

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, March 21, 2016  
7:00 pm

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, March 21, 2016 at the Ferguson Township Municipal Building. In attendance were:

**Board:** Steve Miller  
Janet Whitaker  
Peter Buckland  
Rita Graef  
Laura Dininni

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

*Others in attendance included:* Heather Bird, Recording Secretary; Bruce Baron, Winn Bishop, Susan Eckert, Cyndi Brown Spelman, Kelli Hoover, Brian Heiser, Matt Harlow, Jim VanHorn, Bill Keough, Hobson McKown, Tom Songer, John Sepp, Bill Hechinger, Jill Wood, Ralph Wheland, Scott Brown, Ron Seybert

### II. CALL TO ORDER

Mr. Miller called the Monday, March 21, 2016, regular meeting to order at 7:00 pm.

### III. CITIZEN'S INPUT

Ms. Jill Wood, resident, requested a review of the ordinance that prohibits chickens as backyard pets. She is interested in having hens for egg layers. She handed out information regarding what other municipalities in the area permit. In 2008 the Borough changed their ordinance allowing residents to have four hens with provisions including no roosters, requiring a permit and the hens must be 30 feet from any neighboring property. The Board consensus was to place this as a future action item.

Mr. Hobson McKown, resident, discussed his request to have the manager remove the Chief of Police and a detective from their duties.

Mr. Bill Hechinger, resident, asked about eminent domain and the Township's right to execute this as part of the West College Avenue Streetscape Project.

### IV. PUBLIC HEARINGS – ORDINANCES

1. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CHAPTER 15 MOTOR VEHICLES AND TRAFIC, PART 4, GENERAL PARKING REGULATIONS, SECTION 403 PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS.**

Mr. Kunkle stated at the last meeting the Board received a report on permanently establishing a no parking provision on the north side of East Pine Grove Road for a distance of 226 feet east of Rosemont Drive. This area is immediately across the street from the Naked Egg Café. The Board was made aware of the site distance problem that was created for vehicles leaving Rosemont Drive. An engineering study was completed. The 90-day temporary no parking has expired. The Board has determined that establishing the no parking permanently should be considered.

Ms. Whitaker made a motion to adopt Ordinance 1011 establishing the prohibition of parking at all times on the north side of PA Route 26/45 – East Pine Grove Road between Rosemont Drive and a point 226 feet east of Rosemont Drive. Mr. Buckland seconded the motion.

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

## **V. PUBLIC HEARINGS – RESOLUTIONS**

### **1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE FILING OF A DECLARATION OF TAKING FOR CERTAIN TAX PARCELS ATTACHED TO THE RESOLUTION AND IDENTIFIED AS “EXHIBIT B.”**

Mr. Kunkle stated this project construction is being funded through the Transportation Alternatives Program. The Township has completed preliminary design and necessary right-of-way to complete the sidewalk project from Buckhout Street to Corl Street. The project is scheduled to be bid by PennDot with a let date of August 11, 2016 and right-of-way must be cleared by the Township by May 23, 2016. In order for the Township to meet this date, the right-of-way need to be “cleared” or a declaration of taking must be filed.

Mr. Modricker stated the scope of the project is the installation of sidewalks on both sides of West College Avenue from Corl Street to Buckhout Street. There are 17 claimants, with some of those claimants having more than one parcel. The right-of-way acquisition process began with an open house informing property owners on the intent of the project. There was a letter sent informing the property owners of the project and that an appraisal of the property would be occurring. The owners were permitted to be present for the appraisal. A minimum of 30 days has gone by since all appraisals have completed and an offer letter sent. During the period of acquisitions, the Township has settled with three claimants and two owners have verbally accepted but not yet had a closing. Exhibit B of the resolution includes 13 claimants. He has had discussions with all of those remaining claimants and hopes to settle with the majority before the declaration of taking is filed with the courthouse at the beginning of April. In order to clear right-of-way there is a final date and the remaining claimants do understand this. The next step will be that the claimants will receive a letter on the Township’s intent to file a declaration of taking. Interstate Acquisitions, consultant, ensures the process is being handled according to the procedures and processed required by PennDot for the type of funding.

Ms. Dininni asked if the Board were to pass this resolution, how many would he anticipate still not being resolved. Mr. Modricker stated that the main delay is that some claimants are having their own appraisals done which have just been coming in last week and this week. There may be post-condemnation settlements that occur. The owners are entitled to just compensation. There is incentive on both sides to settle, most owners are understanding of the project and process.

Ms. Dininni asked about the large blue spruce on West College Avenue and the option of working around the tree. Mr. Modricker stated that the tree is located right in the center of the 8-foot sidewalk, the only solution would be to not build on that parcel entirely.

Mr. Bill Hechinger, resident, discussed the speed limit along this portion of roadway. He would like to see it be lowered to 25 mph. Mr. Modricker stated that PennDot would need to look into this to see if the road meets the right qualifications for a lower speed limit. He asked if the Board would want staff to pursue this. The Board consensus was to check with PennDot to see if this road qualifies for a lower speed limit.

Ms. Whitaker made a motion adopt Resolution 2016-11 authorizing the filing of a declaration of taking for certain tax parcels attached to the resolution and identified as “Exhibit B.” Ms. Graef seconded the motion.

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

**2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE DISPOSITION OF SPECIFIC PUBLIC RECORDS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES ISSUED JULY 16, 1993 AND AS AMENDED DECEMBER 16, 2008.**

Mr. Kunkle stated this is an annual effort by staff to comply with the Pennsylvania requirements for record retention and disposition. The attached exhibit includes mostly checks, financial journal entries, vouchers, accounts payable, tax office duplicates, tax statements, earned income tax quarterly filing reports, and 20-year-old case files for the police department.

Ms. Graef made a motion to **adopt** resolution 2016-12 authorizing the disposition of specific public records in accordance with the procedure set forth in the Retention and Disposition Schedule for Records of PA Municipalities. Ms. Dininni seconded the motion.

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

**VI. ACTION ITEMS**

**1. STORMWATER MANAGEMENT ORDINANCE AMENDMENT DISCUSSION**

Mr. Kunkle stated that on January 18<sup>th</sup> the Board received an overview of the proposed changes to the Township's Stormwater Management Ordinance. The Board determined based on input from the professional engineering firms that additional discussions should occur. Twenty-four discussion items were considered at a joint meeting of design engineers, the State College Borough Water Authority, an independent engineer, Township staff and its consulting engineer on February 29<sup>th</sup>. The Board received with their agenda materials a memorandum dated March 14<sup>th</sup> from Scott Brown and Ron Seybert providing information on each of the changes being made. Along with that memorandum was a spreadsheet matrix that describes the initial matters and feedback received and the eventual resolution of each of those 24 items. The Board's direction to staff was to narrow the changes to those on which an agreement could not be reached. An agreement has been reached on all items as of today. With regard to the water quality sensitive districts and developments – these areas include both recharge areas for the State College Borough Water Authority as well as for the Penn State University water wells. The areas in question deal with whether or not those areas should be included in the ordinance itself. Staff recommended including those recharge Zone 2 in the ordinance. The representatives of the professional design consultants requested that those areas should be looked at from a regional standpoint given that much of the areas are within the regional growth boundaries of Ferguson, College, Patton and Harris Townships and State College Borough and much of this area is already developed but agreed that should the Township wish to move forward with the ordinance the development community is okay with this but requested should the opportunity to have input on this if it is revisited in the future and if it continues to be a regional matter of interest. The other area just resolved was the appeals aspect of the change. The current appeals process complies with the Act 167 requirements that provides that any appeals from the provisions of the ordinance would go to the Zoning Hearing Board. Other municipalities that have adopted the region wide Stormwater Management Ordinance have an appeals or waiver process that go before the Board of Supervisors first and if that is unsatisfactory it would go to the Zoning Hearing Board. The request is to consider that and to request that the Township Solicitor review that provision and provide guidance. Mr. Kunkle thanked all those whose efforts assisted in resolving those areas with questions.

Mr. Seybert presented changes that were not reflected in the memorandum provided to the Board.

- page 4 – calculation methodologies – capture depth – proposing the ordinance to say capture depth and dewatering time. This would still be on case by case basis and if the area were located in a water protection zone the Water Authority would be included in the process. In some instances, due to longer dewatering time an additive might need to be used to prevent the breeding of mosquitos.
- page 8 – construction of basins - areas where rock excavation anticipated – a note would be added on the plans. The alternate language would read: this project is located in the source water protection area for the (water provider). Blasting should be used as a last resort method of rock excavation. If blasting techniques are to be employed the contractor should provide the Township and the water provider with information supporting the use of blasting techniques along with copies of the blasting permits.

Ms. Dininni had asked for farmers to be present at the joint meeting in order to have input in the ordinance. Mr. Seybert stated that the way the ordinance is written agriculture would not be required to submit a stormwater site plan for normal activities unless they had a very large facility. Ms. Dininni asked about developments being grandfathered for these requirements. Mr. Seybert stated nothing is included in the ordinance about anything being grandfathered. There are some plans already approved but not yet buildout, they could continue to build under the approved plan without meeting the new requirements. Ms. Dininni commented about the Water Authority under-asking on the distance from a fractured rock. Mr. Seybert stated there was discussion on this at the joint meeting but no additional feedback was received so the ordinance remained at 25 feet. She asked if the first change Mr. Seybert mentioned would require the need for spraying pesticides. Mr. Seybert stated this would only be in special situations where it may be required.

Mr. Miller confirmed that both of the bulleted points have been resolved. Mr. Kunkle stated that the question with regard to appeals will be reviewed by the Township Solicitor.

Mr. Buckland asked about why catastrophic was removed from section 2. Mr. Modricker stated that at the joint meeting it was determined to not be a necessary word. Mr. Buckland asked about the significant strikethrough in section 3. Mr. Seybert stated it was a reference to an old map from 2003 which did not have the boundary information as defined as the new data. Mr. Buckland asked about section 7, second paragraph, is this the criteria by which the Township Engineer would evaluate and identify an appropriate design. Mr. Seybert that this would occur in special situations. Mr. Buckland asked about the 12<sup>th</sup> paragraph – qualified professional shall review? Mr. Seybert stated this would be the applicants professional. Mr. Buckland asked about #17, under d. as built narrative, recommended pre construction meeting be held, why is this not required? Mr. Seybert stated a design professional knows what is required and what needs to be done, this would be for those people who are not familiar with this area.

Mr. Miller asked what the next step is. Mr. Kunkle stated staff could be ready to advertise the ordinance. Mr. Seybert added that staff would want a response from the solicitor on the appeal process before advertising.

Ms. Dininni asked the Water Authority about the greater distance from a fracture. Mr. Dave Yoxthimer stated there was discussion on a setback distance from any fractures or geologic conditions which is currently at 25 feet. The opinion seemed to be that 25 feet was better than zero feet, the further you are away from a geological feature the better but 25 feet could be enough. In some instances, one might recommend it be further and then they would comply.

Mr. Miller asked the Board if they would like to go forward with advertising the ordinance for adoptions. Ms. Whitaker state she is ready to see it go forward.

The Board consensus was to go forward with preparing the ordinance for advertising pending the response from the solicitor on the appeal process.

## **2. NUTRIENT CREDIT MANAGEMENT PROGRAM DISCUSSION – CORY MILLER, UAJA**

Mr. Cory Miller, University Area Joint Authority (UAJA), presented information on nutrient management to meet the Chesapeake Bay Strategy limits by improving the Spring Creek Watershed. Typically waste water treatment plants discharge limits are in concentration, milligrams per liter. It does not matter how much water is discharged into a stream the concentration stays the same whether 1 million or 20 million gallons per day are discharged. Mass limits are different, mass limits are a ceiling where the community can only have this much nitrogen, phosphorous and sediment no matter how much it grows. A sewage treatment facility uses carbon to eliminate or reduce the nitrogen. Currently UAJA, is spending about \$250,000 annually to lower nitrogen amounts with carbon. The tributary strategy is initiated by EPA and imposed on the state of Pennsylvania and the other bay states and all that EPA really cares about is what goes on at the border of Pennsylvania and Maryland. This is how Pennsylvania is regulated. When EPA looks at how well Pennsylvania is doing they grade all the various activities. Pennsylvania's waste water treatment plants do a phenomenal job, while the agricultural community has increased their nutrient load. The EPA has no way to make farmers do anything so the EPA goes after NPDES permits hoping that those in control of those permits will do something to lower agricultural loads. Every two years the EPA will review Pennsylvania and if enough has not been done they can use the backstop limits. This could cut the nitrogen discharge in half, which would be very problematic. The flow does not matter so conserving will not help with this. If the cap limits were implemented the costs associated with carbon would greatly increase. How do we get more nutrient capacity: other treatment plants nutrient credits, agricultural best management practices (BMPs) other nonpoint source BMPs and future technology that may be able to remove nitrogen below 3 milligrams per liter. He reviewed credits versus offsets. A credit is a pound of nitrogen which can be traded on the market, anyone can own a credit and they are tradeable. These can be created by best management practices among other things. An offset is not tradable and attached directly to a NPDES permit. Why would you want to do this? Credits are less value to a growing community than offsets. Offsets are not penalized. UAJA prefers to go with offsets. UAJA has had a market analysis done and based on all the credits that disappeared and the drastic reduction in things like manure hauling they are expecting a critical shortage in nitrogen that will drastically increase the prices of credits. This could result in \$330 a year per home increase in rates to buy credits on the market. How to make offsets: find a farm, get an easement to build and maintain BMPs on the farm, build the BMPs, certify the offsets with DEP, attach the offsets to UAJA's NPDES permit, inspect and maintain the BMPs each year. Or find septic tanks, build a sewer line to connect them to the treatment plant, collect 25lbs nitrogen and 3lbs phosphorous for each septic tank eliminated, add them as offsets to the UAJA NPDES permit or find an urban area that has no BMPs, obtain easements to build BMPs, build BMPs, certify offsets, attach to UAJA's NPDES permit, inspect and maintain BMPs each year. How will all of this be paid for: ratepayers could absorb the cost in quarterly charges, charge developers at time the planning module exemption is approved, charge at the time the connection permit is issued or another unidentified option. He discussed briefly the upcoming changes to the MS4 permits that will affect the Township including develop a Chesapeake Bay pollutant reduction plan, achieve pollutant load reductions of at least 10% sediment and 5% by the end of the 5<sup>th</sup> year, this implies that either the MS4 or DEP is going to have to determine a numerical loading for sediment and phosphorus. UAJA could help Township's meet their phosphorus requirements.

Mr. Pribulka asked how the acquisition of easements on agricultural land affected by a conservation easement that may already exist on that land. Mr. Cory Miller stated that he does not know the details but he thinks it would fit together as it would still be a conservation issue.

Mr. Modricker asked how the Capstone project that the agricultural students are working on at Suburban Park would tie together with this. Mr. Cory Miller stated that currently the township NPDES permit cannot get offsets, so storing those at UAJA's permit would be beneficial otherwise they would be lost.

Mr. Buckland asked if a similar thing could happen with the Piney Ridge project. Mr. Cory Miller stated they would be able to use those offsets or credits. Mr. Modricker asked if the buffer needs to be a certain width to obtain credits. Mr. Cory Miller stated the wider the buffer the more you get.

### **3. PLANNED RESIDENTIAL DEVELOPMENT ORDINANCE AMENDMENT**

Mr. Stolinas stated the approved master plan and a concept plan were included in the Board's agenda packet showing the development of a grocery store up to 60,000 square feet and accessory uses of fueling stations. Johnson Farm Associates submitted an ordinance amendment application back in November 2015. The draft ordinance has been reviewed by the Ferguson Township Planning Commission, the Centre Region Planning Commission and the Centre County office of planning and Community Development. Mr. Stolinas reviewed the concept plan with the Board.

Mr. Buckland stated he will not vote to allow Compressed Natural Gas (CNG) fueling stations because the climate forcing impacts are too high. He does not see the benefits. He is however in favor of electric charging stations. Ms. Whitaker asked if CATA uses CNG. Mr. Buckland stated with big buses compared to using diesel they are much better. Allowing a CNG fueling station could be in violation of the community bill of rights in Ferguson Township.

Mr. Miller stated he is concerned with the entire fueling portion of this plan. He has no issue with increasing the size of the store to 60,000 square feet but concerned with the vehicle flow with a fueling station in this location.

Ms. Graef agreed that in a residential area a fueling station is more than what that space would require. She did some research on grocery stores and found a medium size grocery store would be approximately 45,000 square feet. Retailers are trending toward smaller stores. She would like to look at different sizes for this area.

Ms. Whitaker stated she likes neighborhood feel that is intended here. When she thinks of a market that would be smaller than grocery store. She would like to see more of a market style here. With the proposed housing there the walkability would be great. Ms. Graef agreed that the idea that residents could walk there would be good but the shopping would be a bag or two not a trunk full of groceries.

Ms. Dininni supports the walkability and neighborhood feel but having a drive-thru and gas stations installed would be going in the wrong direction. She agreed with keeping the scale smaller and walkable.

Mr. Tom Songer stated that they will not attract a Trader Joes type store on this end of town. There are a lot of roof tops in this area and stores in a neighborhood improve property value. He pointed out that this use would be a conditional use, so the Township can work with them to eliminate uses such as the CNG fueling stations. If they limit is set below 60,000 square feet, he does not believe they will find an operator for a smaller place.

Ms. Whitaker asked if a traffic study has been done yet. Mr. Songer stated it will be done.

Ms. Graef asked about section D on the concept plan, the commercial with apartments above. Mr. Songer stated those would be smaller stores. The 60,000 square feet request would be strictly for

grocery stores. Ms. Graef asked if those could those be eateries. She would like to see small stores with people residing above them.

A resident stated they should consider having child care facilities in his area and a multi- generational center combing children and seniors.

Mr. Buckland stated he wanted to remove the fueling stations entirely from this plan. The Board was in consensus on this.

Ms. Whitaker leaned toward the larger grocery store. Mr. Buckland did not have a problem with allowing the larger store.

Mr. Miller asked the Board if they wanted to add child care / daycare as allowable. The Board consensus was yes to add those uses.

Ms. Dininni stated her preference would be to see a 45,000 square foot space and a separate 15,000 square foot space, but she won't oppose the total 60,000 square feet grocery store.

The Board consensus was to advertise the ordinance amendment including allowing child care / daycare, removing fueling stations and allowing a grocery store up to 60,000 square feet.

#### **4. TRADITIONAL TOWN DEVELOPMENT ORDINANCE AMENDMENT**

Mr. Stolas stated provided with the agenda was a copy of the proposed amendment to the Traditional Town Development zoning district permitting personal care homes and assisted living residences. The ordinance amendment application was submitted by State College Investors LLC in February. The applicant proposed to construct a personal care facility in the Turnberry Traditional Town Development. The Ferguson Township Planning Commission, Centre Regional Planning Commission and the Centre County Office of Planning and Community Development have provided comments on the proposed amendments. Staff and the Planning Commission have determined that the proposed amendment, if adopted, would not require submission of a revised master plan for the Turnberry Traditional Town Development. Mr. Stolas reviewed the previous plan for the site compared to the proposed new plan for the site.

Ms. Graef asked about the walking path. She suggested moving the parking to the other side the building having it on the side of Blue Course Drive.

Ms. Dininni agreed with Ms. Graef about moving the parking lot. She asked why there is no need for submitting a revised master plan. She would like to see the whole picture for the future of the development. Mr. Modricker stated that resident could walk to Havershire Drive and get on the paths that would lead to the Circleville / Tudek Bike path.

Mr. Miller stated about submitting a revised master plan, the question is whether there is a significant change to what was already approved.

Mr. Buckland asked about assisted living definitions. Mr. Stolas stated the definitions included in the ordinance were taken from the state. Ms. Dininni confirmed that in this case the two uses (personal care and assisted living) would be in the same facility. Mr. Stolas stated those two uses are permitted to be licensed together.

Mr. Miller discussed the conversion of residential buildings to personal care facilities. He suggested setting a limit on the number of beds allowed in a residential dwelling. Mr. Stolas stated the number

of beds would be tied to the licensing. Ms. Dininni asked if this would make it impossible for a group homes. Mr. Miller stated those types of homes would be considered different.

The Board consensus was to move this ordinance forward to public hearing.

## **5. GRASS AND WEED ORDINANCE AMENDMENT**

Mr. Stolas stated that back on July 7, 2014 the Board of Supervisors first directed the Planning Commission and staff to work on changing the existing Ordinance under Chapter 10 Health and Safety, specifically Grass, Weeds and other Vegetation as a result of a resident's concern for terminology within the existing ordinance. Since that time, Planning & Zoning staff has developed several versions of a revised ordinance, attempting to incorporate a "Natural or Native Landscapes" approach to allowing a variety of plant species considering updated ordinance definitions, property setbacks and landscape registration. After meeting with representatives from the Master Gardeners in October 2015 and discussion with the Township Planning Commission, staff is presenting the following options for the Board to consider: a) Take no action and continue to enforce the current ordinance under Section 10-101 Grass, Weeds and Other Vegetation, b.) Original Native Landscape Ordinance, c.) Staff and Reviewers Version or d.) Planning Commission Recommended Version (January 25, 2016). Staff requests considering one of these options to proceed with an ordinance update or retaining the original intended ordinance. Material provided with the agenda included versions of the draft ordinance associated with the above options, as well as copies of the existing ordinances in State College Borough, College and Patton Townships.

Ms. Dininni stated that she does not like the name of it, is not in favor of any setbacks in the ordinance or a certain percentage.

Mr. Buckland stated that Option D best reflects the idea. He asked if the Ordinance Enforcement Officer will need to take a master gardener course to identify these plants. Mr. Pribulka stated that in the past the Ordinance Enforcement Officer worked with Penn State Master Gardeners in identifying the types of plants.

Mr. Bill Keough stated the Planning Commission's initial response was to do nothing but if the Board would like this address than Option D was the selected plan.

Ms. Graef made a motion to **approve** Option D as recommended by the Planning Commission on January 25, 2016. Ms. Dininni seconded. The motion passed unanimously.

## **6. SPECIAL EVENTS PERMIT APPLICATION – GRACE PREP HIGH SCHOOL 5K RUN/WALK**

Mr. Pribulka stated the Township received an application for a 5k event that is proposed by Grace Prep High School to occur on Saturday, April 2, 2016 from 8 a.m. to noon. It will be in Chestnut Ridge Manor/Greenbriar/Saybrook neighborhoods. A memorandum was provided outlining some conditions recommended by the Police Department.

Ms. Dininni made a motion to **approve** the Special Events Permit for Grace Prep High School for the 5k Run/Walk to be held on April 2, 2016, subject to conditions outlined in the Assistant Township Manager's memorandum dated March 15, 2016. Ms. Whitaker seconded the motion. The motion passed unanimously.

## **7. CONTRACT 2016-C7A – FUEL CONTRACT**

Mr. Modricker stated that bids were opened on Tuesday, March 15, 2016. The fuel bid was advertised in the Centre Daily Times and it was sent out to three potential bidders. Two fuel bids were received from Nittany Oil Company Inc. for \$39,350.40 and Superior Plus Energy Services Inc. for \$43,683.30.



The bids are within the current budget amount of \$89,427. The actual cost will depend on the actual consumption.

Ms. Whitaker made a motion to **award** Contract 2016-C7a – Fuel Contract to Nittany Oil Company, Inc. in the amount of \$39,350.40. Ms. Dininni seconded the motion. The motion passed unanimously.

#### **8. CONTRACT 2016-C7C – ASPHALT AND AGGREGATE**

Mr. Modricker stated the bids were opened on Tuesday, March 15, 2016. The contract was advertised in the Centre Daily Times and notice was provided to potential bidders. Two bids were received for each contract, for aggregate Hanson and Glenn O. Hawbaker and for asphalt HRI and Glenn O. Hawbaker.

Ms. Dininni made a motion to **award** Contract 2016-C7c – Asphalt to GOH in the amount of \$52,900 and Contract 2016-C7c – Aggregate to Hanson Aggregate in the amount of \$12,310. Mr. Buckland seconded the motion. The motion passed unanimously.

#### **9. APPOINTMENT TO COG PARKS CAPITAL COMMITTEE**

Ms. Whitaker made a motion to nominate Ms. Graef to the Parks Capital Committee and Mr. Miller seconded.

Mr. Buckland stated that he believes Ms. Dininni wants this appointment and that she deserves it from her efforts in attending meetings of the committee.

Mr. Buckland made a motion to appoint Ms. Dininni to the Parks Capital Committee and Ms. Dininni seconded.

Ms. Dininni and Ms. Graef stated to the Board their reasons for wanting the appointment to the Parks Capital Committee.

Ms. Graef was appointed by a vote of 3 -2 with Mr. Miller, Ms. Graef and Ms. Whitaker voting for Ms. Graef and Mr. Buckland and Ms. Dininni voted for Ms. Dininni.

#### **10. APPOINTMENT OF BOARD REPRESENTATIVES TO WEST COLLEGE AVENUE WORKING GROUP**

Mr. Buckland made a motion to **appoint** Ms. Graef and Mr. Miller to serve as elected official representatives to the West College Avenue Joint Planning Work Group. Ms. Whitaker seconded the motion.

Upon appointment to this committee Ms. Graef asked to step down as a representative on the COG Human Resources Committee.

Mr. Buckland made a motion to **appoint** Ms. Whitaker as the representative to the Human Resources Committee. Mr. Miller seconded the motion. The motion passed unanimously with Ms. Dininni not present for the vote.

#### **11. APPOINTMENTS TO AUTHORITIES**

Ms. Dininni stated she would like the appointments to the Authorities, Boards and Commission to report more often to the Board.

Ms. Graef suggest a verbal report might carry less weight than the actual meeting minutes and it is a lot to request this information from the volunteer appointment. Ms. Dininni would like to hear the meeting notes from the appointed person.

Mr. Miller discussed the roles of the various appointments.

Ms. Dininni would like to receive reports on the attendance of the appointed representatives.

The Board agreed that they would like to receive minutes from the various Authorities, Boards and Commissions and receive a verbal quarterly report.

An appointment to the University Area Joint Authority was not made and will remain open until further applicants apply for this vacancy.

Ms. Whitaker made a motion to **appoint** George Pytel to the Ferguson Township Industrial and Commercial Development Authority. Mr. Miller seconded the motion. The motion passed by a vote of 3 – 2 with Ms. Dininni and Mr. Buckland voting against.

Mr. Buckland made a motion to **appoint** Steven Jackson as the State College Borough Water Authority Liaison. Ms. Whitaker seconded the motion. The motion passed unanimously.

## **12. AUTHORIZATION TO REMOVE BACKSTOP AND PLAYER BENCH FENCING AT TOM TUDEK MEMORIAL PARK BASEBALL / SOFTBALL FIELD**

Mr. Kunkle stated a request was received from the Centre Region Parks and Recreation Department, the lacrosse and soccer organizations for the removal of a backstop and player benches on a multi-purpose field to allow for greater space and field configuration. The Township built a second regulation softball/little league field in the phase 3 area of the park.

Mr. Buckland made a motion to **approve** removal of a backstop and player protective fencing at Tom Tudek Memorial Park. Ms. Graef seconded the motion. The motion passed unanimously.

## **13. APPROVAL OF FEBRUARY 2016 VOUCHER REPORT**

Ms. Whitaker made a motion to APPROVE the Consent Agenda. Mr. Buckland seconded the motion. The motion passed unanimously with Ms. Graef abstaining from the approvals of check #7320 and #4806 due to a conflict of interest.

## **14. CONSENT AGENDA**

Ms. Whitaker made a motion to APPROVE the Consent Agenda. Ms. Graef seconded the motion. The motion passed unanimously.

## **VII. REPORTS**

### **1. Manager**

Mr. Kunkle stated the Township's spring newsletter is currently in production and will be mailed to residents on March 31, 2016. He discussed the Board's interest on placing a referendum question on the November 2016 on voter's interest to fund environmental preservation. Staff has recommended completion of an initial survey to determine residents' support of the referendum. The initial effort to determine cost came back in excess of \$30,000 which would not be included in the 2016 budget. He presented a suggested time table for completing the full process. Ms. Dininni stated the two months to educate is too short of time period. Mr. Kunkle gave the Board members a handout on the PA Municipal League district meeting. Mr. Kunkle stated tomorrow will be a controlled burn at Scotia game lands. The Township received correspondence from UAJA on sewer design approvals. Lastly he provided applications to the Board for appointments to the Authorities, Boards and Commissions. The Board requested advertising for more applicants.

## **2. Public Works Director**

Mr. Modricker stated there are a number of projects currently out to bid. The maintenance activities for the coming weeks include crack sealing, Tudek Park, work orders and prep work for capital road projects.

## **3. Planning and Zoning Director**

Mr. Stolinas stated the Planning Commission met on March 14<sup>th</sup> and discussed a model Wellhead Protection Ordinance. John Lichtman and Dave Yoxtheimer were present to answer questions. There were concerns for the effects on agricultural activities. The Planning Commission voted to recommend allowing child daycare and preschool as a conditional use in the Terraced Streetscape District.

## **4. Chief of Police**

Chief Conrad stated that there were 12 Part One Crimes which is four more than last year. The secondary crimes were exactly the same at 37 crimes. Other calls for service were up a little from last year. In the month of February, they had a deceased woman found on Plainfield Road which resulted in an arrest.

## **5. COG Committee Reports**

### **a. Executive**

Mr. Miller stated the committee will meet tomorrow to set the General Forum items. The items on the agenda include a DCNR award for Millbrook Marsh Nature Centre, discussion on Centre County transportation projects and designation of a regional date for trick and treat.

### **b. Parks Capital**

Ms. Graef presented a written report to the other Board members on her notes from the committee meeting. There were two primary agenda items including five questions for the committee to consider and regional project updates.

Ms. Dininni discussed the deed from the parcel that the SCBWA owns that would be an access to the proposed Whitehall Road Regional Park.

### **c. Public Safety**

Ms. Dininni stated the committee discussed the aerial ladder truck sale analysis, the addition of two assistant fire marshal positions and committee priorities. They saw a video showing what is coming down the road as we move forward guiding our emergency services.

### **d. Spring Creek Watershed Commission**

Ms. Dininni stated the Commission met and received a presentation from Todd Giddings on basic groundwater and surface water resources. She encouraged others to watch this presentation. They also briefly reviewed their municipal contributions.

## **VIII. MINUTES**

Ms. Whitaker made a motion to APPROVE the March 7, 2016 Board of Supervisors Regular Meeting Minutes. Mr. Buckland seconded the motion. The motion passed unanimously.

## **IX. ADJOURNMENT**

Ms. Whitaker made a motion to ADJOURN the meeting.

With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting at 10:18 pm.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark A. Kunkle", is written over a horizontal line.

Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 04/04/2016