

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, June 6, 2016
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, June 6, 2016 at the Ferguson Township Municipal Building. In attendance were:

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

Staff: Mark Kunkle, Township Manager
David Pribulka, Assistant Township Manager
Dave Modricker, Director of Public Works
Ray Stolas, Director of Planning & Zoning

Others in attendance included: Jendi Ammerman, Recording Secretary; Walter Schneider Director of Code Administration; Dr. Daniel Jones; Wes Glebe; Kelli Hoover; Bill Hechinger; Pam Steckler; David Hughes; Andy Mckinnen; Scott Pflumm; David Stone; Robyn Froehlich; Levent Kaya; Ron Seybert Township Engineer; Fran Jones; Ellen Bingham; Jennifer Moeny;

II. CALL TO ORDER

Mr. Miller called the Monday, June 6, 2016, regular meeting to order at 7:00 pm.

III. CITIZENS INPUT

Mr. Glebe spoke on Rails to Trails and suggested that the Board look into it, as it is a great success.

IV. PUBLIC HEARINGS – ORDINANCES

- 1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING CHAPTER 26 WATER, PART 1, STORMWATER AND ADOPTING A NEW CHAPTER 26 WATER, PART 1, STORMWATER OF THE CODE OF ORDINANCES.**

Mr. Kunkle stated on Monday May 2nd the Board of Supervisors received the amended stormwater management ordinance with a request to authorize the ordinance for advertisement. After discussion the Board amended Section 304 Calculation Methodologies C. Recharge Volumes i. modifying the required distance of infiltration facilities to be located greater than 50 feet from any critical geologic features identified in the Geotechnical Report or Geophysical Testing Report unless the reports provide for approved mitigation measures that will produce no negative impacts on groundwater recharge quality. This modification increased the distance from 25 feet to 50 feet. No other changes were recommended or approved for advertisement of this ordinance.

Mr. Miller stated that the Boards options are to approve the ordinance as advertised or to not approve it. The Ordinance can't be modified and then be passed in the same night. If the Board would like to do further modifications it has two choices. 1) Not approve the Ordinance and send it back to the planning commission. 2) Adopt the Ordinance, and immediately put it on the Agenda to amend it at the next meeting.

Ms. Hoover proposed that the distance be higher for the Water Authority, closer to 200feet. She showed concern that if the distance is set at a lower number it can't be raised, but if the distance is set higher it can always be lowered. Ms. Hoover asked for clarification that the Ordinance is enforceable and not just a recommendation. Mr. Miller reinforced that an Ordinance is not just a recommendation. He made a clarification that it would be a Source Water Protection. Ms. Dinnini asked if it is going to be a Source Water Overlay. Mr. Kunkle and Mr. Miller stated that

has not been decided yet. Mr. Stolinas added that as of now it is a Source Water Ordinance, however it could possibly be an overlay depending on its similarities with other overlays.

Mr. Hechinger suggested that there be more discussion on what will be done when/if a sinkhole occurs. He stated there needs to be a procedure in place for when/if it does occur.

Ms. Steckler stated she believed there should be a greater distance than 50 feet, and urged the Board to error on the side of safety and precaution. She stated the distance should be 200 feet. She also asked that the mediations be specified within the Ordinance.

Mr. Hughes stated that the distance should be decided off of science. He asked the Board why they decided on a value of 50 feet. Mr. Miller replied that it started at a value of 25 feet which was a number proposed by the Water Authority at a meeting. He went on to state that Mr. Buckland motioned to change it from 25 feet to 50 feet and the motion passed. Mr. Hughes stated that he thought the Water Authority suggested 200. Mr. Miller stated that there were discussions where that 200 feet had come up, but the engineers originally came up with the 25feet. Mr. Modricker stated that conversations that have occurred with hydrologist and geologists have discussed ranges in distances from 25 feet to 200 feet. But in none of those conversations was 'science' ever been provided on what exact footage should be used. The 50 feet that is being talked about is better than the 0 feet that is in place now. Mr. Modricker cautions that if the Ordinance is delayed until there is more scientific evidence, also being delayed is all the other things that go along with this Ordinance. Mr. Hughes recommended to error on the side of caution and use the 200 feet. Mr. Kunkle stated that the State College Water Authority, their hydrogeologists and engineers, advised that the following language be inserted 'stormwater facilities including but not limited to basins shall not be located within 25 feet of any geologic features identified in the geologic report or geophysical testing report unless the report provides for approved mitigating measures that will produce no negative impacts on groundwater recharge equality.' He stated that that's where the 25 feet originated. Ms. Dininni stated that at past meetings Mr. Lichman stated that he and the Authority would prefer 200 feet. Mr. Mckinnen voiced concerns about the quality of the water and blasting. There is no way of knowing exactly what a safe distance is, however the Board should come up with some type of standard based on science to decide on the distance. He urged the Board to proceed with great caution, especially if blasting will be allowed. He suggested to the Board that they get an independent hydrogeologist company to do a study, to give a number in terms of spacing. He also wanted the Board to think about who will be responsible for paying for any damages to the water supply, the developers or the tax payers.

Mr. Pflumm stated his preference would be to not adopt this Ordinance. This would give the Board more time to look into things further and to address the publics concerns. He recommended the Board get a second opinion.

Mr. Miller asked Mr. Modricker if other municipalities in this region have these type of prevision. Mr. Modricker is not aware of any, therefor no comparison can be done. However, there were a number of geologists and hydrogeologist representing different interest as this Ordinance was developed.

Ms. Steckler asked if the distance were to be set at 200 feet could it then be narrowed down to 50 in certain scenarios. Mr. Seybert replied (page 32) there is a qualifier that the distance is applicable or unless a report provides an approved mitigating measure that will produce no negative impact on ground water recharge equality. So that distance can be reduced. Mr. Modricker pointed out that, that would happen at staff level.

Mr. David Stone suggested that the Board approve the Ordinance but then fast track an amendment and bring in expertise.

Mr. Hughes asked when the science would come to support the 50 feet distance. Mr. Modricker replied that it would come from the engineer and his/her consultants. Then it would be reviewed by the Townships Stormwater Engineer and/or hydrogeologist consultants that the Township would name and appoint. Mr. Hughes asked if the scientists would be publicly funded and not individuals that work for a company or developer. Mr. Modricker stated that they would typically be private individuals. Mr. Hughes stated he believes that Penn State should be more involved in providing the science. Mr. Miller made a clarification that this Stormwater Ordinance is independent of any development. It was not started by or in response to a development. Mr. Buckland spoke on the issue of science and how it will inform the Boards judgement but the more important thing is what the 'perception' of risk is. Ms. Dininni stated that literature and intuition points to having a bigger buffer. She suggested that the Board passes the Ordinance but then immediately amend it to the 200-foot setback and to not to allow blasting.

Ms. Whitaker made a motion for the Board of Supervisors to adopt Ordinance #1018 repealing Chapter 26 Water, Part 1, Stormwater, and adopting a new Chapter 26 Water, Part 1, Stormwater of the Code of Ordinances. Ms. Graef seconded the motion.

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

Mr. Buckland moved to have a discussion, at the next meeting, or at a meeting in the near future, to amend the setback distance from fractures and sensitive area districts. Ms. Graef seconded the motion.

Ms. Whitaker: YES; Mr. Buckland: YES; Ms. Dininni: YES; Ms. Graef: YES; Mr. Miller: NO
Motion passed 4 to 1

V. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY PENNSYLVANIA, (HEREINAFTER "THE MUNICIPALITY") AUTHORIZING ADOPTION OF A REVISION TO THE CENTRE REGION ACT 537 SEWAGE FACILITIES PLAN

Mr. Kunkle stated that the resolution has been requested by the University Area Joint Authority to adopt a sewage facilities planning module which identifies the replacement and relocation of sanitary sewers in the township. Specifically, the replacement and relocation of existing gravity sanitary sewer collection and conveyance lines and manholes along the Suburban Avenue and Aaron Drive Backlots. The plan for this project has been presented to the Board on two prior occasions.

Ms. Graef made a motion that the Board of Supervisors adopt Resolution #2016-20 authorizing the revision to the Centre Region Act 537 Sewage Facilities Plan. Mr. Buckland seconded the motion.

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

VI. COMMUNICATIONS TO THE BOARD

Ms. Dininni stated a family showed concern to her that there is a street sign with their family name on it spelled incorrectly. Mr. Kunkle and Mr. Modricker stated they will look into it. However, there are concerns about the individuals living on that street, already using the

existing name on stationery, bills, driver's license etc. and a big concern about how changing the spelling would affect 9-1-1. (Deibler Road VS Diebler Road) If the spelling is changed, Mr. Modricker encouraged the Board to pass a Resolution officially naming the Road so that the record is set straight, because of it originally being a State road. Also to inform 9-1-1 to see what impacts the name change would have on them and the residence.

VII. ACTION ITEMS

1. YOUNG SCHOLARS OF CENTRAL PA CHARTER SCHOOL SECOND STORY ADDITION LAND DEVELOPMENT PLAN. PLAN LAST DATED MAY 26, 2016 PLAN DEAD LINE AUGUST 5, 2016.

Mr. Stolas stated that the Planning Commission initially reviewed the land development plan on April 25th. The project is located at 1530 Westerly Parkway, and the existing Charter School includes a two story building, parking and driveway access, playground, and lawn area. The proposed development involves construction of a second story classroom, 10 new parking spaces, and a revised driveway to better accommodate drop off/pickup for busses and parents. On May 23rd Planning Commission members differed making a recommendation on the application due to three concerns; A) Account for the potential 500 student occupancy at the school in the traffic impact study. B) Include the proposed intersection at Blue Course and Park Center Blvd. in the traffic impact study. C) Reconsider the pickup/drop off loop driveway width, which is currently proposed at 14 feet wide. The Planning Commission held a special meeting on Tuesday May 31st in order to accommodate the Young Scholars of Central PA Charter School in resolving the three areas of concern. A special meeting was held due to the tight window of construction and the need to have the project completed by the time school began in the fall of 2016.

Ms. Froehlich, from Stahl Sheaffer Engineering, stated that currently there is a loop drop off that the parents and busses both use. The proposed plans would include addressing this issue of poor traffic circulation, in addition to the primary goal of the second floor addition. During the AM and PM peak hours the parents and busses will be dropping off and picking up in separate areas. Entering through the existing driveway and exiting through, what is currently, the back parking lot. The second story addition plans include; 6 new classrooms, office space, a general meeting space and a staircase. There are currently 344 students enrolled at the school, the traffic study was completed, for 40 new students to be accommodated. For a total of 384 students who would be allowed to be enrolled. No new utility accommodations are needed. Some other updates would include updating/new sidewalks and new fencing.

Ms. Whitaker showed concern about the neighborhood surrounding the school, because of the business of traffic in that area. She asked for more results on the traffic study, dealing with this concern. Ms. Froehlich stated that the intersection in this area operates at an acceptable level, that didn't require any Westerly Parkway improvements. This study showed concern that the current flow of traffic backs up into Westerly Parkway, but the plans proposed would elevate that. The AM peak time is only roughly a 15-minute window. In the PM the school has a scattered release time to help with traffic congestion.

Ms. Dininni showed concern about the limited parking provided and the no left turn sign located when leaving the school. She recommended taking the sign down, to allow the flow of traffic to go where it needs to go. Mr. Modricker asked if the sign is located on private property. Ms. Dininni replied that she believed it was. Mr. Kaya, CEO of Young Scholars, stated that they put the sign in question up themselves, because traffic would back up in the loop when cars try to turn left which makes it difficult for cars and busses to have room to pull in. He also mentioned that they are adding 20 additional parking spots, and that there is an agreement with the church until 2018 that the school is able to use their parking lot when there is overflow. Mr. Modricker stated that motorists do not have to obey the sign because it is not a regulatory street. Also

nothing prohibits people from turning around in the neighboring driveways and cul-de-sacs. Mr. Seybert asked when the sign was put up. Mr. Kaya stated it has been up for roughly a year and a half. Mr. Seybert stated he does not believe the sign to be effective, and that individuals are making their desired turn regardless of what the sign says. The sign was not included in the traffic study.

Mr. Buckland showed concern about what would happen with the possibility of 500+ students plus the staff, because the current study assumes a cap of 384. He asked Mr. Kaya if he would be willing to agree to report to the Township the school's enrolment numbers the 1st of October every year, and as soon as it goes over 384 they will initiate a new traffic study. Mr. Kaya replied that he would agree to do that. Mr. Kunkle asked if it would be ok to just add this request as a note on the current plan. Mr. Buckland replied that, that would be fine. He asked that the Township be responsible for following up on the number of students enrolled. Mr. Stolinas stated that under item #3, traffic information, there is currently a proposed note; 'The maximum enrollment by Young Scholars of Central Pennsylvania Charter School is 384 students grade K-8 any proposed increase beyond the 384 students will require a future traffic study along with any needed traffic improvements and to be approved by the Township'. Mr. Buckland stated he wants to make sure the Township gets the numbers so that all parties are held accountable.

Ms. Dininni asked for thoughts on issues of the entry/exit and drop off/pick up area. Whether it should be no passing versus passing and whether 14-feet is wide enough. Ms. Froehlich stated from a design/engineering stand point, it was the preference to keep it one lane. For the drop off/pick up area This would make it safer for students by keeping the speeds down and discourage weaving in and out of traffic. The 14 feet was decided to give a little extra room for students to be able to get in and out of vehicles safely, snow removal in the winter, etc. Landscaping was added to the right hand side to discourage passing. Mr. Glebe shared concern that the ingress and egress may not be wide enough.

Mr. Buckland made a motion that the Board of Supervisors approve the Young Scholars of Central PA Charter School Second Story Addition Land Development Plan, subject to the completion of the outstanding conditions as set forth in the Director of Planning and Zoning Memorandum dated June 1, 2016. Ms. Whitaker seconded the motion.

Mr. Buckland made a motion to add with the condition that the School reports to the Township its' enrolment numbers the 1st of October every year. When/if the enrolment passes a count of 384 enrolled students it will initiate a new traffic study. Ms. Whitaker seconded the motion. *The motion passed unanimously.*

Ms. Dininni voiced her concern about the sign that states no left turns can be made when leaving the school. She stated that the sign should either be removed or somehow enforced. Mr. Stolinas suggested the plan be approved without the sign, because of the study being done assuming no sign was there.

Ms. Graef moved to amend the motion to include removal of the sign that prohibits left turns. Mr. Buckland seconded the motion. *The motion passed unanimously.*

2. PROPOSED ZONING ORDINANCE AMENDMENT – BACKYARD CHICKENS

Mr. Stolinas stated if the draft ordinance as presented is acceptable to the Board it can be advertised for public hearing at an upcoming meeting of the Board. After review the Planning Commission had two comments. One being to change the draft to allow 6 rather than 4 chicken hens on residential property. The other comment being to make an accessory use that would follow the setbacks of the zoning district that it would be in. For example, restricting chickens in

the front yard and side yard but allowing them in the backyard. The CRPA reviewed the Ordinance and has no further comments.

Ms. Dininni asked where the setback modification is located within the Ordinance. Mr. Stolinis replied that it is under item 6B.

Ms. Graef made a motion that the Board of Supervisors review and provide comment prior to advertisement for public hearing an amendment to the township zoning ordinance to provide as an accessory use back yard chickens. Mr. Buckland seconded the motion.

Ms. Jones asked what the set back is from the property line for a chicken coop. Mr. Stolinis stated that it depends on the zoning district that the individual is located in. Mr. Miller and Ms. Graef clarified that a Home Owners Association, could still dictate that properties within their association can't have chickens, or could require a certain colored chicken coop, etc.

Mr. Stolinis asked if it should be specified in the Ordinance that the backyard is the allotted area. Ms. Dininni stated that if it isn't specified then it should be. Ms. Graef asked where, not allowing the chickens in the front/side yard, came from. Mr. Stolinis stated it was a recommendation from the Planning Commission. Ms. Graef asked about item 12 in section 1 'a Zoning Permit and Fee shall be required for Henhouses, chicken coops, chicken tractors, fenced areas (chicken pens) or chicken runs.' She stated other Chicken Ordinances in our area don't require that. She asked how necessary that was, if it was a requirement, and what the benefit for it is. Mr. Stolinis stated he believes they decided the rear yard setback to keep it from impacting the neighboring property owners, to keep it a safe distance from the property lines. Mr. Buckland showed concern that the setback would cause people to have for example a henhouse in the middle of their backyard. He suggested changing the setback to 4 feet if not eliminating the setback completely. Mr. Kunkle brought up that many houses are built right on the rear yard setback, so there would be no permitted area on some lots. He brings up the question to the Board if there should be a different impact between a shed and chicken run. Mr. Buckland stated that in most circumstances the neighborhood ends up enjoying the chickens and there aren't noise and smell complaints. Ms. Dininni showed concern about the side setbacks being too small in comparison with the back yard setback. She wants to preserve good neighbor relationship. Ms. Graef stated that maybe there should be no dictation on where they can be placed, because each yard is going to be different. Mr. Stolinis and Mr. Kunkle recommended treating it like a shed, a 3-foot setback. Mr. Miller stated the Ordinance could state accessory structure restrictions apply but this does not count as one of the accessory structure. Ms. Graef stated that she doesn't believe the odor will be an issue, but if it became one there should be something in the Ordinance to address it. Ms. Dininni stated 3-feet would be acceptable but a 0-foot setback could cause neighbor relation issues. She goes on to voice concern about slaughtering because of the noise. Mr. Buckland stated that slaughtering can only occur in an indoor location and any waste from slaughtering or butchering shall be disposed of in a proper and sanitary manner. Ms. Dininni talked about concerns with, Section 1 #6 C being contradicting, 'Only one combination of henhouse, chicken coop, chicken tractor, fenced areas (chicken pen) or chicken run shall be allowed on each property.' Mr. Buckland stated that he agrees the wording is confusing. He recommended removing 'only one combination' and adding 'a combination of two of the following:'. He also stated that he doesn't believe a chicken run should be included in Section 1 #6C. The Board is in agreeance that the wording needs changed and clarified. Ms. Dininni asked with the way the Ordinance is written now could someone theoretically have a henhouse, chicken coop, chicken tractor, chicken pen and/or a chicken run 3 feet in from the back yard lines. Mr. Buckland stated that is correct if they did decide to in fact change the setback to 3 feet. Ms. Dininni recommended adding additional language to the Ordinance that specifies how much footage these 'accessories' can take up.

Mr. Miller asked if the Board is ok with treating this under the same regulations as an accessory use without considering it an accessory. Four of the five Board members are in a consensus. Ms. Dininni showed concern that there should be a maximum square footage on the 'accessory'. Mr. Buckland agreed, for example limit it to 144 square feet.

Ms. Dininni asked if access to pasture was included in the Ordinance. Mr. Stolinas replied that it isn't. Ms. Dininni suggested adding access to pasture on a daily basis be added into the Ordinance. Mr. Buckland agreed that it's the ethical thing to do.

Ms. Bingham asked about the requirements of the encasements, specifically whether they have to have a roof on them at all times. She suggested that the wording be changed within the Ordinance. She also showed concern about where the chickens would need to be located, because her side yard is 100-feet compared to her backyard which is 30-feet. Ms. Dininni asked if that would allow for a variance. Mr. Kunkle stated she could apply but may not be granted, because it would be hard to prove a hardship. The Board discussed allowing the chickens in the side yards and backyard, and not allowing them in the front yard.

Ms. Moeny suggested to the Board instead of using the term 'pasture' use 'outdoor access', so that individuals know exactly what is meant by the word pasture. She also stated about the roofing on the chicken structures, and that she believed it not to be necessary as long as you have high enough fencing. Ms. Dininni stated that it's not to just keep the chickens in but also to keep predators out. Ms. Moeny asked for clarification on the roofing options. Mr. Stolinas replied the options as stated in the Ordinance are 'wire, aviary netting OR solid roofing'.

Ms. Graef stated that the setback should state that chickens cannot be in the front yard setback. The Board agrees that chickens are allowed in the back yard setback. The Board discussed on whether to allow the chickens are allowed in the side yard setback. Mr. Kunkle suggested another option would be to draw a diagram in the Ordinance explaining where on the property the coop (etc.) can be located.

Ms. Dininni motioned to limit the debate. Mr. Miller seconded the motion. The motion did not carry 1-4

Mr. Miller proposed making a drawing to define where they can be located. Drawing a line across the front of the house and allowing anywhere behind that with a setback of X number of feet. Mr. Stolinas stated that the Township can put that into a drawing/writing.

Ms. Graef recommended to take all of the Boards comments back to a committee and do it offline so the Board can process everything and to take another look at the issues one at a time. Ms. Dininni motioned to move to next meeting. Mr. Buckland seconded the motion. The motion carried 5-0.

3. CENTRE REGION PROPERTY MAINTENANCE CODE REVISIONS – WALTER SCHNEIDER DIRECTOR OF CODE ADMINISTRATION.

Mr. Schneider handed out to the Board and staff a detailed breakdown of the changes made to the Centre Region Building Safety & Property Maintenance Code, it was broken down by section number and section title. He also handed out a power point slide that showed only a few of the changes that were made. He started by saying that he is looking for strong feedback from the Board. The release time frame is expected to be mid fall. He went on to review the power point packet. He informed the Board of the marginal markings; changes to the original is shown in purple, text in blue were passed as part of an ordinance change in the Borough of State College in 2013 and are being incorporated in this document for consistency and ease of use.

He stated that if there are any questions or concerns on topics discussed or not discussed, he'd be more than willing to come back and discuss. He reviewed changes to the following sections; 103.5.1 Housing Permits, 106.3.4 Unsanitary Condition Violation, 106.3.5 Interior Furniture Violation, 302.8 Interior Furniture, 304.24 Fire Escape Inspection, Emergency Accommodations 313.1 & 313.2, adding clear definition/differences between occupancy and residency, 404.8 Congregate Cooking Facility Inspection, 404.9 Maximum Occupancy of Fenced in Exterior Areas, 506.3 Grease Interceptors, 607.2 Hood Systems, 704.10 Fire Alarm Monitoring, 714.1 Open-Flame Cooking Devices, 7.14.2 L-P Gas Containers, 315.3.1 Storage Beneath Overhead Projections from Buildings, 802.1.1 Occupancy Prior to Permit Issuance, Tourist Homes and Bed and Breakfasts, 802.2.1 Floor Plan, 802.8.3 E-Mail Address, and New Tenant Notification Information Chapter 8.

Mr. Modricker stated the new section that was added dealing with trees on public/private property is a conflict with the tree ordinance that the township adopted. He asked Mr. Schneider how this conflict would be handled. Mr. Schneider replied that if the Townships Ordinance meets the needs and requirements of the Township then it can be exempted out. Or both can be left in place and the Township can decide which one to move forward with as far as enforcement, when/if the issue occurs. Mr. Modricker asked if both are left in place, and a resident calls the Township with the conflict in question, what would happen. Mr. Schneider stated that it would be up to the Township, weather they wanted Code to get involved or if they would like to handle it themselves.

Ms. Graef asked besides on page 33, section 404.4 bedroom and living room requirements, if there is anywhere else in the document where a spaces size is described. Mr. Schneider replied yes, for example table 404.5.

Ms. Dininni asked if a landlord didn't want for example slaughtering of chickens, and Ferguson Township passed the Ordinance saying it was ok to slaughter chickens, could the landlord put in the lease that slaughtering of chickens is not allowed on that property. Mr. Schneider replied that the landlord could do that, a lease is allowed to be more restrictive than local regulations as long as it doesn't hinder state rights.

Ms. Dininni asked if Ferguson Township currently requires a rental permit for a bed and breakfast. Mr. Kunkle stated for Ferguson Township they need a zoning permit, and code would require a rental permit.

4. DRAFT TOM TUDEK MEMORIAL PARK SUB-MASTER PLAN FOR DOG PARK PARKING AND ACCESS PATH – DR. DANIEL JONES

Mr. Kunkle introduced Dr. Daniel Jones.

Mr. Jones reviewed the revised master plan of the dog park and its surrounding area. He stated this plan is just refining the design. He reviewed the 8 goals: 1) To improve circulation and parking for the dog park. 2) To improve park entrance image and experience for farm, dog park, and lower meadows, 3) To expand the dog park and connect to the rest of the park. 4) To clarify parking and circulation by the barn. 5) To limit views to adjacent apartment complex. 6) To increase privacy for farmhouse residents. 7) To increase complementary recreation. 8) To reinforce agricultural character for this section of the park. This plan is estimated to cost \$120,000.

Ms. Dinnini asked how this fits into the Townships strategic plan and how this particular project was chosen, as opposed to another project. Mr. Kunkle replied that this project started last

summer with the previous Board. There are no funds existing for this project. He predicted it to take place down the road in 2017 or even 2020.

Ms. Dininni suggested the park to have enforcement, and appropriate signage (i.e. who to contact if there is a problem).

Ms. Whitaker made a motion that the Board of Supervisors approve the draft Tom Tudek Memorial Park Sub-Master Plan for the Dog Parking Area and Access Path and authorize completion of a final revised master plan for consideration. Mr. Buckland seconded the motion. Motion carried unanimously 5 to 0.

5. CONSIDER APPOINTMENTS TO VACANCIES ON THE TOWNSHIP AUTHORITIES, BOARDS AND COMMISSIONS.

Tree Commission: Ms. Whitaker nominated Mr. Howard Fescemyer. Nomination carried unanimously 5 to 0.

University Area Joint Authority: Ms. Graef nominated Mr. Jeffrey Bridger, Mr. Buckland seconded. Ms. Dininni nominated Ms. Andrea Harman, Mr. Miller seconded.

ROLL-CALL VOTE for Mr. Jeffrey Bridger: Mr. Buckland: YES; Ms. Dininni: NO; Ms. Graef: YES; Mr. Miller: YES; Ms. Whitaker: YES

Tax Review Board: Mr. Buckland nominated Ms. Stefanie (Stevie) Rocco, Ms. Graef seconded. Ms. Dininni nominated Ms. Andrea Harman, Mr. Miller seconded.

ROLL-CALL VOTE for Ms. Stefanie (Stevie) Rocco: Mr. Buckland: YES; Ms. Dininni: NO; Ms. Graef: YES; Mr. Miller: YES; Ms. Whitaker: YES

6. SPRING CREEK TROUT UNLIMITED CONTRIBUTION REQUEST

Mr. Kunkle stated consistent with the Townships donation policy Spring Creek Chapter of Trout Unlimited has provided an application for a donation in the amount of \$100 towards the event. In addition to the application copy of a letter dated May 12th along with an event flier has been included with the Agenda. In accordance with the 2012 adopted donation policy board members Steve Miller, Peter Buckland and staff member David Pribulka have reviewed the application and recommended a donation of \$100.

Mr. Pribulka stated that the event is held June 12th from noon to 4pm, everyone is welcomed to attend. Trout Unlimited will be sponsoring family friendly activities designed to encourage good fishing practices, there will also be a stormwater management component to it.

Ms. Dininni made a motion that the Board of Supervisors approve the donation of \$100 to Spring Creek Trout Unlimited, in accordance of the recommendation from the committee. Ms. Graef seconded the motion. The motion passed unanimously 5 to 0.

7. ZONING HEARING BOARD APPEAL – DAVID L. BURNS

Mr. Kunkle stated that provided with the agenda is a copy of an application to appeal a notice of violation issued to David L. Burns for property located at 2318 West Whitehall Road. Also enclosed is a copy of the enforcement notice, indicating that the accessory building located on the property in the R1 zoning district, violates Chapter 27-205.D. Lot Requirements which provides for one dwelling unit per lot in single family residential district and suburban single family residential district, and Chapter 27 Section 1002 which requires that a zoning permit be issued prior to the erection, extension, or alteration of any structure or portion thereof and prior to the use by a new land owner/tenant or a change in use of a structure or parcel of land. A zoning permit shall not be required prior to a change in residential ownership nor prior to a

change in residential tenants. The property owner is appealing this determination by the Zoning Administrator. This was a complaint driven notice. In accordance with the Board's practice, the Board may decide to support, oppose, or remain neutral on an appeal or variance before the Zoning Hearing Board.

Ms. Dininni asked how big the property is. Mr. Kunkle replied that he believed it to be less than an acre lot. Ms. Dininni asked for clarification on the circumstances. Mr. Kunkle stated that his understanding is that the home in the front is vacant. The property in the back is an accessory structure that the alleged step daughter, her boyfriend, and step child is living in. Ms. Dininni asked if the structure is sound. Mr. Kunkle replied that he does not know. The violation isn't dealing with the fact that the building isn't habitable, it's the fact that the structure is being used as a second dwelling. Ms. Dininni asked if it's still a violation since the first dwelling isn't being occupied. Mr. Kunkle replied that there is no permit for the dwelling that is being lived in. Ms. Whitaker asked if they were to live in the house with the permit if there would be any violation. Mr. Kunkle replied that there would be no violation then. Ms. Dininni asked if the only reason it's a violation is because in R1 it is not allowed to live in an accessory building. Mr. Kunkle replied that R1 only allows for one dwelling unit per property, and now there are two dwelling units. Ms. Dininni asked if the zoning code was modified to allow more than one dwelling, like a granny apartment, if it would then be allowed. Mr. Kunkle replied yes if the zoning code was amended.

Ms. Graef made a motion that the Board of Supervisors remain neutral on the appeal of David L. Burns for property located at 2318 West Whitehall Road. Ms. Whitaker seconded the motion. The motion passed unanimously 5 to 0.

8. POTENTIAL WORK SESSION TOPICS

Mr. Miller stated that the two events that generated this action item have been pushed to mid-July. Therefore, he suggested pushing this item to the next meeting, the Board agreed.

9. APPROVAL OF CONSULTING CONTRACT ZONING AND SALDO RE WRITE – RAY STOLINAS, DIRECTOR OF PLANNING AND ZONING

Mr. Stolinas stated in early February, staff posted a Request for Proposals for Professional Planning Services on the American Planning Association – Pennsylvania Chapter website. On Friday, March 4th, two consultants submitted proposals to assist Ferguson Township with revising and updating both planning documents. Mackin Engineering of Pittsburgh, PA and Environmental Planning & Design, LLC of Pittsburgh, PA both provided sound approaches to revising and updating both documents within Capital Budget limits. Shortly thereafter, staff compiled an evaluation survey and sent it to the Board of Supervisors, Planning Commission, Zoning Hearing Board and Township staff for further determination of a potential candidate. Evaluation survey scores resulted in a close competition between both firms as further inquiry was necessary to determine an appropriate consultant. Township Staff conducted in-person interviews with each firm and included follow-up reference calls to at least eight municipalities that have completed similar planning projects. The Planning & Zoning Director recommends Environmental Planning & Design, LLC of Pittsburgh, PA due to their considerable experience with similar planning ordinance revisions.

Ms. Dininni made a motion that the Board of Supervisors contract planning services with Environmental Planning & Design, LLC of Pittsburgh, PA to initiate and complete the revisions to the Zoning and Subdivision and Land Development Ordinances. Mr. Buckland seconded the motion. The motion passed unanimously 5 to 0.

10. SPECIAL EVENTS PERMIT – STONEBRIDGE 4TH OF JULY PARADE

Mr. Pribulka stated the Stonebridge 4th of July parade lasts from approximately 10 a.m. until noon, and proceeds through various roads in the Stonebridge development. In accordance with the adopted special events policy, the application has been reviewed and recommended for approval by Sgt. Glenny and Dave Modricker. Sgt. Glenny has recommended that two officers be assigned to the parade route to provide traffic control and a roving road closure for the duration of the event. The cost of providing the officers will be assumed by the applicant.

Ms. Dininni made a motion that the Board of Supervisors approve the special events permit for the Stonebridge 4th of July Parade subject to the condition that two officers be assigned to the event to provide traffic control and roving road closure during the parade. Ms. Whitaker seconded the motion. The motion passed unanimously 5 to 0.

11. CONSENT AGENDA

a. Contract 2015-C16 Fire Training Trailer Storage Building

Ms. Whitaker made a motion that the Board of Supervisors approve the consent agenda. Ms. Dininni seconded the motion. The motion passed unanimously 5 to 0.

VIII. REPORTS

1. Manager

Mr. Kunkle stated the annual Centre County Economic Development Summit is tentatively scheduled for Tuesday, July 19th at the Mountain View Country Club. The Time of the event will be in the evening and will be established at a later date. He asked the Board to save that date. He went on to say, that there will be a closing on the Seveck agricultural conservation easement. The 74-acre farm located just outside Pine Grove Mills of the total \$182,890.50 conservation easement the Township share is \$11,017.50. The closing is tentatively scheduled for July 15th. The Township also received notice that Penn State University has applied for a liquor license at the golf courses. He stated that, staff suggested a joint Board and Planning Commission meeting on June 13th to receive a presentation on a revised General Master Plan for the Pine Hall Traditional Town Development. The meeting would begin at 7pm if the Board decides to meet. The Board comes to an agreeance to stick with regular procedure, and not to attend the June 13th meeting.

2. Public Works Director

Mr. Modricker stated that staff completed the public works portion of the CIP and at some point the Board will be scheduling a road tore. PaDEP conducted an inspection on May 31st for the MS4 permit. Staff completed all steps necessary to obtain right of way and utility clearance on the West College Ave Streetscape project. Mr. Modricker went on to review the statuses of the following contracts; Contract 2015-C1 Piney Ridge Paving and Roadside Drainage Improvement Project, Contract 2015-C2 Suburban Ave Paving and Drainage Improvement Project, Contract 2015-C16 Fire Safety Trailer Storage Building, Contract 2016-C1 Paving Project (Blue Course, Sleepy Hollow, Cherry Lane), Contract 2016-C9 Microsurfacing, Contract 2016-C-13 Street Tree Planting. Activities for the next 2 weeks include road repairs on Science Park Court, Conover, Kennelworth, Ash, and Myrtle streets, brush collection, leaf collection, and roadside mowing. He also informed the Board that the next Tree Commission meeting is June 20th.

3. Planning and Zoning Director

Mr. Stolas reviewed the discussions that occurred at the May 23rd Ferguson Township Planning Commission meeting. The following was discussed at that meeting; the proposed zoning ordinance amendment for backyard chickens, the proposed zoning ordinance amendment for pre-final design submission, Young Scholars of Central PA Charter School for

Second Story Addition Land Development Plan, and the May Permit Activity Report which included the comparison to 2015.

4. COG Committee Reports

a. Public Safety and Environmental Committee

Mr. Buckland stated the Public Safety and Environmental Committee discussed the Fiber Optic Infrastructure Study. He informed the Board/staff that if there are additional facilities to be hooked into Fiber Optic then that info will need to go to Jim Steff. A discussion was also had about the organic recycling, they discussed moving the timeline up from 2020 to 2018. During the public comment a discussion was had about July 19th and what different municipalities are going to have to do for the Nutrient Management Program. A brief discussion was also had about energy use and energy related policies.

b. Transportation and Land Use Committee

Ms. Whitaker stated the Transportation and Land Use Committee meetings big focus was on the single point of contact presentation presented by Mr. Vern Squier from CBICC. The TLU had prepared ten questions ranging from understanding how the program works to how the region/municipalities could help to strengthen the program. Those question also asked about the economic planning and development process overall. Mr. Squier stated there have been 27 project inquires so far this year in 2016. Out of the 27 possible projects, 4 have remained active. Ms. Whitaker wasn't sure whether the other 23 have been eliminated or if they just haven't been approached yet. It was suggested that when businesses are looking to re-locate to our area that a larger area of parcels be identified by local government to aid in the recruitment process. Also expediting engineer reviews was also suggested. Jim May also was there and discussed detailed chip work programs.

5. Other Non-COG Regional Committees

Ms. Dininni stated she attended the Spring Creek Watershed Commission meeting. One citizen stated that on June 12th there is a Get Outdoors Family Fishing Picnic from 12 to 4. Another citizen stated that on June 10th there is a PGWA 2016 Summer Field Conference. Registration begins at 8am, and at 9:30 they are going to fire up the drilling rig and are going to drill a water well in the Home Depot parking lot. Deb Nardone spoke on her educational topic, which was 35 years of ClearWater and some strategic visioning. A motion was made to contribute \$1500 to Connections. The Spring Creek WaterShed Association report showed that there was a record tonnage and participation this year. They reached their 20-year bench mark at 6.9 million tons of trash collected out of the WaterShed.

IX. CALENDAR ITEMS – JUNE

X. MINUTES

1. May 2, 2016 Board of Supervisors Regular Meeting

Ms. Whitaker made a motion to APPROVE the May 2, 2016 Board of Supervisors Regular Meeting Minutes. Ms. Graef seconded the motion. The motion passed unanimously, with the exception that the changes will be made to the May 2nd meeting minutes, 5 to 0.

Ms. Dininni asked that in the minutes for May 2nd under section VIII, rather than just stating her request for the change of April 18ths meeting minutes that the minutes include the actual text that was added to the April 18ths meeting minutes.

2. May 16, 2016 Board of Supervisors Regular Meeting

Ms. Dininni made a motion to APPROVE the May 16, 2016 Board of Supervisors Regular Meeting Minutes. Ms. Whitaker seconded the motion. The motion passed unanimously 5 to 0.

XI. ADJOURNMENT

Mr. Miller made a motion to ADJOURN the meeting. Ms. Dininni seconded the motion.

With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting to an executive session on personnel at 11:17pm.

Respectfully submitted,

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

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 06/20/2016