

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 2, 2017
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, October 2, 2017, at the Ferguson Township Municipal Building. In attendance were:

Board: Steve Miller
Laura Dininni
Peter Buckland
Rita Graef

Staff: Dave Pribulka, Township Manager
Dave Modricker, Public Works Director
Ray Stolas, Director of Planning & Zoning
Chris Albright, Chief of Police

Others in attendance included: Scott Brown, NTM Engineering Services; Steven Jackson, SCBWA; Ron Seybert, Ferguson Township Engineer; Todd Giddings; Kelli Hoover; Mr. & Mrs. Musser; Brundy McAlvay; Justin McAvlay; Tracia Farrell; Todd Farrell; Faith Norris, Recording Secretary

II. CALL TO ORDER

Mr. Miller called the Monday, October 2, 2017, regular meeting to order at 7:00 p.m.

Mr. Pribulka asked for two items to be added to this agenda: State College Borough Water Authority liaison report by Steven Jackson; Submission for Special Events Permit application for a 5k race in Foxpointe Development benefiting the TIDES charity. Mr. Miller stated the items will be added.

Mr. Buckland asked for a moment of silence for the victims in the Las Vegas shooting.

III. CITIZENS INPUT - NONE

IV. MINUTES

1. September 18, 2017, Board of Supervisors Regular Meeting.

Ms. Dininni made a motion to **approve** the September 18, 2017, regular meeting minutes. Ms. Graef seconded the motion.

Mr. Buckland submitted two corrections: change "Ms." to "Mr." Buckland under Section 5; under the same section - Sourcewater Protection Draft Ordinance referencing Act 13 and how it applies, replace words following with "*hydraulic fracturing waste water and natural gas storage compressor stations and high volume pipelines.*"

The motion passed unanimously.

V. PRESENTATIONS

1. Dr. Jackson - State College Borough Water Authority

The last presentation to the Board was on July 17, 2017. Highlights included review of meetings, notes and discussions; Sourcewater Protection Overlay District Draft Ordinance; Text Amendment – Nixon/Kocher wellfield filtration plant; Beneficial Reuse and Clearwater Conservation easement acquisition; load reduction for the five municipalities; SCBWA 27 items of concern relative to the Toll Brothers Development; increase in tapping fees effective September 1st; and Rock Springs Water Company.

It was clarified that the specific type of sewer pipe recommended for The Cottages at State College Planned Residential Development, that was declined by the developer for pumping volume of sewer flow, was not specified in the 27 items. Ms. Dininni asked for clarification on how many requests

were not addressed outside the 27 items. It was not immediately known which items were not addressed.

2. Presentation of the Chesapeake Bay Pollutant Reduction Plan (PRP) – Scott Brown, P.E., NTM Engineering; Ronald Seybert, Jr., P.E., Ferguson Township Engineer

The presentation on the PRP process highlighted the pollutant reduction plan, base and regulatory load reductions, design, MS4* and NPDES** permit renewal processes, Primary and Secondary Best Management Practices (BMPs), public comment process, plan approval process, deadlines and established comparable capital/municipal costs for the five-year plan. NTM's email was provided with the advertised public notice. A meeting for public comment is scheduled for October 25th at 6:00 p.m., State College Municipal Building. It was clarified that public comments should go directly to NTM Engineering.

Ms. Dininni asked for clarification on landowner permission to place BMPs to obtain pollutant offsets. It was clarified that every project in the PRP, such as the Piney Ridge development, will require landowner permission for the Township to implement projects. Discussion followed on everything tributary to an MS4 element. Mr. Buckland asked why other projects further down were not included in the PRP. It was clarified that there was no municipal planning area in those locations. Mr. Brown went into further detail on planning areas, base load and load reduction. Discussion followed on whether a project further downstream would catch more pollution than projects further up and what rules come into play for Township ownership-easements, load reduction increase, operations and Agricultural zone requirements.

Mr. Buckland requested Mr. Pribulka submit a question to NTM regarding how pollutant reduction projects are shared amongst different parties participating in the projects. Mr. Pribulka commented that the Board is evaluating the feasibility of a stormwater management fee with municipalities through the consultant Amec Foster Wheeler. If the plan is implemented, there is a possibility for partial funding through the stormwater fee. The public notice is lengthy and an electronic version has been provided on the Township's website with contact information for all the municipalities for paper copies.

Dr. Giddings inquired about the modeling used to predict the sediment reduction for various projects. Following the discussion, Mr. Miller moved the meeting forward and recommended any specific questions should go directly to NTM.

*MS-4: Municipal Separate Storm Sewer System

**NPDES: National Pollutant Discharge Elimination System

3. Presentation of the Government Finance Officers Association (GFOA) Distinguished Budget Presentation Award

The GFOA Distinguished Budget Presentation Award for FY 2017 was presented to the Board of Supervisors. This is the third straight year the Township has won this prestigious award. The proficient rating to qualify for the award are: needs to be a policy document, financial plan, operations guide and a communications device. Mr. Pribulka recognized the Board and Township staff for their hours of effort on the document. The Finance Director was recognized for leading this document's development in transparency and accountability and the former Township Manager for his years of guiding the Township in sound financial principals in government accounting in order to achieve this distinguished honor. It was stated that in previous years of winning the award, there were conditions for improvement required to continue receiving the award. This year there are no conditions required moving forward.

VI. OLD BUSINESS

1. Public Hearing on an Ordinance adopting a new Official Map

Mr. Miller opened the public hearing on the Official Map.

An editorial correction on the map that Ms. Dininni pointed out was in the Musser Gap area as a Clearwater Conservation easement that is owned by DCNR. It does not affect the proposed adoption of the Official Map.

Ms. Hoover thanked the Board and staff for the work done on the map. She voiced her concern on the proximity of the Foxpointe Drive extension to a nearby property. Discussion followed.

Mr. Buckland moved that the Board of Supervisors **adopt** the ordinance as advertised repealing all former Official Maps and adopting a new Official Map of the Township of Ferguson pending the correction noted with the Musser Gap easement. Ms. Graef seconded the motion.

Ms. Dininni suggested aligning the bikepath plan with the Official Map. Discussion followed on proposed bikepaths on the Official Map, use of the Official Map, conservation easements, and revaluation of a transportation study in reference to Harner Farm land development.

Roll call vote on Ordinance 1037: Mr. Buckland-YES; Ms. Dininni – YES; Ms. Graef –YES; Mr. Miller – YES. The motion passed unanimously.

2. Discussion of Establishment of a Ferguson Township Parks Committee

Board interest was expressed in previous discussions to establish a Ferguson Township Parks Committee to submit recommendations to the Township Manager and Board of Supervisors for parkland development and other related items. Mr. Pribulka summarized the duties of other regional parks committees.

Discussion followed on the logistics of creating a Ferguson Township Parks Committee and what the Board of Supervisors may be looking to do on a Parks Committee for parkland/program development. Ideas included asset management, programming potential, liaison with other park authority representatives and township residents, survey/assessments, scale of parks and “pocket” parks, active parkland vs. open space/recreational areas, parks master plan development, bike/shared use path connectors into a recreational plan, and meeting frequency.

Mr. Miller suggested authorizing the ordinance to be drafted and simultaneously accepting applications to serve on the committee.

Ms. Graef moved that the Board of Supervisors **direct** staff to prepare an ordinance for review establishing a Ferguson Township Parks Committee. Ms. Dininni seconded motion. The motion passed unanimously.

3. Appointment to the Centre Region Parks and Recreation Authority Board

The Board discussed a vacancy to the Centre Region Parks and Recreation Authority for Sue Mascolo's term expiring December 31, 2018.

Mr. Miller stated that all candidates were excellent and asked for a nomination at this time.

Ms. Dininni nominated Denise Meyer. No other nominations were made. A roll call vote was taken to appoint Ms. Meyer as the Ferguson Township representative on the Centre Region Parks and Recreation Authority Board.

Roll call vote: Ms. Dininni – YES; Ms. Graef – YES; Mr. Miller – YES; Mr. Buckland – YES. The motion passed unanimously.

4. Appointments to the Ferguson Township Climate Action Ad Hoc Advisory Board

Mr. Pribulka introduced the agenda item.

Mr. Buckland moved that the Board of Supervisors **appoint** Jason Grottini, Jonathan Nelson, Brandi Robinson, Thomas Stama, and Todd Giddings to the Ferguson Township Climate Action Ad Hoc Advisory Board. Ms. Graef seconded the motion. The motion passed unanimously.

VII. NEW BUSINESS

1. Consent Agenda
 - a. Approval of tax refund for Darius & Melissa Reed
 - b. Approval of tax refund for Paul & Gayle Engle

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

2. Application for Special Event - 5K Run – Schuchert Orthodontics - 1951 Pine Hall Road

Mr. Pribulka introduced the item and the Township special events permitting process.

Ms. Dininni moved that the Board of Supervisors **approve** the Special Events application permit for Schuchert Orthodontics for October 14th. Mr. Buckland seconded the motion. The motion passed unanimously.

3. A public hearing resolution approving transfer of Weis Markets Liquor License at 1471 Martin Street

Mr. Pribulka introduced the resolution approving an inter-municipal liquor license transfer to Weis Markets at 1471 Martin Street. Staff has drafted several conditions that are included as part of the resolution for the Board's consideration. Among the most notable is a requirement that the applicant comply with the "Pizza Hut" Rule of the Pennsylvania Liquor Code, meaning that the Applicant will have to maintain an alcohol-to-food sales ratio of 1-to-1. Flaherty & O'Hara has requested that the Board continue the public hearing to October 16th to allow representatives from the law firm to present to the Board and public. Staff is also recommending continuance of the public hearing so that the Board can consider the conditions and modify or add conditions, if desired. The municipality has 45 days to hold the public hearing, which will expire on November 6th.

No public comments were made.

Ms. Dininni moved that the Board of Supervisors **continue** the public hearing on the Weis Markets liquor license transfer application until October 16, 2017. Mr. Buckland seconded the motion. The motion passed unanimously.

4. A public hearing resolution establishing a policy for ABC appointed representatives

Mr. Pribulka introduced the resolution and policy on the appointment of representatives to the Township and regional authorities, boards, and commissions. The draft policy was emulated from the process used to interview applicants for the Centre Region Parks and Recreation Authority Board vacancy. Mr. Pribulka went into detail on what the proposed policy would entail.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution establishing a policy for the appointment of representatives on local and regional authorities, boards, and commissions. Ms. Graef seconded the motion.

Mr. Miller made a motion to amend the policy to "The Board **may** adjourn to an executive session." Mr. Buckland seconded the motion. The motion passed unanimously.

Discussion followed on applicants and how to appoint. Review of policy discussed.

Roll call vote on Resolution 2017-20 as amended: Ms. Graef – YES; Mr. Miller – YES; Mr. Buckland – YES; Ms. Dininni – YES.

5. Zoning Appeals/Variances

a. 324 Vairo Blvd., Suite 220

Ms. Graef moved that the Board of Supervisors *remain neutral* on the variance request for 324 Vairo Blvd., Suite 220. Mr. Buckland seconded the motion. The motion passed unanimously.

Clarification was made that this is a connection to the sidewalk.

b. 222 Blue Course Drive

Ms. Graef moved that the Board of Supervisors *remain neutral* on the variance request for 222 Blue Course Drive. Ms. Dininni seconded the motion.

Discussion followed on commercial use of existing structure. The motion passed unanimously.

c. 910 N. Nixon Road

Ms. Graef moved that the Board of Supervisors *remain neutral* on the variance request for 910 N. Nixon Road. Ms. Dininni seconded the motion.

Discussion followed on details with the applicant who noted this is for a shop and storage for personal use. The motion passed unanimously.

d. 431 Science Park Road

Ms. Graef moved that the Board of Supervisors *remain neutral* on the variance request for 431 Science Park Road. Mr. Buckland seconded the motion.

Discussion followed on previous zoning hearings listed on the application. Clarification was made where the property is located. The motion passed unanimously.

6. Discussion of Environmental Resource Preservation Referendum

On June 1, 2015, the Board initiated a discussion of a referendum on environmental resource preservation. Mr. Buckland and Township staff worked with Penn State post-graduate students to draft a measure that could be used to assess residents support of a referendum. It was determined that more discussion should be had by the Board to provide additional detail on what the ballot initiative would authorize. Specifically, it was recommended that the Board identify certain projects that the additional revenue generated if the referendum were approved would be used to preserve and improve. Since that time, staff has engaged the services of Amec Foster Wheeler to conduct a stormwater fee feasibility study. Some of the projects funded by a stormwater fee could overlap projects proposed by an assessment for environmental resource preservation.

A discussion was initiated on whether the Board had an interest in directing staff on this proposed referendum. Details followed on possible next steps and tasks for the Township staff to identify environmental assets that could serve multiple ecosystem services: habitat areas, forest areas, and recreation and public access. Discussion on public referendum, overlapping strategies with other committees, expertise and consulting in determining the areas, and offset of funding possibilities. Mr. Modricker stated this may be a GIS effort until the focus is more clear on where these areas might be acquired in the Township.

Dr. Giddings asked for consideration on an invisible and hidden environmental resource that is the recharge capacity of the soil. He went into detail on a GIS exercise and ranking recharge capacity.

Mr. Buckland discussed Geodesign mechanisms for planning. The consensus was to ask Township staff to look into preliminary costs to identify parcels to get an idea on the investment prior to next steps.

7. Update on Zoning and Subdivision/Land Development Ordinance Rewrite

Mr. Stolinas provided a review of the Zoning Ordinance and Subdivision and Land Development Ordinance rewrites. Staff has been working with a steering committee and Environmental Planning & Design, LLC (EPD) for the last several months on a draft rewrite to the Township's zoning and subdivision and land development ordinances. A preliminary draft of the zoning ordinance has been prepared and a public comment period on the draft will begin shortly. EPD's IdeaBoard will provide a mechanism for residents and other stakeholders to provide their input on the rewrite via an interactive online tool. No action was required by the Board.

Discussion followed on the details of the online Idea Board and how it will work. Ms. Dininni asked about the capability to see text in a parcel to understand the tool. Mr. Stolinas will follow-up with EPD. Suggestions included having a gateway page and video tutorial as a tool to educate residents and be more user friendly through the process for the online Idea Board. Discussion followed on open space and other definitions.

VIII. REPORTS

1. COG COMMITTEE REPORTS

- a. Executive Committee. Mr. Miller reported the committee had met prior to the Forum meeting. Highlighted topics included approval of installation of automatic door openers at the COG building and appointment of a building Ad Hoc Committee to address options when the building lease expires.

- b. Finance Committee. Mr. Miller reported the budget review has been ongoing with one more meeting this week and the regular meeting to follow.
- c. Centre County Metropolitan Planning Organization (CCMPO). Mr. Miller attended in Ms. Whitaker's absence. There is a push to acquire federal money for the interchange between I80 and I99, north of Bellefonte. Discussion followed on the possibility of setting aside matching funds due to the commitment needed.
- d. Spring Creek Watershed (SCW) Commission. Mr. Buckland reported there is a new AmeriCorps worker; report on hydrology of groundwater in the area and went into further detail on history of percentiles; update on environmental education grant that will be using the SCW Atlas; detail discussed on organizations across the region and schools to partner with to bring watershed education to all age groups; update on the budget and purpose of Phase 1 of the SCW Management Plan and funding which is not finalized at this point; and balance of funds.

2. OTHER REGIONAL COMMITTEES - None

3. STAFF REPORTS

- a. Township Manager. Report was given as included with the agenda packet. Details on the closing of Clearwater Conservancy easement; Zoning Hearing Board approval of variances requested by the Russian Baptist Church - more detail followed on the history of the continued variances for the analysis done on the floodplain, discussion followed on why the variances were approved given the current Code of Ordinances, and if the Board has the option to appeal on the floodplain issue; the local Chamber (CBICC) was approached by the Harrisburg Chamber to partner with Amazon HQ2 initiative for a nationwide search via RFP for Amazon's new corporate headquarters - more detail discussed on investment in our area if the Harrisburg Chamber proposal is approved; report on Chamber's Drive Forward initiative to help MPO's efforts on the Route 99/I80 interchange; Township is participating in the United Way Day of Caring on October 5th at a Strawberry Fields house location; Industrial & Commercial Development Authority is scheduled to have a reorganizational meeting on Wednesday, 12:00 p.m., Conference Room 2 at the Township building – their last meeting was held in October 2012.
- b. Planning and Zoning Director. Report was given as included in the agenda packet with the Active Plan list and September 11th approved Planning Commission Minutes. The committee met on September 25th; preplan withdrawn from review report: Whitehall Road, Buffalo Wild Wings, and West Cherry Lane Multi Use Bldg.; plan review discussion of Phase 3a of The Landings; SALDO/TSD zoning update - Steering Committee meeting is scheduled for October 5th at 10:00 a.m. at the Township building.

Ms. Dininni asked for clarification regarding The Landings Phase 3a. Specifically, if there are any requirements for off-site traffic improvements. Mr. Stolas will follow-up on this request with the Township Engineer. Further discussion followed on access to the parks in the PRD area and the withdraw of the Whitehall Regional Park plan.

- c. Public Works Director. Report was given as included in the agenda packet. Highlights include a new dog park parking lot construction; staff completed further analysis on traffic calming options for Park Hills Avenue and will invite residents to another public meeting to discuss additional options; next Township Tree Commission Meeting is scheduled for October 16th, 6:30 p.m. at the Township building for the public hearing on tree removals and maintenance activities for the next two weeks.

IX. COMMUNICATIONS TO THE BOARD

- a. Ms. Dininni asked for information to relay to the COG on smart growth opportunities that is more in line with planning associations. This was in reference to communication received by COG from the Centre County Realtors Association that is interest-group driven.

X. CALENDAR ITEMS – October

- a. ABC Appreciation Dinner – Wednesday, October 18 at 6:00 p.m. at Toftrees Resort.
- b. Human Resources – cancelled meeting.

XI. ADJOURMENT

With no further business to come before the Board of Supervisors, Mr. Buckland made a motion to adjourn the meeting. Ms. Dininni seconded the motion. The meeting adjourned at 10:25 pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Pribulka', with a stylized, cursive script.

David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 10-16-17