

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Monday, April 3, 2017

7:00 p.m.

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, April 3, 2017 at the Ferguson Township Municipal Building. In attendance were:

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

Staff: Dave Pribulka, Assistant Township Manager
Dave Modricker, Director of Public Works
Ray Stolinas, Director of Planning & Zoning
Diane Conrad, Chief of Police

II. Others in attendance included: Tom Zilla, CCMPO; Brian Heiser, SCBWA; Matt Vivas; Louwana Oliva, CATA; Jeremie Thompson; Bill Keough; and Steven Jackson, Ferguson Township Representative to State College Borough Water Authority; Faith Norris, Recording Secretary.

III. **CITIZENS INPUT** - There was no input from citizens.

IV. MINUTES

Mr. Miller called the Monday, April 3, 2017 Board of Supervisors meeting to order at 7:00 p.m. Mr. Miller asked for a motion to adopt the agenda as published.

Ms. Dininni made a motion to accept the March 20, 2017 Board of Supervisors Regular Meeting Minutes. Ms. Whitaker seconded the motion. The motion passed unanimously.

V. REPORTS

1. ABC REPORTS

a. Centre Area Transportation Authority – John Spsychalski

Mr. Spsychalski stated the target dates for Building B Construction Project. The Office/Administration portion target occupancy date is June 2017 and the Maintenance portion is August 2017. He noted another occupant is expressing interest in expanding into the space that CATA is vacating. Concrete work is moving forward. In addition, PennDOT has entered into an agreement with Trillion for the fueling components on this project and for all the Commonwealth of PA transportation systems using or will use Compressed Natural Gas as their Traction Fuel.

New Flyer Company, that manufactured the CATA buses, is engaging in building buses with other forms of energy such as all-electric buses. CATA has run these buses on several different days and Mr. Spsychalski noted that he rode in one on March 17 and said that it was quiet and accelerates rapidly. This new battery-operated bus would need recharging along the routes for a full day of service. CATA will continue to look for new possibilities moving forward with this technology and will compare with competing manufacturer(s).

CATA is holding its 5th Annual “In Transit” Photo Contest that runs through April 28. Mr. Spsychalski encouraged any photographers to enter with a CATA theme. The winner will receive a gift card and the overall winners will be on the cover of the Fall CATA Ride Guide.

Floor open for questions: Mr. Buckland asked for an estimate for overall relative BTU/kW hr. fuel economy comparing a compressed natural gas powered bus and a hybrid electric bus. Mr. Spsychalski said there is a wide variety of costs for the electric transit system and did not

have exact amounts at this time but noted two types which are fully electric and hybrid electric.

Mr. Buckland followed up with encouraging CATA to incorporate into its thinking the cost of greenhouse gas emission into its operations for the future.

b. State College Borough Water Authority – Steven Jackson

Mr. Jackson recognized Brien Heiser, Director of State College Borough Water Authority. He stated previous meeting discussions on variances. Delay in the building has real cost to SCBWA and its customers. Cost of \$40M. The next SCBWA meeting is scheduled for April 20, 2017, where Mr. Jackson will report his findings.

Ms. Dininni addressed Mr. Jackson's concerns and noted if it had been granted he would have faced a challenge since it was not the appropriate process. Ms. Dininni encouraged Mr. Jackson to go through the proper process of requesting a Zoning Text Amendment that is reasonable.

Mr. Stolinis noted that there were several discrepancies between staff's account of events and those provided by Mr. Jackson, including that the recommendation from staff was that the Authority proceed with a request for ordinance amendment.

2. COG COMMITTEE REPORTS

- a. Executive Committee Meeting – No Report. Mr. Miller noted that he will let us know at the next meeting what is coming up for the Executive Committee Meeting for the next day. Ms. Dininni congratulated UAJA for the future installation of a solar array that will be among the ten largest in Pennsylvania and will generate about 25% of its daily advanced wastewater treatment operations.
- b. Transportation & Land Use/Centre Regional Planning Commission Joint Meeting – Ms. Whitaker reported that the TLU and the CRPC committees met today. No comments to the Draft 2016 CRPC Annual Report were submitted. The staff will prepare a final report and will present it to COG on the 24th of the month. She noted that Jim May presented the Comprehensive Plan Implementation Program (CHIP).

Ms. Dininni asked a question on how many years has the Homeowner's Guide to Stormwater in that exact form been produced and what kind of assessment do we do, if any, of when people receive that in terms of what they implement. Specifically, the guide that Clearwater Conservancy does for the MS4 partners. Mr. Modricker said he is not sure when they started using that particular guide.

3. STAFF REPORTS

a. Manager's Report

Mr. Pribulka reported on April 17, 2017, the Board will be receiving a presentation from Dr. Walter Schneider, Centre Region Code Administration on the Centre Region Building Safety & Property Maintenance Code amendments.

Mr. Pribulka reported on the Township's Building Master Plan Study being prepared by By Design, LLC A draft of several different schemes has been received that is being reviewed. More information to come in the future.

Mr. Pribulka welcomed a new staff member in this meeting, Faith Norris, that started with the Township last Thursday.

b. Public Works Director

Mr. Modricker reported that the staff interviewed three of the five firms that had submitted proposals for Professional, Architectural and Engineering Services for Building and Site design for new the LEED Gold certified public works building.

Staff prepared a Request for Proposals for Professional Services to review and quantify MS4 Municipal Separate Storm Sewer Project funding alternatives, i.e., a storm water fee feasibility study. The scope of work includes a program review of existing storm or activities, development of a storm water management program to meet short- and long-term goals including implementation of BMPs (Best Management Practices) to meet the requirements of our Pollutant Reduction Plan, which is a tributary to the Chesapeake Bay, Public Outreach and Education, establishing a Stake Holder Advisory Committee, assessment on staffing, ultimately the development of a rate structure and presentation of a final report.

On March 30 Mr. Modricker and Mr. Pribulka both presented at Penn State's EGEE 437 Class, an energy class dealing with solar design, in cooperation with other stakeholders and Penn State's Sustainable Communities Partnership Collaborative. Four alternatives were presented for consideration: rooftop solar array for existing buildings, structural solar-covered parking, roof-mounted solar for new a Public Works building, and solar power for traffic signals. Mr. Modricker will report back to the Board when more is known on this initiative.

Mr. Modricker reported on current activities of the Public Works Department.

Regarding Item 25 - Silvi Baseball improvements, Ms. Dininni questioned what existing buildings will be removed. Mr. Pribulka responded by saying that it's still to be determined. Two utility sheds were placed there to house electrical equipment for lighting and other buildings that were placed there from an architect's master plan that could have been better suited elsewhere.

Regarding Item 26 – Haymarket Playground Improvements and Item 31 – Playground Safety Upgrades - Nothing Currently Scheduled, Ms. Dininni asked if Item 26 is not a safety upgrade. Mr. Modricker responded by saying that specific funds were budgeted for improvements for Haymarket that was recommended to Public Works from Centre Parks & Recs. The other is a line item for information that's not specifically identified in the budget but allows for upgrades as they may be identified and incurred throughout the year.

Ms. Dininni asked if the residents near the park are contacted/surveyed about what they think should go into the park, whether Centre Region Parks & Recreation (CRPR) is involved in the process and if the master plan is CRPR or the Township. Mr. Modricker responded by saying in the Township's master plan there is involvement; however, Public Works does not typically solicit input from the residents for the structure.

Mr. Buckland had a question on what happens to playground equipment after it is taken out. Mr. Modricker responded by saying if PW takes it out, it gets recycled. If a contractor pulls it out, we're not sure if it's specified how they dispose of the materials or reuse it.

c. Planning and Zoning Director

Mr. Stolinas reported on the Active Plan List provided to The Board of Supervisors for their review.

The Draft Sign and Billboard ordinance was discussed at the March 27 Planning Commission Meeting. Members provided comments to staff and discussion questions/comments included political signs, temporary signs, personal expression signs, the restriction of sign placement in the public right-of-way, improved sign criteria for business and overall sign exemptions, and

discussed TOD signs for Ag businesses within the Township. Planning and Zoning staff is conducting revisions and will discuss new draft at the next meeting on April 10 in anticipation to present the draft to the Board at a future meeting.

The Official Map was sent out to Centre region and municipalities for their review and comment within the MPC 45-day review. The Planning and Zoning staff scheduled two public outreach meetings on the official map draft to gather input before the public hearing. The first public meeting will be held at the Township building on April 13 at 7:00 p.m. and the second meeting at the Baileyville Community Building on April 20 at 7:00 p.m.

Zoning and SALDO Update – Staff will be conducting a meeting with Carolyn Yeagle and A. J. Schwartz of EPD on April 13 and will discuss ag-related ordinance components, zoning and SALDO mark-up comments we made along with one of the most recent request related to “essential services” from the SCBWA.

Sourcewater Protection – distributed the updated draft to the Planning Commission on March 13 for their review. We anticipate that the Planning Commission will discuss the draft and provide further comment at their April 10 meeting.

Pine Hall Traditional Town Development Plan – The Board referred proposed zoning ordinance text amendment to the Planning Commission on March 20. A discussion and meeting is anticipated on April 10 on the text amendment.

Municipal Planning Commission Training is part of the training with the Centre Regional Planning Agency conducting a training on “Introduction to Planning in the Centre Region” for new planning commission members on March 18 at the Millbrook Marsh Nature Center. Planning staff introduced a wide variety of planning topics to 18 participants, four of which were Ferguson Township Commission members. The Ferguson Township Planning & Zoning Director presented information relevant to the Official Map and the Subdivision and Land Development process.

Ms. Dininni had a question on why there is no land development plan sign up for Whitehall Road Regional Park. This was prior to Mr. Stolinis being hired so Mr. Pribulka responded by saying that the Whitehall Road Regional Park will be submitting a revised land development plan but is unsure if there was a sign initially put up. Mr. Stolinis will check the database they keep to see what is going on and report back to Ms. Dininni on the status. Further discussion continued on how submission is done on a park master plan.

Ms. Dininni asked if it is normal for signs to have ordinance numbers on them for no parking with snow of more than two inches, in particular the signs off Fairbrook Drive. Mr. Pribulka noted that, typically, the Township installs these signs in places that have had issues with snow removal and has helped police with enforcement.

VI. OLD BUSINESS

1. AN ORDINANCE AMENDING THE CODE OF ORDINANCES CHAPTER 1 ADMINISTRATION AND GOVERNMENT, PART 1 SHORT TITLE AND DEFINITIONS, Part 2 ADMINISTRATIVE GENERAL PROVISIONS, SECTION 204, PART 3, TOWNSHIP ORGANIZATION, SECTION 303 CHART OF GOVERNMENT ORGANIZATION, PART 4 BOARDS AND COMMISSIONS, A. GENERAL PROVISIONS; ADMINISTRATIVE, PART 404 APPOINTMENT, VACANCIES, REMOVAL, COMPENSATION AND TERM OF OFFICE OF MEMBERS REVISING PARAGRAPH 1; 406 MEETING PROCEDURE FOR MEETINGS, REVISING PARAGRAPH 3; B. PLANNING COMMISSION SECTION 413 MEMBERSHIP BY ADDING PARAGRAPH 5;

ADDING F. TREE COMMISSION; RENUMBERING G. GENERAL PROVISIONS, SECTION 456 MEETINGS; PROCEDURE FOR MEETINGS REVISING PARAGRAPH 8; PART 6 BOARD OF SUPERVISORS, SECTION 607 CITIZENS RIGHT OT BE HEARD, SECTION 608 RULES OF PROCEDURE REVISING PARAGRAPH 1, SECTION 610 CONDUCT 1.A. CONVICTION OF A FELONY OR CRIME OF MORAL TURPITUDE BY ADDING PARAGRAPH 4, B. FAILURE TO ATTEND THREE CONSECUTIVE MEETINGS BY ADDING PARAGRAPH 3 AND TEXT CORRECTIONS AND IN ADDITION, THIS AMENDING ORDINANCE PROVIDES FOR APPROPRIATE REVISIONS TO MAKE TEXT CHANGES FOR PURPOSES OF BEING GENDER NEUTRAL.

Mr. Keough commented on the provision relative to the voting rights of alternates on the Planning Commission. Mr. Pribulka noted that the enabling legislation allows for an alternate member of the Planning Commission to vote in the absence of a member of the core board. The intent of the amendment of the administrative code is to incorporate that provision, which was a recent decision of The Board of Supervisors, to allow for the alternates in The Planning Commission capacity, to vote. Discussion followed. Mr. Buckland suggested correcting the document to make it read better and less confusing.

Mr. Pribulka noted that the language in the Municipalities Planning Code does include a clause that allows an alternate to be designated a voting member in certain circumstances.

Mr. Buckland made a motion to amend the ordinance presented for public hearing to read, "Any alternate may participate in any proceeding or discussion of the Commission but shall not be entitled to vote as a member of the Commission nor be reimbursed pursuant to § 202, unless designated as a voting alternate member pursuant to § 207". Ms. Dininni seconded. Mr. Pribulka suggested proceeding, if the Board proposed to amend the ordinance, to get an opinion from the solicitor. Motion carried 3 – 2 with Mr. Miller and Ms. Whitaker dissenting.

Ms. Graef moved to postpone the motion until the next meeting and second by Mr. Buckland. Motion unanimously carried.

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REAFFIRMING AND EXPANDING ITS COMMITMENT TO EQUITY AND INCLUSION, AND DECLARING ITS OPPOSITION TO IMMIGRATION POLICIES THAT SEEK TO EXCLUDE INDIVIDUALS BASED ON RELIGION, ETHNICITY, NATIONAL ORIGIN, NATIONALITY, OR CITIZENSHIP.

Mr. Pribulka introduced the agenda item including the two draft resolutions presented to the Board for consideration. The Chief of Police and Township Solicitor each provided their review and comment on the draft resolution which is delineated as "Resolution A" in the agenda.

Mr. Keough had suggestions and comments on the proposed Inclusion and Equity Resolution. For both A and B versions about 95% of the language already exists in other actions and other Township documents and the other 5% is political. Mr. Keough suggested that the Township take ownership and note it as such in the document, i.e., after "WHEREAS" and "BE IT FURTHER RESOLVED", add "The Ferguson Township Board of Supervisors" followed by the statement. He noted in the last paragraph where it states "witness" should be plural and not singular.

Mr. Buckland moved to adopt the "A" resolution in the agenda packet as modified by the staff and reviewed by the Police Chief and Township Solicitor. Ms. Graef seconded the motion.

Discussion followed on Mr. Keough's comments. Tracking systems, proxy of national security and ownership. Ms. Dininni discussed the proxy language, work and student visas in regards to

citizenship tracking. She suggested replacing “victims or witness” with “individuals” that would include those that commit a petty crime in reference to the last paragraph on the first page of “A” version.

Ms. Whitaker discussed the rules and process. She noted that she represents a constituency that does not approve of this; however, they are not as vocal.

Chief Conrad responded to Ms. Graef’s question on whether the comments of the Chief and Solicitor were incorporated into the text. Chief Conrad noted her comments were submitted as well as the Township Solicitor’s. Chief Conrad noted that she was ok with the approved comments and it would not violate anything in regards with our oath of office or law enforcement if this resolution were to pass.

Ms. Graef noted the paragraph where it references “welcomes refugees and values contribution...” would like to eventually amend the word refugees to immigrants.

Mr. Miller moved to vote on the amendment as it stands.

Ms. Graef moved to amend the second “BE IT FURTHER RESOLVED that Ferguson Township welcomes **immigrants** and values the contribution they make to the community” and strike refugees. It is a broader category. Mr. Miller seconded the motion. The motion passed 4 to 1 with Ms. Whitaker dissenting.

Ms. Graef moved to amend the fourth BE IT FUTHER RESOLVED statement replace the words “victims or witness” with **individuals**. The new language would read “**BE IT FURTHER RESOLVED** that Ferguson Township supports the general practice that local police officers refrain from asking **individuals** about their immigration status unless pertinent to an investigation or in the interest of public safety.” Ms. Dininni seconded the motion. The motion passed 4 to 1 with Ms. Whitaker dissenting.

Mr. Buckland moved to change the second WHEREAS statement to read “**WHEREAS**, Ferguson Township believes in and stands for **constitutional rights, equal protection and the values of inclusion, equity, and justice, and condemns islamophobia, anti-Semitism, racism, xenophobia, sexism, and homophobia, in rhetoric or action; and**”

Ms. Graef seconded motion. Motion passed 3 to 2 with Mr. Miller and Ms. Whitaker dissenting.

Mr. Miller made a motion that the Board adopt the resolution 2017-07 as amended. Mr. Buckland seconded the motion.

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A PRIVATE ROAD NAMING POLICY.

Mr. Pribulka introduced the resolution. The policy was first reviewed by the Board of Supervisors at the March 20th Regular Meeting and it has not changed since the initial review.

Ms. Dininni moved to approve the Resolution of the Township of Ferguson, Centre County, Pennsylvania approving the policy for naming of undedicated private drives and lanes. Ms. Whitaker seconded the motion.

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

VII. NEW BUSINESS

1. CONSENT AGENDA

Ms. Dininni moved to approve the Award of Contract 2017-C7A Fuel Contract. Mr. Buckland seconded the motion. The motion passed unanimously.

2. PENNDOT CONNECTS POLICY PRESENTATION – TOM ZILLA, CENTRE COUNTY METROPOLITAN PLANNING ORGANIZATION

Mr. Zilla presented on the newly implemented PennDOT Connects Policy. The policy funding opportunities are focused through the Transportation Improvement Program (TIP) process that approves Federal and some State funds for roadway bridges and other types of projects that can be approved by local officials. Most of the projects come through TIP. When funding is approved by TIP, the community input typically happens in the Engineering phase. The basic premise of this new policy, PennDot Connects, is to get community input and collaboration before a project is funded on TIP. Example of projects: pedestrian bicycle accommodations, transit access, utilities, freight, operations and ITS (signal work/traffic control), community health, storm water management, green infrastructure, planning studies, contextual issues (community context issues/projects within). Mr. Zilla noted that his counterparts have a larger range to deal with and in those areas the proposed policy may need a different approach. We need a way to make this work in rural as well as suburban areas with expanded roles for MPO/RPO staff.

Discussion followed with Board members and Mr. Zilla.

3. PROPOSED AMENDMENT TO CHAPTER 15 MOTOR VEHICLES, PART 5, IMMOBILIZATION, REMOVAL AND IMPOUNDMENT

Chief Conrad introduced the proposed amendment dealing with illegally parked cars. Other municipalities ordinances were reviewed and Ferguson is in-line with what other municipalities have. Chief Conrad went over the proposed changes in the document that was provided for the meeting. Chief Conrad recommended that adopted minimum standards can be laid out in a resolution that can be updated from year-to-year when the standard fee schedules are done.

Ms. Whitaker moved to authorize the amendment to Chapter 15 Motor Vehicles, Part 5, Immobilization, Removal and Impoundment for public hearing. Ms. Dininni seconded the motion. The motion passed unanimously.

4. DCNR COMMUNITY CONSERVATION PARTNERSHIP PROGRAM LETTER OF SUPPORT – MILLBROOK MARSH NATURE CENTER

Mr. Pribulka reported that the Board received a presentation from Jennifer Shuey at the March 20th meeting. Ms. Shuey is the Chair of the Millbrook Marsh Nature Center Advisory Committee. This presentation is on the development of Phase 2 of their project. Part of the funding strategy included a DCNR Community Conservations Partnership Program Grant for \$350,000 with a deadline of April 12th. The grant funding would require a 50% match from the applicant that would be used to fund the construction of the Spring Creek Education Building. The Welcome Center is through separate funding. A draft letter of support was provided in the packet from Ms. Shuey.

Open for discussion on draft letter. Mr. Buckland would like the letter to explicitly address solar energy, i.e., green and sustainable practices including solar energy, as per our strategic plan.

Ms. Dininni had a comment on some grammatical and wording in the draft letter.

Ms. Graef moved to approve the DCNR Community Conservation Partnership Program for Phase 2 of the Millbrook Marsh Nature Center as attached to the agenda. Ms. Whitaker seconded the motion. The motion passed unanimously.

Ms. Dininni noted the minutes did not capture her request to Ms. Shuey to forward her concept about asking Penn State if it's time to transfer ownership of the region of the property we had put investment into.

5. APPOINTMENT OF REPRESENTATIVE TO STEERING COMMITTEE FOR PREPARATION OF A PARKS AND RECREATION REGIONAL COMPREHENSIVE PLAN.

Mr. Miller reported that the recommendation from the Executive Committee was to have one member appointed from each municipality, either an elected official or not. The Regional Parks authority will have one elected member.

Mr. Miller recommended to the Board to elect an elected official. There was no objection. Mr. Miller asked if any of the Board members were interested in the position.

Ms. Graef moved to approve the appointment of Ms. Dininni to serve on the Steering Committee for preparation of parks and recreation regional comprehensive plan. Mr. Buckland seconded the motion. The motion passed unanimously.

6. APPOINTMENT TO THE ZONING HEARING BOARD

Mr. Miller opened the floor to nominations and a brief statement why the person should be nominated. There are two open positions on the Zoning Hearing Board.

Mr. Miller asked the Board to appoint one person from Ward III to have representation from each of the Township's wards on the Zoning Hearing Board, as is consistent with the Administrative Code.

Mr. Buckland nominated Ms. Susan Buda to serve on the core board.

Mr. Miller asked for other nominations, there were none.

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

Mr. Miller opened the floor for two nominations for alternates to the Zoning Hearing Board.

Ms. Dininni nominated Mark Friedenberg.

Ms. Whitaker nominated Paul Apicella.

Mr. Miller nominated Irene Miller.

Mr. Miller asked for other nominations, there were none.

Mr. Miller asked for each Board member to vote for 2 alternates:

Mr. Miller - Irene Miller and Mark Friedenberg;

Ms. Whitaker - Irene Miller and Paul Apicella;

Mr. Buckland - Irene Miller and Mark Friedenberg;

Ms. Dininni - Mark Friedenber and Paul Apicella;
Ms. Graef - Irene Miller and Paul Apicella

Mr. Miller noted we now have one appointment of Irene Miller and need to revote on the second alternate to break the tie.

Nominations for second alternate tie-breaker.

Ms. Dininni nominated Mark Friedenber

Ms. Whitaker nominated Paul Apicella

After a show of hands, Mark Friedenber was approved for the second alternate to the Zoning Hearing Board 4 to 1.

The two alternates appointed to the Zoning Hearing Board after the voting was closed were Irene Miller and Mark Friedenber.

VIII. COMMUNICATIONS TO THE BOARD

Mr. Miller asked those present if there were any communications to the Board. Mr. Miller had communications both for and against the resolution.

IX. CALENDAR ITEMS – MARCH/APRIL

Ms. Dininni said that there is a Community Egg Hunt being offered by the Ferguson Township Lions Club and the Clearfield Bank & Trust of Pine Grove Mills on April 15th at the Lions Cub.

Mr. Miller noted that an Executive Session was held last Monday at 6:15 on a personnel matter. The next Executive Session is scheduled for April 18th.

Mr. Buckland said that next Monday, April 10th, 4:00 p.m., 112 Walker Building. Brian Richter, President of Sustainable Waters & Global Water education organization, will be talking about the overuse of water and climate change forecasts and the impact on water management. This is part of the Earth & Environmental Systems Institute EarthTalks.

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. Motion seconded by Ms. Graef. Mr. Miller adjourned the regular meeting at 10:50 p.m.

Respectfully submitted,



David G. Pribulka, Acting Township Manager
For the Board of Supervisors 05-02-2017