

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, August 5, 2019
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, August 5, 2019, at the Ferguson Township Municipal Building. In attendance were:

Board: Steve Miller
Richard Killian
Laura Dininni
Ford Stryker
Lisa Strickland, *Absent*

Staff: Dave Pribulka, Township Manager
Centrice Martin, Assistant to the Manager
Kristina Aneckstein, Community Planner
Eric Endresen, Director of Finance
Chris Albright, Chief of Police
Ron Seybert, Township Engineer

Others in attendance included: Faith Norris, Recording Secretary; Susan Werner, Schlow Library; Jade Arocha-NRC Inc; Al Vicere, VP - Jana Marie Foundation; Joe Green, Township Solicitor; Attorney Charles Suhr, Residential Housing representative; Peter Crawley, LandDesign; Michael Pratt, Keller Engineers; Derek Anderson, Residential Housing; Mr. Host, Wetlands Studies & Solutions; Jim Steff, Centre Region COG; Joe Viglione, Centre Region COG; Randy Hudson; Jeremie Thompson; Elliott Killian; Wes Glebe; Christine Bailey; Stan Smith; Tim Mullen; Howard Fescemeyer; Robert Baillie; Kathy Koons; Bill Hechinger; Emily Steffensmeier; Dorothy Blair, Nittany Valley Environmental Coalition; David Stone; Bob Pucak; Ken Beldin; Glenna B. Smith; David Robertson; Marie Krupa; Elizabeth & Travis Foster; Charlie Bainbridge; Donald Bainbridge; Brian Heiser; Missy Schoonover; Robin Haman; Donald Bambridge; Sue Nurs; Andy McKinnon; Renee Steffensmeier; Sara Rogers; J. Anderson; Ken Yednock; Susan Smith; Keith Jeris; Bob Puzck; Sydney Duncombe; Doug Merrit; Doug Mason; Margaret Debrinska; Don Sterns; Marc McDill; Marian Stover; Bob Stover; Deb Nardone; Joan Geleskic; Liam Geleskie.

II. CALL TO ORDER

Mr. Miller called the Monday, August 5, 2019, regular meeting to order at 7:00 p.m.

Mr. Miller took a moment of silence to honor victims of two recent mass shootings in El Paso, TX, and Dayton, OH.

III. CITIZENS INPUT

Mr. Bainbridge noted his continued concern for Rushcliffe Street parking that has been discussed at previous Board Meetings and continued interest for future discussions with the Township staff and residents.

IV. PROCLAMATION DESIGNATING SEPTEMBER AS SUICIDE AWARENESS & PREVENTION MONTH AND SEPTEMBER 10, 2019, AS SUICIDE AWARENESS & PREVENTION DAY

Messrs. Pribulka and Miller introduced the item. Mr. Vicere thanked those for continued support. He reviewed statistics along with what is available to the public. A task force is in place to assist people with mental health crises and to encourage those to reach out to help those in need. Upcoming events for Suicide Awareness & Prevention Month: September 3rd – 4th annual Suicide Prevention Rally launch from Noon – 12:30 p.m. at the Bellefonte Courthouse; September 10th – World Suicide Prevention Day - free community dinner with entertainment, Wasson Farm on Rt. 45; September 21st – concert titled *Psychology of Hope* at the State Theatre that benefits the Jana Maria Foundation; September 25th – special screening of the film *Suicide: The Ripple Effect* by Kevin Hines at State College High School auditorium.

Mr. Killian moved that the Board of Supervisors **adopt** the proclamation designating September as Suicide Awareness and Prevention Month and September 10th to be Suicide Awareness and Prevention Day. Ms. Dininni seconded the motion. The motion passed 4 to 0.

V. **SPECIAL REPORTS**

- a. Schlow Centre Region Library. Ms. Werner thanked those for continued support and reported on items of interest. Summer increase in attendance; a tent was setup for BookFest during the Central PA Arts Fest in July that had over 2,000 visitors; free summer lunches continue on Tuesdays; Summer Reading program is strong; review of maintenance projects with no structural defects; financial and community demand updates. Noted, audio and e-books are more expensive for libraries to purchase vs. an individual. Details followed on price hikes and reasons for delays for libraries acquiring e-books. Ms. Werner encouraged those interested in the cause to contact publishers.
- b. Ferguson Township Community Survey. Mr. Pribulka introduced the item. Ms. Martin reviewed the survey and thanked those who participated. Ms. Jade Arocha of the National Research Center spoke via teleconference. She reviewed National Citizen Survey benchmarks, services and survey statistics and results. The biggest challenges included development; affordable housing; and traffic and congestion. Mr. Pribulka noted the presentation statistics will be shared on the Township's website and via social media.
- c. Second Quarter Financial Report. Mr. Endresen reviewed the Comprehensive Annual Financial Report (CAFR) year ending 2018 that ended positive or in the black. The Second Quarterly report followed on revenue and expenses ending June 30, 2019.

Mr. Miller noted an executive session was held prior to this meeting on a personnel matter.

VI. **APPROVAL OF MINUTES**

Ms. Dininni moved that the Board of Supervisors **approve** the Regular Meeting Minutes of July 15, 2019. Mr. Miller seconded the motion.

Ms. Dininni moved that the Board of Supervisors **add** her comment made at the last meeting under New Business, item 3, the disappointment in lack of any environmental criteria regarding CCEDP Evaluate Approach to Economic Development. Mr. Miller seconded the motion. Discussion followed on residents' value and alignment between the economic strategy and the environment. The motion passed 4 to 0.

Ms. Dininni noted an editorial change to remove greenway parking in the minutes under COG reports.

The motion passed 4 to 0.

VII. **UNFINISHED BUSINESS**

Mr. Miller reviewed the process for Public Hearings.

- a. PUBLIC HEARING ON A CONDITIONAL USE APPLICATION FOR A WATER TREATMENT FACILITY AT 3062 ERNEST LANE

Mr. Pribulka reviewed the conditional use application; the proposed water treatment plant in the Rural Agricultural Zoning District; and staff comments that were included with the agenda. Representatives from the State College Borough Water Authority (SCBWA) and engineering firm were present to take questions and comments.

No public comments were made.

Ms. Dininni moved that the Board of Supervisors **approve** the conditional use application for a water treatment facility located at 3062 Ernest Lane subject to the conditions in the Community Planner memorandum dated August 5, 2019. Mr. Killian seconded the motion.

Mr. Heiser responded to Mr. Stryker's questions by reviewing in detail the types of water treatment for the facility. Mr. Pribulka stated for record that this meeting is not for the approval of the Land Development Plan (LDP) which is currently under review. The Board and SCBWA Executive Director reviewed the need for the water treatment facility.

Roll Call vote: Ms. Dininni – YES; Mr. Killian – YES; Mr. Miller – YES; Mr. Stryker – YES.

b. PUBLIC HEARING RESOLUTION APPROVING A SEWAGE FACILITIES PLANNING MODULE FOR THE STATE COLLEGE BOROUGH WATER AUTHORITY NIXON/KOCHER WATER TREATMENT FACILITY

Mr. Pribulka reviewed the sewage facilities planning module application. Mr. Heiser noted that there will be no septic field at the plant and safety features will be built in.

Public comments were taken. Mr. Robertson asked about the specifics of the gas cylinders that will be stored onsite. Mr. Miller noted the public hearing is on the sewage module. Safety procedure criteria was suggested by a citizen and storage safety was discussed by the SCBWA representative.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution approving a Sewage Facilities Planning Module for the State College Borough Water Authority Nixon/Kocher Water Treatment Facility. Mr. Stryker seconded the motion.

Roll Call vote for Resolution 2019-17: Mr. Killian – YES; Mr. Miller – YES; Mr. Stryker – YES; Ms. Dininni – YES.

c. PUBLIC HEARING ON PINE HALL TRADITIONAL TOWN DEVELOPMENT GENERAL MASTER PLAN

Mr. Pribulka thanked all who were in attendance for the Public Hearing. Details of the General Master Plan were reviewed along with the offsite mitigation for Transportation Improvements. The three phases were reviewed in detail along with financial obligations. Each phase will have its own implementation development plan. The Township's solicitor, staff and developer were in attendance to respond to questions. Access to all the noted materials can be viewed on the Township's website. Action on the Pine Hall Master Plan is scheduled for the August 19th Regular Meeting and if approved, the implementation process will start.

The developer presented the history of the General Master Plan from the project's inception to its interpretation of the proposed revised plan for Ferguson Township. Tree counts were discussed by a senior forester from Wetland Studies and Solutions that was contracted for an accurate tree count of the site based on the Township's ordinance. Growth boundary was discussed. The developer did not ask for any waivers or modifications to the revised preliminary TTD land development plan. Moving forward, the implementation plans for each phase will need to be reviewed to ensure it meets the Township's ordinance criteria.

Clarification was made by the forester representative on the total tree counts and types of trees (native, dead and invasive) in response to a Board member's question. Mr. Miller clarified the Board and Township's responsibility in the master plan process moving forward. This meeting was for discussion and public comment. As stated above, action on the master plan will be taken at the next Regular Meeting.

Three scheduled presentations and general public comments followed. Mr. Miller noted the timeframe for public comment was limited to 45 minutes, given the number of citizens who wished to speak on the topic.

Mr. Hudson, a Township resident, discussed concern for environmental impact of carbon production; deforestation; and the need for reduced stormwater basins and surface parking. He noted what was proposed; productive meetings held with the developer; Ferguson Township's great track record for protection and preservation of public trees that has earned Tree City USA designation for the past three years and that residents plant trees throughout the Township every year. He noted the intent of the Township's tree ordinance for this plan; that the TTD is a good idea for developing unutilized space; stressed the concern to maintain the older tree population; work around the current ordinances for solutions; and access to nature that was noted from the recent Citizens Survey.

Mr. Glebe discussed alternative solutions for stormwater management; how trees are prepared and planted; and low-impact development. Details discussed on filtration point styles, engineered soils and creation of green bioswales, aka, landscape elements.

Mr. Fescemeyer discussed his concerns, incentives and recommendations for preserving the forest.

Following the scheduled presentations, public comments were received. The overall comments were to preserve the natural environment for the community, sustainability and animal population; preserve and nurture existing tree population and not replace them with smaller trees; and concern for commercial development and impervious surfaces that could affect sensitive environmental areas such as natural cold water streams. With the Board's consensus, the 45-minute comment period was extended to take additional comments.

Mr. Miller called for a five minute recess.

The Board reconvened and held a discussion on the plan. Questions were taken by the developer regarding the current tree population and details on tree retainage and removal. Projected density counts were discussed. A discussion was held on the "tree save" area in regards to the concept plan vs. the new plan. Mr. Miller asked the developer for a follow-up on the projected count estimate. Overall comments were to not rezone farmland; smart growth to avoid urban sprawl; avoid traffic congestion and to focus on the community. Details were discussed about the process to consider and approve the plan and regional growth management.

Mr. Miller advised those in attendance that the Township does not have legal rights to say the trees cannot be cut down. Prior to the Township zoning of the parcel, it was zoned industrial with no restriction of cutting down trees at that point. In the TTD, a restriction was placed that the trees had to be retained or replaced. Regulation of tree removal is stated in the ordinance.

Mr. Miller closed the public hearing. In response to Ms. Nardone's suggestion, the Board will take public comment with a determined time limit at the next Regular Meeting.

d. AUTHORIZATION OF THE 2020 – 2024 FERGUSON TOWNSHIP CAPITAL IMPROVEMENT PROGRAM BUDGET FOR PUBLIC HEARING

Ms. Dininni moved that the Board of Supervisors **authorize** the public hearing on the 2020 – 2024 Capital Improvement Program Budget for public hearing on Monday, August 19th. Mr. Stryker seconded the motion.

Mr. Pribulka reviewed the Ferguson Township Capital Improvement Program (CIP) plan that is intended to be used as a five-year planning and guidance tool for growth management and not a budget. Mr. Endresen presented the CIP plan that included changes from the public special meetings held in July 2019. Discussion followed on unresolved items regarding Chesapeake Bay MS4 permits and stream runoffs and Water Street intersection signal lights. Other discussions included design; construction; MPO

realignment; warrant analysis for a signal study and a Pine Grove Mills Mobility Study. The proposed timeline for the warrant analysis and signal construction was reviewed.

Ms. Dininni moved that the Board of Supervisor amend and **add** Pine Grove Mills Mobility Study into the 2020 Capital Improvement Program Budget in the amount of \$50,000. Mr. Miller seconded the motion. The motion passed 4 to 0.

The motion with amendment passed 4 to 0.

VIII. NEW BUSINESS

1. CONSENT AGENDA

- a. Acceptance of Treasurer's Report for May
- b. Acceptance of Treasurer's Report for June
- c. State College Area School District Pave Bid Request: \$26,500
- d. 2017-C1 Pay Application #2 Kansas Ave.: \$100,824.61
- e. 2017-C1 Pay Application #3 Kansas Ave.: \$ 8,287.11

Ms. Dininni moved that the Board of Supervisors **approve** the Consent Agenda. Mr. Killian seconded the motion. The motion passed 4 to 0.

2. ZONING APPEALS/REQUESTS FOR VARIANCE

- a. 1545 Westerly Parkway, Goddard School – Request for Variance.

Mr. Pribulka reviewed the variance.

Mr. Killian moved that the Board of Supervisors **remain neutral** on the request for variance for the Goddard School at 1545 Westerly Parkway. Mr. Stryker seconded the motion. The motion passed 4 to 0.

- b. 1530 Westerly Parkway, Young Scholars of Central PA – Zoning Appeal.

Mr. Pribulka reviewed the Zoning Appeal process and the appeal as provided with the agenda. The appeal is scheduled to go before the Zoning Hearing Board on August 27th.

Discussion followed on occupancy levels.

Mr. Killian moved that the Board of Supervisors **oppose** the appeal filed by Young Scholars of Central Pennsylvania Charter School at 1530 Westerly Parkway. Ms. Dininni seconded the motion. Discussion followed. The motion passed 4 to 0.

3. REVIEW OF 2020 CENTRE REGION COUNCIL OF GOVERNMENTS PROGRAM PLAN AND 2020 - 2024 CAPITAL IMPROVEMENT AND REPLACEMENT PLAN

Mr. Miller reviewed the item prior to COGs presentation and Board comments.

Messrs. Steff and Viglione presented an overview of the COG Program Plan that gave an up-to-date snapshot of the COG's mission statement for their 26 budgets; work objectives; and proposals for 2020. The purpose for this meeting was to receive feedback from Ferguson Township on the proposals. This will be in conjunction with comments received from five other local municipalities that will be shared at an upcoming General Forum Meeting.

Discussion and comments followed on the matrix that was provided. A concern of one of the Board members was discussed regarding COG entities and their governance models for some programs such as Schlow Library and Centre Region Park and Recreation. In general, line items that did not have a cost estimate proposed needed more information to determine a response. Noteworthy items received a response in detail such as items relating to the Whitehall Road Regional Park.

Mr. Killian moved that the Board of Supervisors **direct** the Township Manager to forward the Board's comments on the 2020 COG Program Plan and the 2020 – 2024 Capital Improvement and Replacement Plan to the COG Executive Director by August 16, 2019. Mr. Stryker seconded the motion. The motion passed 4 to 0.

4. APPOINTMENT OF A TREE COMMISSION MEMBER

Mr. Pribulka reviewed the item as provided with the agenda along with the policy on filling vacancies. The term expires December 31, 2022. Noted, husband of applicant serves on the Township's Parks & Recreation Committee.

Ms. Dininni moved that the Board of Supervisors **appoint** Allyson Muth to the Ferguson Township Tree Commission for a term expiring December 31, 2022. Mr. Killian seconded the motion. The motion passed 4 to 0.

5. APPROVAL OF THE SALE OF A 2003 MASSEY FERGUSON TRACTOR

Mr. Pribulka introduced the item as provided with the agenda.

Mr. Killian moved that the Board of Supervisors **approve** the sale of the 2003 Massey Ferguson Tractor for \$31,000.00 to Benner Township. Ms. Dininni seconded the motion. The motion passed 4 to 0.

IX. STAFF AND COMMITTEE REPORTS

a. COG COMMITTEE REPORTS

1. Executive Committee. Mr. Miller stated the agenda was provided in the packet.
2. Transportation & Land Use Committee. Mr. Miller noted the agenda was provided in the packet.

b. OTHER REGIONAL REPORTS

3. Spring Creek Watershed Commission. Mr. Stryker noted there will be a meeting August 21st with a presentation by Mr. Jim Weaver that worked on a One Water Plan with another entity and will be discussing the concept.
4. Solar Power Purchase Agreement Working Group. Mr. Endresen stated they had a discussion on adding additional entities to the working group. The group was interested in extending an invitation to interested parties outside the Centre Region. The deadline is by September's meeting.
5. Fire Safety Study. Ms. Dininni stated they met this month. The third RFP revision will be at an upcoming Public Safety Committee meeting and following at the COG General Forum.

c. STAFF REPORTS

1. Township Manager. Mr. Pribulka noted his written report.

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2. Public Works Director. The report was provided with the agenda. Mr. Pribulka noted the Radar Detection contract was listed on the report due to the cost and that the scope may need adjusted to keep within contracted work. The Board will be updated as the process moves forward.

X. COMMUNICATIONS TO THE BOARD

None.

XI. CALENDAR ITEMS

- a. Penn State Ag Progress Days, August 13-15, 2019, West Pine Grove Mills.
- b. Pine Grove Mills Small Area Plan, postponed until August 21, 2019, 6:00 p.m., St. Paul Lutheran Church-Liz Grove, Old Oak Tavern, will be attending.

XII. ADJOURNMENT

Mr. Miller called for adjournment. With no further business to come before the before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 12:25 a.m.

Respectfully submitted,

A handwritten signature in dark 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: 08-19-2019