

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, September 18, 2017
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, September 18, 2017, at the Ferguson Township Municipal Building. In attendance were:

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

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

Others in attendance included: Jon Dietz, UAJA; Cynthia Hahn, C-NET; Michael Pratt, Keller Engineers; Justin Mandel, Aspen Whitehall Partners; Charlie Suhr, Stevens & Lee; Todd Giddings, Sourcewater Work Group; Dan Harner, Nancy Harner, Thompson Harner, Harner Farm; Kelli Hoover; Art Curtze; Debbie Trudeau; Ansusan Brewer; Lynda Mussi, Greg Mussi, Doggy Daycare; Andy Arnold; Ruth Cooper; Brian Heiser; Kathy Rachael; Ken Gray; Doug Merritt; Ed Tracey; Michelle Spiering; Donald Goshorn; Lisa Goshorn; Carol Justice; Mac Justice; Karen Juba; Jeanne Siegenthale; Tony T. Ricciardi; Hal McCullough; Jeff Stang; Linda Leslie; Leticia Oseguera; Martha Hummel; Sara LaJeanesse; Eileen Kline; Mark Kline; Michael J. Rybacki; Sarah Potter; Deb Rosenberry; Sara Carlson; Lindsay Schoch, Ferguson Township Community Planner; Faith Norris, Recording Secretary

II. CALL TO ORDER

Mr. Miller called the Monday, September 18, 2017, regular meeting to order at 7:02 p.m.

Mr. Miller announced that the Board held an executive session on September 5th on both personnel and litigation matters.

III. CITIZENS INPUT - NONE

IV. MINUTES

1. September 5, 2017, Board of Supervisors Regular Meeting.

Ms. Dininni made a motion to **approve** the September 5, 2017, regular meeting minutes. Mr. Buckland seconded the motion.

Ms. Whitaker made motion to strike language from the minutes under the Open Letter "We Are Still In" section stating "not in support of national political agendas". She is in support of political agendas at the national level. Mr. Miller seconded the motion. The motion passed unanimously.

The motion to approve the minutes as amended passed unanimously.

V. ABC REPORTS

University Area Joint Authority - Jon Dietz

Mr. Dietz presented an update on UAJA activities and projects that included Solar Battery project, Act 537 Plan on wastewater treatment, and the odor control study. Mr. Dietz reported on resolutions adopted by the UAJA Board authorizing a demonstration of connecting on-lot septic systems in the Greenbriar development in Ferguson Township, as well as an analysis of the feasibility of connecting all on-lot septic systems in the Centre Region.

Mr. Dietz addressed Mr. Buckland's question on the potential contaminants and detectable levels in the system. Ms. Dininni suggested coordination among the authorities to ensure water quality in the land

development plans. Discussion followed on design criteria and communication to the residents if the project moves forward.

VI. Proclamation

Mr. Stolinas read the proposed proclamation designating the month of October as Ferguson Township Planning Month.

Mr. Buckland moved that the Board of Supervisors **proclaim** that the Township of Ferguson, Centre County, Pennsylvania designate the month of October as "National Community Planning Month". Ms. Dininni seconded the motion. The motion passed unanimously.

VII. OLD BUSINESS

1. Public Hearing Ordinance amending Chapter 27 - Traditional Town Development (TTD)

Mr. Miller announced the ordinance amendment as a continuation of a public hearing. The amendment modifies zoning ordinance, Chapter 27, specifically for Traditional Town Development. A motion was on the table to approve the amendments as presented at the last Board meeting. Public input was taken and no additional input was accepted unless Board-member directed or for clarification.

Mr. Pribulka summarized the TTD and in more detail on the allowance provision for modifications in regards to design standards in the Traditional Neighborhood Development, as referred to in the Municipalities Planning Code. Mr. Pribulka noted if the allowance provision is removed, it would preclude the governing body from granting modifications. If the proposed ordinance amendment is passed at this meeting, a general master plan would then be submitted by the applicant/developer and at that point a discussion can take place on whether to grant specific modifications. Mr. Stolinas went into further detail on the history, staff and regional positions. The overall purpose of the ordinance is to sanction, promote and facilitate the development of fully integrated mixed use pedestrian-oriented neighborhoods in the Township, and diversify/integrate land-use development. Mr. Pribulka noted representatives from both developments were present at this meeting.

Mr. Buckland asked Mr. Pribulka why the issue of modifications was brought up in the introduction. Mr. Pribulka stated that there have been questions brought up over the last couple of years on this clause. He clarified, basically if a request for modification was proposed that has an equal or better result than the existing language that it would relate to design standards only and not the criteria. An example of criteria would be a request to modify for a different use that is not permitted under the TTD.

Mr. Miller called for a roll call vote on the ordinance.

Roll call vote on Ordinance 1034: Ms. Dininni-YES; Ms. Graef – YES; Mr. Miller-YES; Ms. Whitaker – YES; Mr. Buckland-NO. The motion passed 4 to 1 with Mr. Buckland dissenting.

2. Public Hearing Ordinance amending Chapter 27 - Water Production Facilities

Mr. Miller introduced the ordinance amendment as provided in the agenda packet. Mr. Pribulka announced that this is a continued public hearing from the September 5th Board meeting. This was to allow the CRPC to have an opportunity to review the proposed text amendment. This is an amendment to Chapter 27, Section 204, use regulations of the Township's zoning ordinance.

Mr. Miller ask for public comment. There was none.

Ms. Whitaker moved that the Board of Supervisors **adopt** the ordinance as advertised amending Chapter 27 – Zoning, Section 204 – Use Regulations; Section 809 – Off-Street Parking and Loading Regulations; and Section 1202 - Definitions. Ms. Graef seconded the motion.

Ms. Dininni inquired if there was any response to the letter sent out regarding water service in west Ferguson. Mr. Pribulka noted communication was received and that it will be an upcoming discussion item but it was mostly an acknowledgment of receiving the request. Ms. Dininni inquired about water capacity in west Ferguson. Mr. Dietz stated there is plenty of water capacity and that it will be more beneficial in the future.

Roll call vote on Ordinance 1035: Ms. Graef – YES; Mr. Miller – YES; Ms. Whitaker – YES; Mr. Buckland – YES; Ms. Dininni – YES. The motion passed unanimously.

3. Public Hearing Ordinance amending Zoning Ordinance and Zoning Map – 2191 West Whitehall Road (Harner Farm)

Mr. Miller introduced the ordinance amendment as provided in the agenda packet. Mr. Stolas presented the ordinance amending the Ferguson Township Zoning Map to rezone property located at 2191 West Whitehall Road (Harner Farm) to General Commercial, Two-Family Residential, and Single-Family Residential from Rural Agricultural. Also provided was a map illustrating the zoning map amendment. An analysis of the request to rezone was completed by Township staff, and local and regional planning agency reviews have been submitted. The request to rezone is consistent with the Centre Region Comprehensive Plan and Future Land Use Map; and the property is located within the Regional Growth Boundary and Sewer Service Area.

Ms. Schoch presented an overview, history, discussion points and staff's point of view on the proposed amendment. Some concerns were that too much commercial was proposed; propose a IRD and more residential zones; potential parking issues; the need to preserve prime agricultural soils and to think regionally; redevelopment vs. new development; the need for encouraging more mixed-use and work force housing; universal access to homes; and consistency with local and regional planning documents. Ms. Schoch stated if rezoning is approved, the Zoning Map will need redrawn to correct the ratio specifications between the zoning districts.

Clarification was made on what specifically will need redrawn on the Zoning Map once approved. Discussion followed on the ratio of space between commercial and residential zones, the location of the corridor overlay district, and the absorption of commercial properties.

Mr. Miller asked for public comment.

Mr. Mandel, Aspen Hill Partners-developer and Mr. Harner-owner. The presentation clarified the property proposed to be rezoned, where the Harner store will be located, right-size and modernize production, permitted uses in the commercial zone, rational for rezoning and candidate for future development, corridor overlay aspects, and development plan. Comments will be accepted.

Discussion followed on absorption rate to accommodate the general commercial property. Mr. Mandel noted it would take time for this large track to develop fully and would be a phased approach. More detail was discussed on the allocation of zoning in the map. It was noted that it would not be competitive with Pine Hall but as a complementary development for the Township.

Public concerns included what kind of commercial business will be developed; concerns about car dealerships; traffic impact; character/sustainability of the community/economic aspects; effect on property values; and clarification on water and sewer system vs. existing septic system.

Mr. Miller moved that the Board of Supervisors **adopt** the ordinance amending the Ferguson Township Zoning Map by rezoning tax parcel 24-004-067 located at 2191 West Whitehall Road from Rural Agricultural to Single-Family Residential, Two-Family Residential, and General Commercial as shown in the application. Ms. Graef seconded the motion.

Ms. Graef wanted to clarify whether the applicant is not interested in a designation of TSD or TTD. Mr. Miller stated the motion has to be voted on as advertised and went into further discussion on options.

Discussion followed with concern on process, development of the commercial land long-term, definition of commercial use, other areas within the Township that can be developed, regional planning review, sustainability of farm land, impervious coverage and onsite stormwater management. Mr. Miller stated due to how the parcel of land is zoned, it cannot be sold as a working farm. It is within the regional growth boundary that allows for rezoning. Ms. Dininni stated it is a grouping of uses that is not meeting the mixed-use designation and would agree on a change that is more sensitive to the character of the community and the neighborhood needs. Ms. Graef encouraged the Board to continue to do more detailed work for specialized zoning that is needed for long-term sustainable decisions in the community. Mr. Buckland discussed looking at the Regional Development Capacity Report for fostering regional development.

Roll Call vote: Mr. Miller – YES; Ms. Whitaker – NO; Mr. Buckland – NO; Ms. Dininni – NO; Ms. Graef – NO. The motion failed 4 to 1.

4. Ferguson Township Official Map

Mr. Miller announced that the Official Map is scheduled for a public hearing on October 2nd. This will be the last meeting for discussion prior to the public hearing. The Board of Supervisors had directed staff to advertise the Official Map for public hearing after the change had been reviewed to extend the shared use path with the future connection of Foxpointe Drive, West Whitehall Road and the extension south to connect with Pine Grove Mills. Ferguson Township Planning Commission and CRPC have reviewed the change with no added comments. No action is required by the Board.

Ms. Dininni discussed a possibility of a bike path in west Ferguson for more accessibility. Discussion followed on the regional bike path map and a designation of a pedestrian walkway for safe transportation. A suggestion was made to place a designation on the map for a pedestrian walkway at the end of the growth boundary in the Roth Street neighborhood. Mr. Pribulka clarified the Township can authorize the installation of sidewalks, in Rural Residential, with the Board's approval by resolution. Discussion followed on land development plans in regards to the process for bike paths and sidewalk placement and how it corresponds with the Official Map as a planning tool.

Ms. Dininni made a motion that the Board of Supervisors **approve** designation of a bike path connecting the west end of the regional growth boundary neighborhoods with the Pine Grove Mills village. Mr. Buckland seconded the motion. The motion passed unanimously.

Discussion followed on passive park vs. the natural resources designation. Mr. Pribulka clarified in detail the natural resources designation as it relates to a parcel of land, acquired by the Township, and designated as such on the 2009 Official Map. The discovery identified was that the Board at that time took action on the basis that a natural resources designation was not sufficient to move forward on a parcel with eminent domain.

Ms. Dininni made a motion that the Board of Supervisors **approve** the designation of approximately 200 acres of the property at Whitehall Road/Slab Cabin Run as natural resources designation on the Official Map to signify the Board's intent on use. Mr. Miller seconded the motion.

Discussion followed on soil and land conservation throughout the community, agricultural education and current practices.

Ms. Dininni made a motion to amend the previous motion to add all the properties around Slab Cabin Run to the end of Ferguson Township's jurisdiction be designated as natural area conservation. Mr. Buckland seconded. The amendment failed with Mr. Miller, Ms. Whitaker, and Ms. Graef dissenting.

Original motion to add property surrounding Whitehall Road Regional Park as natural resources designation failed with Mr. Miller, Mr. Buckland, Ms. Graef and Ms. Whitaker dissenting.

5. Source Water Protection Draft Ordinance

Mr. Miller introduced the ordinance that is proposed for public hearing on October 16th as included in the agenda packet. The focus of discussion was on things not permitted in the Township. Mr. Miller expressed legal concerns he had with the regulations, and directed staff to request review by the Township Solicitor.

Discussion followed on what is or will be recommended permitted areas and uses for underground storage tanks. DEP requirements were discussed.

Mr. Buckland had a discussion on provisions of Act 13 and how it applies to hydraulic fracturing waste water and natural gas storage compressor stations and high volume pipelines.

Public comment was opened. Regulating and restricting blasting was a concern. Dr. Giddings discussed in detail the PA DEP regulations in place that address environmental issues that regulate and monitor blasting in the state and noted the draft ordinance can stay silent on that issue. Further discussion followed on the regulation efforts for blasting.

Ms. Graef raised a concern whether the Township has the manpower needed and financial means to carry out the ordinance for land use requirements. Concern was raised regarding a section in the ordinance that requires records from landowners and whether that information is exempt from public record. Specifically, concerns regarding whether records that were exempt would be made public by the Township requiring them were expressed. Further discussion followed on the questions raised.

Mr. Miller requested this item be tabled to a future Board meeting for further discussion of issues raised and to allow review by the Solicitor.

6. Light Industrial/Research & Development (IRD) Zoning Ordinance Amendment (Pet Care Services)
Mr. Stolas provided background information on the new draft ordinance and specifically on overnight boarding. A draft ordinance was included in the agenda packet.

Discussion began on lot size, setbacks and conditional use. Clarification was made on lot sizes and setbacks. Overnight boarding and the staff-to-animal ratio was discussed. A concern was raised if on-site staffing would be required if boarding animals overnight. A discussion followed on zoning districts and the definition of kenneling. It was clarified this ordinance is conditional use. Discussion followed on uses.

Ms. Dininni made a motion that the Board of Supervisors **approve** the requirement of staffing on-site if boarding overnight in the IRD zoning district. Mr. Buckland seconded the motion.

Public comment was opened. Noise concerns were raised by area residents in regards to standards, buffers and recourse action. Discussion followed on the noise ordinance and conditions for different zoning districts. Ms. Dininni suggested the Board be considerate of appropriate locations for these facilities in the future. Enforcement was discussed.

A vote was taken on the motion to require staffing for overnight. The motion passed unanimously.

Discussion followed on whether to cross-reference ordinances. It was not recommended. Noise level assessment and acoustical analysis was discussed.

Mr. Miller announced this ordinance will move to a public hearing on October 16th.

7. C-NET Coverage of Planning Commission Meetings

Mr. Stolinas presented history on the topic of C-NET coverage for the Planning Commission meetings. The consensus of the Planning Commission members was not to be televised on C-NET and other options were presented. Discussion followed on options, transparency and cost. It was noted that the Commission members are made up of volunteers and not elected officials. A benefit would be more detail in the deliberation of the Commission that is not included in the minutes.

Public comment was opened. Ms. Cooper asked if the coverage would start in January 2018.

Mr. Miller stated he was in support of meetings being televised on C-NET and if approved that coverage would most likely start in January after the appointment of incoming Planning Commission members.

Mr. Stolinas announced that three Planning Commission meetings are planned through the end of the year.

Recommendation from the Board is to start coverage in January 2018.

Mr. Buckland moved that the Board of Supervisors **direct** staff to proceed with a contract for C-NET to cover the Ferguson Township Planning Commission meetings beginning January 2018. Ms. Dininni seconded the motion. The motion carried unanimously.

VIII. NEW BUSINESS

1. Consent Agenda

a.	Stonebridge Phase V – Federal Housing Assistance Letter of Support	
b.	Special Event Permit – Pregnancy Resource Clinic 5K Walk/Run/Ride-Sept. 30 th , 8 AM-12 PM	
c.	2017-C2 Valley Vista Drive Pay Authorization – Final:	\$453,037.70
d.	2017-C3 Martin Street Pay Authorization 1:	\$159,301.17
e.	2017-C3 Martin Street Pay Authorization 2 – Final:	\$17,700.13
f.	2017-C8 Pavement Markings Pay Authorization (17-895):	\$15,613.56
g.	2017-C9 Microsurfacing Pay Authorization 2 – Final:	\$23,541.19
h.	2017-C19 Fairbrook Park Backstop Pay Authorization 2 – Final:	\$3,444.65
i.	2017-C22 Meckley Road Pay Authorization – Final:	\$53,433.66
j.	Saybrook 10 Surety Revised Amount:	\$21,072.05
k.	Saybrook 9B Surety Revised Amount:	\$0.00
l.	July Voucher Report	
m.	August Voucher Report	

Ms. Dininni moved that the Board of Supervisors **approve** the Consent Agenda. Ms. Whitaker seconded the motion. The motion passed with Ms. Graef abstaining on the July Voucher Report, check number 332 for All Traffic Solutions.

2. A public hearing amending Code of Ordinances, Appendix H, Streets and Sidewalks, by accepting the Deed of Dedication from Poole Family Limited Partnership, a Delaware limited partnership. Mr. Miller announced the public hearing ordinance as included in the agenda packet.

Mr. Pribulka presented the information regarding the Deed of Dedication for Hunters Chase Bay 6 at the Foxpointe Residential Development. It has been reviewed and meets Township standards.

Mr. Buckland moved that the Board of Supervisors **adopt** the ordinance accepting a Deed of Dedication from the Poole Family Limited Partnership for a portion of Red Willow Road as described in Hunter's Chase Phase VI of the Foxpointe Planned Residential Development as attached in Exhibit A. Ms. Dininni seconded the motion.

Roll Call Vote #1036: Ms. Whitaker – YES; Mr. Buckland – YES; Ms. Dininni – YES; Ms. Graef – YES, Mr. Miller - YES.

3. Petition for Traffic Calming – South Water Street, Rt. 26, Pine Grove Mills
Mr. Modricker presented the petition requesting a traffic calming study as included in the agenda packet for the specified area in Pine Grove Mills. In accordance with the adopted policy, the formal request is presented to the Board for referral to the Public Works Director to complete a traffic calming study.

Ms. Graef moved that the Board of Supervisors **forward** the request for a traffic calming study on South Water Street, Rt. 26, Pine Grove Mills, to the Public Works Director for action. Ms. Whitaker seconded the motion.

Mr. Buckland had previously received a comment from a resident and asked to read the comment to the Board. Following the comment on traffic issues in the area a discussion followed on Jake brake rules. This is a separate issue to address and it will not be addressed in the traffic calming study.

The motion passed unanimously.

4. Contribution to CBICC's Economic Development Project
Mr. Pribulka reviewed the Township's designation of the CBICC as the economic development point of contact passed by resolution this year. The CBICC has now identified a proposed project in downtown State College on College Avenue at the former PHEAA site. The proposed project is in the education technology field. He added that this may draw more education technology and related businesses to Centre County and reviewed approximately how many jobs this site will create. Other area municipalities and Penn State have also been asked for donations to the proposed project. The recommendation to the Board was to fund the project in the amount of \$5,000.

Mr. Buckland moved that the Board of Supervisors **authorize** a contribution of \$2,500 toward the CBICC's economic development project. Ms. Graef seconded the motion.

Discussion followed regarding inquiry of contributions from other municipalities, funding level, business plan, what company(s) are coming to the area, funds that draw companies into the area, timeliness for when funds are needed and recruiting model options for future economic development. Mr. Miller proposed future budget requests for CBICC and recruiting models can be done at next year's budget meeting. Mr. Pribulka described a possible economic strategy and how incentive funds

can be allocated to attract businesses to area. The Chamber's mission is evolving and it is attempting to get desired industries into the area for further economic development initiatives. Ms. Dininni asked how funding the CBICC initiatives benefits the Township directly.

Mr. Miller moved to amend the motion to increase to \$5,000. The motion was not seconded.

The original motion to **authorize** \$2,500 passed unanimously.

5. Greenfield Architects – Amendment to Professional Services Agreement

Mr. Modricker presented the amendment supplement as provided in the agenda packet. Mr. Modricker went into further detail on the stormwater plan, management plan and sink hole analysis that makes up the additional costs.

Ms. Graef moved that the Board of Supervisors **authorize** additional service costs for Amendment 001 with Greenfield Architects for the LEED Gold Certified Public Works Garage for Compensation not to exceed \$19,000 to bring total contract to \$395,721.00. Ms. Dininni seconded the motion. The motion passed unanimously.

6. 2018 Certifications of Pension Funds' Minimum Municipal Obligation (MMO)

Mr. Pribulka presented the MMO as included in the agenda packet. It is an annual report that the Township Manager, as CAO of the pension fund, is obligated to provide to the Board per Act 205 standards, the State Aid Unit Value. He went into further detail on the funds' value. The final numbers will be presented in December 2017. No action is required at this time.

Ms. Graef moved that the Board of Supervisors take Section IX - Reports and attachments to those reports to a paper agenda and move forward with the meeting since it is 11:53 p.m. for the record. Ms. Dininni seconded the motion.

Ms. Dininni requested Mr. Buckland provide clarification on the new Centre Regional Planning Agency position as it relates to sustainability initiatives. Mr. Buckland stated in follow-ups it was not initially sustainability focused.

The motion to **accept** the reports passed unanimously. No questions were asked of the reports.

IX. REPORTS

1. **COG COMMITTEE REPORTS** – AGENDAS PROVIDED IN THE AGENDA PACKET.
REPORTS NOT DISCUSSED AT THIS MEETING PER MOTION PASSED ABOVE.

- a. Human Resources Committee.
- b. Public Services & Environmental Committee.
- c. Transportation & Land Use Committee.
- d. Public Safety Committee.
- e. Finance Committee.

2. **OTHER REGIONAL COMMITTEES**

3. **STAFF REPORTS**

- a. Township Manager
- b. Planning and Zoning Director
- c. Public Works Director
- d. Chief of Police
- e. Treasurer's Report

X. COMMUNICATIONS TO THE BOARD

- a. Ms. Dininni inquired on a follow-up on sign removal on properties that residents did not think was in right-of-way. Discussion followed on sign ordinance procedures and Township Manager will follow-up with ordinance officer.

XI. CALENDAR ITEMS – September/October

- a. Board of Supervisors Worksession to Interview Centre Region Parks and Recreation Authority Board Candidates – Tuesday, September 19th from 6:00 p.m. to 9:30 p.m. in the Main Meeting Room of the Ferguson Township Municipal Building.

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Whitaker made a motion to adjourn the meeting. The motion passed unanimously. The meeting adjourned at 11:50 pm.

Respectfully submitted,

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

David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 10-02-17