

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, August 1, 2016
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, August 1, 2016 at the Ferguson Township Municipal Building. In attendance were:

Board: Steve Miller

Peter Buckland

Rita Graef

Janet Whitaker

Laura Dininni

Staff: Mark Kunkle, Township Manager

David Pribulka, Assistant Township Manager

Dave Modricker, Director of Public Works

Ray Stolinis, Director of Planning & Zoning

Mr. Joseph Green, Township Solicitor

Others in attendance included: Jendi Ammerman, Recording Secretary; Kelli Hoover; David Hughes; Andy McKinnon; David Stone; Sue Mascolo; Christopher Hurley; Kathy Matason; Matt Vidic; Doug Loviscky; John Lichty; Bill Hechinger; Michael Marx; Dee Aylward; Pam Steckler; Christina Houtz; Wes Glebe; Joe Vigilone;

II. CALL TO ORDER

Mr. Miller called the Monday, August 1, 2016, regular meeting to order at 7:05 pm.

Mr. Miller stated that the Board had an Executive Session directly before the Board meeting. He also mentioned that a resolution, granting a new sewer easement to the UAJA within Suburban Park has been added to the agenda.

III. CITIZENS INPUT

Ms. Kelli Hoover, a citizen of Ferguson Township, stated that Toll Brothers have filed an appeal in regards to their development plan. She requested that Ferguson Township not file an appeal.

Mr. David Hughes, a citizen of Ferguson Township, suggested that the land be used for something else, for example solar panels. He also recommended that the Township not file an appeal. He suggested working with Penn State University when trying to decide what the best use of this land would be.

Mr. Andy McKinnon, a citizen of Ferguson Township, asked the Board to act in favor of the Township residents, which he believes is to not appeal.

Mr. David Stone, a citizen of State College Borough, discussed the Community Bill of Rights and the potential appeal that Ferguson Township may make. He believes that there is room for negotiation but if the Township appeals it would cause a setback.

Mr. Joseph Green, Township Solicitor, stated that on August 1st Toll Brothers did file an appeal with the Commonwealth Court. He will provide an opinion to the Board in regards to the options that the Board will have in regards to filing an appeal or not. He pointed out that the Board may not have to appeal, and that it may not be necessary. However, the Township will still be involved. He stated he will have an update at the August 15th meeting. Ms. Dininni asked for clarification in regards to the Township's involvement in the appeal process. Mr. Green replied that the Township is a party in the case so whether the Township appeals or not they will have some involvement. Mr. Buckland clarified that the Township may have to be a party to the appeal even if the Board of Supervisors deemed that it was contrary to the position of this Board. Mr. Green stated that in his opinion that is true.

IV. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE TOWNSHIP TO GRANT A NEW SEWER EASEMENT TO THE UNIVERSITY AREA JOINT AUTHORITY (UAJA) WITHIN SUBURBAN PARK.

The Board received multiple presentations in the past, in regards to UAJA's desire to relocate the sewer line that runs through the middle of Suburban Park. UAJA showed interest in getting the project started on August 8th.

Mr. Buckland moved that the Board of Supervisors approve the resolution 2016-28 that the Township of Ferguson, Centre County, Pennsylvania, authorizing the Township to grant a new sewer easement to the University Area Joint Authority within Suburban Park. Ms. Graef seconded the motion.

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

V. COMMUNICATIONS TO THE BOARD

The CATA Minutes for the June 27, 2016 meeting and the SCBWA Minutes for the July 21, 2016 meeting were provided for the Board.

Mr. Buckland shared that he had received a number of e-mails regarding the Toll Brothers decision. Ms. Dininni stated that she too received multiple e-mails.

VI. ACTION ITEMS

1. VARIANCE APPLICATIONS

a. BETH GILES 891 TEABERRY LANE

Provided with the agenda was a copy of an application for a variance from Chapter 27, Zoning, Section 801 Floodplain Conservation, I Use Buffer. Mr. Kunkle stated that the applicants desire to replace and expand an existing deck and patio that would encroach further into the required 50-foot buffer and further change the natural buffer to a revised landscaped buffer.

Ms. Dininni asked if a stream or bike path ran through the channel and inquired if the road located behind the property was Glenn Road. Mr. Kunkle confirmed that it is in fact Glenn Road. Mr. Modricker replied that there is a bike path but no stream.

Mr. Buckland and Mr. Kunkle discussed the location of the requested deck. Mr. Buckland asked if it is true, that the area where the deck would be built only has a 1% chance of flooding every year. Mr. Kunkle explained that inside the floodplain there is a 1% chance, however this is located outside that and in the buffer zone of the flood plain.

Mr. Miller suggested leaving it up to the Zoning Hearing Board, since it is not located within the floodplain.

Ms. Graef made a motion that the Board of Supervisors remain neutral on the application for a variance for property located at 891 Teaberry Lane. Ms. Dininni seconded the motion. The motion passed unanimously.

b. RONALD L. GUENOT 2245 WEST GATESBURG ROAD

Provided with the agenda was a copy of an application for a variance from Chapter 27, Zoning Section 801.1. This section requires a comprehensive study of the floodplain on the subject property when subdivision or development is proposed. Mr. Kunkle stated that the applicant is proposing to subdivide a 2.0-acre parcel from the 84.39-acre parcel no. 1. Further, the Code of Federal Regulations 60, Subpart A {60.3 (b)(3)} requires that a subdivision of land greater than 5 acres with a Zone A Floodplain perform a detailed floodplain study to define the floodplain.

Ms. Graef made a motion that the Board of Supervisors remain neutral on the application for a variance for property located at 2245 West Gatesburg Road. Ms. Whitaker seconded the motion. The motion passed unanimously.

c. PANDY FARM LP 1500 NORTH ATHERTON STREET

Provided with the agenda was a copy of an application for a sign variance. Mr. Kunkle stated the applicant is requesting a variance from Chapter 19 Signs and Billboards, Section 110 Commercial Uses, A. Commercial Use Signs (2) Ground Signs to permit a second ground sign on tax parcel 24-010-005. This parcel currently has two structures, Hoss's Restaurant and the former Mattress World. Currently a ground sign exists on the parcel for Hoss's Restaurant hence the ordinance does not permit a second ground sign on the lot.

Ms. Whitaker stated that the Mattress World building has signs on it. Mr. Kunkle concurred that there were two existing signs on the building and that they are permitted.

Ms. Whitaker made a motion that the Board of Supervisors remain neutral on the application for a variance for property located at 1500 North Atherton Street. Ms. Dininni seconded the motion. The motion passed unanimously.

2. CAMPBELL AGRICULTURAL CONSERVATION EASEMENT PURCHASE

Mr. Kunkle stated the Centre County Agricultural Land Preservation Board has approved the application of Campbell Associates for the purchase of an agricultural conservation easement. Included with the agenda was an aerial map of the 145.42 acres included in the purchase. The Township was asked if it is willing to contribute to the purchase in accordance with its contribution policy of \$150 per acre or a total of \$21,813. The 2016 Agricultural Preservation Fund anticipated a purchase of 80 acres. The county coordinator for the program indicated that this sale will not occur until 2017 providing an opportunity for the township to budget sufficient funding to participate in the purchase.

Mr. Miller clarified that the 2017 budget, if passed as is, has sufficient funds to cover the contribution.

Ms. Dininni made a motion that the Board of Supervisors agree to contribute funding in the amount of \$21,813 in 2017 towards the purchase of the Campbell Associates 145.42-acre agricultural conservation easement. Mr. Buckland seconded the motion.

Ms. Graef asked for an estimate on how many acres can be preserved through the conservation easement donations in the 2017 budget. Mr. Kunkle stated that there is a scoring process that occurs through the county that rates the applications. Those that are high on the list and located

in Ferguson Township are brought before the Board for consideration of purchase. Boards in the past have had a policy of having a balance of \$80,000 in its agricultural preservation fund.

The motion passed unanimously.

3. WHITEHALL ROAD REGIONAL PARK IDENTIFICATION OF POLICY QUESTIONS

On Monday, July 25th the COG General Forum referred to the five participating municipalities in the Centre Region Parks and Recreation Program several policy questions related to the Whitehall Road Regional Park. As background information the agenda included an attachment of the feasibility study completed by Stahl Sheaffer relative to access options as well as a link to the chronology of events related to the Whitehall Road Regional Park.

Ms. Sue Mascolo, from CRPR, stated that in 2001 the COG Executive Committee believed the Centre Region municipalities should consider the idea of regional parks. On July 5, 2002 the plans and studies for the Whitehall Road Regional Park started to form. Ms. Mascolo went on to review the results of the studies and the plans for the park. Overall the studies show that the Centre Region needed additional parkland p. Mr. Christopher Hurley, from CRPR, stated that the region has a lot of parks; butterfly parks, dog parks, swimming pools with climbing walls, etc. These parks are designed and based on the wants and needs of those living within the community. Over the year the CRPR has met with many sports organizations as to what their needs would be. COG Resolution 2011-4 was unanimously approved, and gave CRPRA the go ahead to build phase 1 of the Whitehall Road Regional Park. There has been a hold back while waiting to see what would occur in regards to an access road. If the access road was not built by a third party, then the CRPR would have to build the road using funds that they were already authorized to use in phase 1. He requested that the Board recognize the resolution that was already granted and that they be supportive with the project in the future.

Ms. Kathy Matason, from CRPR, stated she was recently at a park in Massachusetts that was comparable to the one being proposed. She mentioned how great it was and how beneficial it seemed to be for that community. Ms. Matason went on to describe how much time and effort has already been put in to building this Park over the past 11 years.

Mr. Matt Vidic, President of Centre Soccer, expressed the need the growing Centre Soccer Association has for the park. He also pointed out the importance of having turf fields available. 140 teams are scheduled to come the weekend of August 5th for Kicks for Kids. He pointed out that this is the only time within the year that they are allowed using Penn State fields, and that the rest of the year they are fighting for the use of fields.

Mr. Doug Loviscky, President of Centre Lacrosse, expressed the need for more fields as well. Stating that lacrosse is the fastest growing sport and that they are increasing in numbers every year. He discussed the struggles that the lacrosse teams face in regards to having fields to practice on, let alone hosting a tournament. Mr. Buckland inquired as to how many children were in the Centre Lacrosse program. Mr. Loviscky stated that there are over 200.

Ms. Kelli Hoover, a citizen of Ferguson Township, inquired as to why there is no regional comprehensive plan and recommends that one be developed. She showed concern about the

surveys that were done in 2006 and 2008 because the results showed that a majority of residents want passive activities. She suggested taking a step back and reevaluating the park. Mr. Miller stated that a comprehensive plan is being developed. Ms. Dininni showed concern about the survey results being old and not accurately reflecting today's needs.

Mr. John Lichty, a citizen of Ferguson Township, stated that he believes there is a demand for this park, and along with it would come economic benefits. He suggested getting the park done as soon as possible, for the future of the kids.

Mr. Bill Hechinger, a citizen of Ferguson Township, showed concern about the taxpayers paying for the fields when the surveys showed that fields aren't what the majority of what the township wanted.

Mr. Michael Marx, a citizen of Ferguson Township, expressed his support for the park being built. He shared statistics on the benefits that parks such as this one have brought to communities. He pointed out that this type of park would allow for a more year round outdoor training facility.

Ms. Dee Aylward, a citizen of Ferguson Township, expressed concern about preservation of water supply.

Ms. Pam Steckler, a citizen of Ferguson Township, also expressed concern about keeping the water safe for the community. She suggested splitting the park in half; making half fields for sports and the other half areas for passive activities, or putting fields in another area all together.

Ms. Christina Houtz, a citizen of Ferguson Township, expressed support for the sports fields. She stated that if the fields were built tomorrow they would be full. She urged the Board to continue with the plan.

The General Forum had requested that the participating municipalities provide responses, to the questions raised at the July 25th General Forum meeting, to the COG Executive Director by Thursday September 5th for distribution to the COG Parks Capital Committee. Mr. Kunkle informed the Board that the CRPR Authority already has a lease on the property and that Phase 1 would essentially include everything except for 4 baseball fields. Ms. Dininni asked if the current budget was only for Phase 1. Mr. Kunkle replied that the current budget is indeed for Phase 1.

Ms. Graef pointed out that the six questions from the General Forum, may be a moot point.

Ms. Dininni made a motion that the Board answer the questions provided by the General Forum. Ms. Graef seconded the motion. The motion passed unanimously.

Ms. Whitaker asked if the loan has an expiration. Mr. Joe Viglcone, Finance Director, stated that it does and the expiration is June 1, 2017.

The questions are as follows:

- 4) Are there “show stoppers” that would prevent the construction of Whitehall Road Regional Park from moving forward? If so, please list them.

Ms. Graef stated some features that were important to citizens that spoke were capacity (the number of fields) and turf fields. She suggested that appropriate lighting and restroom facilities/sewage would be possible show stoppers as well.

Ms. Dininni suggested that a show stopper for her may be putting a time frame on the project. She recommended having a new study done, so that it is up to date with what the Township residents actually want.

Mr. Miller stated that Phase 1 would have to be re-defined because of the sewer/pump station.

Ms. Graef showed concern about not having enough information to be able to answer the questions asked by the General Forum.

Mr. Miller stated, if the facilities are not a show stopper, then there are no show stoppers as far as he is concerned, because the budget is sufficient enough to cover the other needs.

Mr. Buckland expressed concern about having an emergency access. He stated that, that would be a show stopper for him. Mr. Miller pointed out that the farm lane as is could be used as an emergency access.

Ms. Dininni suggested that a Park with running water, hand washing and toilets is way more appealing than one with porta pottys. It would be a show stopper if the park can't be the good economic driver that it is supposed to be. For example, it needs to be able to host tournaments.

Ms. Dininni posed the question, is electric lighting a show stopper? Ms. Whitaker stated that for her it is not.

The Board came to a consensus that Blue Course Drive would have to be the primary access road and that using the farm lane as anything other than an emergency access is a show stopper.

The Board came to a consensus if the park isn't completed enough to present as an economic development driver than that is a show stopper.

Ms. Dininni stated if the State College Borough Water Authority came out with a statement that this plan would present a significant risk to the water, then that would be a show stopper. Ms. Graef asked staff members if the SCBWA will have or have had any input on this plan. Mr. Stolinas stated that he had a copy of a letter from a consultant for the Water Authority dated April 10, 2014 titled Whitehall Road Regional Park Stormwater Management Review, which indicated that the Water Authority had seen and reviewed the plan. Mr. Buckland asked if the letter suggested any risk. Mr. Stolinas replied that one of their concerns was the maintenance facility that is no longer being considered. The majority of the Board agreed that if the SCBWA came out with a statement that this plan would present a significant risk to the water than that would be a show stopper.

- 6) Are the municipalities willing to modify the approved master plan and/or the phasing schedule for Whitehall Road Regional Park?

The Board all came to a consensus that they are willing to modify the approved master plan and/or the phasing schedule for Whitehall Road Regional Park.

Ms. Dininni asked if the Board answered yes to question 6, would that prohibit the Board from coming back and saying that they want to make a new plan. Mr. Miller and Mr. Buckland replied that it is asking if the Board would be willing to modify the plan, not specifying how much it can be modified. Ms. Dininni reiterated that the Board answering yes to question 6 does not take the option of doing a new master plan off of the table.

- 3) Should the construction of Whitehall Road Regional Park be postponed until the Regional Parks Comprehensive Plan is complete (probably in late 2018)? If yes, please note why. If no, please continue...

Ms. Graef stated that she thinks a Comprehensive Plan is important but that the park does not need to wait for it. Mr. Miller stated the loan would be expired if the project were to be postponed, therefore he wouldn't vote to postpone. Ms. Dininni pointed out that the loan could be refinanced if need be. Mr. Joe Vigilone replied that, the decision of refinancing the loan, would be up to Fulton Bank.

Mr. Buckland suggested that there be some data collected prior to moving forward on the development of the park, so that the market demand is relevant. Ms. Dininni stated she would not feel comfortable moving forward without knowing what today's needs are for the Township.

The majority of the Board stated that no, the construction of Whitehall Road Regional Park should not be postponed until the Regional Parks Comprehensive Plan is complete.

Mr. Buckland suggested that it should be postponed however until a Community and Market Survey is completed. The majority of the Board agreed.

- 1) Does Ferguson Township still support the construction of a regional park at Whitehall Road (to be answered only by Ferguson Township)?

Ms. Dininni stated that she is opposed to this facility in this location, but not opposed to the facility all together. The Board inquired as to whether or not this plan was contingent on Toll Brothers building the road into the park.

Ms. Dininni showed concern about supporting the construction of a regional park at Whitehall Road without knowing a time frame on the phasing. Mr. Miller replied that deciding the phasing would be the next step, this question is just asking if the Board wants to build a park on this location. If the Board answered no that would imply that the Board does not want the park to be built.

Mr. Buckland moved that the discussion of the remaining questions be postponed until the August 15th meeting. Ms. Graef seconded the motion. Motion carried 3 to 2.

4. REVIEW OF 2017 COG PROGRAM PLAN AND 2017-2021 CAPITAL IMPROVEMENT PROGRAM BUDGET

Mr. Buckland moved that the Board of Supervisors postpone the discussion of the COG Program Plan and the 2017-2021 Capital Improvement Program Budget. Mr. Miller seconded the motion. The motion passed unanimously.

5. CONSENT AGENDA

- a. Contract 2016-P3 Oak Wilt Treatment
- b. 2016-C3 Handicap Ramps Pay App. 2 – Final July 2016
- c. 2015-C16 Fire Trailer Building Pay App 1 July 2016

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

VII. REPORTS

1. Manager

Mr. Kunkle reported the township received audits of the police and non-uniformed pension plans by the PA Auditor General. The report for the police pension plan was clean with no findings or recommendations. The non-uniformed pension plan did have a finding, in regard to improper distribution. A report prepared by Brianna Middlewood and Nathan Geiger was provided to the Board through the agenda. The report provided a process and timeline to complete a pre-referendum survey and a draft survey instrument. This fulfills the reporting requirements as requested by the Board. On Thursday, August 4th, Mr. Kunkle will be testifying before the Public Utility Commission Administrative Judge regarding the First Energy rate proposal that would increase street lighting costs for LED streetlights. The township has had 24 streetlights converted in the 30 days prior to August 1st from HPS to LED. Ms. Graef asked if First Energy can charge for more energy than what is consumed. Mr. Kunkle stated that there are two components to an electric bill, generation and distribution. Mr. Kunkle reminded the Board of the scheduled community meetings on the Strategic Plan update. Mr. Buckland asked if Board members could attend those meetings. Mr. Kunkle replied that they can and that it is open to the public.

2. Planning and Zoning Director

Mr. Stolas reported that the Planning Commission met on July 25th and included discussion on the Joseph D. & Lois A Dionisio Subdivision. An Active Plan List was attached for the Board of Supervisors that included; Dionisio Subdivision, Specific Implementation Plan – The Crossings at State College, Dunkin' Donuts/Weis Gas-N-Go Land Development Plan, CSC Northland/Proposed Commercial Development- Buffalo Wild Wings/ Corner of North Atherton and Blue Course Drive, Bowman Subdivision /486 Circleville Road, The Cottages at State College Final PRD/Whitehall Road and Blue Course Drive, Whitehall Road Regional Park, and Foxpointe PRD Section 1D – Hunter's Chase Phase 6. Mr. Stolas gave an update on the Pine Hall Traditional Town Development Concept Plan and the Sourcewater Protection Work Group.

Ms. Dininni did a comparison of the streets at The Heights and with the TTD. She showed concern about the streets being too narrow. She inquired as to whether winter maintenance will be done on the bike paths. Mr. Stolas replied that he is unsure as to whether the management company will maintain them or not. Concern was also shown for the CATA Bus Stops. Ms. Dininni suggested that the stops be sheltered and well lit. She asked that the sketchbook of the

TTD be provided to the Board if possible. Mr. Stolinas replied that he would check to see if it can be provided.

Ms. Dininni, Mr. Modricker and Mr. Kunkle discussed as to how the TTD will connect with the surrounding areas. In particular, the Pine Hall Route and the Foxpointe Drive Roads. Ms. Dininni showed concern of preserving agriculture land. She suggested that walking paths be used to connect communities to commercial areas, where possible, instead of using roads in hopes of conserving green space.

3. Public Works Director

Mr. Modricker's report reviewed the following; traffic calming request, oak wilt mitigation, MS4, West College Ave Streetscape, Contract 2015-C1 Piney Ridge Paving and Roadside Drainage Improvement Project, Kansa Ave Improvement Project, Contract 2015-C2 Suburban Ave Paving and Drainage Improvement Project, Contract 2015-C6 Science Park and Sandy Lane Intersection Improvement Study, Contract 2016-C1 Paving Project, Contract 2016-C2 Paving Project, Contract 2016-C3 ADA Ramps, Contract 2016-C9 Microsurfacing and Contract 2016-C10 Sealcoating Bike Paths and Parking Lots.

Ms. Graef requested that a policy be written up addressing all infestations that might affect Ferguson Townships trees. The Board came to a consensus on tasking staff members to draft a policy addressing all tree diseases.

Mr. Modricker stated that the planned activities for the next 2 weeks include brush and leaf collection, continued base repair in Piney Ridge, bike path and parking lot preparation for sealcoating, miscellaneous road repairs and work orders.

4. COG Committee Reports

a. Transportation and Land Use Committee

Ms. Whitaker stated the TLU Committee met on August 1st. No actions were taken at the meeting. The main discussions had at the meeting were; possible adjustments to the CHIP process, the State of Housing Report and a Bicycle Friendly Community Designation – Renewal Application. The next meeting is planned to be held on September 12th.

VIII. MINUTES

1. July 18, 2016 Board of Supervisors Regular Meeting

Ms. Graef made a motion to APPROVE the July 18, 2016 Board of Supervisors Regular Meeting Minutes. Mr. Buckland seconded the motion. The motion passed unanimously.

IX. ADJOURNMENT

Ms. Graef made a motion to ADJOURN the meeting. Ms. Whitaker seconded the motion.

With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting at 11:07pm.

Respectfully submitted,



Mark Kunkle, Township Manager

For the Board of Supervisors

Date approved by the Board: 08/15/2016