

# FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Monday, December 12, 2016

7:00 pm

## Worksession

### I. ATTENDANCE

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

**Staff:** Mark Kunkle, Township Manager  
David Pribulka, Assistant Township Manager  
Dave Modricker, Director of Public Works  
Ray Stolas, Director of Planning & Zoning  
Diane Conrad, Chief of Police  
Eric Endresen, Finance Director  
Joseph Green, Township Solicitor

*Others in attendance included:* Jendi Ammerman, Recording Secretary; David Yoxtheimer;

### II. CALL TO ORDER

Mr. Miller called the Monday, December 12, 2016, worksession to order at 6:59 pm.

### III. DISCUSSION ITEMS

#### 1. COMMITTEE REPORTS

##### a. COG Committee Reports i. Parks Capital Committee

Ms. Graef reviewed the Park Capital Committee meeting from December 8<sup>th</sup>. The majority of the discussion was on Whitehall Road Regional Park.

Ms. Dininni asked that Ms. Graef to forward questions to the Parks Capital Committee in regards to the Senior Center and maintenance of the Oak Hall parking lot.

#### 2. STAFF REPORTS

##### a. Planning & Zoning Director

Mr. Stolas reviewed the Planning and Zoning Directors report. The Planning Commission met on December 6<sup>th</sup>, discussion included the Jerrold G. Condo Subdivision. He reviewed the land development plans and other projects that included an active plan list, the Conditional Use Hearing on 120 North Buckhout Street and draft Source Water Protection ordinance.

Ms. Dininni asked for clarification on the Source Water Protection Draft Ordinance map. She requested that the wells outside the Township boundaries but in Zone 2 areas be shown on the map.

##### b. Chief of Police Report

Chief Conrad reviewed the Police Department Report. The Part I crimes for the month of November consisted of 4 more Part I crimes in comparison to last year. Part II crimes were down both for the month and year to date. Other calls for service were up slightly.

Mr. Buckland inquired as to what drug violations the department typically sees. Chief Conrad replied that typically they see DUI's and possession, more minor violations than severe.

#### 3. PRESENTATION ON THE SPRING CREEK WATER RESOURCE MONITORING PROJECT

For over two decades the Spring Creek Water Resources Monitoring Project has produced valuable data to analyze both quantitative and qualitative characteristics of the Spring Creek Watershed. Ferguson Township has participated in this monitoring project activity since its inception. Mr. Yoxtheimer, Chair of the Water Resource Monitoring Committee, presented the 2015 State of the Water Resources Report.

Ms. Dininni inquired as to what parcel Mr. Yoxtheimer would like to see preserved in Ferguson Township. Mr. Yoxtheimer replied that he believes parcels along Slab Cabin Run would be a good candidates.

Mr. Buckland inquired about thermal issues. Mr. Yoxtheimer replied that the results would differ depending on the land use.

Mr. Miller inquired if their data is being used in research projects. Mr. Yoxtheimer replied that the data is used in a lot of different ways and there is a number of groups using it.

Ms. Dinnini inquired about Pine Grove Mills, in terms of the thermal effect of the heated run off. Mr. Yoxtheimer replied that the thermal effect would differ depending on where you measure it from and the time of year.

#### **IV. ADJOURNMENT**

Mr. Miller adjourned the worksession at 7:34pm.

### **Regular Meeting**

#### **I. ATTENDANCE**

The Board of Supervisors held its second regular meeting of the month on Monday, December 12, 2016 at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	Steve Miller	<b>Staff:</b>	Mark Kunkle, Township Manager
	Peter Buckland		David Pribulka, Assistant Township Manager
	Janet Whitaker		Dave Modricker, Director of Public Works
	Laura Dininni		Ray Stolas, Director of Planning & Zoning
	Rita Graef		Diane Conrad, Chief of Police
			Eric Endresen, Finance Director
			Joseph Green, Township Solicitor

*Others in attendance included:* Jendi Ammerman, Recording Secretary; Charlie Sur; Wes Glebe; Rhonda Stern; Charles Suhr; Derek Anderson; Joni Arrington; John Sepp

#### **II. CALL TO ORDER**

Mr. Miller called the December 12, 2016, regular meeting to order at 7:34pm.

#### **III. COMMUNICATIONS TO THE BOARD**

Ms. Graef announced that in January the Board will be seeking position applications for the ABC's.

Mr. Buckland announced that he received multiple thanks for the Board's equity and inclusion statement.

#### **IV. PUBLIC HEARINGS**

- 1. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING THE COOPERATIVE AGREEMENT FOR THE CENTRE REGIONAL POLLUTANT REDUCTION PLAN**

Mr. Kunkle stated that this agreement establishes the partners in this plan preparation and the cost sharing based on the urbanized area contributory to the watershed. This formula will not be

used to share costs for identified projects that are the outcome of the Centre Regional Pollutant Reduction Plan (PRP). By approaching this in a partnership it can reduce the collective costs in preparing the required plan, identify projects that maximize the pollutant reduction, and share in the costs. Currently an RFP has been prepared, distributed to select qualified firms and a selection made to enter into a contract with NTM Engineering. A contract is currently being negotiated by the MS4 Partner engineers.

Ms. Graef moved that the Board of Supervisors adopt Ordinance 1026, authorizing the Township to enter into a Cooperative Agreement for the preparation of the Centre Regional Pollutant Reduction Plan. Ms. Whitaker seconded the motion.

Ms. Dininni stated that she is concerned about relinquishing control. She asked Mr. Modricker if he felt that he would be able to prioritize the Ferguson Township Projects. Mr. Modricker stated that he does not share in the concern because it will be able to break out what each individual municipality needs.

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

**2. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE BUDGET FOR THE FISCAL YEAR 2017, BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017**

On December 5<sup>th</sup> the Board held a public hearing and adopted a tentative budget as amended. Mr. Endresen presented a short PowerPoint presentation on the 2017 Budget. No substantive changes have occurred to the adopted tentative budget. The budget has been available for public inspection at the Township Office and has been available for review on the Township Website.

Ms. Whitaker moved that the Board of Supervisors adopt Resolution 2016-37, approving the Budget for the fiscal year 2017, beginning January 1, 2017 and ending December 31, 2017. Ms. Dininni seconded the motion.

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

**3. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, LEVYING TAXES AND ASSESSMENTS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2017 AND ENDING DECEMBER 31, 2017**

Mr. Kunkle stated that the real estate taxes remain at 2.422 mills. Real estate transfer taxes remain at 1.25% of consideration amount. The earned income tax remains at 1.4%. The local services tax remains at Fifty-two (\$52.00) dollars per person, \$5 of the \$52 tax are retained by the State College Area School District. The street light assessment has been increased by four (\$0.04) cents per linear foot, from eighteen (\$0.18) cents to twenty-two (\$0.22) cents. The fire hydrant assessment has been increased by one (\$0.01) cent, from five (\$0.05) cents to six (\$0.06) cents per linear foot. These changes in the street light and fire hydrant assessment will continue to keep both of those enterprise funds in balance.

Ms. Graef moved that the Board of Supervisors adopt Resolution 2016-38, levying taxes and assessments for the fiscal year beginning January 1, 2017 and ending December 31, 2017. Mr. Buckland seconded the motion.

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

**4. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION 2015-36 AND 2016-06, AND ESTABLISHING A NEW SCHEDULE OF FEES FOR 2017**

On December 5<sup>th</sup> the Board reviewed a proposed fee schedule for 2017. Fees for regional services were included in the fee schedule. Mr. Pribulka highlighted changes that were made in the new fee schedule.

Ms. Whitaker moved that the Board of Supervisors adopt Resolution 2016-39, a fee schedule for 2017. Ms. Dininni seconded the motion.

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

**5. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION NUMBER 2015-37 AND ADOPTING A REVISED COMPENSATION PLAN FOR NON-UNIFORMED EMPLOYEES WITH AN EFFECTIVE DATE OF JANUARY 1, 2017**

Mr. Kunkle stated for 2017 the Board has approved a 1.5% cost of living increase for non-uniformed employees. A revised compensation plan and salary schedule reflects the change in each paygrade so that the salary ranges are increased by this cost of living adjustment. As in the past employees will move through their specific pay range by achieving merit increases through performance evaluations.

Mr. Buckland moved that the Board of Supervisors adopt Resolution 2016-40, adopting a revised compensation plan for non-uniformed employees with an effective date of January 1, 2017. Ms. Dininni seconded the motion.

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

**6. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ESTABLISHING CONTRIBUTIONS TO THE POLICE PENSION FUND BY MEMBERS**

Mr. Kunkle stated that annually in accordance with act 205 the Board of Supervisors is required to establish a contribution rate, if any, by members of the Police Pension Plan. Based upon the minimum municipal obligation certification, members of the Police Pension Plan will be required to contribute 5% of their base salary into the Police Pension Fund for the year 2017. This contribution rate is the maximum authorized under Act 600, and is required due to actuarially determined funding requirements. These member contributions will be added to the municipal contributions in order to keep the plan actuarially sound.

Mr. Buckland moved that the Board of Supervisors adopt Resolution 2016-41, establishing contributions to the Police Pension Fund by its members for 2017. Ms. Dininni seconded the motion.

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

**7. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION #2015-31 BY ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP**

Mr. Stolinis stated that annually pursuant to Chapter 21, Section 207, the Board of Supervisors adopts a sidewalk snow removal map identifying the sections of public sidewalk that fall under the requirement that sidewalks be kept clear of snow and ice. The map is used by the Township's Ordinance Officer to identify those sections of sidewalk that are existing and new that fall under the sidewalk maintenance requirements, as well as any areas that may be exempted by the Board of Supervisors.

Ms. Whitaker moved that the Board of Supervisors adopt Resolution 2016-42, repealing resolution 2015-31 and adopting a revised sidewalk snow removal map. Ms. Dininni seconded the motion.

Mr. Miller inquired as to whether PENNDOT was still doing the snow removal along East Pine Grove Road and showed concern about the snow being plowed onto the sidewalks. Mr. Modricker stated that PENNDOT stated that they were going to try plowing slower but regardless depending on the amount of snow it could still end up on the sidewalks. Mr. Kunkle stated that they are also going to attempt to make fewer passes, so that residents don't have to shovel the sidewalks more than need be.

Ms. Dininni asked if people are allowed to ride their bicycles on the cleared sidewalks in Ferguson Township. Mr. Kunkle replied that they are allowed.

Mr. Buckland and Mr. Modricker announced that if there is anticipation of 2 or more inches of snow fall, residents are reminded that they should not park on the road for 24 hours after the event has ended.

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

**8. A PUBLIC HEARING ON CONDITIONAL USE FOR METROPOLITAN STORAGE SITE AT 120 NORTH BUCKHOUT STREET**

Mr. Stolinis stated on Wednesday, November 23, 2016 landmark construction, on behalf of the Pennsylvania State University, submitted to the Township an extension request for the continued use of 120 North Buckhout Street as a laydown area for construction materials to be stored in relation to the construction of the metropolitan building in State College Borough. The Board of Supervisors originally granted a temporary conditional use on the property at their Regular Meeting held on January 19, 2015. The applicant intends to request an extension to the existing temporary conditional use status until November 30, 2017. Adjacent property owners have been notified by mail about the conditional use public hearing. Pursuant to the Township Ordinance and Municipalities Planning Code the Board may attach reasonable conditions in conjunction with an

approval of the conditional use. Staff recommended continuation of the established conditions from January 19, 2015 in addition to any conditional use terms which the Board sees appropriate.

Mr. Glebe, Ferguson Township resident and adjacent property owner, stated that Landmark Construction has been corporative and helpful with his concerns.

Ms. Stern, Ferguson Township resident and adjacent property owner, stated that overall Landmark Construction has been corporative, but she has concerns about the gates not being locked and that the hours of operation remain 7 to 7.

Mr. Buckland moved that the Board of Supervisors approve Resolution 2016-43, an extension of the temporary conditional use for the Metropolitan building storage site located at 120 North Buckhout Street, subject to the current terms for a conditional use established January 19, 2015 as amended. Ms. Graef seconded the motion.

Mr. Buckland also expressed concern about the gates being unlocked. Ms. Dininni suggested having a condition added that if the gate is not locked 99% of the time, or something reasonable, that the conditional use will be revoked. Mr. Green stated that with a conditional use, if a condition is not met repeatedly, the conditional use can be revoked. Mr. Miller stated that the agreement currently stated that 'all efforts will be taken to make sure that the gated entrance to the fenced lot is locked before the end of the day'. Mr. Miller suggested sending a letter reminding all parties of that condition.

The motion that the Board of Supervisors approve Resolution 2016-43, an extension of the temporary conditional use for the metropolitan building storage site located at 120 North Buckhout Street, subject to the current terms for a conditional use established January 19, 2015 as amended, passed unanimously.

## **V. ACTION ITEMS**

### **1. PINE HALL TRADITIONAL TOWN DEVELOPMENT CONCEPT PLAN AND ZONING ORDINANCE TEXT AMENDMENT**

Mr. Kunkle stated that this matter was introduced to the Board at its meeting on December 5<sup>th</sup>. The question before the Board was whether or not to proceed with the requested text amendment and whether to forward the proposed amendments and Pine Hall TTD Concept Plan to the Planning Commission for a recommendation. The attorneys for Pine Hall and Turnberry provided their position papers to the Township Solicitor.

Mr. Green reviewed and provided his opinion on the appropriateness of the text amendment procedure to the Board. That being that the proposed text amendment may be considered if the Board desires to move forward with it. Mr. Suhr, attorney from Stevens & Lee in Harrisburg, suggested holding off on forwarding the text amendments and plan to the Planning Commission and that one or multiple worksessions be held to get the Board of Supervisors input and suggestions. Mr. Buckland expressed concern of this setting a precedent that a developer can come in and propose a rewrite to a TTD. Ms. Graef suggested that the Pine Hall representatives go back to the C-Net footage of the Board of Supervisors meeting held on July 18<sup>th</sup> and watch the public comment section. With no objections from the Board it was decided to set up a worksession.

## **2. REPORT ON MECKLEY ROAD PARKING RESTRICTION REQUEST**

Mr. Kunkle stated that on September 6<sup>th</sup>, the Board of Supervisors reviewed the August 17<sup>th</sup> request from Mr. Dennis Whitbred of Pine Grove Mills to implement a parking prohibition on Meckley Road beginning at its intersection with East Pine Grove Road (Route 26) and continuing along the road for approximately 300 feet. The Board requested that staff review this request and determine if a parking prohibition is warranted. Mr. Modricker stated that staff completed the review of parking within the area requested. Conditions that are met to establish "No Parking" include: 1) the distance from the center of the road to the edge of the road is less than 18 feet, 2) the width of the road is such that if vehicles are parked along one or both edges of the road, two vehicles cannot move abreast each other without yielding, 3) the area is opposite an intersection where turning maneuvers are restricted if parking is present, 4) the width of the shoulder is not sufficient to allow a vehicle to park completely off the roadway. Note: The parking study considered vehicles parking on the roadway or improved shoulder, not parking on grass. In this situation, it is the opinion of public works staff conducting the study that vehicles parked completely off the paved cartway that do not interfere with turning movements at the intersections, do not necessarily constitute a safety hazard for the traveling public. If vehicles do park on the street, then a potential safety hazard exists that could justify "No Parking".

Ms. Arrington, township resident, voiced concern about weekend parking on Meckley Road, and believes that parking restrictions may be what is best for the community.

Ms. Graef suggested public awareness, police appearance, website announcement, etc. and revisiting the concern next fall.

Ms. Dininni suggested placing no parking signs on the North side. While, Ms. Whitaker suggested no parking on the house side of the street.

Mr. Buckland moved that the Board of Supervisors approve a no parking sign on the South side of Meckley Road. Ms. Dininni seconded the motion.

Ms. Dininni suggested placing no parking signs to clarify where it's already no parking as per the motor vehicle code.

Mr. Buckland and Ms. Dininni withdrew the motion to approve a no parking sign on the South side of Meckley Road.

Ms. Dininni moved that the Board of Supervisors post Meckley Road to reflect the PA Motor Vehicle Code rules governing parking on that road. Mr. Buckland seconded the motion. The motion passed unanimously.

## **COMMUNICATIONS TO THE BOARD**

Ms. Dininni stated that she received thanks for the Board's vote on the Clearwater Conservancy Slab Cabin Run Initiative easement funding. She also received communications about concerns that the Borough Water Authority was being asked to contribute more than what was appropriate.

Ms. Dininni stated that it is not uncommon for a Water Authority to invest a significant amount of money into preserving sourcewater.

### **ACTION ITEMS CONTINUED**

#### **3. APPROVAL OF UPDATED/REVISED PLANNED RESIDENTIAL DEVELOPMENT MASTER PLAN PHASING SCHEDULES**

Mr. Stolinis stated that in accordance with the Township Zoning Ordinance and the PA Municipalities Planning Code Planned Residential Development Master Plans that are projected to be completed in multiple phases are required to submit updated/revised phasing schedules annually. Three PRD Master Plans that remain in the process of being built out are The Landings, Foxpointe and Stonebridge. A status report on each of the master plans was presented by the developer, Mr. Sepp

Ms. Dininni inquired about home owner associations. Mr. Sepp replied that he believes Hunters Chase and The Landings, single family, have home owner associations. Ms. Dininni stated that she has concerns for second responders navigating through Foxpointe and Hunters Chase, because of similar road names, road signs missing, etc. Mr. Kunkle replied that the road signs are under agreement with the home owner's association because they are no typical municipal signs, so the obligation to maintain them are on the home owner's association.

Ms. Whitaker moved that the Board of Supervisors approve the revised/updated phasing schedule for The Landings, Foxpointe and Stonebridge PRD Master Plans. Ms. Graef seconded the motion. The motion passed unanimously.

#### **4. APPROVAL OF THE 2017-2018 COLLECTIVE BARGAINING AGREEMENT**

Mr. Kunkle stated that the Police Collective Bargaining Unit has ratified the new contract.

Ms. Dininni moved that the Board of Supervisors approve the 2017-2018 Collective Bargaining Agreement with the Ferguson Township Police Officers Association. Mr. Buckland seconded the motion. The motion passed unanimously.

#### **5. CONSENT AGENDA**

- a. Treasurers Report
- b. Weis Gas-n-Go/Dunkin Donuts Time Extension
- c. 2015-C1 Piney Ridge Pay Application 2-Final
- d. Turnberry Annual Phasing Plan Update

Ms. Dininni moved to approve the consent agenda. Mr. Buckland seconded the motion. The motion passed unanimously.

#### **6. APPROVAL OF NOVEMBER 2016 VOUCHER REPORT**

Ms. Dininni moved that the Board of Supervisors approve the November 2016 voucher report. Ms. Whitaker seconded the motion. The motion passed unanimously.

### **VI. CALENDAR ITEMS – DECEMBER/JANUARY**



Mr. Miller stated that there is a Worksession on Monday December 19<sup>th</sup> at 10am.

Ms. Dininni announced that the meeting on the amenity selection for Whitehall Regional Park will be public and is scheduled for Monday December 19<sup>th</sup> from 2 to 5 at COG in the forum room. Ms. Graef announced that a second meeting will be held January 5<sup>th</sup> from 9 to 12.

## **VII. MINUTES**

### **1. December 5, 2016 Board of Supervisors Regular Meeting**

Ms. Whitaker made a motion to APPROVE the December 5, 2016 Board of Supervisors Regular Meeting Minutes. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Miller announced that the Board will be holding an executive meeting directly after the adjournment of this meeting.

## **VIII. ADJOURNMENT**

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

With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting at 9:49 pm.

Respectfully submitted,



Mark Kunkle, Township Manager  
For the Board of Supervisors

Date approved by the Board: 01/03/2017