

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Continuation Meeting from October 5, 2020

Wednesday, October 7, 2020

7:00 PM

ATTENDANCE

The Board of Supervisors held a continuation meeting from Monday, October 5, 2020, to October 7, 2020 via Zoom. In attendance were:

Board: Steve Miller, Chairman
Laura Dininni, Vice Chair
Prasenjit Mitra
Patty Stephens
Lisa Strickland

Staff: Dave Pribulka, Township Manager
Dave Modricker, Director of Public Works
Nick Fugaro, Communications Coordinator
Eric Endresen, Director of Finance
Jenna Wargo, Planning & Zoning Director

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Member, Centre Region Parks & Recreation Authority; Bruce Bender, Ferguson Township Resident; Doug Bart, Ferguson Township Resident; Mark Kunkle, Ferguson Township Resident; Joseph Green, Township Solicitor, Joe Viglione, Finance Director, COG

I. CALL TO ORDER

Mr. Miller called the Wednesday, October 7, 2020, regular meeting to order at 7:00 p.m.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised as a virtual meeting via Zoom. C-NET is recording as well. There is also an audio conference bridge that is accessible by accessing the Ferguson Township's main line at 814-238-4651 and then dialing extension 3799. Members of the public who would like to speak on behalf of an agenda item are asked to enter their name, municipality, and the topic by utilizing the chat feature. Per the Sunshine Act, which allows during a time of disaster recovery to meet virtually, but it also requires that a Roll Call. Mr. Pribulka took Roll Call and there was a quorum.

Mr. Miller stated that the Board unanimously agreed to add an item to the agenda tonight to discuss where the Board is with the process of the Stormwater Fee Ordinance. There will be no motions with the ordinance.

II. CITIZENS INPUT

None.

III. SPECIAL REPORTS

a. Centre Region Parks & Recreation Authority

Mr. Bill Keough presented the report. Mr. Keough noted that from a staff perspective on the Park and Recreation Department, there's been a huge amount of focus on the COVID-19 issues and the changes that have been required as a result of the almost daily, if not weekly changes in information coming from the Department of Health with regards to what is allowed and what is not allowed. Mr. Keough stated that whenever a change occurs, staff goes into high operation mode to try and determine whether the activity that is planned complies with the latest COVID-19 regulations. Also, the townships have enacted or are in the process of enacting emergency ordinances which vary from township to township and a little bit from the state. Mr. Keough noted that trying to figure out where the activity is

taking place, what township it involves, and then applying the matrix to determine if the activity in compliance, is a lot of work.

Mr. Keough noted that the bid packages for the Whitehall Road Regional Park are all completed and DCNR has reviewed about 75% of those packages. CRPR is waiting for documents to come from the Authority Solicitor, which should satisfy DCNR's checklist. At that time, CRPR can set the bidding period and advertise the bids for Whitehall Road Regional Park.

Staff completed a grant application to the Centre Foundation COVID-19 Community Grant focusing on helping to support the technology and equipment needs related to the COVID-19 pandemic and also completed the grant to the Centre County Cares Act COVID-19 fund for revenue losses, utilities, and rent for the authorities operations. CRPR welcomed Kristy Owens at their last meeting. Ms. Owens is the new Recreation Services Manager. The previous manager has relocated out of the area. Ms. Owens was recently hired to take the position and will have a very steep learning curve given all the things that are occurring in the region and nationally.

The Oak Hall Youth Flag Football Program is underway. Mr. Jeff Hall has been able to add two brand new team activities to the Park and Recreation program this fall. The first is a wood bat league where only the use of wooden bats are allowed. There are 10 teams assembled and will be utilizing the Softball Complex because it has lights. A new sand volleyball league was established as well.

The Adult Center has taken a real hit with COVID-19 and is having a great deal of difficulty meeting the compliance issues, especially with the population that is being served at the Center. They are all seniors and represent the high-risk population. Mr. Keough was pleased to report that the Center will be offering a program one day a week and will also be providing one outing a week.

In September CRPR was able to add a low-impact exercise program called Healthy Steps.

Mr. Keough expressed excitement for a new program called Single Track School for Girls. It is a program for bicycle riders. They will be meeting three Sundays in September and October. In addition, the CRPR established a partnership with an organization called Soccer Shots for 2- and 3-year old's and 4-and 6-year olds at Suburban Park.

CRPR is also offering Start Smart Baseball and Start Smart Basketball at Spring Creek. The Start Smart Sports Programs will bring parents and their children in to work together to learn the basics of the sport.

The Park Maintenance Program has been very busy. CRPR started seeding and fertilizing a number of the grass areas but had to discontinue because the conditions were too dry.

College Township has assisted CRPR in adding compost to the sports fields at Spring Creek Park. Mr. Keough noted that CRPR also has the maintenance staff enhancing the playground safety surfaces by adding new certified engineered wood fibers to the fall zone areas in the parks. In Ferguson Township, the maintenance department has continued to maintain the soccer fields.

The Park Forest Pool was closed for the season on September 7th and the Welch Pool closed for the season on September 27th. Mr. Keough explained that the reason for the different dates had to do with the ability to maintain staff especially lifeguard staff. CRPR could maintain enough staff for operating one pool after Labor Day but couldn't get enough staff to maintain both pools after Labor Day. Both pools are now closed and starting to winterize them.

A contractor recommended and approved to complete part one of the boardwalk feasibility study at Millbrook Marsh and looking to receive quotes for the pavilion roof replacement.

There also was an issue of invasive species at Millbrook Marsh. A representative from the U.S. Fish and Wildlife Service completed a study. CRPR is always concerned about the invasive species when it comes to Millbrook Marsh.

Mr. Keough noted that one of the biggest issues has clearly been a loss of revenue across all the operating budgets. All the operating budgets have taken a serious hit when it comes to the ability to get revenue to support the programs and continues to be a major challenge for the CRPR. The CRPR tried to minimize and reduce some of the expenses across all the operating budgets for all of the programming and that included full-time staff furloughs this summer and reduction in seasonal staffing.

Mr. Keough stated the he is very interested in listening to the agenda item about the Whitehall Road Regional Park.

Ms. Strickland asked if the wooden bat teams are local or traveling. Mr. Keough noted they are local. Ms. Strickland wanted to know what it means to partner with Soccer Shots. Mr. Keough stated he was not sure but will get an answer for Ms. Strickland.

Ms. Dininni asked Mr. Pribulka if it is fair to say that Centre Region Park and Recreation is exempted from the Ferguson Township Ordinance. Mr. Pribulka stated they are exempt.

IV. UNFINISHED BUSINESS

1. Citizen's Right to Be Heard – Whitehall Road Stormwater Runoff

Mr. Pribulka noted that Mr. Bender, 6315 W Whitehall Road, has submitted a request through the Citizen's Right to Be Heard Provision of the Home Rule Charter to appear in front of the Board this evening and reviewed his concerns that he has in respect to his property and some of the adjacent property owners on West Whitehall and Johnson Road.

Mr. Bender stated that it initiated in 1958 when PennDOT did some work on Whitehall Road and redirected the stormwater. The stormwater now runs across Whitehall Road, across Johnson Road, and then comes down the hill into their properties. Mr. Bender noted it is thousands of gallons of water when it is time to pump it out. Mr. Bender is requesting Township to reconstruct the stormwater runoff situation. Mr. Bender noted that when it was presented in the past one of the big concerns was being able to locate the water line in that area. This Spring Water Company did locate it. Mr. Bender is requesting it to be added to the Capitalization Plan because it's a serious problem. The deepest point is about three feet deep and Mr. Bender has had to pump it out. It takes hours to pump with a 2-inch gas-powered pump, and it runs for 2 or 3 days depending on how deep the water is. Mr. Bender is asking to consider this to be an agenda item to be funded.

Mr. Miller noted that this has been looked at in the past. Mr. Modricker noted that Mr. Bender described the situation well. The issue is mostly upstream, private property water commingled with road water, and at one time was the state road system, which was also relined. There have been field views and preliminary estimates. This was not included in the road paving project, but it's not that stormwater couldn't be incorporated. However, in this case it would only be benefitting the private property owners. If next steps were to be taken it would require surveying design work, PA One Call, accurately locate the Rock Spring Water Line, and any other utilities. Mr. Modricker noted that the feasible way would be to pipe the road to the south side of White Hall Road and run it down the ditch line that is between the road and the embankment where the evergreen trees are, then down to the creek.

Mr. Mitra asked about the degree of the problem. Mr. Bender stated that when it floods it spreads out over three properties and the septic fields are under water. Mr. Bender noted that he gets up to 6 inches of water at times in his basement due to the flooding. The runoff contains gasoline, pesticides, manure, etc. Mr. Bender reiterated that it is a seriously problem. Mr. Bart, Ferguson Township

Resident, noted that it looks like a stream coming down off the hill with visible erosion to the property. Mr. Modricker noted that there has not been a detailed analysis performed but the storm water does heads down in that direction and ends up in a depression. Mr. Bender noted that he didn't feel the pond has any influence on the property.

Mr. Miller asked how much it would cost to obtain an estimate and would this be Township Staff. Mr. Modricker stated that it would be done by Staff.

Ms. Dininni asked if the Township would have a stormwater fee, would it be funded and would it have to be an agreement with other property owners. Mr. Modricker noted that an analysis was not done to say how much of it is contributory from private property and how much is public but noted that it is probably private. Mr. Modricker stated that not all property owners have agreed but could be done in the Townships right-of-way and not impact others adversely.

Ms. Strickland noted that the situation is similar to the Piney Ridge Road Project. Mr. Modricker explained the similarities and the differences. Mr. Modricker stated that issues with private property where the stormwater crosses the road are not typically addressed. Mr. Pribulka noted that often times it is a civil matter between the property owners and the Township doesn't have any regulations or ordinances that pertained to run off that originated from upstream development affecting another private property owner. There are some cases where the Centre County Conservation District might get involved if the issue is significant enough, but typically it doesn't. Mr. Modricker stated that with Mr. Bender's issue this might be a little different due to a very old road system. Ms. Strickland noted that the Township should fix whatever problems are created by failures in the road system but is concerned with overstepping and setting a bad precedent where the township would be responsible for other improvements or fixes on private property.

Mr. Miller thinks it would be worth doing the work to get a good estimate before the next Capital Improvement Plan process in 2021. Ms. Strickland asked if it would be possible to investigate further without moving it on the CIP to see where the responsibility lies. Mr. Green, Township Solicitor, stated that without committing to any course of action, obtaining an estimate would be appropriate and making an evaluation. Mr. Modricker noted that to get a better cost estimate, design work needs to begin. Ms. Strickland expressed concerns about staff time and shouldn't finding out who is responsible be the next step. Mr. Green noted that it would be a viable approach and might be the best first step. Mr. Modricker reviewed a map of the area.

Mr. Miller asked the Board if an analysis should be done. Mr. Miller stated that he would move forward with the engineering analysis. Mr. Mitra's preference would be to find out who would be responsible first before completing the design. Mr. Modricker stated that an accurate break out can be completed on preexisting and post contributory areas. Mr. Mark Kunkle, Ferguson Township resident, noted that the Township could consider assessment to the property owners, but would assume the full cost of any project. The resident would pay it over a period of years with the assessment secured by a lien against their property.

Ms. Strickland moved that the Board of Supervisors **direct** staff to move forward with the first 25%, which is the assessment of the flooding and run off conditions to determine who would be responsible. Mr. Mitra seconded the motion.

Mr. Pribulka clarified that there will be no design work done at this time, but only to determine where the runoff is originating from.

The motion passed unanimously.

2. Ferguson Township Zoning Map Amendment – Authorization for Public Hearing

Ms. Wargo introduced the amendment. On November 18, 2019, Ferguson Township Board of Supervisors held a public hearing and amended Chapter 27, Zoning Ordinance. The next step in amending the zoning ordinance is amending the Ferguson Township Zoning Map. Amending the zoning map modifies the district boundaries in areas identified by the Board during their February 3, 2020 meeting. The areas that have been identified during the first phase of the rewrite process are outlined in the attached Exhibit "A" and was included in a memorandum dated September 29, 2020, from the Director of Planning and Zoning, summarizing the recommendations as discussed during the September 15, 2020, Joint Special Meeting with the Board of Supervisors and the September 28, 2020, Regular Planning Commission meeting. Pine Grove Mills Advisory Committee reviewed the Ridge Overlay Lots that are adjacent to the Pine Grove Mills Area and recommended that the lots be rezoned to Forest Game Lands. Ms. Wargo stated that the public will be notified by a letter of the public hearing date and will recommend their attendance.

Ms. Dininni moved that the Board of Supervisors **authorize** advertisement of a public hearing on an ordinance amending the Ferguson Township Zoning Ordinance and Zoning Map for Monday, November 16, 2020. Ms. Stephens seconded the motion. The motion passed unanimously.

3. Ferguson Township Workforce Housing Ordinance Amendment – Authorization for Public Hearing

Mr. Pribulka noted that there is a copy of the draft ordinance that's been worked on over the last several months with staff, Planning Commission, and some other relevant stakeholders who have been providing their input.

Ms. Wargo noted that included with the agenda is the updated Draft Workforce Housing Ordinance based on comments received during the joint special meetings held September 1st and September 16th with Planning Commission. The ordinance will be applicable to the following developments within the Traditional Town Development (TTD) and Terraced Streetscape (TS) Zoning Districts:

- 10 or more residential dwelling units
- Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure
- Conversion of an existing residential structure regardless of dwelling type to a multi-family dwelling that results in ten or more residential dwelling units; and
- Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.

It expands upon the Legacy Workforce Program by allowing for rentals or owner-occupied units; and provides workforce housing units to be built on-site, built off-site, and/or paid through fee-in-lieu.

Planning Commission reviewed this draft at the September 28, 2020, regular meeting and recommended that the Draft Workforce Housing Ordinance not be approved.

The memorandum dated September 29, 2020, from the Director of Planning & Zoning summarizes the updated draft based on the discussions from the September 16, 2020, Joint Special Meeting. Ms. Wargo will be providing a memo describing why the Commission will not be approving the ordinance.

Staff reviewed the Terraced Streetscape (TS) Zoning District and the Traditional Town Development (TTD) Zoning District and is recommending that Chapter 27, Zoning; Part 3, Residential Planned Development and Mixed Use; Section 204, Terraced Streetscape (TS) District be amended by amending and adding the following to §27-304.C.2 Building Height Incentives to read:

c. If a building is complying with §27-716, Workforce Housing, the by right maximum height of 55 feet may be increased to accommodate bonus market rate units, not to exceed 75 feet.

Ms. Dininni moved that the Board of Supervisors **authorize** an advertisement of a public hearing on an ordinance amending the Ferguson Township Workforce Housing Ordinance by repealing it and replacing it in its entirety for Monday, November 16, 2020. Mr. Mitra seconded the motion.

Ms. Stephens noted that the ordinance doesn't address the proposed stormwater fees and asked if it should be added. Ms. Wargo stated that it can be an addition to the ordinance.

Ms. Dininni inquired if the ordinance is proposing the height restriction from 55 to 75 feet with TS. Ms. Wargo noted that it currently allows for 75 feet if a developer would build Workforce Units, it is an incentive and they aren't required to build them.

With regards to the Student Housing Building that is being developed Ms. Dininni asked about the income guidelines and affordable housing. Ms. Wargo stated that the current draft allows for a 100% paid in fee-in-lieu if they are rental units. If the developer is building at student rental complex the developer would be required to provide workforce rental units. Ms. Wargo noted that she doesn't believe anyone in the workforce would want to live in that building, but the developer would have the option to pay all the units in fee-in-lieu and would not get any bonus units. Ms. Dininni thought they could have the release valve and wouldn't owe the fee-in-lieu and asked for more clarification in regard to the developer producing rental housing.

Mr. Miller noted that there are two meetings before the Public Hearings and to raise questions now so that they can be worked out in the ordinance. Mr. Pribulka noted that it's not likely to run into that circumstance with a rental unit. Ms. Wargo personally wouldn't recommend not having a release valve for the rental units that can't be rented because then it's essentially having empty units until there is qualified renters for them. Ms. Wargo recommends having the release valve and percentage of the fee-in-lieu paid to the Township to allow for the market rate.

Mr. Miller asked for clarification if the parent's income would be in play with the undergraduate student housing. Ms. Wargo noted they do not include the parent's income; however, will check with Land Trust on the policy.

Ms. Strickland asked why in the TSD why it needs to be 75 feet and not 65 feet as a maximum. Ms. Wargo stated that currently the ordinance allows up to 75 feet. If the developer were to build workforce housing units, it states an additional 20 feet in the ordinance. Ms. Wargo noted that it is to ensure they couldn't go beyond what's currently there. Ms. Strickland expressed concerns with 75 feet and would prefer it capped at 55 if not 65 feet. A discussion ensued with regards to the height restrictions.

Ms. Strickland recommends changing the language that the TSD reads 65 feet. Ms. Dininni supports the recommendation and has concerns with the height in the TSD. Ms. Strickland suggested establishing a limit on bonus units.

Mr. Miller stated that the Board is not making changes to the document now, but rather the motion here is to schedule a Public Hearing. Ms. Wargo will go over all the questions and concerns from this meeting and will discuss at the next meeting.

Ms. Strickland asked if a review of the manual is possible because she has several questions and would like to look up. Ms. Wargo stated that Ms. Schoonover would be the person to ask questions and that there is no other ordinance like this in the county. Mr. Pribulka suggested having Ms. Schoonover attend a meeting between now and the Public Hearing to answer questions. Ms. Strickland asked if the Board will be approving the manual. Mr. Pribulka stated that it would be an internal document for the Land Trust to develop.

Ms. Dininni asked about the fee-in-lieu in the budget. Mr. Pribulka proposed that it would be its own separate fund. Ms. Wargo noted that she and Ms. Schoonover would recommend either a policy or a

resolution be adopted by the Board on what the funds can be used for because it would be faster especially in real estate. Ms. Dininni asked why under limitations on page 7 is the ordinance excluding the for-rent units as needing to be a principal place of residence. Ms. Wargo stated that it relates to the for-sale units so they wouldn't be able to be rented. Ms. Wargo will clarify the language.

Mr. Miller called for a vote on the motion that the Board of Supervisors **authorize** advertisement of a public hearing on an ordinance amending the Ferguson Township Workforce Housing Ordinance by repealing it and replacing it in its entirety for Monday, November 16, 2020. The motion passed unanimously.

V. NEW BUSINESS

1. WHITEHALL ROAD REGIONAL PARK FUNDING DISCUSSION

Mr. Miller noted that attached to the agenda is a memo from the General Forum with questions that need to be answered.

Mr. Miller read Option #1. If your municipality supports only utilizing the current \$4.8 million dollar loan, plus any grants and donations, what amenities of the already reduced Phase I scope should be removed from the park to meet the budget?

Mr. Endresen stated that a lot of the discussion and information that was presented during the Zoom & Learn hopefully provided background but noted they are still looking for consistent feedback from all the municipalities. Ms. Dininni expressed difficulty understanding the options and asked for clarification. Mr. Viglione noted that Option #1 would increase the Regional Parks budget by \$300,000. Option #2 would go back to the municipalities. Mr. Miller stated that the Finance Committee did not want to move forward with refinancing because it would incur costs. The first option essentially would keep the payments the same but could borrow more money for those payments. Mr. Miller indicated that the loan cannot be closed out because a unanimous decision would need to be made from the five municipalities. Ms. Dininni noted the loan should be closed out, does not want Ferguson Township to give additional sources funding, and does not want to move forward with Option #4.

Ms. Dininni read a statement to the Board that she wrote. *Phase I of all three regional parks were to be completed by 2015. Far before the opposition to the Toll Brothers occurred, there was a severe shortage of funds for Whitehall Road Regional Park. The current plan even in 2014 was over budget and Ms. Dininni quoted Mr. Ron Wood from a memo June 13th, 2014. "We have a conditionally approved Land Development Plan that we cannot afford." There was a one-way \$2 million dollar fund balance that was increased by \$7.5 million dollars in 2011 to come to a total of \$8.9 million dollars to develop Oak Hall and Whitehall Road Regional Park Phase I. Those millions and millions of dollars have shrunk steadily over the years and we have not even begun Whitehall Road. On top of that, we still have a centralized maintenance facility and staff headquarters to fund. As I think about the best use of that land and the best use of our taxpayer dollars, I refer directly what both the regional surveys and the Ferguson Township survey had to say about the development of the Regional Parks and Recreation opportunities. In the Regional Park Amenity Survey, the top five amenities that folks wanted to see in the park were walking trails, picnic pavilions, shade trees, flowers, playground areas and open space. Two times now in a regional level survey, it's been indicated that the people want local amenities, shade trees, places to walk, pavilions, bathrooms, conserving the natural environment was very very highly valued as a CRPR planning priority as identified by residents recently. Despite that and the importance of this parcel to water conservation and quality, and our terribly limited budget we move forward with a master plan that requires intensive land development. We see that the region is even still considering putting the maintenance facility there, even though the Water Authority has*

said they do not want quantities of herbicide fertilizer and fertilizer stored there. Ferguson Township residents when queried about what they'd like to see at the regional park land at Whitehall they indicated they wanted to see fitness trails, restrooms, parking areas, public gardens and picnic areas, not ball fields, lights and fences. When residents at the regional level were asked recently, what do you think the priority for parks and rec in the Centre Region over the next 10 years should be. Two of the three top were conserve open space and natural resources and develop trails and greenways. Currently we have a shared loan for \$4.8 million dollars and the authority was tasked very specifically to build in accordance with the master plan within that budget. By January 2020, I had on my to-do list to discuss the matter of the bathrooms being shifted out of the base bid that the Authority was preparing to put forward. Even though the Park Authority knew that not only Ferguson Township, but all of the municipalities agreed from the start that bathrooms were an absolute priority. By January, they were moving forward with the bids that did not include them in a base bid. Now here we are and it's October and they are just now coming to us with a park design that does not include bathrooms. There was never an option according to the municipalities to not include bathrooms. The Township is looking at rising costs and a population that does not want to see rising fees or taxes and we are being asked for more money to fund the majority of a project that was shaky from the start. Ferguson Township pays the most of the park loan at 28%. Along with that loan comes operational costs recurring every year and many many years of continued borrowing to get the park to reasonably match the plan. It is irresponsible of us to further invest in a park that has been chronically over budget, planned for poorly, and that is the gateway to nothing more than costs. Ferguson Township provided an inordinate amount of money for the development of this park, far more than any other municipality. In addition, if COG were dissolved or restructured in the future, so as to not be able to maintain the park, it would revert to full ownership by Ferguson Township. So even though that this is developed as a regional park, we will have a responsibility for that park should the structure of COG ever change. In addition, we have the responsibility to maximize the benefit and minimize the impact on our residents and ecosystem services. As I've mentioned already, our residents clearly indicated much more interest in passive amenities. This area is home to many species of migrating and over wintering birds even known as White Hawk Farms Birder Hotspot. The special ecological features of this location are not confined to birds despite the fact that when the region applied for a grant to DCNR to develop this park, they indicated there were no prime agriculture soils at this site, that is incorrect. In fact, the entire site is prime agricultural soil. Additionally, this land is riddled with sinkholes and is an integral part of the water recharge of the Harter Thomas Well Field. And in addition, is adjacent to the parcel of land that the State College Borough Water Authority has an obligation via deed restriction to manage for water protection. Meeting field needs, should they actually exist? Does not have to entail meeting costly tournament needs here at this location. Thank you.

Mr. Miller read Option #4. Is it the request of your municipality that the Authority close out the loan/repay outstanding balance, and then abandon the project? If so, why?

Mr. Viglione reviewed the financial implications. Ms. Dininni stated that she would want to close out and is sensitive to having to repay part of the grant given the position of the State College Borough Water Authority throughout this project. Ms. Dininni stated that that if they saw that there was an opportunity for the parcel to be put into passive recreation that does not disturb the ground, that they might be willing to offset the grant repayment. Ms. Dininni also suggested that in terms of repayment that the Township should look at the Borough Water Authority as a potential partner. Mr. Miller asked the Board if this should be closed out. Ms. Dininni commented that none of the surveys that were generated match the amenities in the park. Ms. Stephens noted that she is on the fence and could go either way. Mr. Viglione noted they do not want to rush anything and wants to come to a knowledgeable thoughtful decision. Mr. Endresen indicated that they might not be able to achieve a final consensus by the municipalities through the General Forum at the end of October. Ms. Strickland commented that she couldn't give an answer to close because no one knows what the penalties would

be. Ms. Strickland had concerns with the budget and can't justify spending money on the park. Mr. Mitra noted that he was undecided. Ms. Dininni reiterated that there is no budget and perhaps do a smaller version of a park. Mr. Viglione noted that if the Board chooses Option #4, there will be no park. If the Board would go with Option #1 or #2, it would be a portion of Phase I. Mr. Mitra asked for more information with the options. Ms. Stephens noted that she is leaning towards closing out but is worried about the penalties. Mr. Viglione indicated that the Oak Hall Park loan is almost paid off. Mr. Mitra commented that at this time, he would close out, but would like more information to make an informed decision. Ms. Dininni inquired about the impacts with the agreements. Mr. Viglione stated that Pam Salokangas, Director, CRPR, will be able to answer some of the questions from the meeting tonight and will follow-up. The Board agreed that as a Board it is unable to decide until questions have been answered. Mr. Miller would like a presentation on what it would mean to go forward with \$2 million dollars more and noted it's too premature to discuss refinancing. Ms. Dininni had concerns with not having a right-of-way with Penn State to get to the trail and wanted to know what the cost would be to have an agreement. Ms. Dininni requested to see the documentation from Penn State to make a better decision on having the trail. Ms. Strickland asked if the All-Ability Playground could be located at another site that is a non-regional park since it will not work on the Oak Hall Regional Park's Master Plan. Mr. Viglione stated that the loan indicates that the All-Ability Playground must be in either Oak Hall or Whitehall Regional Park. Mr. Miller noted that any changes to the loan such as refinancing or ending would take a unanimous vote. Mr. Miller proposed to ask COG if the playing fields could be excluded so that hiking trails, playgrounds, restrooms, etc., could be included. Mr. Pribulka reviewed the questions and comments that were made tonight to be sent to COG.

1. What would be the penalties and cost to the municipalities if the loan is repaid and abandoned? What are the loan payments that need to be met? What would be the cost amount be by municipalities?

2. If we continue with the refinancing what would be the additional revenue amount be and what can it be used for to purchase in Phase I development?

3. The Board would like to know about the agreements that are in place with other organizations for priority use of the park. How will this impact its ability to be utilized by local organizations? How will the lack of restrooms facility impact the priority use agreements? Would any of the organizations who have committed funding could withdraw if restrooms or other amenities are not developed?

4. What is the guarantee of the connection to Musser Gap Greenway and the cost? Who would be responsible for the connectivity? What are the agreements that exist between Penn State and ClearWater that may guarantee connectivity? The Board would like to see the agreement to make an informed decision on whether to include or remove the trail.

5. What can be built with the available funding? Ask the participating municipalities if the fields could be eliminated from the park to include the proposed amenities? Would there be any interest in converting the park into a passive use park and playground that would maintain the loan but redirect the funding?

6. What would be the cost saving with not including the fields and only doing the site work for amenities that would be installed?

7. If we don't develop as an active use park, what affect does it have on the DCNR commitments?

2. STORMWATER FEE ORDINANCE DISCUSSION

Mr. Miller noted that he doesn't feel the Board is ready for a Public Hearing in November and to place this on the next Board agenda for continued discussions. Mr. Miller proposed to move the Public Hearing until the first meeting in February because there are a lot of details to be worked out. Mr.

Pribulka provided an update. First, there was a formal amendment at the October 5, 2020 meeting requesting additional information. The Public Hearing was closed because of a substantive amendment that was made to the draft ordinance. The amendment was capping the exposure of agricultural properties at two times the billing unit median which would be equal to 6 billing units at \$17 per unit. Outside the growth boundary it would equate to \$102 per year the first year of the program. Secondly, staff is working on a spreadsheet on what the fee structure would entail under three methodologies. Thirdly, research on hardship exemptions asked by Mr. Mitra will be included at the next discussion on October 19, 2020. Ms. Strickland asked if the Board will get legal advice. Mr. Pribulka noted that he sent a request to Mr. Green. Ms. Dininni noted that her motion was not agricultural properties but working farms. Ms. Strickland reviewed her list of questions to be discussed at future meetings that included, what is considered a working farm, hardship exemptions, ratio of pervious and impervious on a lot, impact of density, assessments of cemeteries, credit discussion, and timeline of fee and related infrastructure assessment.

VI. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 11:25 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 10-19-2020