

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, August 7, 2017
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, August 7, 2017, at the Ferguson Township Municipal Building. In attendance were:

Board:	Steve Miller	Staff:	Dave Pribulka, Township Manager
	Laura Dininni		Dave Modricker, Public Works Director
	Peter Buckland		Ray Stolin, Director of Planning & Zoning
	Janet Whitaker		Chris Albright, Chief of Police
			Eric Endresen, Director of Finance

Others in attendance included: John Spychalski, CATA; Louwana Oliva, CATA; Ken Beldin, Gwin, Dobson & Forman, Inc.; Jim Steff, Centre County COG; Joe Viglione, Centre County COG; Mark Baeckel, CRDA; Corey Miller, UAJA; Brian Heiser, SCBWA; Tom Songer, Torron Group; Steven Zarit, Fair Districts PA; Michelle Spiering, Golden Orchards Condo Association; Steve Balky; John Lichman; Bernie Wood; Dave Harner; Nancy Harner; Thompson Harner; Ruth Cooper; Dawn Rosenbaum; James Rosenbaum; Chayanne Rosenbaum; Justin Mandell; Tristan Avelis; Sarah Rafacz; Scott Pflumn; Lisa Strickland; Sherry Mucrchick; Mike Towmley; Gayle Sunday; Bonnie Wood; Galen Dreibelbis; Bill Keough; Faith Norris, Recording Secretary

II. CALL TO ORDER

Mr. Miller called the Monday, August 7, 2017, regular meeting to order at 7:00 p.m.

Mr. Miller announced that the August 21st Board of Supervisors Meeting is canceled due to not having a full Board present and will reconvene on Tuesday, September 5th.

Mr. Miller announced that Chris Abreu, a member of C-NET who has been covering the Board meetings, will be moving on to CNN. The Board and staff wish him the best.

III. CITIZENS INPUT

Mr. Zarit, who represented Fair Districts PA, presented a document asking for the Board's support of a citizens' commission for legislative and congressional redistricting. An overview followed regarding the document.

Citizen input by Ms. Mucrchick, resident of Kansa Avenue, requested an update on the water drainage issue and option for an easement. Mr. Modricker was recognized to address the concerns and review the options from an engineering perspective for drainage on the property. Ms. Dininni clarified the option available was denied permission by the property owner.

Citizen input by Ms. Sunday, resident of Kansa Avenue, had previously discussed an easement agreement that is pending at this time. Mr. Modricker addressed Ms. Sunday's questions.

IV. MINUTES

1. July 17, 2017, Board of Supervisors Regular Meeting.
Ms. Dininni made a motion to **approve** the July 3, 2017, regular meeting minutes. Ms. Whitaker seconded the motion. The motion passed unanimously.

V. ABC REPORTS

1. CATA – John Spychalski, Louwana Oliva
The report included discussion on a fare increase – public hearing June 26th. Board and staff considered comments relative to revenues, July 31st meeting approved increase, pilot project with Token Transit that will use a smartphone app., provided longer operating hours for the Arts

Fest in cooperation with Penn State, legislation and detail on restrictions on charter service, building project details and description of administration/maintenance buildings – mid-August possibly opening of administrative offices. Open House is anticipated once opened.

Discussion followed on resources for riders for transportation to parks and use of google maps for assistance.

VI. OLD BUSINESS

1. ACT 537 PLAN – Draft Special Study – Tom Songer, Torron Group

The plan was included in the packet and has an open public comment period until August 28th. Mr. Pribulka briefly went over his report from July 17th. The Centre Regional Planning Agency (CRPA) and the University Area Joint Authority (UAJA) completed a DRAFT Special Study for the extension of Beneficial Reuse water lines to Harris Township. The goal of the study was to evaluate the need to extend a 12-inch Beneficial Reuse waterline and appurtenances over 5 miles to service Mountain View Country Club, Tussey Mountain Ski Area, and the Boalsburg Technology Park.

Mr. Pribulka asked for comments on the study that he could forward for review.

Mr. Songer discussed the memo dated July 13th regarding the study, the UAJA rate structure and the expansion of Beneficial Reuse. Mr. Songer presented his analysis of volumetric billing for sanitary sewer service. He requested that the Board support a change in the UAJA rate structure to volumetric billing from an Equivalent Dwelling Unit (EDU) structure. Discussion and comments followed. Mr. Buckland noted for the record Spring Creek Watershed Commission's (SCWC) update on the watershed plan and discussed the possibility of the study of volumetric billing that could be placed in the current update for a larger regional water plan.

Mr. Buckland expressed that there is public concern on Beneficial Reuse in regards to Endocrine Disruptors (EDCs) and its presence in the Beneficial Reuse water. Cultural history was submitted to the PA Historical & Museum Commission and more information is needed on sequence of events for permitting and planning.

Ms. Dininni noted regarding the Beneficial Reuse expansion that she agrees with Mr. Buckland's comment on the SCWC being a platform to have a dialogue about regional sourcewater protection and water conservation. She noted support for a need for a regional conservation plan in the sourcewater protection agreement or a place to show where all the factors fit together and their guidance/no guidance and show/talk about PSU as a customer, provider, non- and governmental entity. Mr. Buckland noted he had submitted a similar comment about the larger Act 537 to PS&E Committee.

Mr. Miller charged Mr. Buckland to be the Board of Supervisors spokesperson on the PS&E Committee and the SCWC to carry the Board's interest in the broader discussion on Act 537. Mr. Buckland noted specific comments and ways for possible evaluation for the questions being raised on this subject. Public comment can be submitted through the CRPA and any comments from municipalities should be submitted to the COG Executive Director. It was clarified the comment period ends August 28th.

Citizen input by Steve Balky. History of stormwater evolvement and on replacement to the billing process by UAJA. The current plan is antiquated and needs to be updated.

2. Proposed Ordinance Amendment – Ch. 27, Zoning

A memo from staff summarizing the request and recommendations along with the proposed ordinance/application was included in the packet. A brief history: On June 19th, the Board referred an ordinance text amendment application submitted by the State College Borough Water Authority to the Planning Commission for review and a recommendation. The proposed amendments to Chapter 27, Zoning were reviewed by the Planning Commission and suggested revisions to the amendment were incorporated by the applicant. Substantively, the changes from the original application reviewed by the Board include a change from the approach to include water treatment/production facilities under the definition of “essential service” to provide for such facilities under Use Regulations. The applicant has withdrawn the request to amend Chapter 26 – Stormwater.

Mr. Stolinas outlined in detail some proposed changes to the ordinance that the Planning Commission recommended on permitted and conditional uses for the RR and RA zoning districts, lavatories, storage, definitions and regulations.

Ms. Whitaker moved that the Board of Supervisors **authorize** the amendments to Chapter 27, Zoning for public hearing on September 5, 2017. Mr. Buckland seconded the motion.

Discussion followed. A question was raised on the four-month storage. Mr. Stolinas responded by saying the applicant wanted a limitation on what type (water testing purposes only) and amount of chemicals could be housed on-site.

Ms. Dininni had a question on the inclusion of treatment facilities in the Rural Residential (RR) district. Mr. Stolinas responded that some of the well locations are included in RR. Further details were discussed on the facility and existing wells. Ms. Dininni suggested putting the zoning in RA and not RR. Discussion followed on the water tower at Rock Springs and what is allowable in the Agricultural Research zoning district and whether it is allowable in RA and RR.

Ms. Dininni moved to amend to not include RR in the text amendment. Mr. Miller seconded the motion. Further detail on reasons why not to include RR were discussed. The motion passed unanimously.

Clarification was made on the following items discussed: Ownership of property at Nixon and use of existing well fields to keep costs down; GD&F letter-amendments - method for water testing; capacity of Woodside (Water Treatment Plant) vs. capacity of a new plant that will have room for expansion and further description on using existing wells; GD&F letter-Sec 27-1202 – Definitions. Question raised if natural gas compressor stations are included was not answered at this time.

Ms. Dininni noted a question raised by a resident in west Ferguson regarding the water running out of hydrants and if the new system will be hooked into west Ferguson to address this concern. Discussion followed on flushing of hydrants and that the new system will not be used in that way.

Mr. Miller called for a vote on the motion to **authorize** the amendments for public hearing. The motion passed unanimously.

3. Request for Rezoning – Tax Parcel 24-004-067, Harner Farm

The Township received a request in May from Aspen Whitehall Partners (AWP), LLC, to change the underlying zoning designation at 2191 West Whitehall Road from Rural Agricultural (RA) with Corridor Overlay to General Commercial (C), Two-Family Residential (R-2), and Single-

Family Residential (R-1). AWP has equitable interest in the land. On July 24th, the Planning Commission voted to recommend approval of the request to rezone the property as submitted.

This item was to be discussed at the August 21st Board meeting. Due to that meeting being cancelled, Mr. Pribulka requested a full Board discussion at the September 5th Board meeting and to authorize the rezoning request for public hearing for September 18th.

Mr. Miller clarified that the advertisement for public hearing can move forward following the CRPC meeting review scheduled for September 7th. The Board of Supervisors will discuss the zoning request at the September 5th meeting.

Ms. Dininni moved that the Board of Supervisors **authorize** the request to rezone tax parcel 24-004-067 for public hearing on September 18th. Mr. Buckland seconded the motion.

Discussion followed on the corridor overlay in the development and clarification that the overlay would remain in regards to the zoning request.

Ms. Spiering, representing Golden Orchards Condo Association adjacent from Harner Farm, had specific concerns on what impact this will have on the community, what the developer's interest is, specifics on commercial R1/R2 land, in what way will the land be used, and specific concerns about unused space in surrounding PRDs. Ms. Spiering was concerned about the foot traffic, noise, and whether the development will enrich the community.

Discussion followed on non-commercial uses; height restrictions and building code compliance; stacking on the commercial floor/multi-family ordinance; commercial/SALDO zoning district, stormwater protection/management; reconciling of maintenance costs of additional units for the sewer pump station on Scott Road; IRD rezoning; and AWP's interest in maintaining commercial ownership. Mr. Mandell from AWP did a brief presentation and explanation of area commercial properties AWP maintains and noted AWP will address concerns in the land development process.

Mr. Miller called for a vote on the motion. The motion passed unanimously.

4. Request to Reschedule TTD Amendment Public Hearing

The Board approved a motion to schedule a public hearing on the TTD Ordinance Amendment application submitted by Residential Housing, LLC, for Monday, August 21st and has a request from the applicant to reschedule the public hearing on September 5th.

Ms. Dininni moved that the Board of Supervisor reschedule the public hearing for the TTD ordinance amendment for September 5, 2017. Mr. Buckland seconded the motion. The motion passed unanimously.

Mr. Pribulka noted due to the August 21st meeting being cancelled, a time-sensitive request was presented to the Board to establish an Ad Hoc Advisory Board at this meeting to assist the consultant, Amec Foster Wheeler, in a Stormwater Fee Feasibility Study. By unanimous consent, Mr. Miller added this request as agenda item 7 under New Business.

VII. NEW BUSINESS

1. CONSENT AGENDA

- a. 2017-C20 Tudek Dog Park Parking Improvements
- b. 2016-C17 Fairbrook Park Lower Parking Lot Payment Authorization, \$57,616.83

Ms. Dininni made a motion to **approve** the Consent Agenda. Mr. Buckland/Ms. Whitaker seconded the motion. The motion passed unanimously.

2. PUBLIC HEARINGS - RESOLUTIONS

- a. Mr. Pribulka presented a synopsis of the grant agreement with the resolution as included with the agenda. The Township received a Green Light-Go Grant from PennDOT in the amount not to exceed \$80K with a \$20K municipal match that will be an upgrade to the vehicle detection equipment at certain intersections within Ferguson Township.

Ms. Whitaker moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute a reimbursement agreement with PennDOT for the upgrading and installation of equipment required to provide vehicle detection at four signalized intersections. Ms. Dininni seconded the motion.

ROLL CALL vote on Resolution 2017-16: Ms. Dininni-YES; Mr. Miller-YES; Ms. Whitaker-YES; Mr. Buckland-YES. The motion passed 4 to 0.

3. Zoning Appeals/Variances

- a. Eugene Corl – 3745 West College Avenue

Mr. Stolas introduced the variance requests for the subject property including setbacks, floodplain conservation, and use buffer provisions. Discussion followed in detail on the property and was clarified that it would not be in a floodplain and within the 100-yard setback.

Ms. Dininni moved that the Board of Supervisors **remain neutral** on the variance requests. Ms. Whitaker seconded the motion. The motion passed unanimously.

- b. Russian Church of Christ – 3645 West College Avenue

Mr. Stolas introduced the variance requests for the subject property including Riparian Buffer Overlay requirements, Rural Agricultural zoning district uses, and floodplain conservation requirements.

A detailed discussion followed on the building activity prior to the zoning request, outsourcing parameters in RA, preservation of land, consideration of Community Gardens in RA/RR districts, use variance on a floodplain/restrictions, zoning amendment request approach for a use variance, and RA zoning.

Mr. Miller moved that the Board of Supervisors **oppose** the variance requests for the volleyball court and access drive in Riparian Area Zones One and Two and to **remain neutral** on the variance request on the Community Gardens. Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Miller noted building facilities in a floodplain should be a last option. Mr. Pribulka noted that this information will conveyed to the applicant.

4. 2018 COG Program Plan & 2018 – 2022 COG Capital Improvement & Replacement Plan
The Board discussed the COG 2018 Program Plan and 2018 – 2022 Capital Improvement Plan. Overall, the Board of Supervisors recommended green technology - vehicles/hybrids where possible and practical, COG to utilize green contractors for building needs and recycle/reduce volatile compounds where possible, and future improvements to Whitehall Road Regional Park be green/renewable infrastructure and initiatives in regards to parkland development. Messrs. Steff and Viglione of COG took specific comments from the Board on the matrix topics/other related topics and commented that the matrix is a screening process and there are always future opportunities to make comments if the Board wishes to.

Mr. Buckland moved that the Board of Supervisors **authorize** the Township to forward the Boards comments as recorded at this meeting to COG on the 2018 Program Plan Municipal Comments Guide. Ms. Dininni seconded the motion. The motion passed unanimously.

The Manager will forward the comments provided today by the Board to Mr. Jim Steff, COG Executive Director in advance of the August 17th deadline.

5. Ferguson Township 2018 – 2022 Capital Improvement Plan
Mr. Endresen presented the Draft 2018-2022 Capital Improvement Plan.

Mr. Pribulka commented that the Board discussed an additional appropriation of a N. Atherton/Blue Course transit study and the current preliminary conservative estimate in the CIP is \$75K. When the scope of this study is more refined, additional entities may be asked to participate in the study. The study encompasses all types of transit including foot traffic, bicycles, and vehicles.

Ms. Dininni moved that the Board of Supervisors **authorize** the 2018 – 2022 Ferguson Township Capital Improvement Plan for public hearing on September 5, 2017. Mr. Buckland seconded the motion. The motion passed unanimously.

Ms. Dininni discussed bikepaths on Penn State property in regards to cost. Further discussion followed on examples of MOAs done for enhancement programs that required sponsorship. Further discussion is needed regarding Transportation Alternatives Program Grant projects.

6. Discussion of C-NET Coverage of Planning Commission Meetings
The Board discussed requesting C-NET coverage of Planning Commission meetings. Discussion followed on particulars of coverage by C-NET, other municipalities coverage, elected vs. volunteer members, joint sessions and services to the public. The consensus of the Board is to have Mr. Stolinis present the Board's request to the Planning Commission and get feedback from the Commission members to the Board prior to coming to a decision.
7. Ad Hoc Advisory Board – Amec Foster Wheeler (AFW)
Mr. Pribulka did an overview of the consulting service that will be doing the upcoming Stormwater Fee Feasibility Study. The agreement has been executed and part of the scope of work moving forward requires authorization of an Ad Hoc Advisory Board/stakeholder group that will provide input at every stage in the analysis/process. Mr. Pribulka went into further detail on the selection process, AFW's involvement in the selection process, and a detailed discussion on types of members needed for the group according to the Administrative Code. The Ad Hoc Board will make recommendations and will not be a decision-making body.

Ms. Dininni moved that the Board of Supervisors **authorize** staff to create an Ad Hoc Advisory Board/Stakeholder Working Group for the Stormwater Fee Feasibility Study. Ms. Whitaker seconded the motion. The motion passed unanimously.

VIII. REPORTS

1. COG COMMITTEE REPORTS

a. Executive Committee

Mr. Miller note the agenda was included with packet.

b. Public Services & Environmental Committee

The agenda was provided in the packet. Mr. Buckland highlighted what was a lengthy meeting held August 3rd that included details on Act 537 Plan regarding Beneficial Reuse, how Penn State will be involved in Act 537 review-working group to reply to the request, Regional Growth Boundary/history extensive discussion (report available through CRPA), Sourcewater Protection Agreement and amendments, AG security areas, conservation easement, open space programs, and the Regional Development Capacity (REDCAP) report, other city/municipal programming for assessing the fitness of their regional growth boundaries' equivalence, impact process and increasing of tools for infill and development, whether COG should be a signatory to the Sourcewater Protection Agreement. The next meeting will be at COG on September 7th.

Mr. Buckland noted that Sarah Dunmire is moving on as of last week. He thanked her for her work at the Planning Agency.

c. Transportation & Land Committee

Ms. Whitaker highlighted meeting notes that included a status update of Atherton Street Stormwater Drainage project - sections 151, 152, 153 & 154, utility delays being worked out, traffic control update/message boards. The next meeting will be on September 11th.

2. OTHER REGIONAL COMMITTEES - none

3. STAFF REPORTS

a. Township Manager

Mr. Pribulka highlighted what was provided in the packet that included attendance at the CRPRA Board Meeting on July 20th and what was discussed at the meeting; Coffee and Conversation that was held on July 21st; removal of play equipment from Overlook Heights Tot Lot scheduled for September due to it being outside the easement area; a Liquor License Transfer Application was received by the Township and is expected for public hearing in September.

Ms. Dininni brought up water service discussion at west Ferguson with the staff and Board. The Board suggested a letter be prepared and sent to the State College Borough Water Authority regarding their interest in providing water service to west Ferguson Township.

b. Public Works Director

The report was provided in the packet. Mr. Modricker asked the Board of Supervisors to make the first item on the report an action item given the urgency of the Oak Wilt issue and since the next Board meeting is cancelled. He went into further discussion on a possible second case of Oak Wilt in a different surrounding location and gave an estimated additional cost that needed the Board's authorization.

Mr. Dininni moved that the Board of Supervisors **authorize** \$4,500 in expenditures to treat off-site potential Oak Wilt trees. Mr. Buckland seconded the motion. The motion passed unanimously.

Report highlights: a meeting to be held with representatives from PennDOT to discuss roadside work as part of the Agility Agreement; substantially completed work includes W. College Avenue Streetscape Sidewalk Project, Fairbrook Parking Lot Paving, Valley Vista/Science Park & Bachman/Valley Vista turn lanes, and Meckley Road Paving; Martin Street pipelining is completed; SFFS kickoff meeting will be August 16th; report on microsurfacing and seal coating on bikepaths/parking lots; Tudek Dog Park Improvements awarded project to start this Fall and the water lines should be completed by October; awarded PO for drinking fountain upgrade at Park Hills Playground; and report on maintenance work.

Ms. Dininni asked about improving Haymarket Park's stormwater basin. Mr. Modricker noted that Public Works is looking into it. Mr. Buckland discussed stormwater infrastructure/amenities, open space and use for environmental education.

c. Planning and Zoning Director

Mr. Stolinas reported that the Planning Commission met on July 24th. The Active Plan list was included in the packet for the Board's consideration along with the draft minutes. Highlights include: SCBWA proposed Text Amendment, Harner Farm rezoning request and recommendations to the Board, met recently with the Sourcewater Work Group and will have completed draft updates/recommendations of the ordinance and map to present at the next Planning Commission Meeting on August 14th.

Ms. Dininni noted a clarification on the Harner Farm rezoning regarding future land-use on the map. Specifically, that the property is identified as mixed use in the Centre Region Comprehensive Plan.

IX. COMMUNICATIONS TO THE BOARD

a. July 20, 2017, State College Borough Water Authority Meeting

Included with the packet was the SCBWA memo detailing the July 20th meeting. Ms. Dininni expressed her concerns about wells not being able to be regulated due to their being drilled prior to a certain date. Mr. Stolinas clarified the regulations applicable to each wellhead recharge zone. Ms. Dininni expressed concerns that the State College Borough Water Authority inaccurately stated that no blasting is allowed at the site of The Cottages PRD. Mr. Miller noted Ms. Dininni's concerns.

b. Ms. Dininni noted a Harvest Festival in Pine Grove Mills, September 16th, 10:00 am – 2:00 p.m., to kickoff a farmer's market for next year.

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Whitaker made a motion to adjourn the meeting. Ms. Dininni seconded the motion. Mr. Miller adjourned the meeting at 11:30 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 09-05-17