

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, December 11, 2017
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, December 11, 2017, at the Ferguson Township Municipal Building. In attendance were:

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

Others in attendance included: Lauren Neely; Skyler Ososkie; Larry Harpster; Jerry Brown; Joni Arrington; Deborah Benedetti; Gerry L. Hamilton; Bob Whitaker; Janice Keough; Bill Keough; Anna M. Peters; Matt Corl; Todd Irvin; Robert Koches; Justin Kocher; Justin Mandel; Jesse Darlington; Matt Harpster; Denise Connely; Dawn Harpster; Jana Peters; Bill Peters; Diana Dunn; Jen Marsh; Jeff Stover; Brian Heiser; Dan Harner; John Sepp; William Mentzer; Jeremie Thompson; David Myers; Joni Arrington; Doug Schaufler; Thomas Schaufler; Ralph Wheland; Ellen Mentzer; Amanda McQuade; Dean Dreibelbis; Linda Dreibelbis; Konnor Brown; Chris Brown; Ben G. Johnston; Christie Johnston; Gary Hofer; Peggy Schlegel; Bob Schlegel; J.R. Homan; Delorse Homan; Fred Grau; Lee Metzger; Faith Norris, Recording Secretary

II. CALL TO ORDER

Mr. Miller called the Monday, December 11, 2017, regular meeting to order at 7:00 p.m.

Mr. Miller recognized Chief Albright as he introduced two newly appointed officers to Ferguson Township: Lauren Neely and Skyler Ososkie. Chief Albright presented a brief history of both officers. Officer Neely is from Altoona and Officer Ososkie is from Bellefonte.

Mr. Miller recognized two outgoing Board members at this last Regular Meeting of December. Ms. Whitaker who has served four years and Ms. Graef who has served almost two years of service respectively. Both members were thanked for their service to the Board and Township.

III. CITIZENS INPUT

Ms. Arrington presented her request to have festive holiday decorations provided by the Township for the Pine Grove Mills area and gave examples of surrounding areas with street decorations. She presented a letter of request to the Board. Mr. Miller suggested working with Township staff on decorations for the Township.

Mr. Mandell of Aspen Whitehall Partners stated small group sessions will be scheduled for January 3-4, 2018, with citizens residing near the Harner Farm zoning district. The sessions will be open to Township residents and will take place at the Township building. The purpose of the sessions will be to solicit additional feedback on a current zoning application prior to moving forward with submission by Aspen Whitehall Partners. Letters will go out this week to the residents to schedule individual sessions. Following the sessions, feedback will be provided to the Township's Board of Supervisors.

IV. MINUTES

- a. December 4, 2017, Board of Supervisors Regular Meeting.

Ms. Dininni made a motion to **approve** the December 11, 2017, regular meeting minutes. Ms. Whitaker seconded the motion. The motion passed unanimously.

V. OLD BUSINESS

- a. Public Hearing Ordinance Establishing Source Water Protection Overlay District Requirements

Mr. Miller introduced the ordinance. Mr. Pribulka reviewed the history, goals, proposed changes as well as recognizing the Sourcewater Committee for their work on the document. The nature of the proposed de minimis changes are to clarify the intent of the initial ordinance authorized by the Board for groundwater protection. Mr. Stolas continued the discussion and reviewed the comments and de minimis changes as included with the agenda. Discussion followed with public comment.

Ms. Dunn voiced her concern on behalf of her HOA and community members in regard to the Greenbriar Demonstration Project and whether the Sourcewater Ordinance will have an impact on current septic systems. Mr. Pribulka responded by saying there are no regulations with the ordinance that will affect sewage treatment or septic systems. Ms. Dunn further discussed her concerns. Mr. Miller moved the meeting forward for other public comments on the ordinance.

Mr. Harpster voiced his concerns on behalf himself and other farmers representing over 6,000 acres. Mr. Miller recognized this as a group and waved the 5-minute public comment limit. Mr. Harpster voiced his concerns for the public well and drinking water supply and how it will be managed. He stated some areas of concern in detail with the Sourcewater document and touched on some of the following areas: Agricultural permitted uses, reporting/thresholds, condition guidelines for permits/licenses, exemptions, regulations, Zone 1 designations, right-to-know on proprietary data, transparency and impact on businesses. Following Mr. Harpster's concerns, he noted some recommendations and provided a paper copy to the Board of Supervisors.

Mr. Grau of Bellefonte who has a farm in Pine Grove Mills voiced his concerns and stated other organizations such as DEP track the information that is proposed in the ordinance and went into detail on specific items of interest.

Mr. Stover voiced his concerns on behalf of a local resident and business owner regarding the expansion for non-conforming use that is currently not allowed in the ordinance; however, under the PA zoning law there is a right to regional expansion for non-conforming use in Zone 1. Mr. Stover went into detail on an example for non-conforming use. Another concern was regulations on prohibited substances and if a report is required each time the volume of inventory changes. He stated that for some residents, it would be a daily update of reporting that can become time-consuming. He expressed concerns about the legality of allowing a water company to have approval or disapproval authority over land development plans.

Mr. Metzger commented on the great quality of living in the Township in regards to open space. He voiced his concern on security of open space for farmers and the future development in those areas.

Mr. Buckland moved that the Board of Supervisors **adopt** the ordinance amending Chapter 27 of the Code of Ordinances by establishing Section 216, Source Water Protection Overlay District Requirements. Ms. Dininni seconded the motion.

Mr. Buckland thanked members of the community for their comments and concerns and asked for the makeup of the Sourcewater drafting committee. Discussion followed on the list of committee members, previous meetings the Township staff had with a farmers' focus group and transparency. Mr. Miller stated that the ordinance has been in discussion for almost a year at the Planning

Commission level, has been advertised for public meetings/hearings and the community of farmers were kept apprised through the advertisements. Discussion followed addressing transparency, zoning requirements for property owners that would be affected and statutes that may supersede the regulations in the ordinance. Mr. Pribulka stated that the Township solicitor has reviewed the ordinance and that there are no glaring issues in regards to the authority the Township has to adopt the ordinance as presented. However, efficiencies may need to be addressed.

Ms. Dininni highlighted some discussion points. Non-conforming use in regards to expansion of non-conforming Agriculture operations was clarified in more detail; regarding transparency, the Planning Commission meetings are now approved to be on C-NET for online access to Township business; and being more specific on the Regulated Substance List.

Mr. Miller clarified the ordinance does not restrict use on herbicides or pesticides in regards to field use for farmers and it is regulated by Federal and State laws respectively. He noted that where the ordinance states permissions are required from the respective water authority do not apply to farmers, it is exempted for Agriculture use. A discussion followed addressing concerns raised by businesses and the Agricultural community.

Mr. Miller called point of order. Mr. Buckland asked for a Parliamentary inquiry and asked if the motion can be withdrawn or postponed indefinitely. Discussion followed on how to proceed with the ordinance and how to structure the Sourcewater committee. Further discussion followed on set-back features referring to a staff-recommended administrative change and whether it should be considered a legislative change. Ms. Dininni asked for a Parliamentary inquiry about the staff's memo of recommended changes and whether they can be discussed without a motion. Mr. Miller recommended to postpone the motion indefinitely due to the consensus being to vote against the motion.

Mr. Buckland moved that the Board of Supervisors **postpone** the vote on the Source Water Protection Ordinance indefinitely. Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Buckland moved that the Board take a short recess. Ms. Dininni seconded the motion. Mr. Miller stated to take a ten-minute recess.

- b. Public Hearing Resolution Adopting 2018 Township Budget beginning January 1 through December 31, 2018

The Board of Supervisors approved the tentative 2018 Operating Budget on December 4, 2017. Two worksessions on the budget were held in November in preparation for adoption. A link to the Operating Budget was provided with the agenda. No substantial changes were made except for two community sponsorship requests that were added for the tree planting project and the Beaver Branch Tributary Stream Restoration project.

Ms. Graef moved that the Board of Supervisors **adopt** the resolution **approving** the Ferguson Township Operating Budget for fiscal year 2018, beginning January 1, 2018 and ending December 31, 2018. Mr. Buckland seconded the motion.

Ms. Dininni inquired about a uniform pipe project on Sycamore Drive. Discussion followed. The question will be presented to the Public Works Director for a response.

Roll Call vote on Resolution 2017-28: Ms. Dininni – YES; Ms. Graef – YES; Mr. Miller – YES; Ms. Whitaker – YES; Mr. Buckland – YES.

c. Public Hearing Resolution Establishing a new Ferguson Township Schedule of Fees for 2018

The resolution was included with the agenda. The tentative Fee Schedule was reviewed on December 4th. Mr. Pribulka noted the corrections and adjustments to the final Fee Schedule.

Ms. Graef moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2016-39 and establishing a new Ferguson Township Schedule of Fees for 2018 as corrected. Mr. Buckland seconded the motion.

Roll Call vote on Resolution 2017-29: Ms. Graef – YES; Mr. Miller – YES; Ms. Whitaker – YES; Mr. Buckland – YES; Ms. Dininni – YES.

d. Adoption of the 2018 COG Budget

The 2018 COG Budget was referred to the member municipalities at the November 27th meeting of the COG General Forum. A link to the Summary Budget was provided with the agenda. There were no changes to the budget.

Ms. Graef moved that the Board of Supervisors **adopt** the 2018 COG Budget. Ms. Whitaker seconded the motion.

Ms. Dininni inquired whether the Township can itemize park costs in alignment with the COG Parks budget. Mr. Endresen stated the Township's budget for parks is mostly made up of COG costs. Discussion followed.

The motion passed unanimously.

VI. NEW BUSINESS

1. Consent Agenda

- a. Voucher Report for November
- b. 2017-C20 Pay App 3 Request - Tudek Dog Park: \$8,549.99

Ms. Dininni made a motion that the Board of Supervisors **approve** the Consent Agenda. Mr. Buckland seconded the motion. The motion passed unanimously.

2. Public Hearing Levying 2018 Taxes and Assessments beginning January 1, 2018 through December 31, 2018

This resolution establishes taxes and assessments for 2018. All tax rates are proposed to remain the same and were stated for the record as provided with the agenda.

Ms. Whitaker moved that the Board of Supervisors **adopt** the resolution levying taxes and assessments for the fiscal year beginning January 1, 2018 and ending December 31, 2018. Ms. Dininni seconded the motion.

Roll Call vote on Resolution 2017-30: Mr. Miller – YES; Ms. Whitaker – YES; Mr. Buckland – YES; Ms. Dininni – YES; Ms. Graef - YES.

3. Public Hearing Resolution Adopting Revised Sidewalk Snow Removal Map

Mr. Pribulka stated in accordance with Chapter 21, Section 207 of the Code of Ordinances, the Board adopts a snow removal map annually that identifies sidewalks in the Township that need cleared of snow and ice. The map and resolution were included with the agenda. Noted was one change in the Hunter's Chase development.

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

Ms. Dininni inquired about sidewalk exempted areas. Mr. Pribulka stated the Board can exempt certain sidewalks due to areas where they do not have connections. Discussion followed on how the Township identifies sidewalk exempted areas and who bears the cost.

Roll Call vote on Resolution 2017-31: Ms. Whitaker – YES; Mr. Buckland - YES; Ms. Dininni – YES; Ms. Graef – YES; Mr. Miller – YES.

4. Public Hearing Resolution Adopting a Revised Compensation Plan for Non-Uniformed Employees effective January 1, 2018

Mr. Pribulka stated the compensation plan is done on a yearly basis to coincide with the cost of living allowance. The Board approved a 2.2% cost of living increase for 2018 for non-uniformed employees. The salary schedule and resolution were included with the agenda.

Mr. Buckland moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2016-40 and **adopting** a revised Compensation Plan for Non-Uniformed Employees effective January 1, 2018. Ms. Dininni seconded the motion.

Roll Call vote on Resolution 2017-32: Mr. Buckland – YES; Ms. Dininni – YES; Ms. Graef – YES; Mr. Miller – YES; Ms. Whitaker.

5. Public Hearing Resolution Establishing Contributions to Police Pension Fund by Members

Mr. Pribulka detailed the plan and requirements that is done annual per PA Act 205. The resolution was provided with the agenda.

Ms. Whitaker moved that the Board of Supervisors **adopt** the resolution establishing contributions to the Police Pension Fund by its members in 2018. Ms. Graef seconded the motion.

Roll Call vote on Resolution 2017-33: Ms. Dininni – YES; Ms. Graef – YES; Mr. Miller – YES; Ms. Whitaker – YES; Mr. Buckland – YES.

VII. REPORTS

1. **COG COMMITTEE REPORTS** – Agendas provided in the packet.

- a. Parks Steering Committee. Ms. Dininni reported the committee is still working on the DCNR framework for the Comprehensive Plan and moving toward the RFP stage.
- b. Human Resources Committee. Ms. Whitaker reported the committee met on December 6th. Detailed list of what was reviewed and approved for COG improvement program; update on Mr. Marshal's results of wage survey; approved 2018 Pay Schedule. The next meeting was moved

from January 3rd to January 10, 2018, to allow for the Township's reorganization and committee assignments.

- c. **Public Services & Environmental Committee.** Mr. Buckland was not at the meeting but reported the committee met on December 7th. The most substantive discussion from the notes was on KINBER and the potential cost on over \$41,000 if Ferguson Township were to connect to the high-speed fiber optic network. Mr. Pribulka was at part of the meeting and discussed KINBER in further detail and a suggestion to the Board to discuss in 2018 future internet options for the Township. Other items on the PS&EC agenda included discussion on refuse and recycling rates; UAJA Odor Control Facility update and a future presentation; Kissinger Meadow NPDES update and permit appeal. The next meeting will be on January 11, 2018. Discussion followed on the Odor Control study.
- d. **Executive Committee.** Mr. Miller reported the action item was approval of the minutes from the last meeting. An executive session followed the meeting to discuss a personnel matter.

VIII. OTHER REGIONAL COMMITTEES

Ms. Graef stated the next Joint Parks Committee Meeting will be held on December 14th at 12:00 p.m. She noted that it will be her last meeting serving as a Township Supervisor and will follow-up with a written report to the Board and Township.

IX. STAFF REPORTS

- a. **Planning & Zoning Director.** The Planning Commission met on December 5th. The Active Plan list and final minutes were included with the agenda. Mr. Stolinis presented an update on the current projects that included the draft zoning and subdivision and land development ordinances along with EPD's Working Draft and matrix - reviewing further ordinance details in January. The Planning Commission members had suggested that future Joint Worksessions on ordinances be held together with the Commission, Board, EPD and Planning/Zoning staff to be able to consolidate concerns more efficiently throughout the review process.

Ms. Dininni discussed concerns from farmers in West Ferguson on the changes in SALDO and zoning and how they can become more involved in the process. For clarification, Mr. Pribulka followed-up with a discussion on the ordinance for the RA zoning district and how to proceed moving forward. Ms. Dininni suggested placing this item on a future Board agenda for discussion of a possible Ad Hoc/Advisory Farmers group to provide input and feedback to potential changes to the RA zoning district.

Ms. Graef inquired about the Zoning Update Idea Board that is accessible to the public from the Township's website and Twitter. Mr. Stolinis continued his report and stated the Idea Board is active as of last week with a tutorial for navigating the map. It was clarified that the zoning ordinance is still in the draft stage and Planning and Zoning staff are seeking input on it.

Ms. Dininni inquired about an item on the Planning Commission Minutes provided with the report regarding a possible conditional use application. Ms. Dininni noted that the owners of the previous Houtz property, Penn State, have not updated their master plan for some time and voiced her concern on whether the Township and Board should approve the conditional use until the plan is updated.

- b. **Chief of Police.** Chief Albright reported on the activities and highlights for November as provided with the agenda. The more serious Part 1 Crimes are down for the month and year; Part 2 Crimes are up; Calls for Service are up for the year; collected close to 300 lbs. of unwanted drugs; community events

included participation in career day at a school, Run/Hide/Fight training to several local charter schools and a pre-school presentation.

X. COMMUNICATIONS TO THE BOARD

For the record, Mr. Miller stated an executive session was held after the last meeting on December 4th on a personnel matter. There will be an executive session following this meeting on a personnel matter.

Two candidate interviews will be held on December 13 and 14, 2017.

The Township holiday luncheon will be December 21, 2017, Main Meeting Room.

Ms. Whitaker expressed her gratitude for the constituents that gave her the opportunity to serve the Board for the last four years. Her advice for the future was for good discernment on decision making by the Board of Supervisors and staff.

Ms. Graef expressed her appreciation for the opportunity she was given by the Board to serve as an appointed member. She encouraged those in attendance at the meetings and who have engaged over the course of her appointment to step up and participate. It is the good work of the staff and elected officials that make the Township a great place.

XI. CALENDAR ITEMS - None

XII. ADJOURNMENT

Mr. Miller called for adjournment. With no further business to come before the Board of Supervisors, Ms. Dininni made a motion to adjourn the meeting. Mr. Buckland seconded the motion. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Pribulka", written in a cursive style.

David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 01-02-18