

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Tuesday, February 21, 2017

7:00 p.m.

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, February 21, 2017 at the Ferguson Township Municipal Building. In attendance were:

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

Staff: Mark Kunkle, Township Manager
Dave Pribulka, Assistant Township Manager
Dave Modricker, Director of Public Works
Ray Stolinas, Director of Planning & Zoning
Lindsay Schoch, Community Planner
Jeff Ressler, Zoning Administrator
Diane Conrad, Chief of Police

II. CALL TO ORDER

Mr. Miller called the Tuesday, February 21, 2017 Board of Supervisors meeting to order at 7:00 p.m.

III. REPORTS

1. COG Committee Reports

a. Finance Committee – Mr. Miller

Mr. Miller stated that the committee discussed the CATA Funding Formula. There were no particular comments from any of the municipalities, so the item will most likely be on the next COG General Forum agenda. Halfmoon Township made a request to revise the Schlow Library funding formula. There is concern that the percentage of contributions from less populated municipalities varies too greatly from year to year. Halfmoon Township requested using a three to five-year usage average, rather than a yearly usage average to provide more stability and predictability in their budget. The Finance Committee supported the three-year average. There was an update on the KINBER Study. The Finance Committee found that it is necessary to do a more in-depth study for some municipalities.

In response to a question from Ms. Dininni regarding the Articles of Agreement between Centre County and the Centre Region, Mr. Miller stated that the committee did not discuss the topic at the meeting.

b. Joint Parks Capital Committee –Ms. Graef

Ms. Graef stated that the committee received updates on the next steps of the Whitehall Road Regional Park, as well as the next steps of Phase II of the Millbrook Marsh project. There was a discussion of the definition of regional as it relates to parks. Ms. Graef stated that there was no action at the meeting.

In response to a question from Ms. Dininni regarding the Regional Parks and Recreation Comprehensive Plan item, Ms. Graef stated that it is a proposed work item and will be clarified as it progresses.

c. Public Safety Committee – Ms. Dininni

Ms. Dininni stated that the committee decided to create a rule that states "Committee members, when major policy issues are discussed, should attempt to gauge the position of the governing body or on the issue to make it clear that they are speaking as an

individual and not on behalf of their board or council.” Ms. Dininni stated that the committee reviewed the year-end Fire Report. Ms. Dininni went on to explain that the call volume for the Centre Region, the immediate adjacent communities, and the remote fire companies that the Centre Region assists is going up, while the number of volunteers is going down. Ms. Dininni stated that Fire Chief Steve Bair will be presenting some options to the General Forum to help alleviate this problem. There will be a learning lunch for Hazmat Services on March 30, 2017 at 12:00 p.m. at the hazmat area on the Penn State campus. Ms. Dininni stated that Mr. Bair acknowledged that Ferguson Township is interested in him exploring GIS data to determine if there are any suitable locations for a fire station.

Ms. Dininni stated that there was an informational update on the Bellefonte Borough and COG Codes services agreement, which will be updated in the near future. The property Maintenance Code revisions that started in 2015 should be available for adoption in May or June of this year and implementation will start in 2018. Ms. Dininni stated that it was reported that there is a 446,000 ft.² residential high rise building called The Residences being proposed on the corner of College Avenue and South Atherton.

Ms. Dininni stated that Emergency Management Coordinator, Shawn Kauffman, reported that he is working with Ferguson Township and the Centre Region to develop an Emergency Drinking Water Plan. He also reported that there will be a tabletop training exercise for infectious disease—specifically yellow fever. Ms. Dininni stated that the next meeting is on March 14, 2017.

d. Executive Committee – Mr. Miller

Mr. Miller was unable to attend, so Mr. Buckland provided the report. Mr. Buckland stated that the Executive Committee received a presentation from COG Recycling and Refuse Coordinator, Pam Adams, on the Zero Waste Program. The CATA Funding Formula was discussed and revised to a simpler formula, while still maintaining fairness. The CATA Funding Formula will be forwarded to the COG General Forum for its consideration.

Mr. Buckland stated that there was discussion about the Parks and Recreation Comprehensive Plan as well as the steering committee for that plan. He explained that Ferguson Township will be able to provide input on the procedure for creating the steering committee.

There was discussion at the meeting about the Schlow Library Strategic Plan, as well as the library’s funding formula. The three-year average funding for municipalities will be considered by the General Forum.

The Executive Committee discussed the proposed COG resolution on immigrants, refugees, and islamophobia and received community input. Mr. Buckland explained that it will be forwarded to General Forum as a different proposed resolution. Members of the Executive Committee felt that the proposed resolution was not something that the COG should take on, rather individual municipalities. There was concern that there would be no way to enforce the proposed resolution because COG does not have any enforcement authority. Mr. Buckland stated that there will be a new proposed resolution presented to the COG General Forum for discussion. Municipalities will have the ability to provide comment as well.

In response to a question from Ms. Dininni, Mr. Buckland clarified that the COG General Forum will not be asked to vote on the new proposed resolution. The new proposed resolution will be sent to all Centre Region municipalities for discussion, modification, and approval. If all of the municipalities adopt a form of the proposed resolution, there could be a resolution at the Centre Region level with unifying language. The resolution would be

less enforceable, but it would be a resolution of values. Mr. Miller clarified that the Executive Committee recommended this action to the COG General Forum, but the General Forum could choose to go a different way.

2. Other Non-COG Regional Committees

a. Watershed Commission – Mr. Buckland

Mr. Buckland stated that the primary item discussed was the creation of a watershed plan Phase II. Phase I was completed about a decade ago and was never followed up on. The Commission discussed the mission statement, goals, scope of work, who would direct a steering committee, the stakeholders that would need to be involved, whether or not the plan would need a technical committee, the sections of Phase II, and mechanisms for community input for the next phase of the plan. The Commission will also discuss how to accomplish creating a Watershed Management Plan.

3. Staff Reports

a. Manager's Report

Mr. Kunkle reviewed the manager's report. Centre Region municipalities, COG, and the State College Borough Water Authority, CATA, and the University Area Joint Authority (UAJA) have received initial estimates to provide connections to the KINBER Network (Keystone Initiative for Network Based Education and Research). The 2017 COG Budget provides funding to complete a more detailed study to further refine costs. The Board should determine if Ferguson Township should continue to participate in the second phase of the KINBER Study. Mr. Kunkle then turned the floor over to Mr. Pribulka.

Mr. Pribulka stated that the Centre Region is currently in the process of undergoing a study to determine the cost of feasibility of connecting to the KINBER Network. The first phase of the study has been completed, which includes a "walking estimate". In Ferguson Township's case, the walking estimate is what it would cost to run the existing fiber optic cable from West College Avenue to the Township building. This cost does not include engineering, make-ready estimates, design, etc. Phase II of the study would cover these items. Mr. Pribulka referenced to dollar numbers within the agenda packet. The numbers indicate different scenarios—whether or not this project would have to be done at prevailing rate, and whether or not CATA would be interested in partnering with the Township, which would help offset costs. Mr. Pribulka stated that the Township is also looking into the cost for a three or five-year contract with Comcast. Provided in the agenda packet is a comparison of the two services.

Mr. Pribulka clarified that the funding for Phase II would come out of the COG Administrative Contingency Fund.

In response to a question from Mr. Buckland, Mr. Pribulka stated that there could be a number of factors that raise the prices on either estimate. Mr. Pribulka stated that Comcast is a big company while KINBER is staffed with about a dozen employees for the state of Pennsylvania. Comcast provides up to five-year contracts while KINBER only provides up to three- year contracts. The biggest variable is the actual delivery of service.

In response to a question from Ms. Graef, Mr. Pribulka stated that the walking estimate was done at no cost to the Centre Region. The end of the Township's current internet contract is July of this year, and the Township will need to make a decision on which avenue to pursue.

In response to a question from Ms. Whitaker, Mr. Pribulka stated that there would need to be a discussion about how a partnership would work, should CATA decide to partner with Ferguson Township.

In response to a question from Ms. Dininni, Mr. Modricker explained that if it is a Township-led project costing over \$25,000, the Township would require a prevailing rate. If KINBER constructed the project, and the Township paid them back, then KINBER would be under a contract or procurement KINBER normally uses. Mr. Pribulka added that in speaking with representatives from KINBER, the company has done both in the past.

After the discussion, the Board of Supervisors gave Mr. Pribulka the “go-ahead” to express interest in participating in Phase II of the study.

Mr. Kunkle stated that ByDesign has been contracted to complete the Township Office Complex space study. Representatives of the firm have had an initial visit to “map” the current building space use and talk about future personnel expansion and placement as well as timing for any facility reconfiguration or expansion.

The search and selection process for the next Township Manager has begun as of February 13. A timeline for this process has been provided to the Board. The goal is to have the next Township Manager begin June, 2017. Mr. Kunkle stated that later this week he will provide the Board with the candidate profile that has been created by HRGov. Attached is a letter the Township received from UAJA regarding funding for the Slab Cabin Run Initiative.

In response to a question from Ms. Dininni regarding the UAJA correspondence, Mr. Miller stated that Ferguson Township was merely copied on the correspondence and is not aware of any action or discussion that needs to happen.

b. Public Works Director

Mr. Modricker stated that attached to his report is a status update for the East Park Hills Traffic Calming Study. The Township recently hired Assistant Township Engineer, Ryan Scanlan. The Township received and is reviewing five proposals for the architectural and engineering services for the design of a new LEED Gold Certified Public Works Building. The Township hired a consultant to do the modeling for the Regional Pollutant Reduction Plan. The Township is attending a plans display and open house on March 2, 2017 from 5-7 p.m. at the Faith Baptist Church for the Valley Vista/Science Park Road Intersection Improvement and Bachman Lane/Valley Vista Turn Lane projects. The open house is being held in conjunction with Patton Township.

There are several capital projects out to bid: 2017-C6 Curb and Ramp Upgrades, 2017-C7c Asphalt and Aggregate, 2017-C8 Pavement Markings, 2017-C13 Street Tree Planting, and 2017-C16 Treatment for Oak Wilt. After the bid openings, the Board will take actions of each of these projects.

In response to a question from Ms. Dininni regarding the Martin Street project, Mr. Modricker stated that the Township can certainly look at what the cost and work would be for adding a bus stop to that area, but it would be a project for next year. The current project is already far along into the design phase and it is getting ready to go out for bid.

c. Planning and Zoning Director

Mr. Stolas stated that the Planning Commission will reconvene on February 27, 2017. An Active Plan List is attached for the Board of Supervisors' consideration. On February 10, 2017, Planning and Zoning staff conducted a conference call with Carolyn Yeagle of Environmental Planning & Design to discuss the Rural Agricultural and Rural Residential districts. The next meeting of the Steering Committee is scheduled for Thursday, March 16, 2017. The Sourcewater Protection Work Group met on February 9 to review draft ordinance comments and will meet again on February 23 to conclude comment review. It

is anticipated that the Planning Commission will receive a new draft, as a result of the comments, on or before their March 27 meeting. Mr. Stolinis reviewed the Permit Activity report for January 2016 and 2017.

d. Chief of Police

Chief Conrad reviewed her report. In Part 1, crime is down from this time last year, and most of the crimes are burglaries and thefts. In Part 2, crimes are slightly up at 57 crimes from 42 crimes last year.

Chief Conrad announced that Sergeant Stringer retired from the Ferguson Township police department after 21 years of service.

Chief Conrad stated that the thirteen-week long Crisis Intervention Team Training for first responders was held January 9-13 at Ferguson Township.

The Police Department is moving ahead with applicants for the two open positions. Chief Conrad stated that a grant funding opportunity came through the state to help Police Departments along with accreditation. The Ferguson Township Police Department applied for the grant through Centre County, and the Centre County Commissioners moved to approve the Police Department for the grant award of \$13,750. The grant will cover supporting staff hours, the consultant, and software.

Mr. Buckland commended Sergeant Stringer for addressing the issue of the militarization of police forces in a professional manner. Mr. Buckland stated that Sergeant Stringer's work speaks highly of the Ferguson Township Police Department's professionalism.

e. Treasurer's Report

Mr. Miller stated that the treasurer's report is included in the agenda. Any questions can be directed to Mr. Kunkle or Eric Endresen, Director of Finance.

Mr. Miller asked the Board to consider addressing item number 2 of New Business before addressing Old Business.

A motion was made by Ms. Dininni and seconded by Mr. Buckland to address New Business item number 2 before addressing Old Business. The motion passed unanimously.

4. **POLICE PENSION UPDATE**

The Ferguson Township Board of Supervisors acts as the Trustees of the Ferguson Township Police Pension Fund. The fund is monitored by the Police Pension Fund Advisory Board which meets quarterly with the fund investment advisor PNC Institutional Advisors. During the last Advisory Board meeting it was suggested that an update to the pension fund trustees would be timely as year end fund performance is available and since there are new members of the Board of Supervisors. Michael Ball and David DelGrosso will be attending the meeting to review the funds performance. Provided with the agenda is a copy of the information that will be reviewed with the pension fund trustees. No action is required by the Trustees.

After the presentation from Mr. Ball and Mr. DelGrosso, the floor was opened to questions.

In response to a question from Mr. Pribulka regarding reallocation away from equities, Mr. Ball stated that the key driver is earnings. One of the cautions they look out for is when analysts drive down their earnings expectations, which would make the valuations stretched more than they already are.

In response to a question from Mr. Miller regarding contributions, Mr. DelGrosso stated that when they met with the actuary last year, the actuary projected an 8-8.5% return rate for this time period back in 1926. The actuary is not as concerned with the next ten years, rather a 50-year time horizon. Mr. DelGrosso stated that they try to find a balance between risk and reward, and they

feel that it is well funded where the plan is now.

Ms. Dininni made a motion to take a short recess, seconded by Mr. Miller. The motion passed unanimously.

IV. OLD BUSINESS

1. AMENDMENTS TO CODE OF ORDINANCES, CHAPTER 1 ADMINISTRATION AND GOVERNMENT

On February 6th the Board was provided with a complete copy of the Administrative Code including revisions. These revisions include the previously authorized changes as well as revising the text of the code to make its language gender-neutral. A copy of the January 23 marked up copy, as amended through February 7, 2017, of the Administrative Code is provided with the agenda. Discussion continued regarding further amendments. The Board agreed to further amend the draft ordinance by changing, where appropriate, the term week or weeks to the number of days. This has also been completed with the version enclosed with the agenda. Two additional amendments are currently on the table.

A motion was made by Ms. Dininni and seconded by Mr. Buckland to amend Part 6 Board of Supervisors, 1-608 Rules of Procedure #3 to include the language "*Whenever the performance of official duties shall require any official to deliberate and vote on any matter involving his or her financial or personal interest, the official or employee shall publicly disclose the nature and extent of such interest and refrain from participating in the deliberation as well as in the voting.*"
The motion failed 3-2.

A motion was made by Mr. Miller and seconded by Mr. Buckland to postpone the motion on the table indefinitely: A motion to strike the current personal interest definition and replace it with the language "A personal interest is defined to be consistent with the PA Code of Ethics, Act 170 of 1978, as amended."
The motion passed 4-1.

Mr. Miller stated that at the time he made the original motion, he had concerns about the broadness and wording of personal interest as it relates to Part 8 Code of Ethics, Section 802 Definitions. He stated that there is sufficient reference to the PA Code of Ethics that he no longer has concern over the definition of personal interest. Mr. Miller stated the he was concerned about who would decide if a person has a personal interest in a specific matter, but it was clear to him after reading the Administrative Code further, that the Board of Supervisors decide if someone has a conflict of interest. Mr. Miller also felt that the broad definition might allow a person to use the Administrative Code to attack someone over a possible personal interest, but even if the definition of personal interest was amended, it would not stop a person from doing so.

A motion was made by Ms. Graef and seconded by Mr. Buckland to authorize the marked-up ordinance of January 23, 2017 to be advertised for a public hearing. The motion passed unanimously.

V. NEW BUSINESS

1. CONSENT AGENDA

- a. Voucher Report January 2017
- b. Bowman/Cardinal Lane Subdivision – Time Extension Request

A motion was made by Ms. Whitaker and seconded by Ms. Dininni to approve the above two items under the Consent Agenda. The motion passed unanimously.

2. DRAFT REVISED OFFICIAL MAP

Mr. Stolas provided the Board members with the full size draft Official Map at the BOS meeting on February 6. This update to the Official Map is the first since May 19, 2008 with the adoption of

Ordinance #903. The draft has been reviewed by the Planning Commission. Provided with the agenda is a memorandum dated February 14, 2017 from the Planning and Zoning Director which includes the recommendations of staff.

Mr. Stolinis provided the Board with a presentation that reviewed the amendments to the proposed Official Map. Mr. Stolinis stated that an Official Map illustrates the locations of planned future public lands and facilities such as transportation, recreational parks and trails, and open space. The Official Map expresses the municipality's interest in acquiring these lands for public purposes sometime in the future. Official Maps inform property owners and developers of long-range municipal goals, provides clarity on future public needs, and a municipality can focus limited resources on projects that will best advance its long-term goals.

Mr. Stolinis reviewed what the Official Map may include according to the PA MPC:

- Existing and proposed public streets
- Watercourses and public grounds including widening, narrowing, extensions, diminutions, openings, or closings
- Existing and proposed public parks, playgrounds, and open space reservations
- Pedestrian ways and easements
- Railroad and transit right-of-way and easements
- Flood control basis, floodways and floodplains, storm water management areas, and drainage easements
- Support facilities, easements, and other properties held by public bodies undertaking the elements of a comprehensive plan

Mr. Stolinis went on to explain that the Official Map is a combined map and ordinance. The governing body is required to provide a 45-day review and comment period and one public hearing prior to adoption. The map and proposed ordinance are forwarded to adjacent municipalities, Centre County Planning, and the Centre Region Planning Agency for review and comment during that 45-days.

Mr. Stolinis stated that once the map and proposed ordinance is adopted, and a property owner or developer notifies the municipality of their intention to build, subdivide, or perform work on land that is located on an Official Map, the municipality has up to a year to confirm its acquisition interest and negotiate to acquire land.

In response to a question from Ms. Dininni regarding open space, Mr. Stolinis stated that staff showed parks and preserved agricultural lands as open space. Ms. Dininni requested that there be a dialog in the future about the definition of open space as it relates to the draft Official Map. There was some discussion about the proposed bike path near the proposed Whitehall Road Regional Park.

In response to a question from Mr. Buckland, Mr. Stolinis stated that staff does use the term "open space" in subdivision and land development projects, and there has been discussion about updating that definition.

Mr. Miller asked staff to consider noting the "as of date" for agricultural easements on the map legend so that people would know there may be other agriculture easements that have been added since that date.

In response to a question from Mr. Buckland, Mrs. Schoch stated that the discussion of adding the proposed Sourcewater Protection Overlay Ordinance Zone 1 designation to the wells on the Official Map has been discussed at the staff level, but as of now, there are no plans to put the

designations on the map. Mr. Kunkle explained that certain items placed on the Official Map may have an impact on a property owner's ability to certain things on their land.

In response to a question from Ms. Whitaker regarding Scotia Range, Chief Conrad stated that the range is in Halfmoon Township and is considered Pennsylvania State Police territory.

In response to a question from Ms. Graef, Mrs. Schoch stated that staff have also discussed adding state forest and game land areas to the map. Ms. Graef stated that showing these on the Official Map could help with the idea of showing public facilities. Mr. Miller questioned whether including state forest and game land areas on the Official Map was appropriate, or if it was better suited as an individual map that staff includes on the Township website.

A motion made by Ms. Dininni and seconded by Ms. Graef to authorize the initiation of the 45-day review and refer the Draft Official Map to the Township Planning Commission, Centre County Planning Commission, Centre Region Planning Commission, and adjacent municipalities. The motion passed unanimously.

3. **DRAFT REVISED SIGN ORDINANCE**

Mr. Stolas stated that a copy of the revised sign ordinance regulations has been provided with the agenda. Planning & Zoning staff worked the past several months on the proposed ordinance language in Chapter 19-Signs to for the Board of Supervisors; consideration. This is a result of the Supreme Court decision in the Reed vs. Town of Gilbert, AZ case related to content neutral sign regulations. Municipal sign regulations should adhere to time, place and manner. Content neutral regulations do not apply to or affect the sign message, or communication on the sign in any way. It does not pertain to lettering, graphics, speech, artwork, colors, or prohibit or control the use of any of these characteristics. The Planning Commission has not yet provided its recommendation on the draft ordinance. The Board should refer the draft ordinance to the Planning Commission for its review and recommendation.

Ms. Schoch gave a presentation summarizing information about the proposed ordinance. The biggest change to the ordinance was the addition of terms and definitions. Electronic message centers, illuminated, and animated signs were also added due to the popularity. Staff kept the general provisions for type, area, height, and locations.

Mrs. Schoch explained that the proposed ordinance continues to regulate signs based on use, and not zoning district. Most signs are now prohibited in the Township right-of-way, which is a big change from the previous language. Gas canopy signs have been incorporated into the proposed language, and staff added agriculture preservation and century farm signs as exempt. Mrs. Schoch stated that reoccurring issues that staff face are that business owners want more signs, people want to put signs in the right-of-way, and digital message boards are highly requested.

Mrs. Schoch recommended that the Board of Supervisors refer the proposed sign ordinance amendments to the Planning Commission, where it will review it and provide comments. Then the Planning Commission will provide a recommendation to Board of Supervisors on the proposed sign ordinance amendment.

In response to a few questions from Ms. Dininni, Mrs. Schoch stated that perimeter means a fence around a ballfield, for example. Mr. Ressler stated that the sign near the shed on Route 26 is considered a billboard, which requires certain regulations to get approval. Billboards are allowed in the Commercial District. Mr. Ressler stated that the current ordinance allows Tourist-Oriented Directional (TOD) signs in the Township right-of-way.

In response to a question from Mr. Buckland regarding the video advertisements on gas pumps, Mr. Ressler stated that the Township is not currently looking to regulate those uses.

A motion was made by Mr. Buckland and seconded by Ms. Dininni to refer the draft revised sign ordinance to the Planning Commission for review and consideration. The motion passed unanimously.

4. ZONING VARIANCE/APPEALS HEARINGS

Mr. Kunkle stated that the Board of Supervisors conditionally approved the subdivision of tax parcel 24-422-100 subject to the property owner obtaining variance from the requirement to install sidewalks along the frontage of the newly created lots. The Board granted a waiver of the subdivision requirements to show sidewalks on the subdivision plan. Provided with the agenda is a copy of the variance application from Chapter 27 Section 810. The policy of the Board has been to review the variance/appeals applications prior to the scheduled Zoning Hearing Board meeting to determine if the Board desires to remain neutral, oppose or support the variance/appeal request. Staff is recommending that whichever position the Board determines that the Zoning Hearing Board consider including a condition as follows: *"A condition is placed on the variance that at any time the Board of Supervisors should require the property owners along Cardinal Lane to construct sidewalks the granted variance is null and void and the affected property owners will be required to construct sidewalks as required by the Board of Supervisors."*

A motion was made by Mr. Buckland and seconded by Ms. Dininni that the Board of Supervisors remain neutral on the variance application of Joseph Bowman for properties located at 124, 134, 140 Cardinal Lane subject to a condition being placed on a variance, if granted, as follows: A condition is placed on the variance that at any time the Board of Supervisors should require the property owners along Cardinal Lane to construct sidewalks the granted variance is null and void and the affected property owners will be required to construct sidewalks as required by the Board of Supervisors. The motion carried unanimously.

5. AMENDED SETTLEMENT AGREEMENT WITH PENN STATE UNIVERSITY

Mr. Kunkle stated that in 1992 as a result of a pending legal challenge, Penn State University entered in to a Tax Settlement Agreement with Centre County, the State College School District, State College Borough and the Townships of College, Ferguson, Harris, and Patton. In 2005, this agreement was amended and extended for a 20-year period. The agreement was further amended in 2008 to include a dispute resolution mechanism that avoids costly litigation.

In 2016, State College Borough requested mediation, as provided for in the 2008 agreement, regarding the use of the "mezzanine level" of the campus bookstore. The University and Borough subsequently reached a tentative agreement prior to mediation regarding the "mezzanine level" of the campus bookstore and future franchises or commercially licensed stores outside the spaces currently occupied by Schedule "A" properties.

Penn State also owns properties that fall outside of their primary education and research missions for which they provide additional fee-in-lieu of tax payments to the municipality where the property is situated. These other properties are included on a list that is titled Schedule "A." This list was created with a 2008 settlement agreement between the University and the municipalities and Centre County. State College Borough has long held that the franchised businesses in the HUB should be considered taxable while the University has held the contrary view.

Amendments to the Schedule "A" list must be approved by all parties of the tax Settlement Agreement.

In response to a question from Mr. Buckland, Mr. Kunkle stated that the State College Borough and the Penn State University are in dispute over the franchise properties on the university campus. The State College Borough's argument is that franchise operations on the campus are

not campus operations, therefore it should be a taxable entity. Mr. Kunkle stated that the Nittany Lion Inn is not listed on the Schedule "A" list because it is a commercial operation that is operated entirely by the University.

A motion was made by Ms. Dininni and seconded by Ms. Whitaker to approve the amendment to the Penn State Tax Settlement Agreement entitled 2016 Schedule "A" Agreement. The motion passed unanimously.

6. TRANSFER OF 2000 BRUSH BANDIT TO BELLEFONTE BOROUGH

Mr. Kunkle stated that in 2000 the Township received a 90% grant from DEP for the purchase of a brush chipper. A new chipper has been purchased to replace this 17-year-old chipper. To dispose of the 2000 brush chipper the state grant requires that either the sale of the chipper and the return of 90% of the proceeds to the Commonwealth or transfer of the chipper to another municipality. Bellefonte Borough has expressed an interest in this chipper. The unit has a value of between \$9,000 and \$15,000 if it were sold. The Township Administrative Code Section 908 requires approval of the Board of Supervisors to dispose of any township asset valued at more than \$10,000.

A motion was made by Mss. Dininni and seconded by Ms. Whitaker that the Board of Supervisors authorize the transfer of a 2000 Brush Bandit 250 XP Serial Number 016060 to Bellefonte Borough. The motion passed unanimously.

7. ABC APPOINTMENTS

On February 14 the Board of Supervisors was provided a list of applicants and the various Authorities, Boards and Commissions that have vacancies or opportunities for reappoint of current incumbent members. On January 3 the Board directed staff to encourage interested township residents to submit applications for three specific ABC's; Zoning Hearing Board, Industrial and Commercial Development Authority and the Tax Review Board. The Township Manager is recommending that should the Board not reappoint incumbents to the Zoning Hearing Board that current alternates to the Zoning Hearing Board be considered first. These individuals have received specific training to serve on the Zoning Hearing and have attended many meeting of the Zoning Hearing Board gaining experience. Appointing these alternates would then open opportunities for other interested residents to be appointed to the vacant alternates positions to gain experience and knowledge about the functions of the Zoning Hearing Board

After discussion, the Board of Supervisors voted for the following people for the Zoning Hearing Board:

- Ward I Nominee
 - Nominee: Michael Twomley
 - Vote: Unanimous
- Ward III Nominee
 - Nominee: Peggy Van Meter
 - Nominee: Susan Buda
 - Mr. Buckland – Susan Buda
 - Ms. Dininni – Peggy Van Meter
 - Ms. Graef – Peggy Van Meter
 - Mr. Miller – Peggy Van Meter
 - Ms. Whitaker – Peggy Van Meter
- At-Large

- Nominee: Swamy Anatheswaran
- Nominee: Mark Friedenberg
 - Mr. Buckland: Swamy Anatheswaran
 - Ms. Dininni: Mark Friedenberg
 - Ms. Graef: Swamy Anatheswaran
 - Mr. Miller: Swamy Anatheswaran
 - Ms. Whitaker: Swamy Anatheswaran
- Zoning Hearing Board Alternates
 - Nominee: Susan Buda
 - Nominee: Scott Petryshak
 - Mr. Buckland: Susan Buda
 - Ms. Graef: Scott Petryshak
 - Ms. Whitaker: Susan Buda
 - Ms. Dininni: Scott Petryshak
 - Mr. Miller: Susan Buda

After discussion, the Board of Supervisors voted for the following people for the Tax Review Board:

- Nominee: Vicki Hewitt
- Nominee: Matthew Patch
 - Acclamation: Nominees are accepted unanimously

After discussion the Board of Supervisors voted for the following people for the Industrial, Commercial, and Development Association:

- Nominee: Wesley Donahue
- Nominee: Paul Apicella
- Nominee: Charles Farrell
 - Buckland: Wesley Donahue & Paul Apicella
 - Graef: Wesley Donahue & Paul Apicella
 - Dininni: Wesley Donahue & Paul Apicella
 - Miller: Wesley Donahue & Paul Apicella
 - Whitaker: Wesley Donahue & Charles Farrell

VI. COMMUNICATIONS TO THE BOARD

Mr. Buckland stated that he has received positive remarks from members of the public regarding the immigrant, refugee, and islamophobia resolution that the Board discussed at its February 6, 2017 meeting.

Ms. Dininni stated that she received an inquiry about the investments of Ferguson Township. She went on to state that the Township should think of the values that it is working on highlighting within the Township as driving future investments.

VII. CALENDAR ITEMS – FEBRUARY/MARCH

Mr. Miller stated that there was a concern at the beginning of the year that members of the Board as well as members of the public would not be able to attend the March 6, 2017 meeting due to spring break. Since there will be a joint meeting with the Ferguson Township Planning Commission on March 13, Mr. Miller proposed that the Board cancel the March 6, 2017 meeting.

In response to a question from Ms. Graef, Mr. Kunkle stated that the only two items that could be put on the March 6 agenda would be two capital project contracts that are going to bid later this month. Mr. Kunkle stated that the Board of Supervisors could advertise the March 13, 2017 meeting

as a special meeting followed by a joint worksession with the Planning Commission. By doing so, the Board could act on the two contracts at the special meeting.

VIII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting at 10:10 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mark A. Kunkle".

Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 03/20/2017