Mr. Brown. Ms. Dininni asked about an acceptable degree of soil compaction. Mr. Brown said there is not an exact value.
- Section 304 B Calculation Methodologies, Capture Volume. The current Act 167 plan indicated the capture depth could not exceed 36 inches for health and safety reason but that it was recommended to be limited to 18 inches. The capture depth is the depth of water that is captured in a basin and the only way out is to infiltrate into the ground. The ordinance proposed to change to maximum capture depth to 24 inches. Also added was a minimum and maximum dewater time to this section.
- Section 304 C Recharge Volumes. Wanted to make sure there was a recharge standard set.
- Section 304 D Stormwater Conveyance Design. Details and adjustments to the soil groups. Mr. Buckland asked what type of storm is this designed for. Mr. Brown stated the design is for a ten year storm. Mr. Brown stated that the pipe may not have capacity for the 100 year storm but the system may include safe conveyance of the 100 year storm. Stormwater may run down the street in this event. Mr. Buckland asked how well the existing stormwater system is working with storms that we currently get. Mr. Brown stated the ten year storm is a design event and based on the NOAA 14 Atlas that is updated frequently. Mr. Modricker stated that Public Works addresses problems where the piping in existence may not be sufficient. Not everything in the Township is only designed for a ten year storm. Mr. Seybert stated the Atlas gets updated as climates change and newer developments would be constructed to meet the newest rainfall amounts.

- Section 304 F Infiltration Test Requirements. Proposed updates to recommend a preferred method for infiltration testing which accesses the soils ability to absorb water. Will continue to accept percolation test rates. This section also includes the size requirements for infiltrometers and the location that the testing will be performed. Mr. Buckland asked who chooses the locations for the infiltrometer testing. Mr. Brown stated the design professional will work with the developer to design concept plans, they should go across site and look at soils and determine best spots for infiltration.
- Section 402 B Maintenance Requirements. Every BMP must be kept on a list. In subsection 31 will require tabulation with each stormwater BMP.
- Section 402.D, Item 4A Record Plans. In the past it was required that the builder have a surveyor certify that the stormwater facilities were built in accordance with the plan. The proposed amendment will take that one step further by requiring that the stormwater facilities are constructed in accordance with plan and that they function for the plans intent. Subparagraph C now requires post construction infiltration testing. This requires retesting once this basin is built with the exception that you can't be 10 feet away from the basin and you can't be a foot above or below the infiltration surface. Subparagraph D requires an as built narrative describing and illustrating critical stages of construction.
- Section 703 B Maintenance Responsibilities. This section was reverted back to the original ordinance requirements. Ms. Dininni asked if Mr. Brown was happy about this. Mr. Brown stated the biggest issue was that there are a lot of stormwater basins on private property. The intent in the modification was to have these on separate lots. This will not be required now. Mr. Seybert stated the proposed change would allow basins to be in an easement that is on private property as the previous ordinance allowed.
- Section 803 G Occupancy. The verbiage was changed to clarify the intent.

Mr. John Sepp, PennTerra Engineering, represented a group from the design community including Sweetland Engineering, UniTec Consulting, Keller Engineers, Hillis Carnes Engineering, CMT Laboratories, Stahl Shaeffer Engineering and Hawbaker Engineering. The group has a number of concerns on the proposed ordinance. He gave a broad overview of their concerns and requested that they come together at another time to discuss the changes and come to an agreement. It was stated a few times during the presentation from Mr. Brown that as design engineers it is their responsibility to make a project work. It is not the reviewer's responsibility to make the project work. The major concern with the proposed ordinance is that there is not a lot of flexibility in the ordinance. This ordinance will cover developments that are already in progress that are almost complete. There are developments that have ten phases and eight of those are completed and the final two phases will require new stormwater management. Many of the areas that will be impacted are within the growth boundary. Most of Ferguson Township is built out within growth boundary and these new requirements will take up more land. These changes have the possibility of putting pressures on the growth boundary in the Township. He stated that a couple years ago a project was designed and the stormwater management design was difficult. A design was agreed upon after years of work. The new ordinance would not allow that design. This ordinance will impact development in a negative way. The way it is written now there is no flexibility for waivers or different designs. The group of design engineers would like to meet with Township staff and Water Authority representatives and discuss their concerns and recommendations to this ordinance.

Mr. Jason Grottini, State College Borough Water Authority representative, stated that at the 2015 public meeting held in July the Water Authority offered policy suggestions and standards to improve the municipal review process for land developments and wellhead protection areas.

Later on October 30th a letter to the Township summarized these recommendations along with a transmittal of a sample wellhead protection overlay district. Together with the technical comments generated for the Toll Brothers site the Water Authority believes the information provided serves for a framework for updating the stormwater ordinance. Based on the latest draft reviewed, some of the Water Authorities comments were included by many were not. Some specific concerns and recommendations the Authority has include the following. The Water Authority believes the wellhead protection area zoning overlay district is the best legal and technical arrangement for implementing the required technical review standards, that the update to the Township zoning ordinance be down concurrently with the stormwater ordinance update, complete contaminant source lists and regulated land use activities should be provided in a matrix form based on the wellhead protection area zones 1, 2 and 3, required geological studies to demonstrate site suitability and planning feasibility in wellhead protection zones (current geologic studies are only needed for stormwater recharge analysis if deemed necessary by the Township Engineer), requiring geophysical testing particularly in proposed stormwater detention areas in wellhead protection zones, that it be required (not encouraged) non-structural best management practices in wellhead protection zones including decentralization of detention ponds throughout the development, the retention of native soil for stormwater filtering and site grading plans in wellhead protection zones, setting restrictions on drilling and blasting in wellhead protection areas and if necessary provide specifications for the control and monitoring of blasting operations, develop specific specifications for stormwater best management practices, include a provision that the Water Authority be on site during construction for inspection of the stormwater facilities, that post construction monitoring of ground water quality be enforced and finally provisions for the developer to reimburse the Water Authority based on the review and ongoing monitoring court costs. This is a concern of the cumulative impact of land development in wellhead protection zones and the main goal of the Authority is to protect drinking water and not to be against development. The Authority urged the Township to adopt stricter technical standards and the necessary zoning controls to protect its water resources in wellhead protection areas.

Dave Yoxtheimer, 409 Meckley Road, stated that it is crucial to have a strong set of protective ordinances to protect our natural resources. We live in a great area with continued development and we need to see that development continue in a manner that's sustainable and does not unduly impact our water resources. We sit on top of a unique geological setting where stormwater can quickly become ground water and ground water can quickly become drinking water. The speed with which groundwater can flow to the well fields can be quick and they can carry contaminants with them. Each development on its own may not have a measurable or significant impact alone but it's the cumulative impact of many developments that needs to be looked at. This is an important topic. There is a potential cumulative impact and we don't want to reach the tipping point. Penn State is currently building a \$60 million water treatment plant, whereas for many decades they were able to drink their water out of the well fields. On this side of the watershed we don't want to see a significant investment like that necessary. We don't want to have to increase the level of treatment on our water. As a hydrogeologist there is a lot of site specific locations taken that should be taken into consideration. The proposed ordinance should include more specifications for water quality sensitive areas. In general we need to make sure we promote diffusion of runoff. The native soils should be preserved. In general we should look at the surface and subsurface conditions and let that guide the kind of development that occurs.

Mr. Kunkle stated that it has been described that we are in the bath tub of the valley, is Ferguson Township more uniquely positioned in the bath tub than other municipalities. Mr. Yoxtheimer said yes Ferguson Township has a lot of recharge area which feeds into wellfields 1 and 3. The Township is in a position to hold on to those areas and preserve them. Mr. Kunkle asked if geologically the wells in Grays Woods are in the same geologic formations. Mr.

Yoxtheimer stated that it is different there and the depth to groundwater is deeper and there are thinner soils here. Mr. Kunkle stated that that would account for a reason why Ferguson Township's stormwater ordinance would be different than other municipalities because of the geologic formations in each municipality. Mr. Yoxtheimer stated that it would make sense to have differences in the ordinance.

Mr. Miller stated the Board would need to decide if this ordinance should be moved to public hearing or if further discussions should occur.

Ms. Whitaker would like to see things move forward but does think some additional discussion is needed. She believes in compromise and stated some of the already started developments may be able to have some grandfathering on the required regulations.

Mr. Buckland wants to get to a point where the well head overlay district is discussed, whether it is included in this ordinance or a separate ordinance. He would like to have further discussion on this matter.

Ms. Dininni agreed that there needs to be more discussion. The points raised tonight were great. She agreed with Mr. Buckland that there needs to be discussion on the wellhead protection overlay.

Mr. Miller agreed with the other members of the Board to have further discussion on this ordinance.

Ms. Dininni stated she is interested in the idea of grandfathering method for developments that are partially completed.

5. DISCUSSION OF WEST COLLEGE AVENUE STREETScape EXECUTIVE SUMMARY REPORT – MR. RAY STOLINAS

Mr. Stolinas stated the summary is from the September 21, 2015 joint worksession with the State College Borough Council. The summary contains a comparative analysis of the Terraced Streetscape District versus the Urban Village District. The summary also discusses the method ideas on what to do with the corridor in the future such as holding a charrette. He asked the supervisors decide what is the next step they would like to see happen.

Ms. Dininni asked if there is currently a budget for having a charrette. Mr. Stolinas stated that at this time there is no budget. Mr. Miller stated that is something we would need to work out with the Borough.

Mr. Kunkle asked the Board over what period of time would they want this process to occur. Mr. Buckland stated that he would object to something that would occur very quickly, this is a large project he would want as much time for community involvement as possible. He knows of some facilitated processes that may work for this situation. The process should be mediated since so many entities/individuals would be involved. He suggested using a virtual platform to involve many people.

Ms. Dininni agreed with Mr. Buckland's ideas. She asked how this may affect the update of the Township zoning code.

Mr. Miller asked if the Board is interested in putting in the effort for a joint study and if the Borough is also committed. Would like to see Penn State involved but does not feel they are a necessity for the decisions on the zoning.

Ms. Dininni stated this area of the community is in need of assistance and the Board owes the community the effort of attempting to move forward and it would be in the Township's best interest to work with the borough. Mr. Buckland would love to see this area updated.

Ms. Dininni suggested forming an ad hoc committee. Mr. Kunkle stated that it would be helpful to have Board and Council liaisons for this process. Staff can reach a certain point but would need these members to be present for the decision portion. He would suggest proposing this to Borough Council

Mr. Miller stated that the Board would like Township staff to get in touch with Borough staff to see if this collaboration can be arranged.

6. ZONING, SUBDIVISION AND LAND USE ORDINANCE UPDATE - REQUEST FOR PROPOSAL (RFP)

Mr. Stolinis stated that staff developed the request for proposal over that last several weeks. The request for proposal is to attract a professional to come in and assist staff with rewriting of the zoning, subdivision and land development ordinances. He requested the Board authorize staff to advertise this request for proposal.

Mr. Miller asked if this is the final copy. Mr. Stolinis stated that it is.

Ms. Dininni questioned the time frame. Mr. Stolinis stated they feel that 12 months is sufficient but if there is concern, they could include in the proposal that there may be additional time needed. Mr. Miller said that should be built into the proposal.

Mr. Buckland stated that the Terraced Streetscape District should be modified to include that we may be working to change this district.

Ms. Dininni made a motion to AUTHORIZE the advertisement of the Request for Proposal for a professional planning consultant to perform revisions to the Township's Zoning and Subdivision and Land Development Ordinances. Ms. Whitaker seconded the motion. The motion passed unanimously.

7. DISCUSSION OF ENVIRONMENTAL RESOURCE PRESERVATION REFERENDUM

Mr. Kunkle stated this topic came up in June 2015 as an idea to see what the Township residents were interested in for developing an environmental resource preservation referendum that would end up on the ballot to see if residents would want to create an environmental resource preservation fund. Patton Township has had two successful open space preservation referendums used to acquire property and remove land from development opportunities. In Ferguson's RA zoning district, the limitations on development is strict enough that the Township does not have as high a need for acquiring open space to preserve as other municipalities. These funds could be used to develop and maintain riparian buffers along streams, acquire land that has significant effects on stormwater management, acquire significant groundwater recharge areas or protect other environmentally significant land. This would be similar to what occurred with Musser Gap in preserving land. For this to move forward the Township would need to complete a survey from community members. The idea of the survey would be to see if there is any support of this program before a referendum step is taken.

Ms. Whitaker asked if the survey would be done through our website. Mr. Kunkle stated it would depend on if they wanted a random or scientific survey.

Ms. Dininni asked for clarification on why the survey would be required. Mr. Kunkle stated that the referendum would be to determine the amount of a tax increase; the survey would help determine the willingness for residents to pay money for these services. The survey would help

determine parameters for the referendum question including how much of a tax increase residents would support for this effort.

The Board discussed the difference between increasing real estate taxes versus earned income taxes. A millage increase in earned income taxes would produce a higher dollar amount than an increase in the real estate taxes.

The Board is comfortable with a goal of getting this referendum question on the November ballot to allow time to gather more information. The Board would like to know the cost of a scientific survey and the comparison of increasing real estate tax versus earned income tax.

8. APPOINTMENT OF TOWNSHIP REPRESENTATIVES TO THE CENTRE REGION PLANNING COMMISSION

Ms. Whitaker made a motion to APPOINT Lisa Strickland as the Township's representative and Ralph Wheland as alternate representative to the Centre Region Planning Commission. Ms. Dininni seconded the motion. The motion passed unanimously.

9. APPROVAL OF DECEMBER 2015 VOUCHER REPORT

Ms. Dininni made a motion to APPROVE the December 2015 voucher list. Ms. Whitaker seconded the motion. The motion passed unanimously.

10. CONSENT AGENDA

Ms. Whitaker made a motion to APPROVE the consent agenda. Ms. Dininni seconded the motion. The motion passed unanimously.

VIII. REPORTS

1. Manager

Mr. Kunkle stated the Township will host the first 2016 Coffee and Conversation on Saturday, January 23rd at Baileyville Community Hall. He informed the Board that they received an updated CD for the Township Code of Ordinances and stated the Township website also contains this information.

2. Public Works Director

Mr. Modricker stated his written report includes the upcoming capital projects for 2016. He stated we have started to receive appraisals for the West College Avenue Streetscape sidewalk project. He discussed the planned closure of Saratoga Drive to have the University Area Joint Authority complete some repairs on the lines on this road.

3. Planning and Zoning Director

Mr. Stolas stated the Planning Commission held its organizational meeting and elected the same officers as 2015 and approved the meeting dates for the year. The Commission discussed the land use ordinance update request for proposals, managed natural landscape and the submission of a land development plan for Buffalo Wild Wings.

4. Chief of Police

Chief Conrad stated the December crime was up mainly due to thefts mail boxes. The Part One crimes were up for the month and year. The secondary offenses were up a little but overall crime is only up 3% for the year. The other calls for service were up approximately 5%. Traffic stops and citations were down an average of 18%, criminal arrests were down 7% and parking tickets were up 55%.

5. COG Committee Reports

a. Finance

Mr. Miller stated the committee met and the main item of business was the senior center. Costs have been significantly higher than anticipated to get the new location ready. The increased cost is approximately \$20,000. They are requesting the county to increase donations to this and they will be starting a contribution guide to assist with these increased costs.

b. Human Resources

Mr. Buckland stated the committee met and the main issue was that all of the members on the Committee were male and they would need to have a female to serve on the grievance panel. He asked Ms. Whitaker if she would be willing to serve on this with him.

c. Parks Capital

Ms. Dininni stated both she and Mr. Miller attended this meeting where they appointed the officers. This was a joint meeting with the Authority Board. They received a regional project update. The Whitehall Regional Park was briefly discussed. They also discussed the increased cost on the senior center.

d. Transportation and Land Use

Ms. Whitaker stated the committee met last Monday and elected officers. Tom Zilla discussed transportation projects that will be going to bid this year such as bridge projects in Harris and College Townships. She went to the Potter Mills Township building to see the final drawing of the Potters Mills Gap highway which is anticipated to be completed in 2019.

IX. MINUTES

Ms. Whitaker made a motion to APPROVE the January 4, 2016 Board of Supervisors Organizational and Regular Meeting Minutes. Ms. Dininni seconded the motion. The motion passed unanimously.

X. ADJOURNMENT

Ms. Dininni made a motion to ADJOURN the meeting. Ms. Whitaker seconded the motion. The motion passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting at 10:38 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 02/01/2016