

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, November 20, 2017
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, November 20, 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 Stolinis, Director of Planning & Zoning
	Janet Whitaker		Chris Albright, Chief of Police
	Rita Graef		

Others in attendance included: Kelli Hoover; Lewis Steinberg, Schlow Library; Stacie Luxon, Jennie McCracken, AECOM; Tom Zarat, PennDOT; Dr. Christopher Duffy, Penn State; Tobin Short, Steven Zarit, Fair Districts; Tom Zilla, COG; Christie Baily; Wes Glebe; Trish Meek; Beth Van Horn; Jim Van Horn; Jennifer McCauley; Travis, Foster, Betty Foster; Pam Short; Sarah Rafacz; Dawn Rosenbaum; Arthur Curtze; Ron Williams; Jeremie Thompson; Betsy Whitman; Marc Friedenber; Andrew Hoskins; Bernie Hoffman; Pam Steckler; Bill Hechinger; Maria Bills; Faith Norris, Recording Secretary

II. CALL TO ORDER

Mr. Miller called the Monday, November 20, 2017, regular meeting to order at 7:00 p.m.

Mr. Buckland made a motion to move the Public Hearing Resolution for Fair Redistricting to above Old Business. Ms. Graef seconded the motion. No objections were made.

III. CITIZENS INPUT

Ms. Hoover voiced her concerns regarding the property on West Whitehall Road for pending purchase by a land developer with a *Letter of Intent* to Penn State. She discussed other opportunities and options if the land developer does not purchase the property. Mr. Buckland clarified his position is that he works at Penn State's Sustainability Institute.

Mr. Glebe voiced his concerns on items at the lay-down yard that The Metropolitan is using. He asked for a clearer designation on where the boundary line is for the Township and the Borough due to equipment placement. Discussion followed on boundary line and equipment.

IV. MINUTES

a. November 6, 2017, Board of Supervisors Regular Meeting.

Ms. Whitaker made a motion to **approve** the November 6, 2017, regular meeting minutes. Ms. Graef seconded the motion. The motion passed unanimously.

V. ABC REPORTS

Lewis Steinberg - Schlow Centre Region Library. The report centered on three areas that included Circulation, Financial and General information. Mr. Steinberg went into detail on attendance and finances that is on track, significant donation contributions, what the funds go to, goals, adult education programs and fund-raising efforts. He noted the residents use the library more and the book return service has become popular. Mr. Steinberg stated that his first-year term is up and asked for

consideration for the second term. A second trustee will be coming on at the first of the year from Ferguson Township. The Pew Research Center found that libraries are considered the most trustworthy source of information within the country. Noteworthy, a customer from the home-bound program had sent in a note thanking the library for all of the wonderful books that were sent for his reading pleasure.

Ms. Whitaker noted that nationally paperback books are making a comeback.

VI. PRESENTATIONS

a. PA Route 26/45 intersection Improvements –Mses. Luxon and McCracken, AECOM consultants

Mr. Pribulka stated a public meeting was held at the Township today prior to the Board meeting for the design options for the interchange on routes 26, 45 and Shingletown Road outside of Pine Grove Mills. The project has gone through PennDOT's Connects policy that incorporates community input for the design phase of state-funded transportation projects. The presentation detailed three roundabout alternative analyses and a matrix of alternatives for the Route 45 interchange. The improvements are intended to slow traffic down and have a calming effect. Costs for realignment were discussed.

Mr. Zarit of PennDOT thanked the consultants for the presentation and discussed next steps. He went into detail on what is now the Study Phase. The comments received will be reviewed and a report with recommendations will follow for the Board of Supervisors' consideration based on the comments received. The recommendations will factor in the costs and benefits for all of the alternatives, level of service and accident reduction. He noted with the recommendation there will be municipal costs for each alternative due to operational expenses associated with lighting and traffic signals. Following an agreed upon alternative, PennDOT will move forward and work with the Centre Region MPO to place the project on the Transportation Improvement Program.

Discussion followed on the process at the preliminary design phase, environmental impact, detail of the TIP-allocated funds for the upcoming year and the MPO evaluation. Mr. Zilla clarified the TIP is a four-year program that is updated every two years. Discussion followed on district costs and timeline.

b. Land Use Change and Water Resources – Dr. Duffy

Mr. Pribulka stated the Board had introduced a green structure mapping project for 2018 and funds were appropriated in the Township's draft Operating Budget to conduct the study. The goal is to identify areas within the municipality that have significant environmental value for a more long-term open space referendum that may be used to acquire and preserve the land with those valued characteristics. Dr. Duffy teaches a course in hydrologic engineering and ground resource modeling at Penn State. Dr. Duffy presented the *Chesapeake Bay Watershed Modeling and Land Use Change – A New Approach Case Study* that included the goals, essential variables, control points, projections and scenarios. The slide presentation will be made available to the public.

New Business item moved before Old Business:

Public Hearing Resolution supporting a Citizen's Commission for Legislative & Congressional Redistricting

Mr. Pribulka introduced the resolution in support of a Citizen's Commission on Legislative and Congressional Redistricting.

Mr. Buckland made a motion that the Board of Supervisors adopt the resolution supporting a citizen's commission for legislative and congressional redistricting. Ms. Dininni seconded the motion.

Mr. Steve Zarit had presented the original request and represents Fair Districts PA in Centre County that is a nonpartisan group related to the League of Women Voters. He said the resolution has been voted on by more than 100 districts in Pennsylvania and voiced his concerns on gerrymandering within Pennsylvania districts. Mr. Short voiced his support of the resolution and further discussed the issue.

Mr. Miller read the full resolution. Ms. Whitaker stated that she does not support gerrymandering and believes it's a misuse of democracy and asked what the Citizen's Commission is going to do for local citizens and if there is a cost to the taxpayers. Discussion followed on the process of redistricting in Pennsylvania.

Roll call vote on Resolution 2017-25: Ms. Dininni - YES; Ms. Graef - YES; Mr. Miller - YES; Ms. Whitaker-NO; Mr. Buckland – YES. The motion passed 4 to 1 with Ms. Whitaker dissenting.

VII. OLD BUSINESS

- a. Public Hearing Ordinance amending Chapter 1 for Boards and Commissions by establishing a Parks and Recreation Committee.

Mr. Miller introduced the ordinance as provided for public hearing. Mr. Pribulka previewed the proposed committee's tasks prior to the motion.

Mr. Buckland made a motion that the Board of Supervisors **adopt** the ordinance amending Chapter 1, Administration and Government, Part IV, Boards and Commissions by establishing a Parks and Recreation Committee. Ms. Dininni seconded the motion.

No public comments were noted.

Roll Call vote on Ordinance 1039: Ms. Graef – YES; Mr. Miller - YES; Ms. Whitaker - YES; Mr. Buckland - YES; Ms. Dininni - YES. The motion passed unanimously.

- b. Continued Discussion - Draft Sourcewater Protection Ordinance

Mr. Miller asked for any amendments to the draft ordinance. Discussion followed on proposed changes to specific sections of the draft ordinance by the Board.

Mr. Miller stated the intent of the sentence noted in Section 4 are the products are exempt and discussed language to state the clear intent.

Section 4 – Applicability, item B (i). Mr. Miller made a motion to change the sentence to read “*For commercial and retail establishments that sell fuels, hazardous chemicals, pesticides, fertilizers...and regulated substances packaged for home uses, these packaged materials shall be exempt from the requirements of this ordinance.*” Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Buckland discussed updating language in Section 7 to make the sentence clearer to read.

Section 7 – Reporting Requirements, item 3. Mr. Buckland made a motion to add “*Filing notices must be made available...*” in front of the sentence through to the word “and”. Ms. Dininni seconded the motion. The motion passed unanimously.

Discussion followed on adding SCBWA discretionary language to the ordinance stating they have the option to review and approve substances in regard to the Faculty Profile Sheet.

Section 7 – Reporting Requirements, item A, 1 (i). Ms. Dininni made a motion to add a sentence stating, “At the discretion of the State College Borough Water Authority, The Pennsylvania State University, the Borough of Bellefonte, or the Rock Springs Water Company, depending on relevant jurisdiction, any application of pesticides, herbicides and regulated uses shall be contingent upon the approval of said agency”. Mr. Miller seconded the motion.

Ms. Graef made a motion to amend the motion above to add the language consistent throughout the document where it applies to public water suppliers. Mr. Buckland seconded the motion. The amendment passed unanimously.

Discussion followed on restrictions under Chapter 27 - Zoning. Mr. Stolinas noted a section was added to the ordinance for compliance purposes. Clarification was made that a property owner will be made aware of what was applied for at a particular timeframe in reference to the Facility Profile Sheet.

Section 7, item A, 1 (i) Multi-family housing developments. Ms. Graef made a motion to change the word “and” to “or” to read “...utilized or stored on-site. Mr. Miller seconded the motion. The motion passed unanimously.

The vote to add the sentence stated above passed unanimously.

Discussion followed on incentives on apartment complexes and definitions

Section 3, Definitions, Agricultural Business, last sentence. Mr. Buckland made a motion to strike the word “and” and change to read “on-farm restaurants or cafes and other valued production facilities”. Ms. Dininni seconded the motion. The motion passed unanimously.

Discussion followed on filing status/compliance with the Township in reference to Section 4, item D. A clarification was made on notification requirements to the Township compared to the County.

Ms. Dininni made a motion that the Board of Supervisors **authorize** the Sourcewater Protection Ordinance for public hearing on December 11th. Mr. Buckland seconded the motion. The motion passed unanimously.

c. Chamber of Business and Industry (CBICC) – Centre County’s “Drive Forward” Campaign

Mr. Pribulka reviewed the continued discussion from the November 6th Regular Meeting. The requested campaign support was spearheaded by CBICC to secure Federal and State funding for construction of routes 99 and 80 Interchange and for the Potters Mills Gap Transportation Project. Multiple stakeholders included Centre County’s MPO and the primary support is for Interchange.

Mr. Miller called for a vote on the motion currently on the table for the “Drive Forward” Campaign. There is no funding commitment at this time.

The motion to **endorse** the “Drive Forward” Campaign of the Chamber of Business and Industry – Centre County passed 3 to 2 with Ms. Dininni and Mr. Buckland dissenting.

Ms. Whitaker made a motion to reconsider the vote. Ms. Dininni seconded the motion. The motion passed unanimously. Clarification was made on the original motion. A second vote was taken. The vote on the motion passed 3 to 2 with Ms. Dininni and Mr. Buckland dissenting.

VIII. NEW BUSINESS

1. Consent Agenda

- a. October 2017 Voucher Report
- b. 2017-C5 - Meadows Park Improvements Pay Authorization: \$24,674.78
- c. 2017-C20 - Tudek Park Parking Improvements Pay Authorization: \$79,011.58
- d. Hunter's Chase Phase 6 Surety revised amount: \$32,832.11

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

2. Public Hearing Resolution Authorizing Township Manager to Execute PennDOT Agility Agreement

Mr. Pribulka introduced the resolution. The PennDOT master agreement is for an exchange of services and materials with the Pennsylvania Department of Transportation.

Ms. Whitaker made a motion that the Board of Supervisors **adopt** the resolution authorizing the Township Manager to execute an Agility Agreement between the Township and PennDOT. Ms. Graef seconded the motion.

Roll Call vote on Resolution 2017-26: Mr. Miller – YES; Ms. Whitaker – YES; Mr. Buckland – YES; Ms. Dininni - YES; Ms. Graef - YES. The motion passed unanimously.

3. Discussion of a Resolution to Prohibit placement of Category 4 Casinos within Ferguson Township

Mr. Pribulka introduced the draft resolution and reviewed the enactment of PA Act 42 of 2017 establishing a new Category 4 for mini-casinos in Pennsylvania. There is a provision under the act that allows the host municipality to prohibit the location within its jurisdictional boundaries. The option for municipalities to opt-out ends December 31st of this year; otherwise, this option is not available next year. The opt-out decision can be rescinded at a later date. Other area municipalities are considering the resolution.

Mr. Buckland made a motion that the Board of Supervisors direct staff to prepare a resolution for public hearing prohibiting the placement of Category 4 Casinos in Ferguson Township. Mr. Miller seconded the motion.

Ms. Whitaker went on record as stating she is opposed to casinos in the Township. Discussion followed on the options and clarification of advertisement for public hearing.

The vote on the motion passed unanimously.

4. Candidate Applications for Vacancies on the Township's Authorities, Boards & Commissions (ABC)

The Board adopted a resolution establishing a policy for appointment of representatives on local and regional ABCs. The Township has open applications for the current vacancies and notification to incumbents for terms expiring December of 2017. Mr. Pribulka stated that all of the incumbents had indicated a desire to be reappointed. The list of applicants and vacant positions were provided to the Board for consideration.

Mr. Miller stated interviews will need to be scheduled. Board discussion followed on various aspects of the election process, structure of staggering terms, district coverage and Zoning Hearing Board terms according to the MPC and the Township's ordinance.

Mr. Miller asked for a motion to exempt from the interview process for this year all of the ABCs except for the Planning Commission, Schlow Library and Parks & Recreation Committee.

Mr. Buckland made a motion that the Board of Supervisors **exempt** all ABC vacancies except the Planning Commission, Schlow Centre Region Library, and Parks and Recreation Committee from the interview process by unanimous vote. Ms. Graef seconded the motion. The motion passed unanimously.

Discussion followed on alternates to the Planning Commission and Parks and Recreation Committee. It was noted that no applications were received for alternate vacancies on the Planning Commission.

The Township Manager will schedule worksessions to interview applicants in conjunction with Supervisors' availability. An invitation will be extended to Supervisors-elect.

IX. REPORTS

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

- a. Steering Committee. The committee met on November 7th. Ms. Dininni reported continued review on DCNR's comprehensive and open space plan and specifically, public participation in order to build the RFP for the consultant. Goals will be discussed at the end of the document.
- b. Finance Committee. The committee met on November 9th. Mr. Miller reported that the main item of business was forwarding the COG Summary Budget to the Executive Committee and then to General Forum; comments received from municipalities resulted in a change to the budget and staff will be preparing answers to questions submitted; recommended expenditure change on the contingency budget consistent with other purchased policies; approved replacement of the CRPA plotter for 2017-18 budget.
- c. Joint PSE-PS Committees. The committee met on November 14th. Ms. Dininni reported that Chief Albright and Mr. Modricker were in attendance; Centre Region Emergency Management Coordinator, Mr. Kauffman, discussed two major responses/cleanup efforts to storms this year; detail on public information coordination that needs an improvement plan; accidents; temporary shelter; CATA support; improvements/response for vehicles left behind; power company discussion on first responders on service information needed. Mr. Buckland thanked Ms. Dininni for attending the meeting in his place.

X. OTHER REGIONAL COMMITTEES

- a. Mr. Buckland reported on the Spring Creek Watershed Commission. Next year's meetings will be held at the Bellefonte Borough Council Chambers and no longer at the Spring Township Building.

XI. STAFF REPORTS

- a. Township Manager. The Centre Region Operations Center scheduled functional exercise of the emergency operations plan is on December 6th from 10:00 a.m. - 2:00 p.m. and will be the Center's first functional exercise since October 2012; worksessions are scheduled for December 11th from 5:00 p.m. – 7:00 p.m. with Dr. Foster on Parliamentary Procedure - current Supervisors and Supervisors-elect are encouraged to attend; two police promotions and ceremony on November 16th for Sergeant Brian Rose and Corporal Eric Albright; and a thank-you letter received from Executive Director of First Night State College, Mr. Bryant, expressing appreciation of the Board's sponsorship of an ice sculpture at the upcoming First Night 2018.

- b. Planning and Zoning Director. The Commission met on November 13th and discussed subdivision applications and the Working Draft Zoning Ordinance; JL Farms Land Development review – pending Board approval; updates on new subdivisions: Hummel located on Ridge Road and Wheland and Cooper Estate off Tadpole Road; discussions initiated with consultant Ms. Yeagle at the meeting on changes to the Working Draft Zoning Ordinance and the Idea Board; EPD intends to make tutorials and the draft interactive ordinance live by the end of November; next meeting is December 5th. Mr. Stolinis addressed questions raised by Ms. Dininni regarding the subdivision plans regarding inclusion of garages in the structures and a question on the Planning Commission minutes.
- c. Public Works Director. Mr. Modricker reviewed the November 14th presentation on the neighborhood study area off Park Lane intersection that has received more favorable comments than previous options - next step will be to petition residents for a vote on the proposed traffic calming plan; reviewed the November 16th meeting with the architect/engineering team on the proposed LEED Gold Public Works Building - more information to follow at the next Regular Meeting; a geophysical survey was done onsite consistent with the stormwater ordinance; Stormwater Advisory Committee Meeting will be on December 6th; two park projects completed: Meadows Park and Tudek dog Park; Tree Commission met on November 13th - no meeting for December and the next meeting is in January 2018 – meetings are usually the third Monday of the month at 5:30 p.m.; maintenance update; week of November 15th Public Works assisted the Fish and Wildlife and a nonprofit organization, Trust for Tomorrow, with a relocation of a tributary to Beaver Branch on the Campbell farm parallel to Kansa Avenue. Mr. Buckland had a question on solar renewable energy credits in regards to LEED requirements.
- d. Chief of Police. Chief Albright stated an increase in fraud, calls for service are up, scams and drug violations, review of drugs collected to-date; community events: escorted the traveling Vietnam War Memorial, provided Active Shooter Training services for area business and schools, child safety seat detail at a local charter school, attendance at 2017 Buddy Walk for bicycle safety for children with special needs; thank-you letters received for job well done by officers.

Mr. Miller stated he had received comments on how Ferguson Township Police officers have been polite and helpful.

- e. Treasurer's Report. Report was included with agenda packet. No questions were raised.

XII. COMMUNICATIONS TO THE BOARD

XIII. CALENDAR ITEMS

- a. Doodle Poll will be distributed to schedule ABC worksessions.

XIV. 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 10:00 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 12-04-17