

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, September 3, 2019
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, September 3, 2019, at the Ferguson Township Municipal Building. In attendance were:

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

Staff: Dave Pribulka, Township Manager
Dave Modricker, Public Works Director
Chris Albright, Chief of Police

Others in attendance included: Faith Norris, Recording Secretary; Wes Glebe; Jim May, CRPA; Jenna Wargo; Kevin Mullen; Joni Arrington, PGM Homeowners; Mel Westerman; Matthew Heller; Jeremie Thompson; Joe Green; Ruth Cooper.

II. CALL TO ORDER

Mr. Miller called the Tuesday, September 3, 2019, regular meeting to order at 7:00 p.m.

Mr. Miller stated an executive session was held prior to this meeting on legal matters.

III. CITIZENS INPUT

Ms. Cooper discussed suggestions for posting information on the Township's website. A discussion followed on the Low Mow/No Mow areas in parks. Ms. Cooper's suggestions and concerns were noted.

Mr. Mullen voiced his concern about the University Area Joint Authority and their billing practices and referenced a website he developed at StateCollegeReport.com.

IV. SPECIAL REPORTS

- a. State College Borough Water Authority. Mr. Glebe reported on chlorination of water that has started. He stated that SCBWA considered monitoring The Cottages test well more often in response to suggestion from a Harris Township resident present at the SCBWA meeting. Discussion followed on proactive filtration plants. A meeting with the Water Authority and Penn State regarding Musser Gap will take place on September 12th at 6:00 p.m. at the Water Authority building.
- b. Pine Grove Mills Small Area Plan. Mr. May reported on the progress of the Plan provided with the agenda packet. Discussion followed on the history, changes and themes. The themes included engaging and connecting the community, improve safety for multiple modes of transportation, small business opportunities, diverse neighbors, history and heritage, and accessibility to recreation. Goals, objectives and implementation are the focus for the next meeting scheduled for September 11th. He discussed a formation of a 501(c)(3) tax exempt status. The alignment meeting was held on September 5th. Previous meetings were well received. The Board thanked Mr. May and the residents on the work done on the document. Ms. Dininni discussed the willingness to do a small working group to help move the Plan forward.

A separate discussion followed on the land management surrounding Rothrock State Forest along Route 26. Details followed regarding Department of Conservation and Natural Resources and the management plan for trail maintenance. Mr. Miller noted the Small Area Plan process brought forward plans for the next few years to improve pedestrian and bicycle safety.

V. **APPROVAL OF MINUTES**

Mr. Killian moved that the Board of Supervisors **approve** the Regular Meeting Minutes of August 19, 2019. Ms. Dininni seconded the motion. The motion passed unanimously.

VI. **APPOINTMENT OF JENNA WARGO - FERGUSON TOWNSHIP DIRECTOR OF PLANNING & ZONING**

Mr. Pribulka reviewed the interview process and introduced Jenna Wargo to the Board. Ms. Wargo was recommended for appointment by the Board for Director of Planning & Zoning at Ferguson Township.

Ms. Dininni moved that the Board of Supervisors **approve** the appointment of Jenna Wargo to the position of Director of Planning and Zoning subject to the conditions of employment. Ms. Strickland seconded the motion. The motion passed unanimously.

VII. **UNFINISHED BUSINESS**

a. **AUTHORIZATION OF LETTER OF INTENT TO CONVEY PINE GROVE MILLS MOUNTAIN PROPERTIES TO THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES (DCNR) BUREAU OF FORESTRY**

Mr. Pribulka reviewed the options to maintain and manage the two parcels that the Township had previously inherited. A future date would be to vote on conveyance of the property. DCNR has expressed interest to incorporate the properties into their current land management plan with Rothrock State Forest with no special considerations. Mr. Pribulka noted the concerns raised during the review of the Pine Grove Mills Small Area Plan. Currently, the Township does not have the resources to properly maintain the properties to the degree that DCNR would be able to do. A stewardship plan was included years ago but has not been moved forward.

Ms. Dininni moved that the Board of Supervisors **not authorize** the Township Manager to send a letter of intent to convey the Pine Grove Mills Mountain Properties to the Bureau of Forestry. Ms. Strickland seconded the motion.

Discussion followed on concerns for accommodation of needs in the Small Area Plan (SAP). Residents' concerns were noted from previous SAP meetings, i.e., maintenance; accessible; usable; and signage for traffic. Discussion followed on the assessed value of the two parcels; liability vs. asset; formal conveyance; environmental concerns; and funding and management plan if the Township chose to retain the property. Mr. Pribulka reviewed the Patton Township example and their funding stream vs. Ferguson Township's resources for a forest management plan. Mr. Pribulka noted the Township solicitor would not be processing the letter of intent other than required instruments prepared by DCNR, Bureau of Forestry. There was discussion on the pull off stops for tractor trailers at the top of the mountain that is enforced and concern for placing an additional pull off stop at another location for safety concerns.

Public comment period followed. Ms. Arrington noted her concern of the possibility of increased taxes if the Township retains the property; to discuss further the SAP options; and the value added as an environmental asset to the community. Mr. Westerman noted he would like to see the

proposal postponed until there is better footing in the SAP process. He went on to discuss the tax-exempt formation and other options. Mr. Heller thanked the Board for the open discussion. He agreed with other comments made to see what the SAP and other property options are and to continue open dialogue.

Following Board discussion, the consensus was to delay issuing the letter until the SAP is complete. Mr. Miller called for a new motion.

Mr. Stryker moved that the Board of Supervisors **postpone indefinitely** the motion on the table. Mr. Killian seconded the motion. The motion passed unanimously.

The motion will be placed on the agenda following completion of the Pine Grove Mills Small Area Plan.

b. MECKLEY TWO-LOT SUBDIVISION – REQUEST FOR MODIFICATION

Mr. Pribulka reviewed the modification that was brought before the Board on August 19th and history of the surety for the sidewalks. Mr. Pribulka added that the Township would preserve the ability to require installation of sidewalks with an agreement that would be executed as a condition of approval of the requested modification.

Mr. Stryker moved that the Board of Supervisors **grant** the modification request for the Meckley Two-Lot Subdivision subject to an agreement being executed obligating the property owner to construct the sidewalk along Meckley Road with any future development or at the request of the Board of Supervisors. Ms. Dininni seconded the motion.

A clarification was made on the sidewalk obligation. Discussion followed on sidewalk construction and bike paths in the SAP.

The motion passed unanimously.

c. RESCHEDULING OF THE PUBLIC HEARING ON THE ZONING MAP AMENDMENT AND THE ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS

Mr. Pribulka clarified the authorization of the public advertisements is for the 3 ordinances: Zoning Ordinance-Chapter 27; Subdivision and Land Development-Chapter 22; and Zoning Map-designated zoning districts. Prior and upcoming meetings were reviewed. A request was made for more time to review the documents and schedule another special meeting.

Discussion followed on the reasoning behind rescheduling of the public hearing to review the map changes; zoning amendments overlay regulations; meetings and CRPA comments; and notifications to property owners. A detail discussion was held on complexity of changes in the zoning map and current overlay regulations in regards to a previous discussion on SAP Village District Overlay. It was determined that more information is needed for the SAP overlay district.

Discussion followed on upcoming meetings. A request was made for the interested parties to make recommendations and not changes to the documents due to the Board doing a final review at an upcoming special meeting.

Ms. Dininni moved that the Board of Supervisors **reschedule** the September 16th public hearing on the zoning and subdivision and land development ordinance amendments until Monday, October 7, 2019. Ms. Strickland seconded the motion. The motion passed unanimously.

Ms. Dininni moved that the Board of Supervisors **cancel** the September 16th public hearing on the zoning map amendment. Ms. Strickland seconded the motion. The motion passed unanimously.

Discussion followed on dates for the public hearing and special meeting. The proposed scheduled date for the public hearing is October 21^s, at the Board's Regular Meeting. The zoning special meeting is scheduled for Wednesday, September 25th at 6:00 p.m.

Mr. Miller called for a new motion to reschedule the public hearing from October 7th to October 21st.

Mr. Stryker moved that the Board of Supervisors **reschedule** the October 7th public hearing on the zoning and subdivision and land development ordinance amendments until Monday, October 21, 2019. Mr. Killian seconded the motion. The motion passed unanimously.

Mr. Pribulka reviewed the process and suggested the Planning Commission review the above zoning ordinances at their September 23rd meeting; provide recommendations for the Board's special meeting on September 25th; and have time to comment following the Board's review at the next Planning Commission Meeting on October 14th prior to the public hearing on October 21st.

VIII. NEW BUSINESS

1. CONSENT AGENDA

- a. Contract 2019-C1 Pay App 1, Street Improvements: \$246,460.19
- b. Contract 2019-C1 Pay App 2, Street Improvements: \$13,692.24

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

2. PUBLIC HEARING RESOLUTION AUTHORIZING A LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND ZAYO GROUP, LLC SETTING FORTH TERMS AND CONDITIONS FOR THE OCCUPANCY AND MAINTENANCE OF PUBLIC RIGHT-OF-WAY IN FERGUSON TOWNSHIP.

Mr. Killian moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to sign a license agreement between the Township and Zayo Group, LLC for occupancy and maintenance of public right-of-way in Ferguson Township. Ms. Strickland seconded the motion.

Mr. Pribulka reviewed the history of the right-of-way (ROW) occupancy license agreement that was originally initiated ten years ago with Northeastern ITS and is set to expire the end of 2019. The renewal is for an additional ten years. It has been reviewed by the Township solicitor and council for the applicant who is currently Zayo Group, LLC.

Roll Call vote on Resolution #2019-20: Mr. Killian – YES; Mr. Miller – YES; Ms. Strickland – YES; Mr. Stryker – YES; Ms. Dininni – YES.

IX. STAFF AND COMMITTEE REPORTS

a. COG COMMITTEE REPORTS

- 1. Executive Committee. Ms. Miller reported the committee put together the next Forum meeting. The agenda was provided with the packet.

2. Steering Committee Parks & Recreation Regional Comp Plan. Ms. Dininni reported the committee reviewed the draft plan and are relatively happy with it. Noted were missing pieces that were requested to be added in regards to benchmarking and metrics to determine staffing levels in Parks & Rec.
3. Ad Hoc Facilities Committee. Mr. Stryker reported on the proposed parks maintenance facility. It was determined to forward this to the Executive Committee to determine scope and strategy. Details followed on a suggestion to place the facility at Whitehall Road Regional Park that would be centrally located. Details to follow. Minor topic included retention of facilities person that did an assessment report of the COG facility that COG staff will work on for the next level. Details followed on doing a similar strategy for other COG facilities.

Ms. Dininni noted for her above report that there was a special meeting held for the Parks Comp Plan to move it forward. She noted an area of overlap in the Parks Comp Plan under the theme eliminate the governance structure confusion. The Facilities Committee may be engaged to assist.

b. OTHER REGIONAL REPORTS

1. Spring Creek Watershed Commission. Mr. Stryker reported the meeting can be viewed on C-NET. A presentation on the One Water Plan was done. The Commission is looking into doing a short video to explain the benefits of the One Water Plan and to present it to the area municipalities.

c. STAFF REPORTS

1. Township Manager. Report provided with the packet. Mr. Pribulka reported on the following items. The Volunteer Appreciation Dinner is tentatively scheduled for October 10th - invitations forthcoming following firm date. Update from the initial meeting with non-uniform pension advisory committee for the Township's investment lineup; eventually a policy statement that will come before the Board for adoption; future possibility to ask the Board to appoint a representative to attend the meetings. Letter from CATA provided on elimination of service to Halfmoon Township and re-obligation of state funds to offset costs this coming year. Provided was a thank you letter from Central PA Festival of the Arts for participation in the MS4 sponsorship of rain art exhibit. Provided was the 2020 budget schedule to the Board on tentative dates.

Clarification was made that Halfmoon Township was a contracted municipality of CATA and not calculated by the funding formula. Mr. Pribulka noted the CATA funding formula is based on number of stops, among other variables, for future funding cycles.

2. Public Works Director. No written report. Mr. Modricker reported on the Pollutant Reduction Plan (PRP) for the Chesapeake Bay Watershed as part of the requirement with MPDES. NTM has completed updated modeling and reinstated previously parsed areas (areas removed and after model review, placed back in). The draft was reviewed by staff and will be advertised later this fall for public comment. Details to follow on the PRP. The Northland Study area update: No projects identified; but if time permits and if there is Board interest, Public Works would like to start surveying design in-house to possibly identify three initial projects in Tier 1. Details followed on surveying to determine utility and ROW costs; and details on construction of a shared use path.

Mr. Modricker clarified for Ms. Dininni that this study is not part of the SIP shared use path project that includes a portion of Penn State property. Discussion followed on where the proposed path

would go on Circleville Road and Clinton Avenue. A separate discussion followed on where this would fit into the Capital budget and interest in the Engineering Department to do design projects.

X. COMMUNICATIONS TO THE BOARD

None.

XI. CALENDAR ITEMS

- a. Pine Grove Mills Small Area Plan, September 11, 2019, 6:00 p.m.

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 9:30 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Pribulka', written in a cursive style.

David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 09-16-2019