

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, July 5, 2016
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, July 5, 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

Dave Modricker, Director of Public Works

Ray Stolinas, Director of Planning & Zoning

Diane Conrad, Chief of Police

Others in attendance included: Jendi Ammerman, Recording Secretary; Dr. Steve Jackson, SCBWA; John Sepp; Mark McDill; Mike Jacobson; Lance King

II. CALL TO ORDER

Mr. Miller called the Tuesday, July 5, 2016, regular meeting to order at 7:03 pm.

III. AUTHORITIES BOARDS AND COMMISSION REPORTS:

- **STATE COLLEGE BOROUGH WATER AUTHORITY – DR. STEVE JACKSON;**

Mr. Jackson stated he attended a Water Authority Meeting on June 16th, and was unable to attend the May 19th meeting. SCBWA had issued its 2015 Water Quality Report, it noted that the Authorities water meets all regulatory standards. Jeremy Hartley had an article in the Centre Daily Times on June 24th focused on discussion with Toll Brothers about campus living management. Mr. Jackson went on to review the June 16th meeting. At the meeting Ms. Dininni asked if SCBWA was herbicide free. In response Mr. Lichman stated their policy is to minimize all use of herbicides and other chemicals, in the areas that are exclusively under SCBWA control. The Operating and Planning Committee recommended to the Finance Committee the construction of a new Filtration Plant at the Nixon-Kocher wellfield in 2017-19 and the replacement or renovation of the Woodside Filtration Plant in 2020-22. Other topics at the meeting included; a major break in one of the Authorities water mains on Atherton, the Shingletown Gap Reservoir renewal permit application by the Authority being completed, and the Waddle Road work project being on schedule and on budget. It was noted and discussed that the Stormwater Ordinance is still under discussion as to the set-back distance of basins to significant geologic features, and that SCWBA preferred a longer set-back. There were no questions or concerns from the Board.

- **UNIVERSITY AREA JOINT AUTHORITY – MR. JOHN DIETZ AND MR. JEFF BRIDGER**

Due to neither Mr. Dietz or Mr. Bridger being in attendance, the University Area Joint Authority report was postponed to a later date.

IV. PUBLIC HEARINGS – RESOLUTIONS

1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY PENNSYLVANIA, APPROVING THE NAMING OF DEIBLER ROAD TO CORRECT THE TOWNSHIP RECORDS, IMPROVE AND ENHANCE THE DELIVERY OF MAIL AND RESPONSE OF EMERGENCY SERVICES PERSONNEL FOR PROPERTIES LOCATED ON DEIBLER ROAD.**

Mr. Kunkle stated current street signs and township records have misspelled Deibler. Approximately four intersections will require re-signing to correct the spelling of Deibler. A check with the Centre County Department of Emergency Communications and 9-1-1 indicated that all of their databases have the correct spelling of Deibler.

Ms. Whitaker made a motion that the Board of Supervisors adopt Resolution #2016-24 approving the naming of Deibler Road. Mr. Buckland seconded the motion.

Mr. Buckland thanked Ms. Dininni for bringing this issue to the Boards attention.

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

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, APPROVING A REVISED SUB-MASTER PLAN FOR THE TOM TUDEK MEMORIAL PARK COMPLETED BY DANIEL JONES, LANDSCAPE ARCHITECT FOR PARKING, LANDSCAPING AND ACCESS TO THE DOG PARK FACILITIES.

Mr. Kunkle reminded the Board that Dan Jones attended the Board's June 6th meeting to present the revised sub-master plan and accept any further comments. He stated that the sub-master plan, that was provided with the agenda, will be the guiding document for improvements to this area of the Tom Tudek Memorial Park.

Mr. Buckland made a motion that the Board of Supervisors adopt Resolution #2016-25 approving a revised sub-master plan for the Tom Tudek Memorial Park for parking, landscaping and access to the dog park facilities. Ms. Whitaker seconded the motion.

Mr. Buckland asked what the possibility of having this park, and others, designated as National Wildlife Federation Habitats was. Mr. Miller stated it could be added on the agenda for a future discussion.

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

V. OTHER PUBLIC HEARINGS

1. FOXPOINTE PRD - SECTION 1D HUNTER'S CHASE PHASE 6 CONDITIONAL USE HEARING

Mr. Stolas stated the Township of Zoning Ordinance Section 801 Floodplain Conservation, Subsection F Conditional Use, permits construction on Nolin soils as a conditional use. These soils have been identified on property where development of Hunter's Chase Phase 6 is proposed. Provided with the agenda was a copy of the application for a conditional use, along with a memorandum from the Director of Planning and Zoning outlining the recommendation of the Planning Commission which considered this matter at its meeting on June 27th.

Ms. Whitaker made a motion that the Board of Supervisors grant a conditional use approval allowing construction activity in an area of Nolin soils under Chapter 27 Section 801.F for the Foxpointe PRD Section 1D Hunter's Chase Phase 6. Ms. Graef seconded the motion.

Ms. Dininni asked Mr. Stolas to summarize the feedback that was received from Planning Commission members Mr. Homan and Ms. Strickland. Mr. Stolas stated that Mr. Homan reviewed this phase and thought the handling of on-site stormwater was better than what he dealt with previously on his personal property. Mr. Miller asked Mr. Modricker if this phase had been reviewed by Mr. Seybert. Mr. Modricker stated that Scott Brown, PE of NTM Engineering,

the Township Stormwater Engineer reviewed it, and both Mr. Brown and Mr. Seybert are satisfied with the work that has been done.

Ms. Dininni requested that a discussion topic be added to a future agenda, to talk about the information that Mr. Homan previously sent out about roof sumps, in regards to stormwater management.

Mr. Buckland asked Mr. Modricker what questions had been previously raised that were still outstanding. Mr. Modricker replied that in Mr. Brown's review he noted that there were Nolin soils on the property. Because Nolin soils were found it has to go through the Board to be approved. However, after speaking with Mr. Brown he does not have any issues with a conditional use being granted or any further outstanding concerns that Mr. Modricker is aware of. Mr. Buckland showed concern on building in an unsafe place and it causing flooding issues down the road because of it. He asked if there is a predictable risk to a home owner in that area. Mr. Modricker stated the information he has read and the conversations he has had, do not lead him to have any concerns.

Ms. Dininni stated that Mr. Homan had mentioned previously that he ran into issues with his roof sump. Mr. Homan believed the connection to be with water recharge and where it was going. She recommended that information be passed onto the engineers. Mr. Modricker stated under the new Stormwater Ordinance there's requirements for roof sumps. He went on to state that roof sumps can be a risk in some places. Mr. Buckland asked if phase 6 is subject to the new Stormwater Ordinance. Mr. Kunkle stated he didn't believe so because of it being submitted prior to the new ordinance being passed.

Ms. Dininni asked Mr. Sepp, the developer's engineer, what they do with excess soil from their projects. Mr. Sepp replied that they try to keep the soil onsite, and if there is extra they'd use it on future projects/phases.

The motion that the Board of Supervisors grant a conditional use approval allowing construction activity in an area of Nolin soils under Chapter 27 Section 801.F for the Foxpointe PRD Section 1D Hunter's Chase Phase 6 passed unanimously.

VI. COMMUNICATIONS TO THE BOARD

Mr. Buckland stated he had several communications with an individual about the Stormwater Ordinance, in particular the setback of detention facilities from significant geologic features.

Ms. Dininni stated she had communications that requested that there be regular updates on the Sourcewater Protection Overlay. Mr. Stolinis replied that he would be able to provide that in his Planning and Zoning Reports at future BOS meetings.

VII. ACTION ITEMS

1. FOXPOINTE PRD - SECTION 1D HUNTER'S CHASE PHASE 6 LAND DEVELOPMENT PLAN – PLAN LAST DATED 05/12/16 PLAN DEADLINE 09/01/16

Mr. Stolinis stated that provided with the agenda was a reduced copy of the Hunter's Chase Phase 6 Land Development Plan along with a memorandum from the Director of Planning and Zoning, setting forth the conditions for approval as recommended by the Planning Commission. The plan depicts 13 single family lots on 2.965 acres including stormwater facilities, sidewalk installation and construction of the roadway. The plan was submitted to the Township on April 20, 2016. Consideration of this land development plan is dependent on the conditional use application being approved by the Board of Supervisors.

Ms. Whitaker moved that the Board of Supervisors approve the Foxpointe PRD Section 1D – Hunter's Chase Phase 6 Land Development Plan subject to the completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memorandum dated 06/29/2016. Ms. Graef seconded the motion.

Ms. Dininni asked for Mr. Stolinis to recap what Ms. Strickland had previously mentioned in regards to this. Mr. Stolinis stated that she had concerns for emergency services getting to and from/navigating through this development.

Ms. Dininni asked when the wooden signs in the development would be replaced and who would be replacing them. Mr. Modricker stated that it's the Homeowner Association's responsibility to maintain the signs. In the past the Township offered to Homeowner Associations, that the Township would replace street signs with standard township street signs for a onetime fee. After that the Township would be responsible for the maintenance of those signs. Some Homeowner Associations took advantage of that offer and others did not. Ms. Dininni asked if that offer has been made to the developer of this project. Mr. Modricker stated that he is not sure at this time, however that is something they are looking into.

The motion that the Board of Supervisors approve the Foxpointe PRD Section 1D – Hunter's Chase Phase 6 Land Development Plan subject to the completion of the outstanding conditions for approval as set forth in the Director of Planning and Zoning memorandum dated 06/29/2016. passed unanimously.

2. STRATEGIC PLANNING FACILITATOR'S PROPOSAL

Mr. Kunkle stated that the plan was last updated in 2014, and is in need of revisions. Mr. Peter Marshall has had extensive experience as a municipal manager in Pennsylvania. His services have been utilized throughout the state and have been endorsed by the Pennsylvania Municipal League. If the Board authorizes the agreement, staff will begin to coordinate a date, time, and location for the proposed strategic planning session.

Mr. Buckland made a motion that the Board of Supervisors authorize the Township Manager to enter into an agreement with Peter S. Marshall & Associates for strategic planning services. Ms. Graef seconded the motion.

Ms. Dininni asked what role the Board would have. Mr. Kunkle stated that the Board would be involved heavily with the strategic plan process.

Mr. Buckland pointed out that through Twitter and the Township web page there has been solicitation for input that could go into the strategic plan through a survey. He went on to ask who all would be present with the Board when they convene to formulate the strategic plan. Mr. Miller stated in the past it had been the Board and senior staff, however, the Board can define who is in that group. Mr. Buckland asked if the Board would be amenable to a public input session.

The Board discussed and came to an agreement to table this action item to a later date, so that the proposal can be updated to add a tool that would include citizens input/public comment.

Mr. Kunkle asked for clarification on how many meetings the Board would like, to get citizens input. Ms. Dininni recommended modeling after the library, and having multiple meetings but asking the same questions at each meeting. Mr. Buckland also recommended having one meeting per voting ward (which would mean three meetings).

Mr. Buckland motioned that the Strategic Planning Facilitators Proposal be tabled to a later meeting, so that it can be updated. Ms. Graef seconded the motion. Motion passed unanimously.

Mr. Kunkle asked if the rest of the proposal was acceptable, excluding the revisions mentioned. The Board agreed that it was.

3. REQUEST TO SUBMIT APPLICATION FOR SCHOOL RESOURCE OFFICER GRANT

Chief Conrad stated last year at this time she received approval to submit a grant application to partially fund a school resource officer. The state budget impasse made the application null. This year the Department of Education had again opened a program for grant applications for School Resource Officers. Currently the Township hosts the greatest number of charter schools in the county with Young Scholars Charter School and the Centre for Learning Charter School being the largest. As of this date, both schools have expressed interest in a School Resource Officer, each on a part-time basis. Based on the application guidelines an application would need to be submitted no later than July 14th, for a maximum individual grant of \$60,000. The Township would need to guarantee that the officer will be funded for no less than 2 years; funding is automatic for the second year at 50%. This is a reimbursable program. Staff estimated that the cost of a new police officer is \$57,256 plus equipment.

Ms. Graef made a motion that the Board of Supervisors conditionally authorize submission of a grant application to the Pennsylvania Department of Education for a School Resource Officer, subject to receiving letters of commitment at a minimum from Centre for Learning Charter School and Young Scholars Charter School. Ms. Dininni seconded the motion.

Ms. Whitaker asked what would happen after the first year and the years to follow. Chief Conrad stated that the first year the grant would pay up to \$60,000 for school year 2016/2017. The next school year, 2017/2018, the Department of Education will pay \$30,000 the Township would be responsible for the additional \$30,000. The third year, and years following, it would be up to the Township to decide if they wanted to continue the position or not at the Township's expense. Mr. Buckland voiced concern of hiring someone for the position and then in year 3 deciding not to keep the position, and that individual being let go and out of a job because of it. Chief Conrad informed the Board that the officer wouldn't necessarily be terminated but rather they could probably move that officer into another position via a retirement. Ms. Graef asked if this officer could be someone that was already hired and if they would require new training. Chief Conrad stated that it is a separate position and would have to be an additional hire. The officer would require additional training if they have not already received it. Mr. Buckland asked how beneficial this resource officer would be to the department. Chief Conrad stated that it would be extremely beneficial. Right now the department is trying to pull officers from other places to help out as needed at schools. Ms. Graef asked if the resource officer would be able to do other duties as well. Chief Conrad stated that they would definitely be helping the department out in other aspects as well. Especially in the summer time when school isn't in session. Chief Conrad pointed out that an experienced officer could be moved into the resource officer position, and the new hire would take that officers position. Ms. Dininni voiced her support of the school resource officer. Mr. Buckland showed concern about the department being shorthanded while the new hire was in training if they needed to go to the police academy. Chief Conrad assured that she is confident that the rest of the officers would be able to pick up the slack.

The motion that the Board of Supervisors conditionally authorize submission of a grant application to the Pennsylvania Department of Education for a School Resource Officer, subject

to receiving letters of commitment at a minimum from Centre for Learning Charter School and Young Scholars Charter School passed unanimously.

Mr. Miller announced, for the record, before this BOS meeting the Board held an executive session.

4. AUTHORIZE PUBLIC HEARING ON AN ORDINANCE AMENDING THE ZONING ORDINANCE - PLANNED RESIDENTIAL DEVELOPMENT

Mr. Stolinis stated that provided with the agenda was a copy of an ordinance amending the Zoning Ordinance Chapter 27 Section 407 Planned Residential Development (8) Pre-Final Plan. This ordinance amendment removed the current ordinance requirement for a PRD to submit a Pre-Final Design Submission. The Pennsylvania Municipalities Planning Code (MPC) is the state law that authorizes municipalities to adopt zoning and land development regulations. The MPC has specific language governing PRD submissions, plan requirements and approval process. This language does not allow for a "Pre-Final Design Submission" process. The two steps allowed under the MPC is a Tentative Plan and Final Plan. Staff has incorporated provisions from the Pre-Final Design Submission into the Tentative Plan section of the ordinance so as not to lose important planning components germane to the PRD Plan. Staff has presented the amendment to the Township Planning Commission on two separate occasions and the Planning Commission has recommended the Board consider the amendment for public hearing.

Ms. Graef made a motion that the Board of Supervisors authorize advertising for public hearing an ordinance amending the Zoning Ordinance regarding Planned Residential Development plan submission requirements. Ms. Whitaker seconded the motion.

Ms. Dininni asked in the PRD if it's legal to negotiate conditions for complying with the land development ordinances in terms of stormwater, since it's not legal to give variances. Mr. Modricker stated that he doesn't recall any time in the past in a PRD where less has been done than what is required by the stormwater regulations. However, Mr. Modricker stated he was unsure whether or not it could be done. Mr. Kunkle stated he does not believe that it would be allowed, because the Stormwater Ordinance isn't contained within the Zoning Ordinance or Land Development Regulations.

The motion that the Board of Supervisors authorize advertising for public hearing an ordinance amending the Zoning Ordinance regarding Planned Residential Development plan submission requirements passed unanimously.

5. ENVIRONMENTAL RESOURCE PRESERVATION REFERENDUM SURVEY – CONTRACT PAYMENT - PETER BUCKLAND

Mr. Buckland stated he had meet with Brianna Middlewood and Nathan Geiger on two separate occasions to discuss the possibility of creating an environmental resource preservation referendum survey. They determined/stated "the absolute fastest we can get a report to you, of online data only, is 8 weeks from the day that we'd get the go ahead i.e. funding, list of participants etc." However, there would be serious limitations for this turnaround time. Therefore, it is not feasible to complete the survey along with a pre-survey educational effort.

Mr. Buckland made a motion that the Board of Supervisors authorize payment of \$1200 to Brianna Middlewood and Nathan Geiger for services related to an environmental resource preservation referendum initiative. Ms. Graef seconded the motion.

Ms. Dininni stated that her understanding was that the Board hired them to do it, not to find out if they could do it. Mr. Buckland stated after starting the process they found that there was not enough time for that referendum to be done. Ms. Dininni stated in the future maybe a different process should be used and a contract should be entered beforehand with a deadline set.

Mr. Miller asked to have a report of what time and efforts were put in by Ms. Middlewood and Mr. Geiger.

The Board reached consensus to amend the payment to include 'payment is conditional on a material report'. The motion that the Board of Supervisors authorize payment of \$1200 to Brianna Middlewood and Nathan Geiger for services related to an environmental resource preservation referendum initiative, conditional upon a material report being provided, passed unanimously.

6. CORL STREET ELEMENTARY SCHOOL – STATUS REPORT – PETER BUCKLAND

Mr. Buckland stated that the State College Area School District had embarked on an elementary school project plan process which included evaluating the Corl Street Elementary School. He stated he received concerns about the school shutting down, and that he doesn't want to see that happen.

Mr. Buckland moved that the Board of Supervisors write a letter to the State College Area School Board in support of keeping the Corl Street School open. Ms. Dininni seconded the motion.

Ms. Dininni stated she had multiple people come to her with concerns on the school shutting down as well, and that she strongly supports keeping it open. Mr. Miller, Ms. Whitaker and Ms. Graef also shared their strong support in keeping the school open.

The motion that the Board of Supervisors write a letter to the State College Area School Board supporting keeping the Corl Street School open passed unanimously.

Mr. Buckland stated he already had a letter drafted that he would send to Mr. Kunkle.

7. ECONOMIC DEVELOPMENT DISCUSSION ITEMS

Mr. Miller stated that he believed it to be a good idea to wait until after the July 19th CBICC meeting to have this discussion. After discussion the Board came to a consensus to wait until after the meeting.

Ms. Dininni asked if the Board previously put any post appropriation conditions on a monetary percipient and has that condition ever been leveraged for a Board appointment. Mr. Kunkle replied that it hasn't as far as he can recall.

Ms. Dininni motioned that the Board discuss the condition to release the funds from the budget to CBICC that was imposed post appropriation, that required an appointment of a Ferguson Township representative onto their board in order to release the \$25,000 that has been appropriated last year.

Mr. Miller stated that it could be added to a future meeting as an action item. Mr. Kunkle stated there were two budget work sessions, and at the time the Board (the previous Board) stated they would appropriate the funds on two conditions. First that they receive two reports during

the budget year from the CBICC. Secondly that the appropriation was contingent on the Township receiving an appointment to the CBICC Board. The two conditions were communicated to Vern Squire, Mr. Squire replied that after consideration the CBICC Board had no problem providing the two reports but declined placing a township representative on the board. Therefore, that was a condition that was not met in order to release that appropriation.

8. SPECIAL EVENT APPLICATION - LONGFELLOW LANE

Mr. Kunkle stated that Township staff had received an application from Larry & Lynn Fry of 1097 Longfellow Lane for a special events permit. The proposed event was for a block party on July 23rd between 4:00 p.m. and 10:00 p.m. with a rain date of July 30th. The event required a road closure in the vicinity of 1108 to 1168 Longfellow Lane in the Saybrook neighborhood. Police and Public Works staff reviewed the application and have recommended conditional approval.

Mr. Buckland made a motion that the Board of Supervisors approve the special events permit application submitted by Larry & Lynn Fry for July 23rd with a July 30th rain date subject to the conditions outlined in the Assistant Township Manager memorandum dated June 28, 2016. Ms. Whitaker seconded the motion.

Ms. Whitaker asked if there would be police involvement. Mr. Kunkle stated that there would not be an officer involved.

Ms. Dininni asked what the conditions for approval/denial are, because an individual came to her with concerns as to why their application had previously been denied. Mr. Modricker stated that in recent years the process had been updated. Ms. Dininni stated that this specific application was submitted 4 years ago. Mr. Modricker stated that the process has been updated since then.

The motion that the Board of Supervisors approve the special events permit application submitted by Larry & Lynn Fry for July 23rd with a July 30th rain date subject to the conditions outlined in the Assistant Township Manager memorandum dated June 28, 2016 passed unanimously.

9. CONSENT AGENDA

- a. Contract 2015-C1 Piney Ridge
- b. Contract 2016-C10 Sealcoating Bikepaths and Parking Lots
- c. Saybrook – Phase 10 Surety Reduction No. 2
- d. Foxpointe Subdivision – Phase 9 & 11 Surety Reduction No. 3
- e. Hunter's Chase – Phase 8 Surety Reduction No. 2
- f. Hunter's Chase – Phase 10 Surety reduction No. 4
- g. 2016-C3 Handicap Ramps Payment Application

Ms. Whitaker made a motion that the Board of Supervisors approve the consent agenda. Mr. Buckland seconded the motion. The motion passed unanimously.

VIII. REPORTS

1. Manager

Mr. Kunkle stated that the Comprehensive Annual Financial Report (CAFR) for the year ending December 31, 2015 has been completed and submitted to the Governmental Finance Officers Association. A hard copy was provided to the Board members at this July 5th BOS meeting. In addition, Board members also received a completed copy of the 2017-2021 Capital Improvement Program Budget (CIP). The schedule for adopting the CIP provides for the Board

to first schedule worksessions to review the budget. It was also brought to the Boards attention that a resolution amending the 2016 budget will be presented on July 18th for the Board's consideration.

Mr. Kunkle stated the partnership of Penn State Centre of Excellence for Carbon Science and Chamber of Business and Industry of Centre County had attracted a new business to Innovation Park called Morgan Advanced Materials. It is a UK-based world leader in engineered carbon and ceramic materials. It will bring an initial compliment of professionals to Centre County. Local municipalities along with the county have been tasked with putting together funding to assist the company as part of a package of incentives. It is requested that Ferguson Township contribute \$4,000. The question to the Board was if they were willing to authorize the requested share as Ferguson Township's share of the local governments contribution.

Ms. Graef made a motion that the Board of Supervisors authorize a \$4,000 contribution to assist with the incentive package for Morgan Advanced Materials. Mr. Miller seconded the motion.

Ms. Dininni asked who tasked/asked the money from the Township. Mr. Kunkle stated that the coordination is from the Chamber. Mr. Miller theorized that if the authorization of the \$4,000 is not approved the other townships/boroughs will be requested to make up that \$4,000. Ms. Graef asked where the money would come out of the budget. Mr. Kunkle replied it would come from uncommitted reserves that the Board appropriates in the budget. Ms. Dininni pointed out that this is consistent with the I-99 development corridor. The Board agreed that more time should have been allotted for making the decision. Mr. Buckland stated that he will be voting against the contribution because of the time restraint.

The motion that the Board of Supervisors authorize a \$4,000 contribution to assist with the incentive package for Morgan Advanced Materials passed 4 to 1.

Mr. Kunkle reminded Board members that 2017-2021 CIP Road Tour is to be on Wednesday July 6 at 8:30am, and on August 1st at 6pm is the Baker Tilly Training of Financial Statements.

The Board decided the 12th and 13th at 5pm for the CIP meeting. Ms. Dininni asked if C-NET could be at the meeting. Mr. Kunkle stated he would request that they be there.

Ms. Dininni asked that the Board reconsider assigning a farmer to the working group for the Sourcewater Protection Plan. The West Ferguson Farmers discussed and named two individuals to represent on behalf of them; Mr. Todd Irvin and Mr. Larry Harpster. Mr. Buckland stated, now that there are more specifics he is more comfortable with the idea, and doesn't think it could hurt. Ms. Graef asked for clarification as to what the farmer would be participating in. Ms. Dininni replied that this individual would be included in the same meetings that Mr. Scott is included in, which would include working group meetings. Mr. Buckland mentioned that it was his understanding that the Planning Commission requested that a farmer be added to the working group.

Ms. Dininni made a motion that staff consider assigning one of the two, Mr. Irvin or Mr. Harpster, to the Sourcewater Protection Working Group. Mr. Buckland seconded the motion.

Ms. Dininni voiced her opinion that she believed it to be important for farmers to be represented in this working group. After discussion and clarification, between the Board and staff, that as of now farmers will not be affected by this ordinance the motion failed 2 to 3.

2. Public Works Director

Mr. Modricker reviewed an addendum to the Public Works Directors Report to the BOS for the July 5th Regular meeting, in reference to a case of Oak Wilt, a fungal disease affecting oak trees. A letter was sent to the property owner requiring that upon positive confirmation from the laboratory, the oak wilt must be abated. In this case 1 tree appeared to be infected. Per the ordinance, the affected tree will need to be removed. At a minimum, the other 2 trees in the cluster will need treatment, and may need removal. At least 2 other oak trees on the property should be treated also. The chairman, Mr. McDill, and vice-chairman, Mr. Jacobson, of the Tree Commission spoke and suggested that the Township take measures beyond that outlined in the ordinance and take proactive measures to stop the spread of the disease, quickly. Mr. McDill reported that Oak Wilt can spread in two ways. One way is through the root system which can reach out to 100 feet, and infect nearby trees. It can also spread via insects picking up the fungi from the infected tree and then spreading it onto nearby wounded trees. Therefore if it is not disposed of quickly it can spread fast. Mr. Jacobson read a letter from a concerned citizen, stating that Oak Wilt could be a disaster and that it would take the Townships involvement to keep it from spreading.

Mr. Miller asked if the Tree Commission had a recommendation. Mr. Jacobson replied that as a Tree Commission they had not discussed a recommendation. However, his recommendation would be to be proactive and to stop it before it starts spreading. Mr. McDill replied that he would recommend the Township, at a minimum, pick up the cost of treatments. Helping pay for the removal, would help speed up the process. Ms. Dininni asked if Patton Township helps in the removal of diseased trees. Mr. King replied that he believes that they take care of all the costs. The Board discussed different options, in regards to what costs the Township should cover versus what the home owners should pay. Mr. McDill recommended to the Board that if they decide to cover all the costs, it may be a good idea to make it contingent on a time period. In hopes of getting things done ASAP. For example; if the homeowners don't allow for the process to be done before that time period is up than they will have to take on half of the costs.

Ms. Graef made a motion that the Board of Supervisors appropriate funds to allow appropriate mitigation of Oak Wilt, at the property in reference on Cherry Ridge, that would include appropriate removal, abatement, disposal and treatment to trees within 200 feet as recommended by the Tree Commission. And further to have Staff look into developing an abatement program for Oak Wilt. Mr. Buckland seconded the motion.

Mr. Kunkle asked for clarification that there is no price cap on this particular circumstance. Mr. Miller replied that there wasn't on this one because of it being so time sensitive.

Ms. Dininni asked how to go about educating residents on Oak Wilt and proper maintenance of trees, etc. Mr. McDill stated that trying to get info into the newsletter/newspaper would be a good idea.

The motion that the Board of Supervisors appropriate funds to allow appropriate mitigation of Oak Wilt, at the property in reference on Cherry Ridge, that would include appropriate removal, abatement, disposal and treatment to trees within 200 feet as recommended by the Tree Commission. And further to have Staff look into developing an abatement program for Oak Wilt passed unanimously.

Mr. Modricker reviewed the following projects; Capital Improvement Program for 2017 – 2021, Contract 2015-C1 Piney Ridge Paving and Roadside Drainage Improvement Project, Kansa Ave Improvement Project, Contract 2015-C16 Fire Safety Trailer Storage Building, and Contract 2016-C10 Sealcoating Bikepaths and Parking Lots. He informed the Board of the 2 week

activities plan for the maintenance section. This included bike path and parking lot preparation for sealcoating, roadside mowing, Haymarket Park Basin topsoil and seed restoration, spraying weeds, curbside brush and leaf collection. He informed the Board that the Ferguson Township Tree Commission will meet on July 18th and will conduct a field view of potential tree removals in advance of a public hearing in August.

3. Planning and Zoning Director

Mr. Stolinis reviewed the statuses of the following; Foxpointe PRD Section 1D – Hunter's Chase 6 (Conditional Use), Foxpointe PRD Section 1D – Hunter's Chase Phase 6 Land Development and Weis Gas-N-Go / Dunkin Donuts Land Development Plan. He also included a permit activity report for June 2016 and comparison for the Board to review.

4. COG Committee Reports

a. Executive Committee

Mr. Miller stated that the Executive Committee report isn't attached, however, the meeting did occur. He stated that July 6th at 1:30, the Executive Committee is having a special meeting in regards to the hiring of a new Parks and Recreation Director. Ms. Dininni inquired if the meeting would be open to the public. Mr. Miller replied yes however the executive portion of the meeting will not be. Ms. Dininni requested that Mr. Miller represent the diverse opinions of all the Board members at the meeting on July 6th.

5. COG Committee Reports

a. CCMPO Coordinating Committee

Ms. Whitaker stated the CCMPO Coordinating Committee meet on June 28th. She reviewed the topics that were discussed at the meeting; Appointment of Karen L. Michael P.E. as the District Executive for PennDOT Engineering District 2-0, 2017-2020 Centre County Transportation Improvement Program (TIP), the updated procedures for TIP modifications, Green Light Go/ARLE Grants, and the Rapid Bridge Replacement Project (over 500 bridges will be replaced due to this project). She stated that the next meeting will be held on Tuesday September 27th at Patton Township.

IX. MINUTES

1. June 20, 2016 Board of Supervisors Regular Meeting

Ms. Whitaker made a motion to APPROVE the June 20, 2016 Board of Supervisors Regular Meeting Minutes. Mr. Buckland seconded the motion.

Ms. Dininni asked that the June 20th minutes be revised. On Page 2/2nd resolution/paragraph 2 where it stated 'Ms. Dininni inquired about why the board would support putting pedestrian infrastructure along a traffic corridor where the air quality is a lot lower and there is a high amount of traffic, rather than another corridor that is more walkable.' Ms. Dininni stated that she was not inquiring as to why staff would support it but rather asking Mr. Modricker the philosophy behind it.

The motion passed unanimously, with the agreement that Ms. Dininni's request of the revision be made to the minutes.

2. June 27, 2016 Board of Supervisors Special Meeting

Mr. Buckland made a motion to APPROVE the June 27, 2016 Board of Supervisors Special Meeting Minutes. Ms. Graef seconded the motion. The motion passed unanimously.

X. ADJOURNMENT

Ms. Whitaker made a motion to ADJOURN the meeting. Mr. Buckland seconded the motion.

With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting at 10:28 pm.

Respectfully submitted,



Mark Kunkle, Township Manager

For the Board of Supervisors

Date approved by the Board: 07/18/2016