

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, February 4, 2019
7:00 PM

I. CALL TO ORDER

II. CITIZENS INPUT

III. SPECIAL REPORTS

Clearwater Conservancy Scotia Young Forest Conservation Initiative – Ms. Suzie Yetter

IV. APPROVAL OF MINUTES

1. January 21, 2019, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

1. Discussion on Draft Amendments to Zoning & Subdivision Land Development ordinances

VI. NEW BUSINESS

1. Consent Agenda
2. Public Hearing Resolution authorizing 2 agreements with Thistlewood Homeowners Association
3. Request to Modify Liquor License Transfer to Giant Food Stores at 255 Northland Center
4. Comments on Phase II Spring Creek Watershed Management Plan
5. Appointments to Centre Region Building & Housing Board of Appeals
6. PennPrime Loss Control Standard #1 – Statement of Commitment to Safety & Risk Management

VII. REPORTS

1. COG Committee Reports
2. Other Regional Reports
3. Staff Reports

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – FEBRUARY

1. Pine Grove Mills Small Area Plan, February 13, 2019, 6:00 p.m., place TBD
2. Zoning and SALDO Ordinances, Zoning Map / Idea Board Open House, Ferguson Township Main Meeting Room, 6:00 p.m.

X. ADJOURNMENT



Visit the Township's Web Site www.twp.ferguson.pa.us and sign up for *Notify Me!* to receive email notices about Township Information



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

**Board of Supervisors
Regular Meeting Agenda
Monday, February 4, 2019
7:00 p.m.**

I. CALL TO ORDER

II. CITIZENS INPUT

III. SPECIAL REPORTS

- 1. CLEARWATER CONSERVANCY SCOTIA YOUNG FOREST CONSERVATION INITIATIVE –**
Ms. Suzy Yetter 10 minutes

IV. APPROVAL OF MINUTES

1. January 21, 2019, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

- 1. GENERAL DISCUSSION OF THE BOARD OF SUPERVISORS ON DRAFT AMENDMENTS TO
THE ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCES**
30 minutes

Narrative

Since 2017, the Board, staff, and public have been engaged with the firm Environmental Planning & Design (EPD) of Pittsburgh to rewrite the Township's Zoning (Chapter 27) and Subdivision and Land Development (Chapter 22) ordinances. Staff is pleased to report that we are nearing completion of the amendments and have an open house scheduled for February 21st to hear any final citizen's input and comment prior to presentation and advertisement for public hearing. Tentatively, the goal is to present to the Board for authorization for advertisement for public hearing at the March 4th Regular Meeting with the hearing and adoption scheduled of each ordinance scheduled for May 6th at the Regular Meeting or another time selected by the Board to conduct a Special Meeting. A 45-day review period must be concluded after authorization by the Board before action may be taken on the ordinances.

Prior to proceeding any further, staff thought it would be prudent to provide the Board with an opportunity to openly discuss and comment on the drafts as they are presented. The Board was provided with the fifth iteration of each draft, and copies have been made available for inspection by the public at the Township office and on the website. While there are no specific questions that staff is looking for direction or feedback on at this point, some general prompts for consideration include:

- Does the Board believe that these amendments will likely reduce the number of variances requested by residents and non-conformities that exist in the Township?
- Does the Board believe that the subdivision and land development ordinance amendments will make the land development process easier to interpret and follow for property owners?
- Have the zoning map amendments been properly addressed? Ray Stolinas, Director of Planning & Zoning, can highlight the areas that have been proposed to be rezoned as part of

this process. The Board should discuss any other areas they are interested in considering for amendment of the zoning map.

- Do the amendments sufficiently address new uses and new trends in land use including low-impact development, parking, modern technology, and more?
- Are there other goals that the Board has set with this project that have not been met or not appear will be met to the Board's satisfaction?

During the discussion, staff will take notes of any areas of deficiency identified by the Board and work with the consultant to resolve them prior to presentation for authorization to advertise them for public hearing. No specific action is being requested of the Board; however, any substantive changes the Board is desirous of incorporating should be done by motion, while questions or general comments will be noted and appropriately responded to.

Below are links to the draft Zoning and Subdivision and Land Development Ordinance Amendments for the Board's discussion. Also, provided as an attachment to the agenda is draft zoning map amendment that incorporates the zoning district changes discussed to date.

[Ferguson Township Zoning Ordinance – January 25, 2019](#)

[Ferguson Township Subdivision and Land Development Ordinance – January 25, 2019](#)

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. 2019-C13 Award Memo – Street Trees
- b. Board Member Request – Kathy Matason Letter of Support

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN EASMENT AND RIGHT OF WAY AGREEMENT AND ARTICLE OF AGREEMENT, ATTACHED HERETO AS EXHIBITS "A" AND "B", RESPECTIVELY WITH THE THISTLEWOOD HOMEOWNERS ASSOCIATION.

10 minutes

Narrative

Street trees in the Thistlewood development were not planted in the designated street tree easement area. A stormwater swale occupies the street tree easement area. This conflict became apparent after the development trees were all planted and the Public Works Department was asked to maintain them. To resolve the conflict, documents were drafted and plans prepared to obtain the necessary easements for trees along the entryway of the easternmost entrance; plant additional trees and trim or remove existing trees in this location; and abandon interest in the remaining street trees planted in the development. Provided with the agenda is a copy of the resolution as advertised for public hearing authorizing the Chairman and Secretary to execute the Article of Agreement and Easement and Right-of-Way Agreement with the Thistlewood Property Owners Association. Each agreement is attached to the agenda and included as part of the resolution.

Recommended motion: That the Board of Supervisors adopt the resolution authorizing the Chairman to execute the Article of Agreement with the Thistlewood Homeowners Association and the Easement & Right of Way Agreement with the Grantors and Thistlewood Homeowners Association.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

3. REQUEST TO MODIFY THE CONDITIONS OF THE LIQUOR LICENSE TRANSFER APPROVED BY RESOLUTION 2012-11 AND ASSIGNED TO GIANT FOOD STORES, LLC FOR USE AT 255 NORTHLAND CENTER 10 minutes

Narrative

Attorneys with the firm Flaherty & O'Hara representing Giant Food Stores, LLC, have provided the attached letter requesting the Board modify the conditions placed on the approval of the liquor license transfer for its store at 255 Northland Center. Specifically, that the Township remove the requirement under condition 6(c) that quarterly reports be filed with the Township verifying the store's compliance with its obligation to maintain a 1:1 food-to-alcohol sales ratio. This is often referred to as the "Pizza Hut Rule." In the alternative, counsel for Giant Foods has requested the reporting requirement be changed from quarterly to annually. Staff has no objection to the alternative request, but recommends the Board maintain some reporting requirement to verify compliance. Should the Board wish to modify the conditions of the license, a public hearing should be scheduled to adopt a revised resolution. A copy of Resolution 2012-11 has also been provided with the agenda for reference.

Recommended motion: That the Board of Supervisors direct staff to advertise for public hearing a resolution amending Resolution 2012-11 by modifying Condition 6(c) to require an annual report be filed with the Township in place of quarterly reports.

Staff Recommendation

That the Board of Supervisors **direct** staff to advertise amendment of Resolution 2012-11 for public hearing.

4. COMMENTS ON THE PHASE II SPRING CREEK WATERSHED MANAGEMENT PLAN

20 minutes

Narrative

The Spring Creek Watershed Commission has prepared a draft of Phase II of the Spring Creek Watershed Management Plan, which has been provided with the agenda. The Commission has requested that municipalities provide comment on the plan that their respective representatives can bring back to the Commission prior to it being finalized. Mr. Buckland is Ferguson Township's representative on the Spring Creek Watershed Commission.

Phase I of the Management Plan was completed in 2003, and identified environmental challenges facing the watershed and potential solutions. Phase II builds on that report and introduces the "One Water" initiative, an integrated systems approach to managing water resources "for long-term resilience and reliability to meet both community and ecosystem needs." The One Water approach and its guiding principles and goals are outlined in the Phase II document and Executive Summary. If approved, work on Phase III will begin in 2019, and will build on the One Water initiative by identifying key milestones and action steps ranging from short- to long-term horizons.

Recommended motion: That the Board of Supervisors request Mr. Buckland forward its comments on the Phase II Spring Creek Watershed Management Plan to the Spring Creek Watershed Commission.

Staff Recommendation

That the Board of Supervisors **request** Mr. Buckland forward any comments on the Phase II Spring Creek Watershed Management Plan to the Spring Creek Watershed Commission.

5. APPOINTMENTS TO THE CENTRE REGION BUILDING AND HOUSING BOARD OF APPEALS 5 minutes

Narrative

At the January 29th meeting of the General Forum of the Centre Region Council of Governments, a motion carried unanimously forwarding the following slate of nominations for re-appointment to the Centre Region Building and Housing Board of Appeals for a three-year term beginning February 15, 2019 to the member municipalities for consideration:

- Core Board
 - Adam Fernsler, P.E., LEED AP
 - J. Michael Leakey, R.A. (Alternate)
- Property Maintenance Board
 - Sarah K. Lowe

Recommended motion: That the Board of Supervisors approve the slate of nominations as forwarded by the COG General Forum for re-appointment to the Centre Region Building and Housing Board of Appeals for a three-year term beginning February 15, 2019.

Staff Recommendation

That the Board of Supervisors **approve** the slate of nominations for the Centre Region Building and Housing Board of Appeals.

6. PENNPRIME LOSS CONTROL STANDARD #1 – STATEMENT OF COMMITMENT TO SAFETY/RISK MANAGEMENT 5 minutes

Narrative

Provided with the agenda is a copy of the Township's Statement of Commitment to Safety/Risk Management. The Statement of Commitment is an annual requirement of the Loss Control Standards Program of the Township's Worker's Compensation and Liability Insurance Trust, PennPRIME. There are eight Loss Control Standards with which the Township must comply that include written policies on seat belt use, distracted driving, hazard inspections, and more. The Statement of Commitment will be shared with employees and posted in a conspicuous, public place in the Township building.

Recommended motion: That the Board of Supervisors approve the Township's Statement of Commitment to Safety and Risk Management.

Staff Recommendation

That the Board of Supervisors **approve** the Township's Statement of Commitment to Safety and Risk Management.

VII. STAFF AND COMMITTEE REPORTS

- 1. COG COMMITTEE REPORTS** 5 minutes
 - a. Executive Committee
- 2. STAFF REPORTS** 15 minutes
 - a. Township Manager
 - b. Planning and Zoning Director
 - c. Public Works Director - no written report

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – FEBRUARY

1. Pine Grove Mills Small Area Plan, February 13, 2019, 6:00 p.m., place TBD
2. Zoning and SALDO Ordinances, Zoning Map / Idea Board Open House, Ferguson Township Main Meeting Room, February 21, 2019, 6:00 p.m.

X. ADJOURNMENT

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, January 21, 2019
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, January 21, 2019, at the Ferguson Township Municipal Building. In attendance were:

Board:	Peter Buckland Steve Miller Laura Dininni Tony Ricciardi	Staff:	Dave Pribulka, Township Manager Centrice Martin, Assistant to the Manager Ray Stolinas, Director of Planning & Zoning Chris Albright, Chief of Police
---------------	---	---------------	--

Others in attendance included: Faith Norris, Recording Secretary; Michelle Spiering; Anna Nuttucak; Joe Rose; Greg Sohaumburg; Tom Harner; Dan Harner; Pam Steckler; Bill Hechinger; Todd Giddings; Louwana Oliva; Bernie Hoffnar; Wes Glebe; Brian Heiser; Kevin Abbey-Clearwater Conservancy; Ralph Wheland; Diane Albright; Bill Keough; Dorothy Blair; Dennis Myers; Wendy Myers; John Sepp, Penn Terra Engineering; Mark Torretti, Penn Terra Engineering; Brent Brubaker, Sheetz; Matt Vidic, Centre Soccer; Justin Mandel, Aspen Whitehall Partners.

II. CALL TO ORDER

Mr. Buckland called the Monday, January 21, 2019, regular meeting to order at 7:00 p.m. On behalf of the Board, Mr. Buckland read a quote in recognition of Martin Luther King day.

Noted, an executive session took place directly before this meeting on a legal matter.

III. CITIZENS INPUT

Ms. Blair spoke in detail in support of House Bill 7173 – *Energy Innovation and Carbon Dividend Act of 2018*. An informational handout was provided at the meeting.

Mr. Vidic spoke in detail on the need for soccer fields in the area.

IV. SPECIAL REPORTS

- a. Clearwater Conservancy. Mr. Abbey introduced the Scotia Young Forest Conservation Initiative funded through a grant from the National Fish and Wildlife Foundation. He spoke about partnering with municipalities among other organizations to help preserve and create young forests. A flyer was provided at the meeting. Following the discussion Mr. Abbey asked the Board if Ms. Suzy Yetter, Conservation Projects Coordinator, could attend the next Board meeting to answer any questions that come up.
- b. Mr. Glebe was recognized and stated that he is the new representative for Ferguson Township for the State College Borough Water Authority. He reported on the recent SCBWA meeting topics and reviewed current issues. He noted that it is important to continue the information sharing between SCBWA and the Township. There were some points clarified by Mr. Heiser in regards to seismic monitoring and blasting zones.

V. APPROVAL OF MINUTES

Mr. Miller moved that the Board of Supervisors **approve** the Regular Meeting minutes of January 7, 2019 and the Budget Special meetings' minutes of November 13 & 15, 2018. Mr. Buckland inquired about the Organizational minutes. Mr. Miller added January 7, 2019 Organizational Meeting minutes to the motion. Mr. Ricciardi seconded the motion. The motion passed unanimously.

VI. **UNFINISHED BUSINESS**

a. A PUBLIC HEARING ORDINANCE AMENDING SOURCE WATER PROTECTION OVERLAY DISTRICT

Mr. Stolinas reviewed the history of the draft ordinance. He listed the regulations for identified land uses; the elimination of the requirement to submit facility profile sheets; and the addition of a review mechanism. The latest comments from State College Borough Water Authority and Penn State University were briefly discussed.

A Pennsylvania Furnace resident inquired about the impact the ordinance may have on certain development activity in Zone 1 recharge areas, specifically Nittany Bible Church. Discussion followed with staff in response to the resident's question.

No other comments were made. The public hearing was closed.

Mr. Ricciardi moved that the Board of Supervisors **adopt** the ordinance amending Chapter 27, Zoning, Part 2, District Regulations of the Code of Ordinances by establishing Section 216, Source Water Protection Overlay District Requirements inclusive of establishing the Source Water Ordinance Protection Overlay District as described in Appendix A of the ordinance. Mr. Miller seconded the motion.

Discussion followed on blasting restrictions in Zone 1 and the Ad Hoc Committee recommendations. Mr. Heiser was recognized and clarified points of interest on blasting in that SCBWA was to provide further oversight, if necessary, if any blasting was to be done in Zone 1.

Mr. Buckland recused himself from the discussion about comments received from the Penn State University Office of the Physical Plant due to a stated conflict of interest and turned the meeting temporarily over to Mr. Miller.

Mr. Pribulka discussed the comment letter received from Penn State. Discussion followed on whether to continue this discussion until the next board meeting. Staff clarified a point on right-to-know information regarding location of supply wells in response to a board member's inquiry. The Ad Hoc Committee and the farming community who had provided input were thanked for their contributions to the ordinance.

Roll Call vote on Ordinance #1046: Mr. Buckland – YES; Ms. Dininni – YES; Mr. Miller – YES; Mr. Ricciardi – YES.

b. A PUBLIC HEARING RESOLUTION AMENDING TOWNSHIP PERSONNEL POLICY MANUAL

The policy and changes were reviewed that were provided with the agenda packet.

Mr. Ricciardi moved that the Board of Supervisors **adopt** the resolution amending the Ferguson Township Personnel Policy Manual. Mr. Miller seconded the motion.

Roll Call vote for Resolution 2019-4: Ms. Dininni – YES; Mr. Miller – YES; Mr. Mr. Ricciardi - YES; Mr. Buckland – YES.

VII. **NEW BUSINESS**

a. CONSENT AGENDA

1. Treasurer's Report – December 2018
2. Voucher Report – December 2018

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

b. A PUBLIC HEARING RESOLUTION CERTIFYING LOCAL CATA SHARE

Mr. Pribulka reviewed the local match for Centre Area Transportation Authority that was provided with the agenda packet.

Mr. Ricciardi moved that the Board of Supervisors adopt the resolution certifying provision of local match for state operating and capital financial assistance to the Centre Area Transportation Authority. Ms. Dininni seconded the motion.

Roll Call vote for Resolution 2019-5: Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Dininni – YES.

c. PRESENTATION OF HARNER FARM CONCEPT PLAN

Mr. Stolinas begin the presentation with an overview of the plan, map and process. Noted, it is that the Concept Plan is not a land development plan at this point.

Representatives from PennTerra Engineering, Sheetz and Aspen Whitehall Partners were in attendance and answered questions brought up at the meeting. Comments were heard from Board members, staff and residents including concerns relative to noise; lighting; mixed use space utilization; traffic circulation; tree canopy and species preservation; allowance for electric vehicle charging stations at Sheetz; external traffic impacts; landscape and noise buffering; alignment of residential development for optimal solar capture; and encouragement for design of Sheetz and entire development to incorporate environmental sustainability in construction and operation.

Following the discussion, Mr. Buckland called for a five minute recess.

The King Wealth discussion was tabled until further notice.

d. APPOINTMENT TO FERGUSON TOWNSHIP VACANCY BOARD

Mr. Pribulka reviewed the process and the four accepted applications.

Mr. Miller nominated Josh Potter to the Ferguson Township Vacancy Board. Mr. Buckland called for a voice vote. The voice vote passed unanimously.

e. NATIONAL CITIZEN SURVEY DISCUSSION AND CONTRACT AUTHORIZATION

Ms. Martin reviewed the details of the survey. Discussion was held on comparing data from a previous survey to measure performance. However, it was determined that more valid measures were needed than what had previously been surveyed.

Mr. Miller moved that the Board of Supervisors **authorize** the Township Manager to execute an agreement with the National Research Center to conduct the National Citizens Survey in Ferguson Township. Mr. Ricciardi seconded the motion.

Discussion followed on benchmarking against a prior measure and other municipalities; costs; criteria being evaluated; and targeted comparable geographical data. The Board's consensus was to look into more targeted areas and to inquire about an option for lowering the cost for the in-person presentation.

The motion passed unanimously.

f. BEAVER BRANCH PRESERVATION DISCUSSION

Ms. Dininni introduced the topic for discussion. A discussion followed on the preservation of Beaver Branch and possibly adding it to the Township's Recreation Park and Open Space Plan. There was a discussion on private/public partnerships for the preservation of the gorge. Clarification was made on the location of the Beaver Branch Gorge in response to a resident's question. Mr. Miller noted this discussion is for the purpose of possible future buying of conservation easements and not for zoning changes.

Following the discussion, staff was directed to have the Township's GIS Technician generate a map of the Beaver Branch area discussed and report back to the Board. Following the review of the map, the Board may decide on an action item for the Tree Commission to consider.

g. PENNSYLVANIA CAP AND TRADE PETITION

Mr. Buckland discussed climate change, the greenhouse gas emissions petition and the six points of interest.

Mr. Buckland moved that the Board of Supervisors **endorse** the petition to Pennsylvania's Environmental Quality Board to establish, by regulation, an economy-wide auction greenhouse cap-and-trade system. Ms. Dininni seconded the motion.

Discussion followed on status of the petition. The motion passed unanimously.

h. DISCUSSION OF 2019 DONATION REQUESTS

Mr. Pribulka reviewed the budget and requests. A clarification on policy was discussed. The Board's consensus was to review the policy.

Mr. Buckland moved that the Board of Supervisors **designate** Ms. Dininni and Mr. Buckland, along with a designee of the Township Manager, to review the donation requests and present their recommendations to the Board of Supervisors. Mr. Ricciardi seconded the motion. The motion passed unanimously.

VIII. STAFF AND COMMITTEE REPORTS

a. COG COMMITTEE REPORTS

1. Public Safety Committee. Mr. Buckland reviewed the meeting dates, elections, topics discussed and future activities.
2. Ad Hoc Facilities Committee. Mr. Buckland reviewed the meeting dates, elections and topics discussed. Ms. Dininni noted to extend an invitation to the Centre Region Parks Authority for when the sites presentation is done.
3. Human Resources Committee. Mr. Ricciardi reviewed the meeting dates, appointments that did not change much from last year, and topics discussed.

Mr. Pribulka noted there is no policy in the township for elected officials circulating petitions – some exceptions were noted.

4. Finance Committee. Mr. Miller reviewed the elections and topics discussed. Mr. Ricciardi inquired about finances for future fire services. Mr. Miller noted cost is going up.
5. Joint Parks Capital Committee & CRPRA. Mr. Miller reviewed the elections and topics discussed. Discussion followed on the report. Ms. Dininni clarified some points of interest with Whitehall Road Regional Park.
6. Transportation and Land Use Committee. Mr. Miller reported on current projects per agenda provided.
7. Public Services & Environmental Committee. Mr. Buckland reviewed elections and topics discussed. Vacancy policy discussion followed.

b. OTHER REGIONAL COMMITTEES

1. Spring Creek Watershed Commission. The Commission met last Wednesday. Mr. Buckland reviewed the elections. A detailed discussion followed on Phase 2 water plan that will be going before this board for review at some time in the future.
2. Steering Committee Parks & Rec Comp Plan. Ms. Dininni reviewed projects and announced a public meeting on January 30th at 7:00 p.m. at the State College Area High School for input on specific topics for the parks in the region.

c. STAFF REPORTS

1. Township Manager. Mr. Pribulka reviewed the report as provided. Highlights shared were topics and goals from attendance at recent meetings that included CBICC's Agritourism Committee Meeting; reorganizational meeting of the township's Park & Rec Committee; and the joint meeting of the Centre Region Parks & Rec Authority. Reports followed on a resolution for the UAJA Greenbriar Demonstration Project and potential services for investment options for the Township's non-uniform pension plan.

Discussions followed on possible contacts for the Agritourism Committee and the potential resolution for the Greenbriar project in response to board members' questions.

2. Planning and Zoning Director. Mr. Stolinis reviewed the report provided. The organizational meeting will be on January 28th. Highlights shared were updates on SALDO; Pine Hall General Master Plan; Steering Committee Meeting on Pine Grove Mills Small Area Plan; Ordinance Enforcement Officer position interviews; and Membership starter kits for new members.

Discussion followed on specific lighting for the Small Area Plan (SAP). Mr. Buckland asked that a presentation to the board be done on the SAP at some point in the future.

3. Public Works Director. Written report provided.
4. Chief of Police. Chief Albright reported December's year-to-date statistics. Part 1 and 2 crimes and calls for service are down for the year; traffic stops are up; incidents were reviewed; proceeds from "No Shave November" were donated to local charities and a local township damaged by a

fire; and an update on a new regional records management system effective January 15th that can be shared with other local municipalities or jurisdictions.

IX. COMMUNICATIONS TO THE BOARD

Mr. Ricciardi noted a communication on how well the Public Works Department crew responded to helping out with the storm over the weekend.

X. CALENDAR ITEMS - None






XI. ADJOURNMENT

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 10:04 p.m.

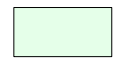







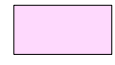
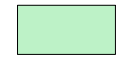




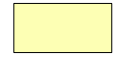


Respectfully submitted,

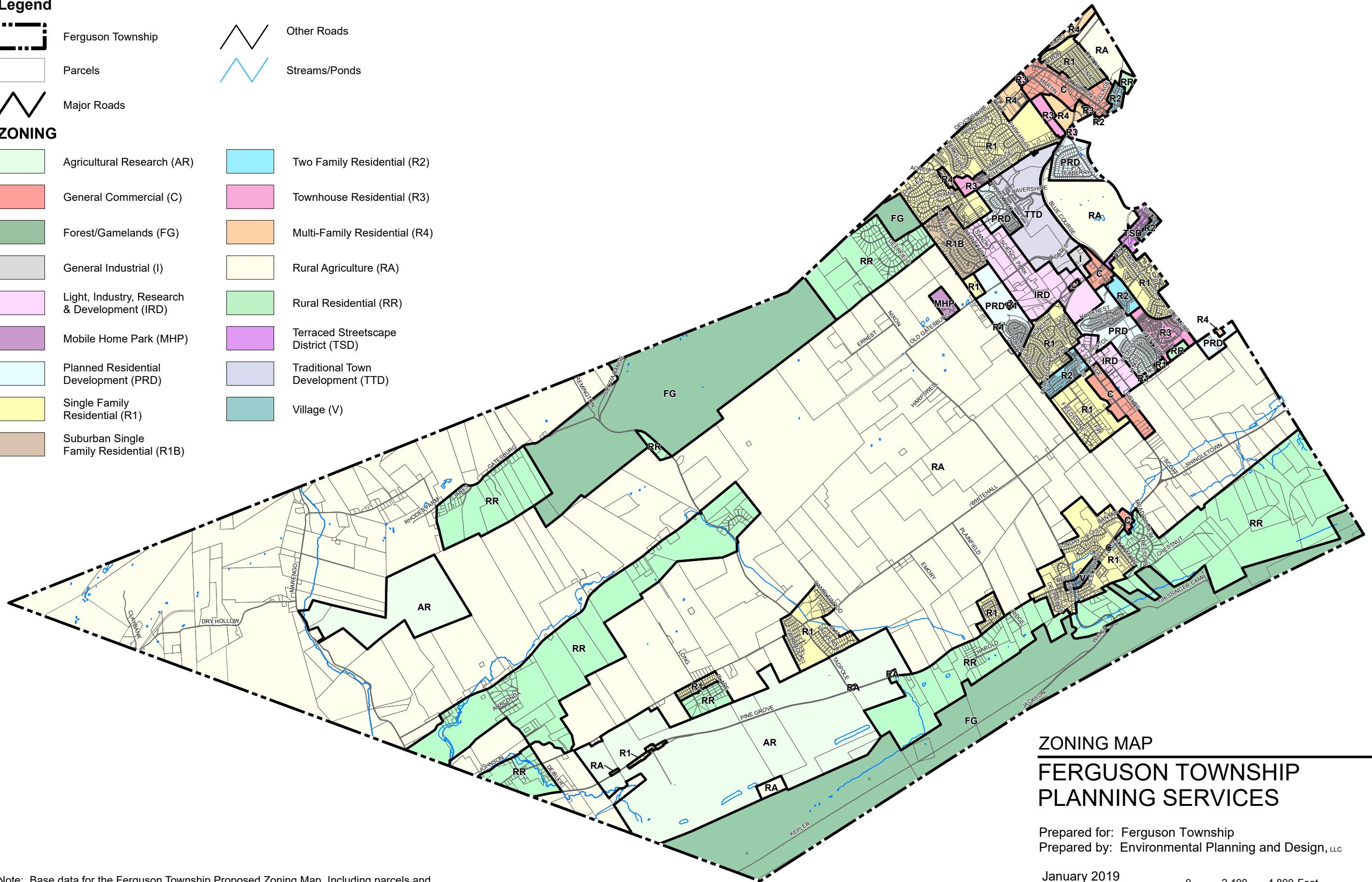
David Pribulka, Township Manager
For the Board of Supervisors

Legend

-  Ferguson Township
-  Parcels
-  Major Roads
-  Other Roads
-  Streams/Ponds

ZONING

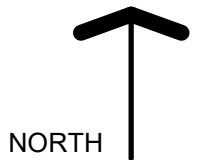
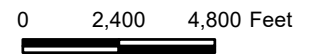
- | | |
|---|---|
|  Agricultural Research (AR) |  Two Family Residential (R2) |
|  General Commercial (C) |  Townhouse Residential (R3) |
|  Forest/Gamelands (FG) |  Multi-Family Residential (R4) |
|  General Industrial (I) |  Rural Agriculture (RA) |
|  Light, Industry, Research & Development (IRD) |  Rural Residential (RR) |
|  Mobile Home Park (MHP) |  Terraced Streetscape District (TSD) |
|  Planned Residential Development (PRD) |  Traditional Town Development (TTD) |
|  Single Family Residential (R1) |  Village (V) |
|  Suburban Single Family Residential (R1B) | |



ZONING MAP
FERGUSON TOWNSHIP
PLANNING SERVICES

Prepared for: Ferguson Township
 Prepared by: Environmental Planning and Design, LLC

January 2019
 2167.18.01r3



Note: Base data for the Ferguson Township Proposed Zoning Map, including parcels and existing zoning boundaries, provided by Ferguson Township, August 2016.



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

Memorandum

To: Board of Supervisors
David Pribulka, Manager
From: David J. Modricker, Public Works Director

Re: Contract 2019-C13 Street Trees
Date: January 29, 2019

On Tuesday, January 29, 2019 at 2:00 PM bids were opened publicly for Contract 2019-C13 Street Tree Planting, and read aloud. The following individuals were in attendance:

Name	Representing
Lance King	Ferguson Township
David Modricker	Ferguson Township
Courtenay Evans	Alex's Proscap
John Oleksa	Landscape II

The contract base bid includes 52 trees and is the basis of award.

The following 5 bids were received and are summarized on the attached spreadsheet:

Landscape II	\$28,841.00
Cramer L & C, Inc.	\$39,009.00
Robert W. Behrer LLC.	\$16,297.00
Greene's Landscape, Inc.	\$14,274.00
Alex's Proscap LLC.	\$20,460.75

The contract was advertised in the Centre Daily Times and there were 11 plan holders. The budget for tree planting in 2019 is \$35,760. The work for this contract was estimated at \$19,900. The remaining balance is budgeted for bare root trees to be purchased separately and planted by FTPW.

I recommend that the Board of Supervisors award Contract 2019-C13, Street Tree Planting, base bid to in the amount of \$14,274.00 to Green's Landscaping.

File: Contract 2019-C13

ATTACHMENT 1 - SCHEDULE OF PRICES					Landscape II		Cramer		Robert Behrer		Greene's Landscape Inc.		Alex's Proscap	
Item No	Qty	Unit	Description	Tree size (minimum diameter)	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal	Unit Price	Subtotal
BASE BID														
1	5	ea	Northern Hackberry	1½"	\$421.00	\$2,105.00	\$720.00	\$3,600.00	\$284.00	\$1,420.00	\$238.00	\$1,190.00	\$393.00	\$1,965.00
2	6	ea	Northern Red Oak	2 1/2"	\$1,137.00	\$6,822.00	\$845.00	\$5,070.00	\$381.00	\$2,286.00	\$388.00	\$2,328.00	\$395.25	\$2,371.50
2	8	ea	Northern Red Oak	1½"	\$421.00	\$3,368.00	\$743.00	\$5,944.00	\$295.00	\$2,360.00	\$225.00	\$1,800.00	\$393.00	\$3,144.00
3	5	ea	Shademaster' Honey Locust	2 1/2"	\$687.00	\$3,435.00	\$802.00	\$4,010.00	\$378.00	\$1,890.00	\$388.00	\$1,940.00	\$395.25	\$1,976.25
4	7	ea	Autumn Gold Ginko (Certified Male)	1½"	\$550.00	\$3,850.00	\$733.00	\$5,131.00	\$310.00	\$2,170.00	\$360.00	\$2,520.00	\$393.00	\$2,751.00
5	4	ea	Sycamore	1½"	\$396.00	\$1,584.00	\$758.00	\$3,032.00	\$293.00	\$1,172.00	\$200.00	\$800.00	\$393.00	\$1,572.00
6	3	ea	Heritage River Birch	1½"	\$421.00	\$1,263.00	\$651.00	\$1,953.00	\$295.00	\$885.00	\$238.00	\$714.00	\$393.00	\$1,179.00
7	5	ea	Okame Cherry	1½"	\$515.00	\$2,575.00	\$671.00	\$3,355.00	\$295.00	\$1,475.00	\$188.00	\$940.00	\$393.00	\$1,965.00
8	2	ea	Flowering Dogwood	1½"	\$446.00	\$892.00	\$671.00	\$1,342.00	\$287.00	\$574.00	\$188.00	\$376.00	\$393.00	\$786.00
9	7	ea	Japanese Tree Lilac	1½"	\$421.00	\$2,947.00	\$796.00	\$5,572.00	\$295.00	\$2,065.00	\$238.00	\$1,666.00	\$393.00	\$2,751.00
	52	trees		BASE BID TOTAL:		\$28,841.00		\$39,009.00		\$16,297.00		\$14,274.00		\$20,460.75

To: Kathy Matason, Chair of the Centre Region Park and Recreation Authority Board
CC: Pam Salokangas, Director of the Centre Region Park and Recreation Authority Board

From: Ferguson Township Board of Supervisors

Date: February 21, 2019

Dear Ms. Matason,

The Ferguson Township Board of Supervisors wishes to thank you for your service on the Centre Region Parks and Recreation Authority (CRPRA). Your work on the CRPRA has directly benefitted our region's and our township's residents. In particular, we recognize your judiciousness and diligence as Chair of the CRPRA Board. Chairing an authority board tasked with overseeing and assisting with the budget, staffing, programming, service, and the design of current and future parks brings with it tension and conflicts. We are heartened by your level-headedness and commitment.

Thank you.

Ferguson Township Board of Supervisors

RESOLUTION NO. _____

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ACCEPTING AN EASEMENT FOR STREET TREES FROM THE THISTLEWOOD HOMEOWNERS ASSOCIATION AND AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN EASEMENT AND RIGHT OF WAY AGREEMENT AND ARTICLE OF AGREEMENT, ATTACHED HERETO AS EXHIBITS "A" AND "B", RESPECTIVELY WITH THE THISTLEWOOD HOMEOWNERS ASSOCIATION.

WHEREAS, the Township of Ferguson has accepted the right-of-way for Meadowview Drive by Ordinance 894; and

WHEREAS, the street trees for the Thistlewood Single-Family Residential Subdivision are partially located outside of the dedicated and accepted right-of-way of said streets; and

WHEREAS, Ruberto, Westernik, Parrillo, and Thistlewood Homeowner Association (THA) have granted easements for said street trees more fully set forth in the Easement and Right of Way Agreement attached hereto as Exhibit "A"; and

WHEREAS, the Township of Ferguson relinquishes interest in existing street trees located on private property in the Thistlewood Single-Family Residential Subdivision attached hereto as Exhibit "B" – Article of Agreement, and

NOW THEREFORE, the Ferguson Township Board of Supervisors hereby accepts the Grant of Easement for Street Trees and authorizes said easement to be recorded in the Office of the Centre County Recorder of Deeds and relinquishes interest in existing street trees.

RESOLVED this 4th day of February, 2019.

TOWNSHIP OF FERGUSON

By: _____
Peter Buckland, Chairman
Board of Supervisors

[S E A L]

ATTEST:

David Pribulka, Secretary

Exhibit A

EASEMENT AND RIGHT OF WAY AGREEMENT

This Easement and Right of Way Agreement ('Agreement') is made and executed this _____ day of _____, 2019, by and between the following:

Gregory S. Ruberto and Tina M. Ruberto, his Wife
Ronald S. Westernik and Joan L. Westernik, his Wife
Douglas Glen Parrillo and Alicia A. Drais-Parrillo, his Wife
Thistlewood Homeowners Association
Parties of the First Part and Grantor(s)

And

Township of Ferguson
Centre County, Pennsylvania
(Hereafter 'Township') Party of the Second Part and Grantee

RECITALS

Whereas, the residential property owner(s) identified herein execute this Agreement as specific lot owners and parties who are members to the Thistlewood Homeowners Association (THA); and,

Whereas, THA is a homeowners association established and operated by the owners of the Single Family Residential Subdivision known as "Thistlewood" located in Ferguson Township, Centre County, Pennsylvania. (See, Centre County Plat Book 74, Pages 89 and 90); and

Whereas, the Township and THA have reached an Agreement relating to certain issues associated with trees, both street trees and trees located on private lots, in the subdivision pursuant to an Article of Agreement dated _____; and

Whereas, Paragraph 5 of said Article of Agreement provides for the establishment of certain easements and rights of way to be granted by specified residential property owners to the Township.

TERMS OF EASEMENT AND RIGHT-OF-WAY AGREEMENT

Intending to be legally bound hereby and in exchange for the mutual covenants contained herein the Grantors and Township agree as follows:

1. Purpose

The purpose of this Easement and Right-of-Way Agreement is to assist in the implementation of Paragraph 5 of the Article of Agreement between THA and the Township which provides as follows:

Easements Granted by Private Lot Owners

Street tree easements and rights of way will be needed with respect to the North East Entrance of the development from Pine Grove Road. As a specific condition of this agreement, it will be necessary for certain private property owners to grant easements and rights of way for such purposes in favor of the Township, its successors and assigns. Easements and right of way agreements, as prepared by the Township Solicitor, shall be written, recordable and perpetual in time.

The street tree easements and rights of way to which Paragraph 5 shall relate are as follows:

- *North East Entrance from Pine Grove Road – Parcels 2, 3, 4, 1A, 1B, and 1C*

The easements and rights of way granted by the private property owners must be without cost or consideration to the Township and all said private property owners must be in unanimous agreement relative to this provision.

2. Creation of Easements and Rights of Way

The Grantors identified above do hereby grant, assign, and convey to Grantee Township, its heirs, successors, and assigns perpetual easements and rights-of-way over, through, and upon

lands of Grantors within the development known as “Thistlewood” for purposes of planting, maintaining, pruning, trimming, treating, and otherwise caring for the trees which are the subject of the aforesaid Article of Agreement together with the right of access, egress, and regress for these stated purposes and activities.

Attached hereto is a Schedule A which provides Deed and Recordation information relating to the Lots to which the Agreement relates.

3. Removal of Specific Trees

Township shall remove any dead, distressed, or unwanted trees on private property identified as Parcels 2, 3, 4, 1A, 1B, 1C which, in the judgement and discretion of the Township, will interfere with the new street tree planting plan described in the Article of Agreement between the Township and THA. Consent by individual parcel owner(s) shall be required with respect to the time and manner of such tree removal.

4. Survey Requirement

Prior to planting of the trees contemplated by this Agreement, a survey will be required in order to “stake out” the tree location easement. Said surveyed depiction of the easement areas shall become a part of this Agreement and shall be deemed to be incorporated herein.

5. Relinquishment of Township Interest in Existing Street Trees Located on Private Property

The Township does hereby relinquish, vacate, convey, and/or transfer any and all interest it presently holds or owns with regard to any and all street trees located in Thistlewood development which were planted by the developer on private property which are not within the existing Township easement.

6. Arborist’s Planting Plan

The street trees to be planted by Township shall be located by the Township’s Arborist and the planting of the street trees shall be subject to his discretion and supervision. However, the new plantings shall be as close as practical to the location of the removed trees. The new street trees shall be 2.5” Caliper Red Oak and Honey Locust.

7. Unanimous Agreement of Grantors

A specific condition as to the effectiveness and validity of this instrument is the unanimous agreement, assent, and execution by all of the above Grantors.

8. Perpetual Rights which ‘Run with the Land’

The rights created and established by virtue of this instrument shall be perpetual and shall ‘run with the land.’

IN WITNESS WHEREOF, this Agreement is executed the day and date first above written.

Property Owner(s), Grantors

Gregory S. Ruberto

Tina M. Ruberto

Ronald S. Westernik

Joan L. Westernik

Douglas Glen Parrillo

Alicia A. Drais-Parrillo

Thistlewood Homeowners
Association

Township of Ferguson, Grantee

Peter Buckland, Chair
Board of Supervisors

David Pribulka, Secretary
Township of Ferguson

Schedule A – Easement and Right of Way Agreement

The lots or parcels to which this Easement and Right of Way Agreement relates are identified as follows:

Gregory S. Ruberto and Tina M.
Ruberto, his Wife

Centre County Record Book
2082, Page 0157
Tax parcel # 24-736/2
Development Lot 2

Ronald S. Westernik and Joan L.
Westernik, his Wife

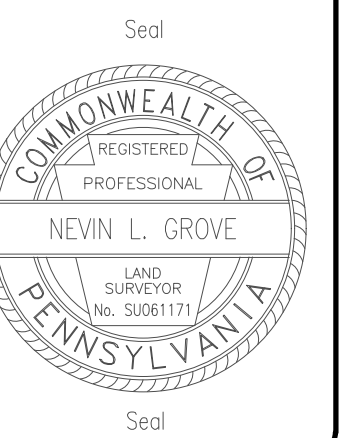
Centre County Record Book
2071, Page 0272
Tax parcel # 24-736/3
Development Lot 3

Douglas Glen Parrillo and Alicia A.
Drais-Parrillo, his Wife

Centre County Record Book
2132, Page 00398
Tax parcel # 24-736/4
Development Lot 4

Thistlewood Homeowners Association

Centre County Record Book
2052, Page 0681
Tax parcel # 24-736/1
Development Lot 1A, 1B, and 1C



Designer: XXXX
Draftsman: RRK
Proj Manager: NLG
Surveyor: XXXX
Perimeter Ck: XXXX
Book: XXXX Pg: XXXX
Drawn P: Layout XXXX
Acad: XXXX

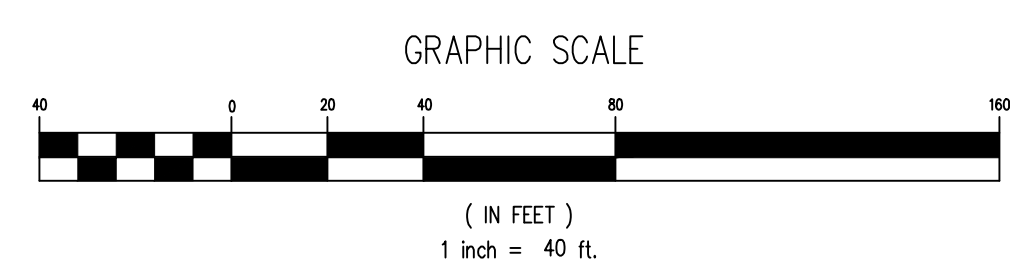
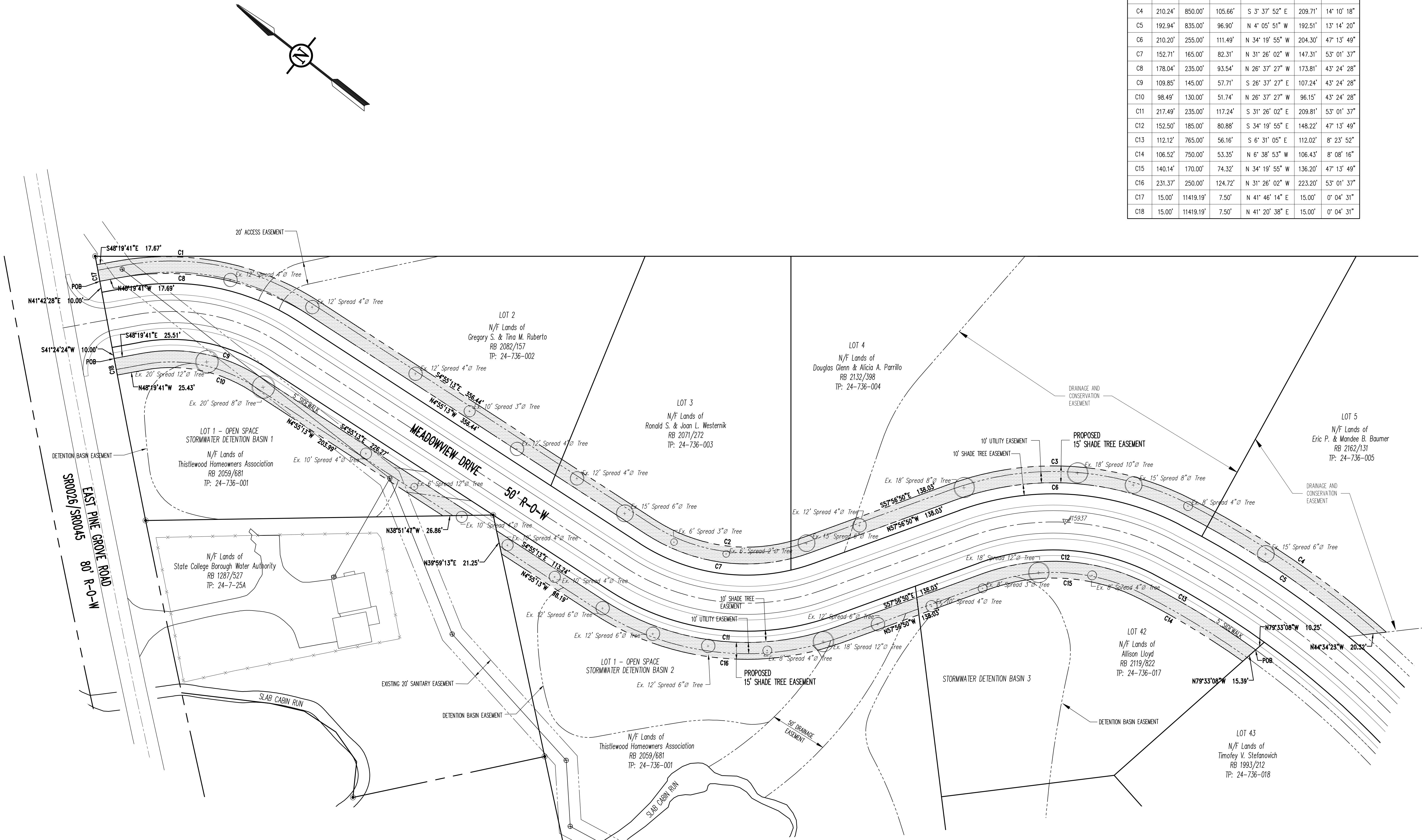
01/07/19 ADDED EASEMENT
RRK DESCRIPTION
12/19/18 ADDED PROPOSED 15'
RRK SHADE TREE EASEMENT
Date Description
REVISIONS

THISTLEWOOD DEVELOPMENT
FERGUSON TOWNSHIP
CENTRE COUNTY
PENNSYLVANIA

STREET TREE EASEMENT EXHIBIT

PROJECT NO.
18247
DATE
NOVEMBER 7, 2018
SCALE SHEET NO.
1"=40' 1

PROPOSED CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	CHORD DIRECTION	CHORD	DELTA
C1	189.40'	250.00'	99.51'	S 26° 37' 27" E	184.91'	43° 24' 28"
C2	138.82'	150.00'	74.83'	S 31° 26' 02" E	133.92'	53° 01' 37"
C3	222.57'	270.00'	118.05'	S 34° 19' 55" E	216.32'	47° 13' 49"
C4	210.24'	850.00'	105.66'	S 3° 37' 52" E	209.71'	14° 10' 18"
C5	192.94'	835.00'	96.90'	N 4° 05' 51" W	192.51'	13° 14' 20"
C6	210.20'	255.00'	111.49'	N 34° 19' 55" W	204.30'	47° 13' 49"
C7	152.71'	165.00'	82.31'	N 31° 26' 02" W	147.31'	53° 01' 37"
C8	178.04'	235.00'	93.54'	N 26° 37' 27" W	173.81'	43° 24' 28"
C9	109.85'	145.00'	57.71'	S 26° 37' 27" E	107.24'	43° 24' 28"
C10	98.49'	130.00'	51.74'	N 26° 37' 27" W	96.15'	43° 24' 28"
C11	217.49'	235.00'	117.24'	S 31° 26' 02" E	209.81'	53° 01' 37"
C12	152.50'	185.00'	80.88'	S 34° 19' 55" E	148.22'	47° 13' 49"
C13	112.12'	765.00'	56.16'	S 6° 31' 05" E	112.02'	8° 23' 52"
C14	106.52'	750.00'	53.35'	N 6° 38' 53" W	106.43'	8° 08' 16"
C15	140.14'	170.00'	74.32'	N 34° 19' 55" W	136.20'	47° 13' 49"
C16	231.37'	250.00'	124.72'	N 31° 26' 02" W	223.20'	53° 01' 37"
C17	15.00'	11419.19'	7.50'	N 41° 46' 14" E	15.00'	0° 04' 31"
C18	15.00'	11419.19'	7.50'	N 41° 20' 38" E	15.00'	0° 04' 31"



Legal Description
Street Tree Easement
Thistlewood Development

All that certain tract of land situated in Ferguson Township, Centre County, PA, being Street Tree Easements as shown on a plan entitled, "Thistlewood Development, Street Tree Easement Exhibit", dated November 7, 2018, by PennTerra Engineering, Inc., State College, PA, being bounded and described as follows:

Easterly Tract

Beginning at a point labeled P.O.B., lying in a northerly line of lands owned now or formerly by Gregory S. and Tina M. Ruberto (Tax Parcel 24-736-002, R.B. 2082, Pg. 157) and lying in a southerly R/W line of East Pine Grove Road (S.R. 0026/S.R. 0045, 80' R/W), being referenced N41°42'28"E, 10.00 feet from a point, being a northerly corner of Meadowview Drive (50' R/W), being a westerly corner of said Ruberto lands and lying in a southerly R/W line of said R/W, thence along said R/W along a curve to the right, having a chord bearing of N41°46'14"E, a chord distance of 15.00 feet, a radius of 11419.19 feet and an arc length of 15.00 feet to a point, lying in a southerly R/W line of said R/W and lying in a northerly line of said Ruberto lands; thence traversing through said Ruberto lands the following two bearings and distances: S48°19'41"E, 17.67 feet to a point; thence along a curve to the right, having a chord bearing of S26°37'27"E, a chord distance of 184.91 feet, a radius of 250.00 feet and an arc length of 189.40 feet to a point, lying in said Ruberto lands; thence continuing through said Ruberto lands and through lands owned now or formerly by Ronald S. and Joan L. Westernik (Tax Parcel 24-736-003, R.B. 2071, Pg. 272) S04°55'13"E, 356.44 feet to a point, lying in said Westernik lands; thence continuing through said Westernik lands and through lands owned now or formerly by Douglas Glenn and Alicia A. Parrillo (Tax Parcel 24-736-004, R.B. 2132, Pg. 398) along a curve to the left, having a chord bearing of S31°26'02"E, a chord distance of 133.92 feet, a radius of 150.00 feet and an arc length of 138.82 feet to a point, lying in said Glenn and Parillo lands; thence continuing through said Glenn and Parillo lands the following two bearings and distances: S57°56'50"E, 138.03 feet to a point; thence along a curve to the right, having a chord bearing of S34°19'55"E, a chord distance of 216.32 feet, a radius of 270.00 feet and an arc length of 222.57 feet to a point, lying in said Glenn and Parillo lands; thence

continuing through said lands and through lands owned now or formerly by Rick P. and Mande B. Baumer (Tax Parcel 24-736-005, R.B. 2162, Pg. 131) along a curve to the right, having a chord bearing of S03°37'52"E, a chord distance of 209.71 feet, a radius of 850.00 feet and an arc length of 210.24 feet to a point, lying in said Baumer lands; thence continuing through said lands N44°34'23"W, 20.32 feet to a point, lying in said lands; thence continuing through said Baumer lands and through said Glenn and Parrillo lands along a curve to the left, having a chord bearing of N04°05'51"W, a chord distance of 192.51 feet, a radius of 835.00 feet and an arc length of 192.94 feet to a point, lying in said Glenn and Parrillo lands; thence continuing through said lands the following two bearings and distances: along a curve to the left, having a chord bearing of N34°19'55"W, a chord distance of 204.30 feet, a radius of 255.00 feet and an arc length of 210.20 feet to a point; thence N57°56'50"W, 138.03 feet to a point, lying in a said Glenn and Parrillo lands; thence continuing through said lands and through said Westernik lands along a curve to the right, having a chord bearing of N31°26'02"W, a chord distance of 147.31 feet, a radius of 165.00 feet and an arc length of 152.71 feet to a point, lying in said Westernik lands; thence continuing through said lands and through said Ruberto lands N04°55'13"W, 356.44 feet to a point, lying in said lands; thence continuing through said Ruberto lands the following two bearings and distances: along a curve to the left, having a chord bearing of N26°37'27"W, a chord distance of 173.81 feet, a radius of 235.00 feet and an arc length of 178.04 feet to a point; thence N48°19'41"W, 17.69 feet to a point, being the place of beginning, containing 0.434 acres.

Southerly Tract

Beginning at a point labeled P.O.B., lying in a northerly line of lands owned now or formerly by Timofey V. Stefanovich (Tax Parcel 24-736-18, R.B. 1993, Pg. 212) and lying in a southerly line of lands owned now or formerly by Allison Lloyd (Tax Parcel 24-736-017, R.B. 2119, Pg. 822), being referenced N79°33'08"W, 10.25 feet from a point, lying in a westerly R/W line of Meadowview Drive (50' R/W), being an easterly corner of said Stefanovich lands and being a southerly corner of said Lloyd lands; thence along the common line between said Stefanovich lands and said Lloyd lands N79°33'08"W, 15.39 feet to a point, lying in a northerly line of said Stefanovich lands and lying in a southerly line of said Lloyd lands; traversing through said Lloyd lands the following two bearings and distances: along a curve to the left, having a chord bearing of N06°38'53"W, a chord distance of 106.43 feet, a radius of 750.00 feet and an arc length of 106.52 feet to a point;

thence along a curve to the left, having a chord bearing of $N34^{\circ}19'55''W$, a chord distance of 136.20 feet, a radius of 170.00 feet and an arc length of 140.14 feet to a point, lying in said Lloyd lands; thence continuing through said Lloyd lands and through lands owned now or formerly by Thistlewood Homeowners Association (Tax Parcel 24-736-001, R.B. 2059, Pg. 681) $N57^{\circ}56'50''W$, 138.03 feet to a point, lying in said Thistlewood Homeowners lands; thence continuing through said Thistlewood Homeowners lands the following two bearings and distances: along a curve to the right, having a chord bearing of $N31^{\circ}26'02''W$, a chord distance of 223.20 feet, a radius of 250.00 feet and an arc length of 231.37 feet to a point; thence $N04^{\circ}55'13''W$, 98.19 feet to a point, lying in a northerly line of said Thistlewood Homeowners lands and lying in a southerly line of lands owned now or formerly by State College Borough Water Authority (Tax Parcel 24-7-25A, R.B. 1287, Pg. 527); thence along said Water Authority lands $N39^{\circ}59'13''E$, 21.25 feet to a point, lying in a southerly line of said Water Authority lands and lying in a northerly line of said Thistlewood Homeowners lands; thence traversing back through said Thistlewood Homeowners lands the following two bearings and distances: $S04^{\circ}55'13''E$, 113.24 feet to a point; thence along a curve to the left, having a chord bearing of $S31^{\circ}26'02''E$, a chord distance of 209.81 feet, a radius of 235.00 feet and an arc length of 217.49 feet to a point, lying in said Thistlewood Homeowners lands; thence continuing through said lands and through said Lloyd lands $S57^{\circ}56'50''E$, 138.03 feet to a point, lying in said Lloyd lands; thence continuing through said Lloyd lands the following two bearings and distances: along a curve to the right, having a chord bearing of $S34^{\circ}19'55''E$, a chord distance of 148.22 feet, a radius of 185.00 feet and arc length of 152.50 feet to a point; thence along a curve to the right, having a chord bearing of $S06^{\circ}31'05''E$, a chord distance of 112.02 feet, a radius of 765.00 feet and an arc length of 112.12 feet to a point, being the place of beginning, containing 0.249 acres.

Northerly Tract

Beginning at a point labeled P.O.B., lying in a southerly R/W line of East Pine Grove Road (S.R. 0026/S.R. 0045, 80' R/W) and lying in a northerly line of lands owned now or formerly by Thistlewood Homeowners Association (Tax Parcel 24-736-001, R.B. 2059, Pg. 681), being referenced $S41^{\circ}24'24''W$, 10.00 feet from a point, lying in a southerly R/W line of said R/W, being a westerly corner of Meadowview Drive (50' R/W) and being a northerly corner of said Thistlewood Homeowners Association lands; thence traversing through said Thistlewood Homeowners lands the following three bearings and distances:

S48°19'41"E, 25.51 feet to a point; thence along a curve to the right, having a chord bearing of S26°37'27"E, a chord distance of 107.24 feet, a radius of 145.00 feet and an arc length of 109.85 feet to a point; thence S04°55'13"E, 226.27 feet to a point, lying in a southerly line of said Thistlewood Homeowners lands and lying in an easterly line of lands owned now or formerly by State College Borough Water Authority (Tax Parcel 24-7-25A, R.B. 1287, Pg. 527); thence along said Water Authority lands N38°51'47"W, 26.86 feet to a point, lying in an easterly line of said Water Authority lands and lying in a southerly line of said Thistlewood Homeowners lands; thence traversing through said Thistlewood Homeowners lands the following three bearings and distances: N04°55'13"W, 203.99 feet to a point; thence along a curve to the left, having a chord bearing of N26°37'27"W, a chord distance of 96.15 feet, a radius of 130.00 feet and an arc length of 98.49 feet to a point; thence N48°19'41"W, 25.43 feet to a point, lying in a northerly line of said Thistlewood Homeowners lands and lying in a southerly R/W line of said East Pine Grove Road (S.R. 0026/S.R. 0045, 80' R/W); thence along said R/W along a curve to the right, having a chord bearing of N41°20'38"E, a chord distance of 15.00 feet, a radius of 11419.19 feet and an arc length of 15.00 feet to a point, being the place of beginning, containing 0.119 acres.

Prepared: 1/3/18
RSC/ng
P:\lddtproj\2018\18247\Survey\legals\Street Tree Easement.docx

Exhibit B

ARTICLE OF AGREEMENT

This Article of Agreement (“Agreement”) is made and executed this ____ day of _____, 2019, by and between the following:

**Township of Ferguson,
Centre County, Pennsylvania
(Hereafter Township)**

AND

**Thistlewood Homeowners Association,
A Pennsylvania Non-Profit Corporation
(Hereafter THA)**

RECITALS

Whereas, Thistlewood Homeowners Association (THA) is a corporation organized and existing under the laws of the Commonwealth of Pennsylvania; and,

Whereas, THA is a homeowners association established and operated by the owners of the Single Family Residential Subdivision known as “Thistlewood” located in Ferguson Township, Centre County, Pennsylvania. (See, Centre County Plat Book 74, Pages 89 and 90); and,

Whereas, the parties have reached an agreement relating to certain issues associated with trees, both street trees and trees located on private lots, in the subdivision and wish to set forth the terms of that agreement herein.

TERMS OF AGREEMENT

Intending to be legally bound hereby and in exchange for the mutual covenants contained herein, the Township and THA agree as follows:

1. Township to Provide Eleven (11) New Trees

Township shall provide eleven (11) new street trees at an estimated cost of \$550.00 per tree for a total approximate cost of \$6,050.00. In addition, Township shall plant/install said trees in the Spring of 2019 based upon a schedule and planting plan to be determined by the parties hereto and in consultation with the Township's Arborist.

2. Removal of Specific Trees

Township shall remove any dead, distressed, or unwanted trees on private property identified as Parcels (2, 3, 4, 1A, 1B, 1C) which, in the judgment and discretion of the Township, will interfere with the new street tree planting described herein and contemplated by this agreement. Consent by the individual parcel owner(s) shall be required with respect to the time and manner of such tree removal.

3. Arborist's Planting Plan

The street trees to be planted by Township shall be located by the Township's Arborist and the planting of the street trees shall be subject to his discretion and supervision. However, the new plantings shall be as close as practical to the location of the removed trees. The new street trees shall be a combination of 2.5" caliper Red Oak trees and 2.5" caliper Honey Locust trees.

The final and approved “planting plan” shall become a part of this agreement and incorporated by reference herein.

4. Easements Granted by THA

To the extent that easements and rights of way are required by the Township with respect to trees located upon or to be planted upon land owned, possessed or controlled by THA, recordable written easement and right of way agreements, as prepared by Township’s Solicitor, shall be executed by THA in favor of Township, its successors and assigns.

5. Easements Granted by Private Lot Owners

Street tree easements and rights of way will be needed with respect to the North East Entrance of the development from Pine Grove Road. As a specific condition of this agreement, it will be necessary for certain private property owners to grant easements and rights of way for such purposes in favor of the Township, its successors and assigns. Easements and right of way agreements, as prepared by the Township Solicitor, shall be written, recordable and perpetual in time.

The street tree easements and rights of way to which this Paragraph 5 shall relate are as follows:

- North East Entrance from Pine Grove Road –
Parcels 2, 3, 4, 1A, 1B, and 1C.

The easements and rights of way granted by the private property owners must be without cost or consideration to the Township and all of said private property owners must be in unanimous agreement relative to this provision.

6. **Relinquishment of Township Interest in Existing Street Trees Located on Private Property**

The Township shall relinquish, vacate, convey and/or transfer any and all interest it presently holds or owns with regard to any and all street trees located in Thistlewood development which were planted by the developer on private property which are not within the existing Township easement.

7. **Survey Requirement**

Prior to planting of the trees contemplated by this agreement, a survey will be required in order to “stake out” the tree location easement. Said surveyed depiction of the easement areas shall become a part of this agreement and shall be deemed to be incorporated herein.

8. **PA ONE CALL Requirement**

Prior to the planting of trees, the parties shall comply with the PA One Call regulations in order to locate underground utilities.

9. **Bidding Process**

Compliance with applicable public works statutory and/or regulatory requirements relating to bidding shall be required, if formal bidding is necessary. Otherwise,

quotations may be obtained.

10. Release by THA

In consideration of the execution and performance of this agreement, THA does hereby release discharge, and extinguish any and all liability, claims, actions, causes of action, and damages associated with the street tree plantings history of Thistlewood development as well as with respect to the developer's compliance (or alleged non-compliance) with its obligations and duties relating to the installation, planting and location of street trees as well as the quality and condition of said trees, some of which have died or have become distressed.

IN WITNESS WHEREOF, this Agreement is executed the day and date first above written.

ATTEST:

Township of Ferguson

David Pribulka, Secretary

By: Peter Buckland, Chairman

Thistlewood Homeowners Association

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CENTRE)

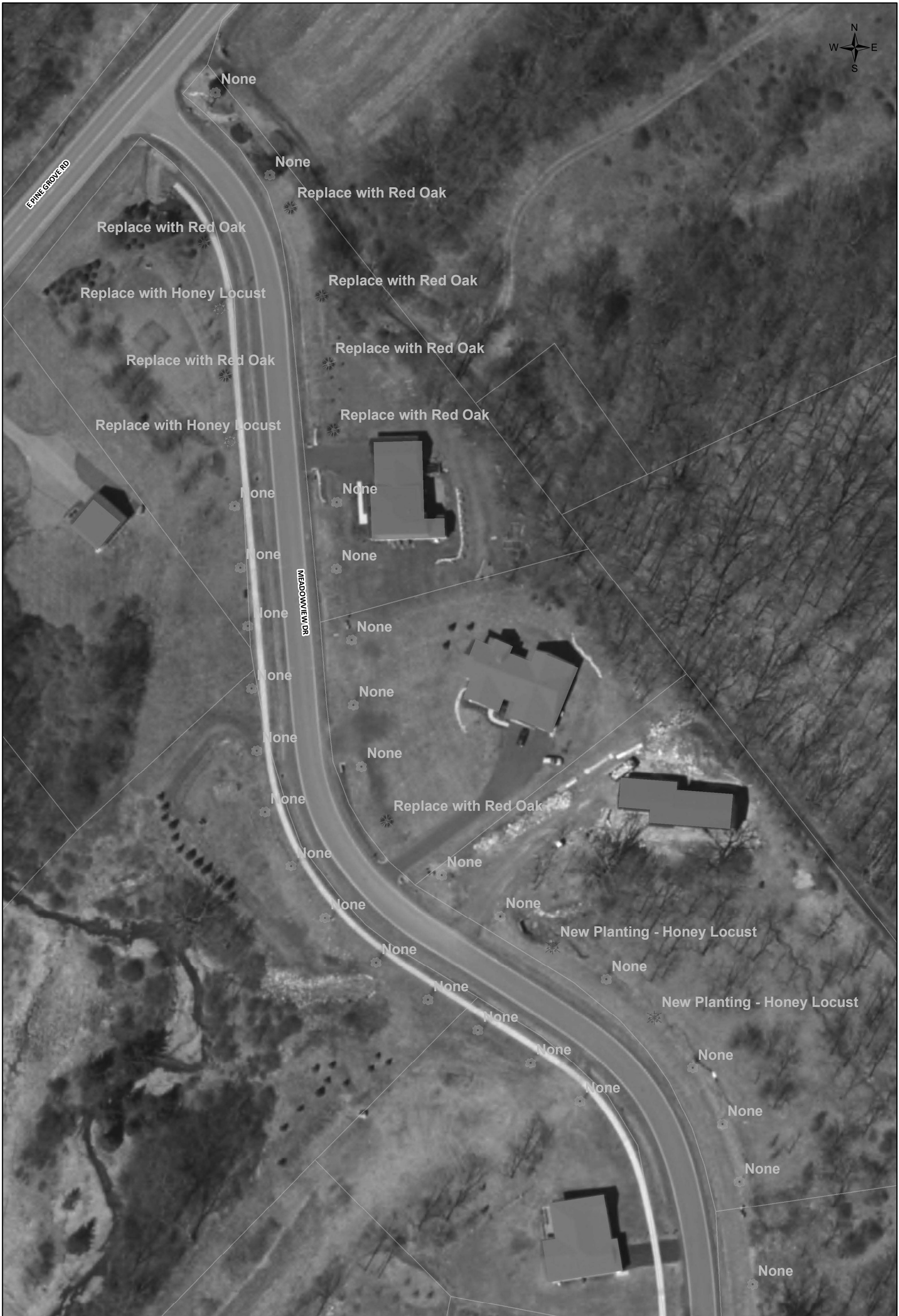
On this, the ____ day of _____, 2019, before me, a Notary Public, the undersigned officer, personally appeared _____, Township of Ferguson, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

COMMONWEALTH OF PENNSYLVANIA)
) ss:
COUNTY OF CENTRE)

On this, the ____ day of _____, 2019, before me, a Notary Public, the undersigned officer, personally appeared _____, Thistlewood Homeowners Association, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



Thistlewood Tree Planting Plan



- Existing Trees
- New Planting - Honey Locust
- Replace with Honey Locust
- Replace with Red Oak



Pittsburgh Office:
610 Smithfield Street 412-456-2001
Suite 300 FAX: 412-456-2019
Pittsburgh, PA 15222 www.flaherty-ohara.com

Ellen M. Freeman, Esquire
Direct Dial: 412-535-5100
E-mail: ellen@flaherty-ohara.com

Toll Free: 1-866-4BEVLAW
File No. 27033.004

December 18, 2018

Via Federal Express

David Pribulka
Township Manager
Ferguson Township
3147 Research Drive
State College, PA 16801

Re: Giant Food Stores, LLC

Dear Mr. Pribulka:

I am writing on behalf of my client, Giant Food Stores, LLC ("Giant"). As you know Giant is a grocery store operator with over 300 stores throughout Pennsylvania, Maryland, Virginia, Delaware, West Virginia and Washington, D.C. In Pennsylvania, Giant operates liquor licenses at 87 of its stores, including the grocery store in Ferguson Township at 255 Northland Center. The Giant in Ferguson Township features a grocery store and a restaurant, which is distinctly separate from the rest of the store and where Giant sells beer and wine, primarily for take-out, to its customers. The Giant has operated its grocery store in Ferguson Township since 1989 and its restaurant since 2013.

You may recall that, as a condition to receiving approval from Ferguson Township to transfer a liquor license into its store back in 2012, Giant had agreed to file quarterly sales reports with Ferguson Township confirming that Giant's sale of food and non-alcoholic beverages would always be at least 50% of Giant's total sales of food and alcoholic beverages. It is my understanding that the reason Ferguson Township insisted on this condition of quarterly reports was that the Township wanted to ensure that the Giant licensed restaurant was a bona fide restaurant and that Giant would not change its business model to that of a typical bar where the focus would be on the sale of alcoholic beverages.

Over the years Giant has properly complied with that condition. However, Giant now requests that the requirement for submission of quarterly reports be discontinued and terminated, or in the alternative, to be reduced to one (1) annual report.

In support of this request, Giant would appreciate if the Ferguson Township Board of Supervisors would consider the following: First, Giant's business paradigm for the

Mr. David Pribulka
Page 2 of 3
December 18, 2018

restaurant in its store here in Ferguson Township will not and cannot change. Because of the minors frequenting prohibition in Section 493(14) of the Liquor Code, Giant cannot change its emphasis from prepared food sales to alcohol sales. Giant must continue to sell at least 50% in prepared food and non-alcoholic beverages compared to total sales.

Section 493(14) makes it unlawful for a restaurant licensee to permit minors (individuals under the age of 21) to come on to the licensed restaurant premises unless the minor is accompanied by a parent or legal guardian or unless the licensed restaurant sells at least 50% of food and non-alcoholic beverages compared to total sales of food and alcoholic beverages. Thus, Giant's Ferguson store can be cited by the Bureau of Liquor Control Enforcement for permitting minors to frequent its licensed premises if a minor, unaccompanied by a parent, sets foot within the licensed restaurant area for any reason whatsoever – unless Giant sells at least 50% in food and non-alcoholic beverages compared to total sales of food and alcohol. Giant can be cited if a person under 21 years of age walks through the licensed restaurant area to get to the grocery store or walks through the licensed restaurant area to leave the store. Giant can be cited if a person under 21 years of age comes onto the licensed restaurant area to get the prepared food that is on display in the licensed restaurant area. The Pennsylvania Liquor Control Board Office of Administrative Law Judge has held in several decisions that “Neither the duration nor the purpose of a minor's presence on a licensed premises can defeat a charge of permitting minors to frequent.” *BLCE v. Walter Lashley and Christine M. Lashley, Citation No. 96-0295*.

Thus, even if the minor simply walked through the licensed restaurant area of Giant to enter or leave the store or to purchase prepared food, Giant would be in violation of the minors frequenting statute unless it sold 50% in food and non-alcoholic beverages compared to total sales of food and alcoholic beverages. That is why Giant **will not and cannot** change its business model at this store, or any of the other 87 stores with liquor licenses, to focus on alcohol sales. Giant has consistently stayed well above the 50% threshold for the past 5 years now.

Furthermore, the beer sales figures at all Giant stores are confidential, proprietary information. Giant continues to be concerned that some person or media outlet will request these figures from Ferguson Township pursuant to a Right to Know Law request. As you know, there is an agreement between Giant and Ferguson Township providing that Ferguson Township will object to the release of Giant's quarterly sales figures. However, despite this agreement, if a Right to Know request was filed, the courts would be the final arbiter of that request – not the Township.

Mr. David Pribulka
Page 3 of 3
December 18, 2018

In conclusion, based upon the reasons set forth above, I would appreciate if the Ferguson Township Board of Supervisors would discontinue the requirement that Giant file quarterly food/alcohol sales reports, or in the alternative, to be reduced to one (1) annual report.

If you would like me and a representative from Giant to appear at a meeting to answer any questions on the record regarding Giant's request, we would be glad to do so.

Very truly yours,



ELLEN M. FREEMAN, ESQ.
STANLEY J. WOLOWSKI, ESQ.

cc: Colin Heap, Giant Food Stores, LLC (*via email*)
Joseph Green, Ferguson Township Solicitor (*via email*)

RESOLUTION NO. 2012-11

A RESOLUTION APPROVING THE REQUEST OF GIANT FOOD STORES, LLC. TO TRANSFER LIQUOR LICENSE NO. R-18567, LID# 53502 FROM POTTER TOWNSHIP TO FERGUSON TOWNSHIP

WHEREAS, Section 461 of the Pennsylvania Liquor Code (47 P.S. 4-461, hereinafter "Code"), as amended, authorizes, among other things, the Pennsylvania Liquor Control Board (hereinafter "PLCB") to approve the transfer of liquor licenses across municipal boundaries within the same county and under certain conditions to issue restaurant liquor license without regard to quota restrictions; and

WHEREAS, Ferguson Township adopted Ordinance 773 dated May 7, 2001 as amended setting forth the criteria for an inter-municipal transfer of liquor licenses, and

WHEREAS, Section 461 of the Act, as amended, also requires that a receiving municipality issue a resolution approving or disapproving the intermunicipal transfer or issuance of a new liquor license prior to submission of an application for such transfer to the PLCB; and

WHEREAS, Ordinance 773 requires that, prior to adoption of such a resolution, at least one hearing be held for the purpose of receiving comments and recommendations from interested individuals residing within the receiving municipality concerning the intent to transfer the license into the municipality; and

WHEREAS, Giant Food Stores, Inc. has or intends to lease property located at 255 Northland Center, State College, PA 16803; tax parcel number 24-012-029, and

WHEREAS, on March 21, 2012, and pursuant to Section 461, the Applicant filed a request for approval by the Ferguson Township Board of Supervisors, (hereinafter "Board") of a proposed, intermunicipal transfer of Restaurant Liquor License No. R-18567, LID# 53502 owned by Eutaw House, Inc. previously licensed to conduct business at 124 Old Fort Road, Spring Mills, Township of Potter, Centre County, Pennsylvania, to 255 Northland Center, State College, PA 16803

WHEREAS, on May 7, 2012, and in accordance with Section 461 of the Act and Ordinance 773 of the Township, the Board held a public hearing on the proposed liquor license transfer, said public hearing was continued until May 21, 2012; and

WHEREAS, the purpose of this Resolution is to comply with Section 461 of the Act, as amended and Ordinance 773.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the Township of Ferguson, Centre County, Pennsylvania as follows:

1. Applicant seeks approval of an inter-municipal transfer of Restaurant Liquor License No. R-18567, LID# 53502 owned by Eutaw House, Inc. 124 Old Fort Road, PA, 16875, previously licensed to conduct business at 124 Old Fort Road, Spring Mills, Potter Township, Centre County, Pennsylvania, to 255 Northland Center, State College, PA 16803
2. Applicant proposes to and will, operate a restaurant at the afore-described location.
3. The Applicant's proposal is consistent with current zoning regulations.

4. The Applicant's proposed restaurant will be located in a non-residential zoning district in the Township.
5. There is no evidence that the proposed, inter-municipal transfer will adversely affect the welfare, health, peace and morals of this Township or the residents hereof.
6. The Board, following public hearings on May 7, 2012 and May 21, 2012 establishes the following conditions to be made a part of the liquor license transfer that may be issued by the Pennsylvania Liquor Control Board:
 - a. The applicant shall provide a maximum of 32 indoor seats for restaurant use and a maximum of 20 outdoor seats for restaurant use as depicted on Attachment "A" made a part hereof.
 - b. The applicant shall not be permitted a secondary service area.
 - c. Onsite prepared food sales to liquor and/or Malted or Brewed Beverage sales ratio of 1 to 1 (50% food- 50% liquor and/or Malted or Brewed Beverage or alcohol on a dollar basis, i.e. applicant shall be in compliance with the Liquor Code "Pizza Hut Rule," 47 P.S. Section 4-493(14)) shall be required to be maintained on a quarterly basis with reports filed with the Township during the first two year renewal period and each two year renewal period thereafter. Reports to the Township will be on a percentage basis. For purposes of compliance monitoring by the Liquor Control Enforcement applicant shall keep an income/expense ledger showing the actual dollar volume of food and liquor sales on a monthly basis.
 - d. The sale of liquor and/or Malted or Brewed Beverages shall begin daily Monday through Saturday no earlier than 7 a.m. and cease daily no later than 10 p.m. and on Sunday begin no earlier than 9 a.m. and cease no later than 10 p.m.
 - i. At all times that liquor and/or Malted or Brewed Beverages are available for sale Giant Food Store, Inc. or its agent shall be required to have personnel and its normal full menu of prepared foods available for sale in its café.
 - ii. Owner must assure employee accountability/secure transaction to prevent/mitigate credit card crime.
 - e. Owner and staff are responsible for reporting of crimes which they observe or are informed of which occur on premises such as but not limited to, VIP, disorderly conduct, public urination, assaults, fights, employee theft, and DUI.
 - f. Establishment staff serving or working within licensed area who have or may have contact with customers shall be RAMP (Responsible Alcohol Management Program) trained. Licensee shall be RAMP certified.
 - g. Inside and outside video surveillance of public areas of premises shall be captured, stored and provided upon request of police. Surveillance video shall be retained for a 30 day period. Specifications and location of cameras to be developed cooperatively with Police Department. Surveillance System installation and operational upon date of opening.
 - h. Non employees shall be restricted from non-public areas of the establishment unless:
 1. approved by and meeting with management regarding legitimate business transactions or audits, or
 2. those individuals who are immediate family members of management staff.

Non-public is defined as any area where customers are not permitted by matter of right or custom.

- i. No expansion beyond 255 Northland Center or transfer to another location within the Township without the Board of Supervisors approval.
 - j. Giant Food Stores, Inc., its successor or assigns shall not be permitted to rent the area of the facility designated and licensed for liquor or Malt Brewed Beverage sales to any outside third party
 - k. The Owner shall designate outdoor smoking areas by posting signs in prominent areas outside of the establishment. The smoking areas shall be in areas that shall be a reasonable distance from any public entrance/exit door, in no event nearer than ten feet.
 - l. These conditions shall attach to the license so long as it remains on the premises or is owned by the licensee. Accordingly, any subsequent purchaser, assignee or transferee of the liquor license with the intent of operating the license on the premises shall be bound by these conditions.
 - m. Transfer request is only approved if PLCB agrees to place the same conditions set by the Board of Supervisors on the license transfer and enforce the conditions if violated.
7. Board hereby approves the Applicant's request for an intermunicipal transfer of Pennsylvania Liquor License No. R-18567, LID# 53502 pursuant to Section 461 of the Act as amended, and Township Ordinance 773.
8. The transfer of the Liquor License contemplated hereby is subject to final approval by the PLCB.

ADOPTED this 21st day of May, 2012.

FERGUSON TOWNSHIP BOARD OF SUPERVISORS



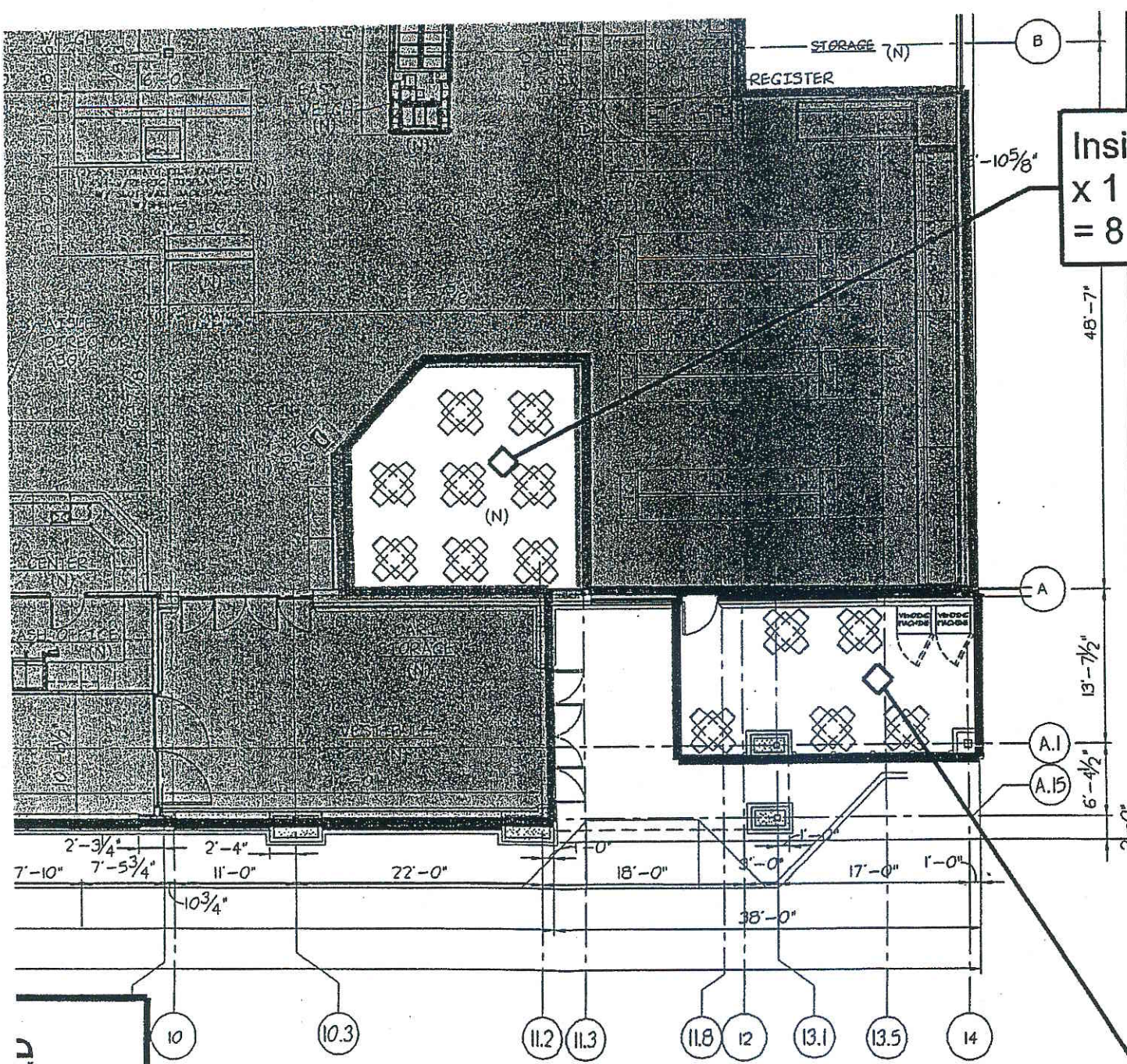
By: George Pytel, Chairman

[S E A L]

ATTEST:



Mark A. Kunkle, Secretary



Inside deli seating area: 420 SF
 x 1 space per 50 SF
 = 8 spaces

ATTACHMENT "A"

RENOVATIONS TO
GIANT
 Food & Drugstore #6072
STATE COLLEGE
 STATE COLLEGE, PA

Drawn	KMF, KLC
Check	DFS
Date	MARCH 3, 2011
Job No.	11002

Plan

Outside deli seating area: 360 SF
 x 1 space per 100 SF
 = 4 spaces

SHEET

ARCHITECT
 ONE TYLER
 CARLISLE, PA

Executive Summary -One Water for Integrated Management of Water Resources

The full report can be reviewed at www.springcreekwatershedcommission.org

In early 2018 the Spring Creek Watershed Commission embarked on updating the Spring Creek Watershed Plan. Phase 1 of the Spring Creek Watershed Management Plan entitled “Our Challenges and a Direction for the Future” was completed in 2003 and primarily focused on environmental challenges and solutions. Phase 2 addresses a new way to address watershed challenges. These challenges can encompass many different aspects from environmental, socio economic, watershed scale, utility management, land use, political, population growth and climate change factors.

According to the Susquehanna River Basin Commission, groundwater resources may be approaching or exceeding the sustainable limit of the resource. Spring Creek has an abundance of water but it is unevenly dispersed throughout the watershed causing loss of flow in headwater areas and low to no flow in some tributaries. State College area is undergoing rapid growth and the nature of the growth has changed from residential and industrial to dominantly residential, educational, and commercial, with a more diverse employment base. On average the population in the watershed has increased by 6.5% between 2010 and 2017 with a population reaching almost 131,000. From a management perspective, there are many players (as many as 31 different entities including municipal and county governments, planning commissions, and water and sewage authorities as well as state and federal management agencies) making decisions about land use and water.

Phase 2 takes a proactive approach to solving the fragmented management of Spring Creek’s water resources. The method, known as “One Water” manages water resources for long-term resilience and reliability to meet both community and ecosystem needs. The One Water approach views all water—drinking water, wastewater, stormwater, grey water, watersheds and more—as resources that must be managed holistically and sustainably. Doing so builds strong economies, vibrant communities, and healthy environments.

Governance, regulations, finance, culture, and industry knowledge/capacity are often cited as barriers to achieving integrated water management. In addition, findings indicate that lack of a common vision, political will, urgency, systems thinking, and lack of ability to collect and share data between and among entities are underlying causes that can stagnate an integrated management approach. The One Water approach relies heavily on partnerships and inclusion, recognizing that progress will only be made when all stakeholders have a seat at the table. A diverse workgroup was established to develop guiding principles, goals, objectives, and metrics for outcome-based solutions.

Phase 2 builds the framework for One Water by establishing goals leading to Phase 3 which will document the road map with specific actions and milestones to achieve outcomes over a time period ranging from short term to long term efforts. The three goals are as follows:

Goals 1: Protect, Enhance and Sustain Healthy and Resilient Coldwater Stream Ecosystems.

Goal 2: Maintain and improve water quality and quantity to sustainably meet the needs of the human community.

Goal 3: Integrate and Coordinate Management for Sustainability, Economic Growth, Recreation and Quality of Life.

Pending approval by the Spring Creek Watershed Commission, next steps leading to Phase 3 include: continue to convene the workgroup to begin drafting an RFP for technical services and a funding strategy for Phase 3. Implement a speaker’s educational series; use the SCWC website as a centralized information center and continue using the communications contractor for administrative support

Phase 2
One Water Plan for
Integrated Management and Leadership
A Project of the Spring Creek Watershed Commission



Prepared for the Spring Creek Watershed Commission

By

Headwaters Charitable Trust

Draft 2019

Table of Contents

1. Introduction

- Watershed Description
- Current Watershed Condition
- - Phase 1 Overview
- Defining a One Water Approach

2. Phase 2 One Water Plan

- PSU Law Student Forum
- July 10 and December 4 Stakeholder Public Meetings
- Vision, Mission, Values and Guiding Principles
- Goals, Objectives and Desired Outcomes Matrix
- Technical partnership

3. Future Implementation – Phase 3

- Short term Actions

Appendices

- July 1p Public Forum Comments
- Dec 4 Public Forum Comments
- Environmental Controls
- Technical Workgroup Members
- Information Sources

Spring Creek Watershed Phase 2

Our One Water Plan for Integrated Watershed Management and Leadership

Introduction:

Early in 2018, the Spring Creek Watershed Commission (SCWC) embarked on Phase 2 of the Spring Creek Watershed Management Plan. The approach started with hiring a facilitator to lead the process. The facilitator selection was based on criteria of: peer review, impartiality, credibility, leadership skills, working knowledge of the Spring Creek Watershed, the Watershed Commission and the Association, local government, non-profits organizations and familiarity with Penn State University. Several entities were considered, and Headwaters Charitable Trust was selected to move the planning effort forward. Additionally, the Commission contracted with a communications manager to organize information, revise the website and coordinate communication between partners and participants.

Watershed Description

The Spring Creek Watershed encompasses 146 square miles of surface water and 175 miles of groundwater in 14 municipalities and is a tributary to Bald Eagle Creek in the West Branch Susquehanna River Basin. Most of the watershed is classified as a high quality cold water fishery with several tributaries classified as a cold water fishery.

The main water supply source is the Spring Creek Aquifer. This Aquifer is comprised of limestone and dolomite rocks that underlie Nittany Valley. 86% of Spring Creek's flow is groundwater discharge which supports the stream base flow. Recharge to replenish the aquifer amounts to about one third of the 38 inches of average annual precipitation. The remaining two thirds either runs off or goes back into the atmosphere via evapotranspiration as part of the hydrologic cycle. About 50 per cent of recharge drains from surrounding mountain ridges. There are seven major springs that each produce more than 1 million gallons per day (mgd) of clean, cold water, as well. One notable spring is the Bellefonte Big Spring which produces approximately 15 (mgd) of natural ground water for residents, businesses and industry.

Land use in the watershed in 2014 was 38% forest, 29% agriculture, 26% developed and 6% vacant (quarries, etc.). Population in the watershed as of 2017 is estimated at 130,748 according to the US Census Bureau.

Current Watershed Challenges

Watershed challenges can encompass many different aspects from environmental, socio economic, watershed scale, utility management, land use, political, population growth and climate change factors. The water quality challenges are well documented and include siltation from stormwater runoff; organic enrichment and metals from industrial point sources; thermal modifications from golf courses, impervious surfaces and agriculture.

According to the Susquehanna River Basin Commission groundwater resources maybe approaching or exceeding the sustainable limit of the resource, defined as the average annual baseflow available in the watershed during a 1-in-10-year drought. The State College area is undergoing rapid growth and the nature of the growth has changed from residential and industrial to dominantly residential, educational, and commercial, with a more diverse employment base. On average the population in the

watershed has increase by 6.5% between 2010 and 2017 partly due to the Benner prison which increased the population in Benner Township by 50%. Other high growth areas include Harris Township 19%; Ferguson Township 9% and College Township 7%.

Municipal water use is currently drawn from several widely scattered well fields located in headwater areas but is discharged from a single wastewater treatment plant located downstream. This results in the loss of flow in headwater areas upstream of the treated wastewater discharge. Also, some of the water is being withdrawn from the headwaters of the Spruce Creek Watershed, and that water is discharged to the Spring Creek Watershed. This has resulted in diminished flow, and the loss of perennial flow in streams and springs in the Spruce Creek headwaters.

The “Living Filter” project, developed by the Pennsylvania State University, utilizes the natural filtration and recharge capability of native soils to return treated wastewater to the regional aquifer. The University Area Joint Authority provides high quality treatment and has established a beneficial reuse program. Similar opportunities to return water in the headwaters of the Spring Creek and Spruce Creek Watersheds would help restore natural stream and spring flow in headwater areas.

Municipal well fields contain multiple high capacity wells. These are generally located on fracture traces, which often coincide with stream valleys. The fracture traces are desirable sites for high capacity wells because of the intensive karst conduit development along them. The streams in these valleys have naturally gaining and loosing reaches, their behavior often varying seasonally. The drawdown from the municipal wells interacts with the natural flow system, causing additional loosing reaches, increased flow loss, and additional instream sinkholes.

From a management perspective, there are many players making decisions or providing information addressing water challenges. This fragmentation is probably the biggest challenge. Currently, there are six separate water authorities comprising two water/sewer authorities and 3 sewer authorities. Additional oversight includes two state agencies, one interstate agency, and one federal agency all working to manage water in the Spring Creek watershed, oftentimes in an unorganized manner. Furthermore, there are 14 municipalities, 4 regional planning commissions along with the Centre County Planning Commission and the Centre County Metropolitan Planning Organization addressing land use and transportation that impacts water. Of the 14 municipalities, 6 including State College Borough, Ferguson, Harris, College, Patton Townships and Penn State University must adhere to MS4 permit requirements. Polluted stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (MS4s), from which it is often discharged untreated into local water bodies. To prevent harmful pollutants from being washed or dumped into an MS4, operators must obtain a National Pollutant Discharge Elimination System (NPDES) permit and develop a stormwater management program. The table below illustrates the complexity of coordination for water management. Coordination among the municipalities, planning agencies, water utilities, regulators, Penn State and local businesses is imperative.

Water Suppliers	Wastewater
State College Borough Water Authority	University Area Joint Authority
Bellefonte Borough Water and Sewer Authority	Spring Benner Walker Joint Authority
College Township Water Authority	Centre Potter Sewer Authority
Benner Township Water Authority	Regional and County Planning
PSU (Water and Sewer)	Centre Region Planning
Walker Township Water Association	Nittany Valley Joint Planning Commission
Milesburg Borough Water Authority	Lower Bald Eagle Planning
Centre Hall Borough Water Authority	Penns Valley Region Planning
Mid-Centre County Authority	Centre County Planning Commission and Transportation MPO
Regulatory Agencies	PA Department of Environmental Protection
Environmental Protection Agency	Susquehanna River Basin Commission

Pennsylvania’s water law also creates a challenge. Sources of PA water law date back many years and includes common law, interstate compacts regulating some parts of the Commonwealth, and statutes targeting specific water topics. Both surface and groundwater are legally managed separately under riparian law. However, PA water law is not well designed for future demands and emergency situations. Act 220, Pennsylvania’s State Water Plan, tries to address this issue.

Phase 1 Overview

Phase 1 of the Spring Creek Watershed Management Plan entitled “Our Challenges and a Direction for the Future” was completed in 2003 and primarily focused on environmental challenges and solutions. The Phase 1 report documented 17 watershed plans and studies specific to the Spring Creek Watershed and included an appendix of 39 additional watershed plans and integrated water resource plans from other regions in Pennsylvania and nationally. A Challenge and Solutions Matrix outlined 4 major focus areas; surface water, ground water, water supply, and land use/water resource planning.

In 1998, the Water Resource Monitoring Project started as part of the strategic planning effort of the Spring Creek Watershed Community which includes over 2,000 broad based stakeholders to promote actions that protect and enhance the quality of life, the environment and the economy throughout the watershed. Annual reports have been developed through the resource monitoring project from 1999 to current year (<http://springcreekmonitoring.org>).

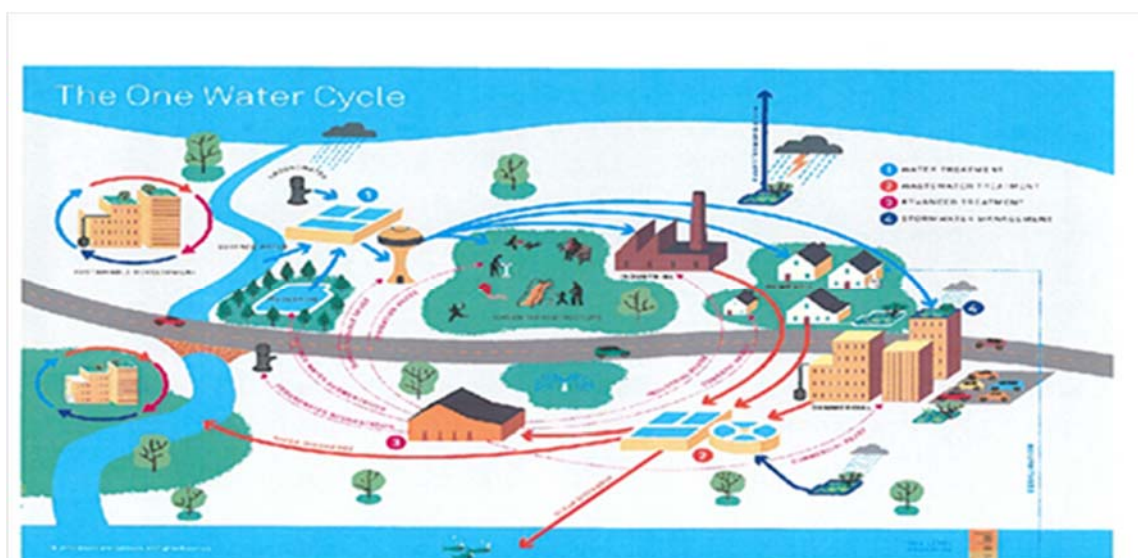
Additionally, the Spring Creek Watershed Commission which has been meeting the third Wednesday of every month since 1997 began establishing environmental controls to address some of the identified issues in the Phase 1 plan. (*Appendix 2-Spring Creek Watershed- Environmental Controls*)

Transitioning to A One Water Approach for Integrated Management

The concept of “One Water” has been around for several years. The One Water approach views all water—drinking water, wastewater, stormwater, grey water, watersheds and more—as resources that must be managed holistically and sustainably. Doing so builds strong economies, vibrant communities, and healthy environments.

Governance, regulations, finance, culture, and industry knowledge/capacity are often cited as barriers to achieving integrated water management and innovation in water technologies. In addition, findings indicate that the lack of a common vision, political will, urgency, systems thinking, and lack of ability to collect and share data are underlying causes that can potentially stagnate an integrated management approach. The One Water approach relies heavily on partnerships and inclusion, recognizing that real progress will only be made when all stakeholders have a seat at the table.

One Water manages water resources for long-term resilience and reliability to meet both community and ecosystem needs



In the spring of 2018 to initiate the One Water planning process, the Spring Creek Watershed Commission worked with Penn State law students through the “Mediation of Environmental and Public Conflicts” course, and the Sustainable Communities Program to host an open public forum which stakeholders shared their thoughts on issues affecting the watershed and opportunities to address issues and holistic management. Over 100 people attended the forum. As an outcome of the public dialogue, substantive sector-based issues, process related issues, a vision for the future, and opportunities for integrated water resource management were identified.

(<https://www.springcreekwatershedcommission.org/april-public-forum>).

The Forum helped set the stage for Phase 2 which is taking a more proactive approach through establishing integration of management by focusing on the natural water cycle as an integrated system, recognizing the interconnectedness of surface water and groundwater supply, stormwater, wastewater, and energy. Rooted in a “One Water” approach as promoted by the US Water Alliance, the outcome of integrated management is to break down silos of how water is currently managed ultimately creating collaboration among local municipalities, state and federal agencies, water utilities, business and industry leaders, Penn State University, nonprofits and residents. While the focus is WATER, the goals lead to a thriving local economy, community vitality and healthy ecosystem which are the pillars from phase 1. Phase 2 builds the framework for One Water by establishing primary goals with an outcome-based approach. **Phase 3 will document the road map with specific actions and milestones to achieve outcomes identified in Phase 2 over a determined time period.**

In July 2018, Spring Creek Watershed Commission hosted a second public forum which provided an overview of a One Water approach and tasked the over 90 participants to envision “What would the **ideal** Spring Creek Watershed look like? *(Appendix 1 - Stakeholder vision comments)*.

In December 2018, the Watershed Commission hosted a third public forum to review the planning process, goals, objectives and desired outcomes. Participants were then asked to respond to 4 questions that address how the plan should be implemented. *(Appendix 2 – Stakeholder Implementation comments)*

The One Water approach relies on this vision and how decisions will be made through the establishment of “Guiding Principles”. The Spring Creek Watershed Commission which was established in 1997 had already drafted their mission statement but hadn’t included a vision for the watershed, value statements or guiding principles for decision making. These are included in Phase 2 plan update.

**Spring Creek One Water Plan
Vision Statement**

The vision for the Spring Creek Watershed is an integrated management of water resources in an environmentally, economically, and socially beneficial manner. This will foster a vibrant, prosperous watershed where natural and human communities thrive, where citizens embrace the value of our assets and sustain our resources now and for future generations. This vision, developed collaboratively with stakeholders, is accomplished through the mission of the Spring Creek Watershed Commission.

**Spring Creek Watershed Commission
One Water Plan
Mission Statement**

- To implement the long-range vision for the watershed that represents a consensus of thoughts and ideals that are commonly shared by the people of the Spring Creek Watershed.
- To establish a leadership role within the watershed to advance and coordinate projects and programs that are consistent with the long-range vision of the Spring Creek Watershed, including conservation and enhancement of the exceptional wild trout resources it supports.
- To develop a long-range comprehensive Integrated Watershed Management Plan that relies on quality scientific data and a program of meaningful associated projects to conserve and enhance the quality of life within the Spring Creek Watershed.

**Spring Creek Watershed Commission
One Water Plan Value Statements**

Spring Creek's One Water Plan values are the core principles that the watershed communities' governments, residents, water utilities, businesses and industry wish to maintain. They must be acknowledged and honored to ensure that change and development occur in accordance with these core principles.

- 1. Recognizes that the Spring Creek Watershed is worthy of conservation and careful stewardship.*
- 2. Conserve Spring Creek's cold water ecosystem including its exceptional wild trout fishery.*
- 3. Provides a clear visual image of the watershed community that reflects the highest standards of design quality for public and private commercial, residential, institutional and industrial development in Spring Creek resulting in the conservation of water and enhancement of its natural beauty, natural features and cultural heritage.*
- 4. Promote buildings and public infrastructure development that are practical, sustainable, and in harmony with the environment and surrounding landscape.*

5. Fosters a feeling of community spirit, community identity, and promotes a sense of full citizen participation, guaranteeing an opportunity for everyone to share in the duties and responsibilities that benefit the Spring Creek Watershed.

6. Provides cultural, recreational, and educational opportunities for the residents and visitors to the Spring Creek Watershed.

Guiding Principles

Guiding Principles are statements that articulate shared or common values and expectations that support decision making and actions. **These are draft principles that should be vetted by the Spring Creek Watershed Commission.**

Spring Creek – Our One Water Plan is not an effort to change local governance but to integrate management and leadership.

Our One Water Plan envisions an approach that will pull parties together in every aspect of the water arena in a way that goes beyond the interests of any one government agency or stakeholder and in a way that has never been done before. Decision-making that spans political boundaries is essential to fully implement watershed management and achieve established goals for the watershed.

Spring Creek - Our One Water Plan will strive for a systematic, watershed-wide, science-based approach to watershed management; driven by the participating local governments, state and federal governments, water utilities, planning commissions, Penn State University, citizens, businesses and industry.

It will involve a broad range of stakeholders to ensure an integrated approach to watershed management. A “bottom up” approach for water management—allowing the key discussions of major water resource issues, concerns, problems, goals and objectives and potential solutions to originate and be first fully vetted at the stakeholder level—is envisioned. Expanding involvement and collaboration at the ground-level creates greater buy-in and support at all levels of government.

Spring Creek – Our One Water Plan planning and implementation efforts will recognize local commitment and contribution.

History shows us that when local water management programs and projects rely almost entirely on outside funding, they are unable to sustain themselves over time. Locally supported and funded technical, administrative, and outreach activities that leverage funding from multiple sources including

local, state and federal sources will be key to ensuring local government capabilities and long-term success on both the local level and watershed scale.

Spring Creek – Our One Water Plan will embrace the concept of multiple benefits based on measures of social, economic and environmental outcomes in the development and prioritization of implementation strategies and actions.

Prioritized, multi-benefit projects provide value to more than one group or interest and address more than one environmental resource within a watershed. These types of projects are necessary to build the support of citizens and agencies, achieve water quality and quantity goals, and produce the environmental goods and advantages that a healthy watershed provides.

Technical Partnership

In order to establish science-based outcomes, a technical work group was formed. (*Appendix – 3 Technical workgroup members*). Through the course of several meetings, the workgroup identified relevant information, set metrics, and defined outcomes. For example, the Susquehanna River Basin Commission’s 2016 Cumulative Water Use and Availability Study for the Susquehanna River Basin identified the Spring Creek Watershed as a sensitive area in the Commission’s Groundwater Management Plan and the PA State Water Plan. Also, in the 2017 Centre Region MS4 Partner Pollution Reduction Plan, there are specific BMP recommendations that quantify Pollution reduction goals. In review of technical documents there is good news and still some concerns. Spring Creek has a lot of ground water. However, the water is unevenly dispersed throughout the watershed. Also, the primary pollutants identified in the 2003 report; sedimentation, nitrogen and phosphorus; remain as concerns even after the many restoration projects that have been implemented since the 2003 plan.

Ecological conditions that are measurable will be used to track the health of the Spring Creek Watershed. Metrics have been established to measure how we are meeting the desired outcomes. These metrics include water quality, habitat, hydrology and biological conditions.

**Framework for Spring Creek One Water Plan
Goals, Objectives, Metrics and Desired Outcomes**

Goals are statements that describe the fundamental endpoints or outcomes we are aiming to achieve through activities across all sectors of management. Goal statements are expressed in broad aspirational terms.

Objectives are statements about desired outcomes and support the high-level goals.

Metrics can be considered performance indicators. They can be considered benchmarks that can be measured to track how well we are achieving our desired outcomes. For example, “tons of sediment eliminated”.

Outcomes are specific changes we are trying to achieve. They should be measurable and realistic but challenging. If outcomes are unrealistic and too difficult to achieve, they may discourage people rather than motivate them. On the other hand, outcomes that are too easy to achieve can lead to complacency.

Goals 1: Protect, Enhance and Sustain Healthy and Resilient Coldwater Stream Ecosystems

Objective	Description	Suggested Metric (s)	Outcome(s)
Objective 1A: Protect Ecosystem Flows	Rivers, streams, wetlands and springs need certain amounts of water to support healthy aquatic ecosystems. Improve water quality and quantity for resiliency to ensure the capacity of the ecosystem to respond to a disturbance by resisting damage and recover quickly. This is especially critical given the unique and coldwater ecosystem supported by the Spring Creek Watershed and highlighted by the exceptional wild trout populations and fishery, which require cold, clean water to flourish. Management must consider the impacts of point and nonpoint discharges, development, stormwater, and water withdrawals.	The Nature Conservancy Ecosystem Flow Recommendations Acres of impervious surface Lbs of nitrogen, phosphorus and sediment reduced Number of miles of riparian buffers installed Miles of stream improved that meet criteria to be delisted from impairment Development of a proactive TMDL to determine maximum amount of pollutants allowed to occur in spring creek and tributaries in the future.	Restore High, Seasonal and Low Stream Flows Maintain and improve existing hydrology Impaired stream sections improved to meet criteria for removal from impairment designation on 303D list Voluntary Total maximum Daily Loads Met.

Goals 1: Protect, Enhance and Sustain Healthy and Resilient Coldwater Stream Ecosystems

Objective	Description	Suggested Metric (s)	Outcome(s)
Objective 1B: Create Resilient Habitats	Stream habitat is one of the important factors that affect aquatic communities. This includes physical habitat and water quality. Based on the macroinvertebrate diversity and sensitivity to pollution, and wild trout population dynamics and densities, we gain an understanding of our streams' health. Degraded in-stream habitat often results from uncontrolled storm water runoff and uncontrolled runoff from cultivated agricultural land. Other reasons for poor stream habitat include altered stream flows, excess sediment, and a loss of surrounding trees and shrubs that help slow the erosion of the stream banks and provide shade to help maintain cool water temperatures during critical summer months. Chemicals and pollutants also negatively impact stream habitat/water quality.	<p>Index of Biological Integrity Scores</p> <p>DO, water temperature, sediment loads, stream channel surveys (fluvial geomorphology)</p> <p>Number of trout, biomass, sizes and redds</p> <p>% of Impervious surface reduced</p> <p>Miles of riparian buffers installed</p>	<p>Diversity of macroinvertebrates.</p> <p>Improved water quality and thermal regime</p> <p>Wild trout populations at or above current levels.</p> <p>Maintain and improve existing water quality, including water temperature and D.O.</p> <p>Acres and/or # of Green Infrastructure</p>

Goal 2: Maintain and improve water quality and quantity to sustainably meet the needs of the human community.			
Objective	Description	Suggested Metric (s)	Outcome(s)
Objective2A: Maintain a reliable water supply for residents, agriculture, and industry	Protecting, maintaining, improving and developing new water supply sources and recharge/storage areas ensures a supply for future uses. Water management must consider the multiple uses of groundwater to ensure reliability. Recycled water can offer a reliable source that can displace a portion of the need for additional surface or groundwater withdrawals	% loss from water systems, #gallons of drinking water from new sources, % stormwater volume directed to recharge areas; % reduction in treatment costs	% water use served by recycled water # new large-scale storage areas developed
Objective 2B: Implement a water demand strategy	Water demand management involves the adoption of policies and investments by water utilities to achieve efficient water use by all members of the watershed community. This strategy requires a major paradigm shift from conventional supply management to the management of demand. The aim is to promote the use of the right quantity of water on the farm, industry, household, and by the watershed community as a whole.	# of tributaries with water budgets, # of critical supply areas identified % critical contribution areas with practices/policies in place to support sustainable yield/withdrawal scenarios # of effective ordinances/policies Gallons of water from natural systems, withdrawals per capita	No exceedance of sustainable withdrawal rates. Number of new sources to mitigate impact. % public water supply loss reduced. Drinking water needs met Maintain low flows at or above long-term monthly median flows at each of the 3 USGS gages on Spring Creek and on tributaries while meeting daily drinking water needs
Objective 2C: Sustain and protect groundwater	Groundwater accounts for 86% water supply. Aquifers provide critical storage to meet needs during droughts. The amount of groundwater in storage in each basin is dependent on the precipitation, recharge and the total extraction of all the wells. A groundwater plan designed for the political, institutional, legal and technical specifics can help maintain supply.	# of BMP's to minimize recharge loss # of source water plans updated # of emergency water supply plans developed, % change in well levels % flow in and out of the watershed % deviation from historic baseflows	sustained well yields, ground water management plan % attainment on meeting historic base flows

Goal 3: Integrate and Coordinate Management for Sustainability, Economic Growth, Recreation and Quality of Life

Objective	Description	Suggested Metric (s)	Outcome(s)
Objective3A: Implement an Integrated Water Management Network/Governance Model	This network would promote the coordinated development and management of water, land and related resources, to maximize environmental, economic and social results in an equitable manner without compromising the sustainability of the watershed. Participation would involve applying knowledge from various disciplines and insights from diverse stakeholders to devise and implement efficient, equitable and sustainable solutions to water and development problems. Network members could include the Spring Creek Watershed Commission, municipal governments, water utilities, Penn State, state and federal agencies, industry, and planning organizations.	<p>Build capacity of Spring Creek Watershed Commission to administer the network</p> <p>Utilize Penn State to evaluate existing networks in other states or other governance options</p> <p>Include MS4 Partnership and Central PA Source Water Protection Partnership</p>	<p>Cross agency and cross scale interaction and communication</p> <p>Administrative process implemented</p> <p>Network charter in place</p>
Objective 3B: Implement network subcommittee for technical support, data driven science, education and information exchange.	Diversity of membership includes utility personnel, academia, government employees (federal, state, local), non-governmental organizations, industry representatives and consultants. Review, evaluate, and disseminate information on best practices on integrated watershed management. Encourage adoption of new advances and applications for watershed management, develop workshops and organize/moderate technical discussion and educational events.	<p>#of members representing diverse capabilities</p> <p>#of educational events</p> <p>Data driven science metrics</p> <p>% economic growth</p> <p>% biological growth</p> <p>Centralized data sets</p>	<p>Science based collaboration</p> <p>Land Use plans coordinated</p> <p>Online searchable data base</p>

Goal 3: Integrate and Coordinate Management for Sustainability, Economic Growth, Recreation and Quality of Life			
Objective	Description	Suggested Metric (s)	Outcome(s)
Objective 3C: Promote the value of the watershed's recreation, aesthetic and cultural assets	Ecosystems provide recreational opportunities and cultural and aesthetic value. Communities rely on clean air, water, green space, and other natural amenities for economic sustainability and quality of life, yet their benefits are not always fully understood or considered in local decisions. Recreation and tourism associated with outdoor environments can play a huge role in local economies. Many citizens place high value on historically or culturally important landscapes because of their significance. However, human activities can stress natural areas where people recreate or visit cultural sites.	#of clean up events # of recreational users # cultural sites # of groups involved % value of ecosystem services Reenergize "Spring Creek Day" Recreational growth and economic value	Stewardship

Phase 3 Concept

As indicated previously, Phase 2 builds the framework which will be followed by Phase 3 which will begin in 2019 if approved by the Spring Creek Watershed Commission. Phase 3 will document the road map with specific actions and milestones to achieve outcomes over a determined time period ranging from short term actions to long term efforts over a 50-year period

A major emphasis for Phase 3, beyond addressing ecosystem and water supply concerns, will be a process for integration of water management. The potential to build an informal network to facilitate communication and work across political boundaries will be needed. Additional financial resources will also need to be secured to facilitate science driven milestones and outcomes and to add staffing capacity to the Spring Creek Watershed Commission.

Multiple benefits balance environmental, economic, and societal goals. There are many strategies for ensuring a reliable, high-quality water supply, including stormwater capture, source water protection, water reuse, and efficiency improvements. Many of these strategies also provide additional benefits, such as reducing greenhouse gas emissions, improving water quality, and enhancing community livability. Incorporating the value of these benefits into investment decisions will be established.

Phase 3 Short Term Actions for 2019:

- Continue to convene the technical workgroup and expand participation to begin drafting an RFP for technical services for Phase 3.
- The expanded technical workgroup will develop a cost and funding strategy for implementation of phase 3.
- Implement a speaker series addressing the 10 substantive based issues.
- Continue to improve SCWC website to serve as a centralized data base and document storage.
- Continue to use SCWC communication contractor to coordinate website information, communication, speaker's bureau logistics and additional services as needed.

Appendix 1 – Stakeholder Vision Comments – July 2018

Group Breakout- Ideal Watershed Vision

- Balanced priorities- meeting local community needs
- Integrated water/sewage management
- Spring Creek watershed governance structure for surface water- not dependent
- Surface and ground water boundaries are different
- Sustainability without degradation
- Government accountability without degradation
- Healthy clean water (clean and clear of contaminants) for people and wildlife
- Support biodiversity for region
- Regulations with teeth- managing entire watershed
- With overarching collective governance- robust against outside forces
- Growth and prosperity for all living creatures
- Decision making criteria from unintended consequences and encroachment from larger forces
- Creative use (recharge of groundwater) of wastewater for sustainability
- Awareness of cost of regulations, management framework that impacts families, persons, ag systems.
- Innovate with science/ fact driven education
- Energy positive/ water positive regenerative economy
- Water not seen as ‘commodity- or should it be seen as a commodity on which we all benefit
- Well informed engaged community
- “Humans and the rest of the environment living together in a way that allows for growth & prosperity for all living creatures to thrive and flourish”
- We don’t need extractive industries
- PSU as environmental leader and part of the solution
- PSU cooperative activity and respectful with transparency
- Everyone is not on the same page with respect to growth
- How to turn a liability (stormwater/ growth) into an asset.
- Regulate population growth

- Make better what we have and draw population with our assets
- Watershed management from municipalities
- Eco-systems approach
- Good access and communication- How to be good stewards- Public awareness and education
- High quality, protected, maintained (surface and ground)
- Considers the High-Quality Water Source- uses it well & cares for it.
- All stakeholders work together in responsibility
- People understand the watershed concept and outside watersheds do their part too
- We are what we are and probably can't change it. We need a voice from the non centre county region municipalities.
- Well managed pipes/delivery
- Celebrate watershed as a community (agriculture resource, recreation, drinking, etc.
- Willingness to work together & BE RESPECTFUL of decisions that are made
- Help us to become Aware & Educate us to take care
- Double down on Education and Community Outreach
- We need to find ways to replace the water we pull
- Utilize beneficial reuse of water
- 2050-2100 have a master plan – preservation of open space; water quality- use of resources impact of agriculture
- Master plan for development, especially impervious surface, non- personal and nonindustrial, controls on development, consumption, fewer roads, less driving
- Steady state economy- not growing more, sustainable agriculture
- Better education about different needs for water (conservation, science-based surface water, protected springs
- Quality and quantity- healthy water benefits to all (regulations, all streams meet designated uses and controls, so quantity meets demand and quality downstream goals
- Policies to achieve goals, planning documents, guidelines
- Enjoying clean, drinkable, swimmable, good standard of living
- Get out into the environment to appreciate it
- Remain one of the most admired communities in the country
- Sustainable use of resources – economy, electricity, self-sufficient, food

- Respect water- be water citizens
- Balance of water- what's coming in/ what's going out
- Be water neutral (balance)
- Collectively reduce water footprint
- Informed use and innovation for water conservation (education) to reduce water utility expansion
- Regenerative purity
- One organization that oversees water
- Reduction of water use by citizens
- Understanding of priority and collaboration
- Education on management of hazardous materials (septic systems)
- Education is backbone to water management
- Communicate and understand common use beyond municipal boundaries
- Educate businesses on water reuse and recharge
- Limit land use growth- carrying capacity
- Rethink what we mean by economic growth
- Identify compatible businesses
- Sound/ updated pipelines
- Plant more trees to reduce the need for more infrastructure
- Stormwater management- use of Best Management Practices- potential for small business startups to implement BMP's (rain gardens, plants, etc.
- Use technology to monitor water use, to save money and conserve water
- Dedicated water authority representative to be responsible for education outreach
- Financial incentives/ water use audit as implemented in other cities
- Carbon capture potential for climate and water resiliency
- Communication on water use/ equipment failure

Actions to take:

- Work with school districts on education
- Still should use some silo approaches
- Develop a coffee table book to celebrate the watershed

- Use art to educate and engage artists
- School educational tools/ partnerships for education
- Substantial buy-in by government (local)- help government engage in vision
- Shared data
- PSU to add water resource monitoring reports
- No development that degrades water quality
- What is data on impacts of development / what are the gaps
- Experiences to get people out and engage them in water issues
- Use of new technology
- Get municipalities regulations and policies
- Coordinate planning commissions around us- zoning
- Restrictions form state facility development
- Use creativity to get around
- Proposing framework of laws for all to use
- Identify areas worthy of protection- equal investment in open space
- Use examples from other places
- Need enforceability – county wide? Have teeth, who controls zoning?, have to be onboard with the plan
- Zoning priorities (residential, commercial)
- What’s the role of citizen groups? - influence on master plans
- Public education- local media- get the word out
- Protecting what we have
- Township solicitors- what’s possible (friendly)
- Understanding history of the watershed – assessment of stormwater management plan

Appendix 2- December 4 Public Meeting

1. What key steps need to be taken to ensure clean, plentiful and affordable water in the Spring Creek Watershed?

- More land conservation to keep open space (preserving recharge areas and riparian zones)
- Complete critical area recharge mapping
- Strengthen the Spring Creek Watershed Commission in terms of funding and staffing
- Retrofit impervious surfaces with green infrastructure (rain gardens, green roofs)
- Design developments to limit impervious surfaces
- Consensus on what is “affordable”
- Collect money for phase III
- Restoration of degraded areas (protection of wetlands, bank stabilization, habitat improvement)
- Compile existing data for where we are (water quality and quantity)
- Guarantee from entities that follow through will happen (multiple partner commitment: list of partner commitments and level of commitment)
- Partner commitment needs to be contractual “Stormwater Impact Fee”
- Adoption of well construction and septic system maintenance standards by all municipalities
- More cover crops to reduce runoff / pesticides / phosphorus and nitrogen
- Look at climate change factors, since water input heavily dependent on precipitation
- Nutrient management can affect development: know more how nutrient management will shape future development
- Increase emphasis on water conservation
- Keep monitoring the quality of the water in Spring Creek and if there is pollution identified then address it and enforce existing rules and regs. I don't recall in last 20 years that any polluters have been identified and prosecuted. Help educate the farming community on how to protect Spring Creek and all of our waterways

2. Some steps will require funding to be completed; particularly for phase 3 which is estimated at \$500,000. How should key steps be paid for?

- Coordination among entities for funding (government, non-profit, grant, foundation, and commercial sources)
- Further explore potential funding through DEP
- Scope of work created (RFP, technical workgroups)
- Money for permanent staffing for Spring Creek Watershed Commission: How should this be paid for?
- Increase funding, \$30,000 too low for coordination and also include funding for professional technical staff.

- Ask the County to provide funding for what is needed. What more really needs to be done. Hasn't the quality of Spring Creek actually improved over the last 20 years?

3. Information will be needed to manage water differently. Key information needs to be obtained and new ways of coordinating across local and regional entities will be critical in future watershed management. How should this occur?

- Coordination of Centre Region Integrated Water Plan with the Spring Creek Plan and Centre County Planning Office
- Develop and maintain institutional memory of how these regulatory and management processes work (info graphic / flow chart of all entities and their processes of how they interact with each other)
- Spring Creek Watershed Atlas Project (springcreekwatershedatlas.org)
- Put data to work right away: vet it early and decisions made by these entities should be more transparent / publicized more
- Understand consequences of decisions more by conducting more studies / more complete data collection
- Creation of a structure made up of stakeholders so that they continue to play a part in decisions (Spring Creek Watershed Association and 10 topics from PSU Law Report). Naturesteps.org, Instream Flow Council, American Rivers Association, Star communities all as an example. Revival of Springs and Sinks newsletter to inform public.
- Environmental education about Spring Creek Watershed as a whole in schools (present in some schools already)
- Involve CNET in public information / transparency
- Need to educate people on how they can conserve water that is used in homes and non-residential properties. If people use less water they will generate less sewage which makes both the water and sewer system more sustainable. Bill for sewer service based on water usage financially incentivizes all people to use less water and lowers our carbon footprint and makes our water and sewer systems more sustainable. Why isn't volumetric billing for sewer service the right thing to do?

Appendix 3

SPRING CREEK WATERSHED - ENVIROMENTAL CONTROLS																								
	Flood Plain	MS4 COMMUNITY	Storm Water	Riparian Buffer	Wellhead Protection	Water Well	Geothermal Boreholes	Individual Sewer Systems	Sewer Mgmt Districts	Ridge Overlay	Clean and Green	Ag. Security Areas		Ag Preservation **		Solid Waste/ Recycling	Burning	Lighting	Wind Genration	Open Space Acquistion	Parkland Dedicatio	Consvrator Design	Building Code	
												Acres	Properties	Properties	Acres									
												A	B	C	D									E
Bellefonte Borough	1		X			X	X	2									X	X	2	1	2	2		X
Benner Township	1		X	1	X	X	X	X			X	2205		1	240	X	X	1	1				1	X
Boggs Township	X		X					X																
Centre Hall Borough									X															
College Township	1	X	X		X	X	X				X	1,304				X	X	X	X	X	X	X	X	X
Ferguson Township	1	X	X	1	X	X	X	X	X	1	X	15,918		15	2228	X	X	1	1	2	2	2	1	X
Halfmoon Township	1	X	2	1	X	X	X	2	2		X	5553					X	X		X	2	1,2	X	
Harris Township	1	X	X	1	X	X	X	X	X	1		3123.43	88	3	151	X	X	X			X			X
Milesburg Borough	X		X					X	X															X
Patton Township	1	x	X	1	X	X	X	X	X	1	X	2,993				X	X	1	1	X	2	1,2	X	
Potter Township												11,576		6	1067									
Spring Township	1		X		X	X	X	X	X		X	3225		8	1250	X	X	2		1	1	1,2	X	
State College Borough	1	X	1	X	X	X	X									X	X	1			X		X	
Walker Township	1		X					X			X	6881		4	571					X	X			X
	12	6	12	6	8	9	9	10	7	3	7	#####	88	37	5507	8	9	9	5	7	9	6	10	
Legend																								
1. Part of zoning ordinance												Footnote: only includes current controls (not proposed)												
2. Part of subdivision/ land development ordinance																								
X Stand alone ordinance or regulation, county or local																								
Definitions																								
A. Flood plain Controls - Limits development on land adjacent to streams subject to flooding																		Revised 8.3.18						
B. Stormwater - Quantity + Quality control of water run off																								
C. Riparian Buffer - Protection of streams thru planting of trees and shrubs																								
D. Wellhead Protection - Areas designated around wellhead to protect the well from pollution																								
E. Water Well - Construction standards for water wells																								
F. Geothermal Boreholes - Contruction standards and methods for geothermal heating cooling																								
G. Individual Sewage Systems - Private septic systems as regulated and permitted by Pa DEP																								
H. Individual sewage Management District - Designated areas with septic systems that are pumped & inspected on a regular basis as per Local Act 537 plan																								
I. Ridge Overlay - protection of ridge tops & steep slopes, especially with respect to stormwater runoff																								
J. Clean & Green - Tax reduction to encourage landowners to keep land in agriculture.																								
K. Ag Security Area - land enrolled in a defined area under a program that protects farming that protects farming operations from nuisance ordinances																								
L. Ag Preservation - Farms that have sold their development rights to the Centre County Agriculture Land Preservation program to provide a permanent conservation easement																								
M. Solid Waste & Recycling - Mandatory collection of solid waste and recycling materials																								
N. Burning - Prohibition of opening burning of certain materials																								
O. Lighting - Lighting standards that reduce nighttime light pollution																								
P. Wind Generartion - Regulations for the generation of electrical power from wind																								
Q. Open Space Acquistions - Open space or agricultural lands purchased or leased by municipality in order to preserve them																								
R. Parkland Dedication - Rqiured parkland dediction or in lieu fee																								
S. Consevation Design - A pattern of land use that permits development of a portion or a parcel, but requires permanent preservation of the remainder																								
T. Building Code - International Building Code with conservation standards such as recycled materials and energy efficient materials (green buildings)																								

Appendix 4 – Technical Committee

SCWC Technical Workgroups: Overarching duty of the workgroup is to provide guidance on the development, collection and dissemination of information and technology for integrated water resource management and protection. Information developed by the workgroup is an integral part of the Spring Creek Phase 2 Action Plan report. Members were selected for their technical abilities and diverse representation.

THANK-YOU MEMBERS!

Dennis Hameister- Spring Creek Watershed Commission

Bill Sharp – Spring Creek Watershed Commission

Joanne Tosti-Vasey – Spring Creek Watershed Commission

Dave Yoxtheimer - Water Resource Monitoring Project

Brian Walker - Bellfonte Borough Water Authority

Andy Gavin and John Balay -Susquehanna River Basin Commission

Jason Deter and Dave Kristine - PA Fish and Boat Commission

Cory Miller/ Dave Smith- University Area Joint Authority

Dennis W. Risser- US Geological Survey

Brian Heiser - State College Water Authority

Dave Robert- Nittany Valley Environmental Coalition

Dave Swisher - Penn State University Physical Plant

Jim Gazza- Cocoa Cola Company

Ford Stryker- Spring Creek Chapter of Trout Unlimited

Betsie Blumber- PA Sr. Environmental Corps

Deb Nardone- ClearWater Conservancy

Terry Melton- Nittany Valley Environmental Coalition

Scott Heidel- PA DEP- Review only

Appendix 5 – Report Information Sources

Spring Creek Watershed Atlas

Water Resources Monitoring Project

US Water Alliance

Water Environment Federation

US Census

County Planning Directors Association of Pennsylvania One Water Task Force

SRBC -Cumulative Water Use and Availability Study for the Susquehanna River Basin

Ferguson Township Statement of Commitment to Safety and Risk Management

REAFFIRMED: February 4, 2019

Ferguson Township's elected officials and staff are committed to promoting a culture that encourages Safety and Risk Management at all levels of the organization by providing:

- Clear expectations and follow-through;
- The appropriate resources to effectively control risks associated with employee and public safety and protection of property, and;
- Properly trained leadership, management, and employees.

All elected officials, managers, employees, volunteers, and contractors are expected to execute the objective that the most efficient, and only acceptable way to complete any task is by purposefully minimizing risk.

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

EXECUTIVE COMMITTEE

COG Building - Forum Room

2643 Gateway Drive

January 22, 2019

12:15 PM

AGENDA

1. CALL TO ORDER

Chair Danelle Del Corso will convene the meeting.

2. CITIZEN COMMENTS

Members of the public are invited to comment on any items not already on the agenda (five minutes per person time limit, please). Comments relating to specific items on the agenda should be deferred until that point in the meeting.

3. APPROVAL OF MINUTES

A copy of the minutes of the December 11, 2018 Executive Committee meeting is *enclosed*.

4. INTRODUCTIONS

The 2019 membership of the Executive Committee is:

George Downsborough	Patton Township
Steve Lyncha	College Township
Evan Myers	State College Borough
Bud Graham	Harris Township
Steve Miller	Ferguson Township
Danelle Del Corso	Halfmoon Township

5. COG ARTICLES OF AGREEMENT

The Executive Director will briefly review the COG Articles of Agreement as they relate to the Executive Committee. According to the Agreement, the duties of the Committee are:

- *To nominate officers to the General Forum for approval and election.*
- *To set the meeting agenda for the General Forum.*
- *To annually evaluate the work performance of the Executive Director.*

- To refer studies, projects, and questions to the appropriate COG committee.
- To study and prepare recommendations on topics requested by the General Forum.
- To declare a local emergency or disaster emergency as defined in the Joint Articles of Agreement for the Regional Emergency Management Program.

6. NOMINATION OF OFFICERS

The COG Articles of Agreement require that the General Forum annually select a Chair and a Vice Chair, and further state that “officers shall be elected at the Centre Region COG’s organizational meeting from the membership of the General Forum, and shall hold office for one year from the organizational meeting until their respective successors have been duly elected.” The Agreement does not recommend a special rotation of officers among the participating municipalities; however, the General Forum took action in 1999 to formalize a rotation schedule. Subsequently, the COG Chair for 2019 will be from Ferguson Township and the Vice Chair will be from Patton Township. In subsequent years, the Chair rotation is Harris Township, College Township, State College Borough and Halfmoon Township.

The Articles of Agreement also require that the two COG officers serve as Chair and Vice Chair of the Executive Committee. In accordance with the approved rotation, Mr. Steve Miller should be elected Chair and Mr. George Downsborough, Vice Chair of the General Forum. Members should consider forwarding the following recommendation to the General Forum:

“That the General Forum appoint Steve Miller as Chair and George Downsborough as Vice Chair of the Centre Region Council of Governments for a term beginning January 28, 2019 and ending with the General Forum’s first meeting during January 2020.”

The Vice Chair of the COG is also a member of the Centre Region Emergency Management Council.

7. GENERAL FORUM MEETING DATES, TIME & LOCATION

During 2018, the General Forum typically met on the fourth Monday of each month at 7:00 PM at the COG Building or other locations that were specifically requested. This schedule seemed to work well and if possible, staff recommends retaining it for 2019.

The Executive Committee should consider recommending dates and times as well as potential meeting locations.

A potential enacting motion for consideration by the General Forum is:

That the General Forum adopt the following 2019 meeting schedule with all sessions beginning at 7:00 PM.

<u>Date</u>	<u>Location</u>	<u>Date</u>	<u>Location</u>
January 28	COG Building	July 29**	COG Building
February 25	COG Building	August 26	COG Building
March 25	COG Building	September 23	COG Building
April 22	COG Building	October 28	COG Building
May 28	COG Building*	November 25	COG Building
June 24	COG Building	December 17***	COG Building

* Date changed to Tuesday in order to accommodate the Memorial Day Holiday

** Date change to accommodate preparation of the Program Plan.

***Date changed to third Tuesday of the month in order to accommodate the Christmas Holiday

8. EXECUTIVE COMMITTEE MEETING DATES, TIME & LOCATION

The Executive Committee should choose the location, time, and dates for its 2019 meetings. During 2018, the Committee met on the Tuesday prior to the General Forum meeting at 12:15 PM in the COG Forum Room. If the Executive Committee meetings continue on Tuesdays in 2019, the following dates would be scheduled:

January 22	May 21	September 17
February 19	June 18	October 22
March 19	July 23	November 20*
April 16	August 20	December 10**

*Date changed to accommodate a municipality conflict.

**Date changed to accommodate the Christmas Holiday.

In the past, Tuesday meetings have worked well in providing administrative staff sufficient time to prepare the General Forum agenda packages that are mailed on Thursdays.

9. CODE BOARD OF APPEALS APPOINTMENT & RE- APPOINTMENTS

This agenda item asks the Executive Committee to consider recommendations from the Public Safety Committee for members of the Centre Region Building and Housing Code Board of Appeals and to refer them to the General Forum for endorsement and to the municipalities for appointment.

The Centre Region Code Administration Agency is asked to make recommendations to the General Forum for appointments and re-appointments to the Centre Region Building and Housing Code Board of Appeals. These suggestions are considered by the Public Safety Committee. The General Forum then reviews and may endorse the Committee's recommendations and refer them to the participating municipalities for appointment. An

appointment to the Board of Appeals includes a three-year term, and members may serve a maximum of three consecutive terms or a total of nine years.

Municipalities in Pennsylvania are required by the Uniform Construction Code (section 501(c) of the Act (35 P. S. § 7210.501(c)) to establish and appoint members to serve on a board of appeals. According to the UCC, the “board of appeals shall hear and rule on appeals, requests for variances and requests for extensions of time. An application for appeal shall be based on a claim that the true intent of the act or Uniform Construction Code has been incorrectly interpreted, the provisions of the act or Uniform Construction Code do not fully apply or an equivalent form of construction is to be used.” The UCC also provides that “two or more municipalities may establish a joint board of appeals through an inter-municipal agreement under 53 Pa.C.S. § § 2301–2315 (relating to intergovernmental cooperation).” The six Centre Region municipalities have adopted ordinances to establish and maintain a regional board of appeals through the Centre Region COG.

This year, there are no new appointments and three re-appointments being recommended. The recommendations for re-appointment to an additional three-year term are:

Core Board:

- Adam Fersler, P.E., LeedAP
- J. Michael Leakey, R.A. (Alternate)

Property Maintenance Board:

- Sarah K. Lowe

To proceed with the re-appointments of these individuals, the Public Safety Committee is referring the following motion to the Executive Committee for referral to the General Forum:

"That the General Forum forward the following slate of nominations to the member municipalities for re-appointment to the Centre Region Building and Housing Board of Appeals for a three (3) year term commencing February 15, 2019:

Core Board:

Adam Fersler, P.E., LeedAP
J. Michael Leakey, R.A. (Alternate)

Property Maintenance Board:

Sarah K. Lowe

10. APPOINTMENT OF ALPHA FIRE CHIEFS

This agenda item asks the Public Services Committee to review a recommendation from the Alpha Fire Company regarding the appointment of its Chiefs and Assistant Chief and to refer this recommendation to the General Forum for approval.

During its August 27, 1996 meeting, the General Forum approved an agreement between the Centre Region COG and the Alpha Fire Company which defines each entity's responsibilities. Section 2 of the Agreement reads:

"The Company shall select a Fire Chief and Assistants, in accordance with its by-laws. The names of these individuals shall be forwarded to the Centre Region COG for appointment."

During its November 6, 2018 meeting, the Company elected their leaders for 2019. To confirm these recommended appointments, the Public Safety Committee recommends the following motion to the General Forum:

"That the General Forum appoint the following individuals to the positions of Fire Chief and Assistant Fire Chiefs for 2019:

<i>Chief</i>	<i>Jason Troup</i>
<i>1st Assistant Chief</i>	<i>Tony Berrena</i>
<i>2nd Assistant Chief</i>	<i>Buck Harpster</i>
<i>Health & Safety Officer</i>	<i>Svend Pedersen"</i>

For informational purposes, the Alpha Fire Company elected the following Corporate Officers to serve in 2019:

2019 Corporate Officers

President	Shawn Kauffman
Vice President	Svend Pedersen
Treasurer	Brian Bittner
Secretary	John Domico
Financial Secretary	Ron Witmer
Trustee	Ted Gabriel - serving year 3 of a 3 year term
Trustee	Lyle Domico - serving year 2 of a 3 year term
Trustee	Joe Wirtz - serving year 1 of a 3 year term

For informational purposes, the 2019 Operations Officers of the Alpha Fire Company are:

Rescue Captain	Todd Johnson
Engine Captain	Mark Jermusyk
Truck Captain	Randy Clouser
Engine Lieutenant	Mike Eckenrode
Engine Lieutenant	Rob Nese
Engine Lieutenant	Steve Brown

Rescue Lieutenant	Jeff Watson
Truck Lieutenant	Brian Rohrbaugh
Fire Police Captain	C. "Marv" Robinson
Fire Police Lieutenant	Open
Fire Police Lieutenant	Ken Johnston
Fire Police Lieutenant	Ted Gabriel

For informational purposes, the 2019 Chiefs, Safety Officer, Fire Police Captain, and Corporate Officers of the Boalsburg Fire Company are:

Chief	Van Winter
Assistant Chief	Nate Frey
Assistant Chief	Mike Weyant
Assistant Chief	Greg Alters
Assistant Chief	Rob Gordon
Safety Officer	Paul Robinson
Fire Police Captain	Mike Gibboney
President	Ken Corl
Vice President	Marlin Neff
Secretary	Kayla Weyant
Treasurer	Teresa Weyant
Trustees	Bud Graham, Randy Weaver, Jeff Musser

The Executive Committee should decide whether to refer this appointment recommendation to the General Forum for approval from the four municipalities.

11. REGIONAL REFUSE AND RECYCLING CONTRACT

This is an action agenda item that asks the General Forum to authorize the COG Office of Administration to advertise a Request for Bids (RFB) for the regional refuse and recycling contract.

The current COG/Advanced Disposal contract for residential refuse and recycling services expires December 31, 2019. The contract covers nearly 16,000 properties in Benner, College, Ferguson, Harris, and Patton Townships. According to customer surveys, there is a high level of satisfaction with quality and cost of the service. The current monthly cost for Regular 8-bag collection of refuse and recycling is \$16.12, approximately \$10 less per month than the cost paid by customers in nearby communities.

Since June 2018 the Public Services & Environmental Committee has discussed in-depth proposed changes to the bidding specifications for the Regional Refuse and Recycling Contract in anticipation of its re-bidding in January of 2019, for a start date of January 1, 2020. Based on the input of the PSE Committee, the Centre County Recycling & Refuse Authority, municipal managers, regional haulers and solicitor

over the past seven months, a final draft of the Request for Bids (RFB) document has been prepared.

Ms. Adams will provide a 10 minute presentation on the major changes to the bid document, which include:

- A. Alternate Bid #A: A bid for automated cart system for the refuse collection (3 service levels for refuse)
- B. A MOU with CCRRA for 10 years that defines that they could provide curbside organics collection modeled after the State College Borough Program. *Enclosed* is a cost benefit analysis that evaluates the program on costs, tonnage reduction in the landfill and carbon footprint. The Public Services & Environmental Committee will make a final determination whether to proceed with an organics curbside collection program after the Regional Refuse and Recycling Request for Bid (RFB) is released and costs are provided by the contractor for refuse service. A final decision will be made by May 2019 and a final MOU will be presented to the General Forum at that time.
- C. Bid Price Form requests cost information on:
 - i. the Fee for Billing-Payment. The contractor must provide a line item for the administrative costs for billing and payment service that COG would be able to deduct from the total monthly rate if COG or its subcontractor decide to provide the billing and payment service.
 - ii. the cost for refuse service if an organics collection program is implemented. The RFB would allow for an organics collection program to be implemented at some point during the contract period if COG elects to do so.
- D. The administrative fee has been adjusted to change from a part-time to a full-time administrator of the program.
- E. Improved language to enhance customer service, define how bulk and excess refuse will be handled outside of Bulk Waste Collection weeks, and improved education options for on-line users.

To proceed with the issuance of the bids, the Public Services & Environmental Committee unanimously asks the Executive Committee to refer the following motion to the General Forum for consideration:

“That the General Forum, as recommended by the Public Services & Environmental Committee, authorizes the COG Office of Administration to advertise a Request for Bids (RFB) for the regional refuse and recycling contract.”

12. WHITEHALL ROAD REGIONAL MASTER SITE PLAN REVISIONS

This is an action agenda item for the General Forum. During its January 10, 2019 meeting the Parks Capital Committee unanimously voted to ask the Executive Committee to refer a motion for approving four revisions to the Master Site Plan for the Whitehall Road Regional Park to the General Forum for approval.

The policy for revising the Master Site Plan for a regional park is identified in the November 2006 Joint Articles of Agreement for the Planning, Development and Operation of Regional Parks that was endorsed by the General Forum and adopted by the governing bodies of the six Centre Region municipalities. For the purposes of this Agreement, Halfmoon Township is considered to be a “non participating” municipality. As it relates to changes in Master Site Plans for regional parks, this Agreement reads:

“Revisions to the Master Site Plan must be approved by a unanimous vote of the Participating Municipalities. There will be no development of park facilities, whether temporary or permanent, that is not shown on the approved Master Site Plan unless the plan is revised to include that facility or feature.”

Based on a recommendation from the Centre Region Parks and Recreation Authority and COG staff the Parks Capital Committee endorsed the following changes to the Master Site Plan for Whitehall Road Regional Park:

- a. Using the funding earmarked for two open-air shelters (\$355,000) toward a new all-season pavilion; the two shelters noted in Phase I would remain in the plan and, hopefully, funded in the future;
- b. The all-season pavilion would be built in conjunction with the restroom/storage/concessions building already indicated in Phase I. Additional funding for this building will need to come from donations and/or grants;
- c. The swapping of the locations of a soccer field and the tennis courts/indoor tennis building; and
- d. The re-introduction of a maintenance storage building for park equipment and supplies, noted in the original Phase I, but not currently funded.

To proceed the Parks Capital Committee unanimously asks the Executive Committee to refer the following motion to the General Forum for approval:

“That the General Forum, as recommended by the Centre Region Parks Capital Committee and the Centre Region Parks and Recreation Authority, approve revisions to the Master Site Plan for Whitehall Road Regional Park as to provide for an all-season pavilion attached to the restrooms/concession building; that the two shelters remain in the plan but not included in Phase I; that the location of the tennis courts/indoor tennis building be switched with the soccer field; and that the re-introduction of the maintenance storage building and its location be identified.”

13. JANITORIAL SERVICES - ALPHA FIRE COMPANY

This is an action agenda item for the General Forum. During its January 10, 2019 meeting the Finance Committee voted to ask the Executive Committee to refer a motion for approving a contract for janitorial services for the three fire stations to the General Forum for approval. Funds for this service are included in the 2019 Fire Protection Operating Budget. This matter is being brought before the General Forum because according to COG's Purchasing Policy contracts over \$20,600 require the approval of the General Forum, Parks and Recreation Authority or Library Board as appropriate to the situation.

In late 2018, the Fire Director advertised and bid janitorial services for the three fire stations. In late December, after the review of bids, the apparent lowest qualified bidder was Wizzards Janitorial Systems with a bid of \$31,387.07, excluding linen services. The bid results were referred to the Finance Committee for review.

To proceed the Finance Committee unanimously voted to forward the following motion to award a janitorial service contract to the General Forum for approval:

“The Finance Committee recommends to the General Forum that the Fire Director enter into a contract with Wizzards Janitorial Services beginning on February 1, 2019 and running through the end of 2019.”

14. RESOLUTION 2019-1 RECORD DISPOSITION

This item asks the Executive Committee to review Resolution 2019-1 declaring an intent to follow the procedures for the disposition of records as set forth in the Municipal Records Manual approved by the PA Historical & Museum Commission, Division of Archival and Records Management Services. By way of example, COG documents proposed for disposition include contract files, financial interest statements and employee dental/vision records. A complete list is included on Attachment A to the Resolution.

The Executive Committee should decide whether to recommend to the General Forum the adoption of the proposed COG resolution. If the committee agrees to proceed then a possible motion for consideration is:

“That the General Forum adopt Resolution 2019-1 authorizing the destruction of records as set forth in the Municipal Records Manual, most recently approved by the Pennsylvania Historical & Museum Commission, Division of Archival and Records Management Services.”

Enclosed is a draft Resolution for the Executive Committee's review and comment.

15. MEETING ETIQUETTE GUIDELINES

Mr. Steff will briefly review the enclosed Resolution as well as the Guidelines for Meeting Etiquette. During its November 26, 2018 meeting the General Forum adopted the

Resolution and the corresponding Guidelines for Meeting Etiquette. The intent of these documents is to encourage all COG related entities to foster and maintain an environment in which all individuals are treated with respect and dignity. The *Code of Conduct* section of the Guidelines offers suggestions for behavior at meetings. The *Notes for the Chair* section provides insights for meeting facilitation. In combination the *Code of Conduct* and *Notes for the Chair* sections will help to set a welcoming tone for Committee members who want to offer new ideas or provide comments on agenda items.

16. EXECUTIVE DIRECTOR'S REPORT

Mr. Steff will provide an update of COG activities for January, 2019 including the rewrite of the Personnel Policy, the drafting of a job description for the Executive Director, the status of the Millbrook Marsh lease, the KINBER connection to the COG building, and a recommendation to contact an evaluation of the regional fire protection program.

Enclosed is a memo listing potential agenda items for 2019.

17. OTHER BUSINESS

- A. Matter of Record - Next month's meeting of the General Forum is scheduled for February 25, 2019 at the COG Building. Tentative agenda items include: update on discussion relating to the future delivery of hazmat services in the Centre Region.
- B. Matter of Record - *Enclosed* is a Pennsylvania Department of Community and Economic Development fact sheet that provides information on the number and types of local governments in the Commonwealth.
- C. Matter of Record - *Enclosed* is a CRPA fact sheet that reports municipal and regional demographic data from the recently released 2013-2017 American Community Survey 5-Year Estimates. Additional American Community Survey data is available online at factfinder.census.gov and data.census.gov.
- D. Matter of Record - As a member of the General Forum you are invited to a Lunch and Learn session about the State College Borough Water Authority, the main water service provider in the Centre Region. Mr. Brian Heiser, the Authority's Executive Director, will lead the session. He will provide a brief history of the Authority, water sources, major challenges including growth and regulatory, infrastructure replacement/improvements (there are some big projects coming up), and financing and rate structures.

The session will start at **12:00 noon, Wednesday, January 30, 2019**. It will include lunch and last approximately 90 minutes. The Lunch and Learn will be held at the Water Authority building, 1201 Branch Road.

If you would like to attend please contact Cheryl Stamm, COG Office of Administration, at 231-3077 or cstamm@crcog.net. Also, please let Cheryl know if

you have any dietary restrictions or if there are other topics you want Mr. Heiser to address.

- E. Matter of Record - *Enclosed* is a flyer for the first public meeting for the Centre Region Parks, Recreation, and Open Space Comprehensive Study that will be held on Wednesday, January 30 at 7:00 PM at the State College Area High School (formerly South Building). The meeting location is the cafeteria; please watch for signage as you enter the building at the main entrance.
- F. Matter of Record - *Enclosed* is a January 10, 2019 article from the Centre County Gazette regarding the recent acquisition of the "Happy Valley" trademark. Ms. Young may provide more details regarding this change at the General Forum meeting.
- G. Matter of Record - The Executive Director is the Right to Know Officer for the Centre Region COG. Over time, the responsibilities for receiving and responding to RTK requests is being transferred from the Executive Director to the Office Manager who has and will continue to receive training in the Right to Know law. The following is the level of activity during the last nine years:

- 2010 - 19 requests
- 2011 - 20 requests
- 2012 - 32 requests
- 2013 - 41 requests
- 2014 - 40 requests
- 2015 - 49 requests
- 2016 - 62 requests
- 2017 - 54 requests
- 2018 - 54 requests

- H. Matter of Record - The following COG employees were recognized for length of service at the end of the year recognition dinner organized by the COG's Employee Relations Committee:

5 YEAR AWARDS

Paula Bannon	Library
Liz Bennett	Library
Katie Brennan	Library
Amy Wagner	Codes

10 YEAR AWARDS

Pam Adams	Refuse & Recycling
Lisa Collens	Library
Kayley Holdridge	Library
Walt Schneider	Codes

15 YEAR AWARDS

Mark Holdren	Planning
Beth Lee	Parks

20 YEAR AWARDS

Shawn Kauffman	Emergency Management
Tiffany Weaver	Parks

25 YEAR AWARD

Nathaniel Rasmussen	Library
---------------------	---------

30 YEAR AWARD

Andrea Winters	Library
Tom Zilla	Planning

18. TENTATIVE AGENDA ITEMS

The following are agenda items tentatively scheduled for discussion at the January 22, 2018 General Forum meeting, which will be held in the Centre Region COG Building.

- A. Pledge of Allegiance
- B. Introduction of New Elected Officials
- C. Chair's Report
- D. Election of Officers
- E. Selection of Meeting Dates, Times, Locations
- F. Appointment of Fire Chief and Assistant Fire Chiefs
- G. Endorsement Members of Code Board of Appeals
- H. PSU Update on "Happy Valley" trademark
- I. Revisions to WRRP Master Site Plan
- J. Regional Refuse and Recycling RFP
- K. Contract Award for Janitorial Services
- L. Resolution for Record Disposition

19. ADJOURNMENT

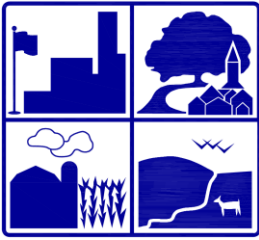


**Manager's Report
February 4, 2019**

1. Staff has begun to preparations for an updated Community Survey via the National Citizens Survey (NCS) instrument approved by the Board on January 21st. Per the Board's request, several additional items have been explored. First, it has been determined that 33 of the items that were included in the 2011 Community Survey can be compared to the 2019 National Citizens Survey in a non-scientifically valid manner. Limitations on this data comparison include limitations on the response rate of the 2011 measure and differences between the two instruments in the weighting of data. This comparison would be an additional charge of \$2,030.

Second, it has been determined that a remote presentation is possible to reduce the cost of an in-person presentation to \$2,100. Staff will proceed with the remote presentation option unless directed otherwise. Finally, NCS will incorporate a fourth geographic subsection (Pine Grove Mills) at no additional cost. This will be added to the voting wards subsections when the data is compiled and analyzed. Updates will be provided to the Board as the development of the measure progresses and as input is needed.

2. A draft agreement has been prepared and is currently under review by the Township Solicitor to permit the University Area Joint Authority to proceed with its project to connect the Greenbriar Development to sanitary sewer as proposed. The agreement, contingent on review by UAJA staff and counsel, will be presented to the Board of Supervisors at the February 19th Regular Meeting for approval.
3. The Township Manager and Zoning Administrator had a meeting with the Director of Centre Region Parks and Recreation and the Operations Manager to discuss playground safety audits and how recommended improvements will be handled in the future. More work is needed on guidelines to better define how issues are addressed, but staff at each agency has committed to working together in the short term to resolve problems in a more communicative and expeditious manner.
4. The Centre Region Parks and Recreation Department and its consulting engineer, Stahl Sheaffer Engineering, had a pre-application meeting with Township staff to discuss the submittal of the land development plan for the first phase of Whitehall Road Regional Park. Items discussed included stormwater management; parking; landscaping and tree planting; grading; winter maintenance; and more.



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

Planning & Zoning Director's Report Monday, February 4, 2019

PLANNING COMMISSION

The Ferguson Township Planning Commission met on January 28, 2019 and included the following discussion

ORGANIZATIONAL MEETING

- The following officers were selected for the **2019** slate:

Chair: Lisa Strickland
Vice-Chair: Bill Keough
Secretary: Rob Crassweller

- The following members were nominated as recommended representatives to the Centre Regional Planning Commission for **2019**:

Primary: Jeremie Thompson
Alternate: Ralph Wheland

The appointments to the Centre Region Planning Commission are for terms that began January 1, 2018, and expiring December 31, 2020, however, Jeremie Thompson replaced Cristin Mitchell in July of 2018.

- **2019 FERGUSON TOWNSHIP PLANNING COMMISSION MEETING DATES**
The 2019 meeting dates were determined and attached for the Board of Supervisors.

REGULAR MEETING

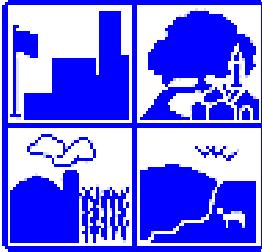
- An Active Plan List is attached for the Board of Supervisors consideration (1/30/19).
- **ZONING AND SALDO ORDINANCE REVISIONS UPDATE**
Carolyn Yagle with Environmental Planning & Design attended the January 28, 2019 Planning Commission meeting to review changes and revisions within the 5th Draft of both ordinances. Further discussion will continue at the February 11, 2019 Planning Commission meeting. An Open House for the public has been scheduled for February 21, 2019 from 6:00-8:00 p.m. in the Main Meeting Room.

PERMIT ACTIVITY REPORT ▪ FERGUSON TOWNSHIP - JANUARY 2019

Date	Application No.	Permit	Description of Work	Fee
1/2/2019	15112	ADD & REN	VARIOUS INTERIOR RENOVATIONS	\$50.00
1/8/2019	15149	ADD & REN	INSTALL SOLAR PANELS ON HOUSE ROOF	\$50.00
1/8/2019	15150	FOOD TRCK	WORLD'S FARE CATERING, LLC	\$25.00
1/11/2019	15195	SGN PERMIT	UNI-MART 22 SF POLE SIGN	\$35.00
1/11/2019	15197	SGN PERMIT	UNI-MART 30 SF POLE SIGN	\$35.00
1/11/2019	15198	SGN PERMIT	UNI-MART 22 SF POLE SIGN	\$35.00
1/11/2019	15199	SGN PERMIT	UNI-MART 20 SF WALL SIGN	\$35.00
1/11/2019	15200	SGN PERMIT	UNI-MART 20 SF WALL SIGN	\$35.00
1/14/2019	15201	SGN PERMIT	UNI-MART 7 SF AWNING SIGN	\$25.00
1/14/2019	15206	ADD & REN	FINISH BASEMENT	\$50.00
1/11/2019	15208	FOOD TRCK	BRAZILIAN MUNCHIES FOOD TRUCK	\$25.00
1/16/2019	15217	ADD & REN	NEW BATHROOM IN EXISTING BASEMENT	\$50.00
1/25/2019	15231	LIGHT APP	LED SOLAR SIGN LIGHT	\$50.00
1/21/2019	15232	ADD & REN	RENOVATIONS TO EXISTING FIRST FLOOR FOR OFFICE SPACE	\$50.00
1/21/2019	15248	SMALL ACC	CHICKEN COOP & YARD	\$25.00
1/29/2019	15249	ADD & REN	ALTERATION TO EXISTING RESIDENCE	\$50.00
1/25/2019	15268	ADD & REN	FINISH SPACE IN EXISTING BASEMENT	\$50.00
1/29/2019	15278	SGN PERMIT	RMS 6.38 SF GROUND SIGN	\$25.00
1/10/2019	9932	SGN PERMIT	32 SQ FT SIGN MONTE CARLOS PIZZA & WINGS	\$35.00
Total				\$735.00

FERGUSON TOWNSHIP PLANNING AND ZONING DEPARTMENT				
January 2019				
Permits	Month 2018	Month 2019	YTD 2018	YTD 2019
New Single-Family Dwellings	1	0	1	0
New Multi-Family Dwellings	0	0	0	0
New Buildings/Shed	1	1	1	1
Additions	2	1	2	1
Finish Basement	4	3	4	3
Alterations	1	3	1	3
Subtotal	9	8	9	8
Use Permits	Month 2018	Month 2019	YTD 2018	YTD 2019
New Tenant/Use	2	0	2	0
Home Occupation	0	0	0	0
Subtotal	2	0	2	0
Zoning	Month 2018	Month 2019	YTD 2018	YTD 2019
Land Development	0	0	0	0
Minor Alterations	0	0	0	0
Subtotal	0	0	0	0

Miscellaneous	Month 2018	Month 2019	YTD 2018	YTD 2019
Miscellaneous	0	3	0	3
Subtotal	0	3	0	3
Rental Housing	Month 2018	Month 2019	YTD 2018	YTD 2019
Rental Housing	14	3	14	3
Subtotal	14	3	14	3
Signage	Month 2018	Month 2019	YTD 2018	YTD 2019
Signs	1	8	1	8
Temp Signs	0	0	0	0
Subtotal	1	8	1	8
Grand Total	26	22	26	22



TOWNSHIP OF FERGUSON

3147 Research Drive, State College, Pennsylvania 16801

Telephone: 814-238-4651 Fax: 814-238-3454

TO: Ferguson Township Board of Supervisors

FROM: Lindsay K. Schoch, Community Planner
Raymond J. Stolinas, AICP, Planning & Zoning Director

DATE: January 30, 2019

SUBJECT: Active Plans in the Township

In an effort to keep the Planning Commission and Board of Supervisors up-to-date on current developments, staff is providing a list of Active Plans and other Projects in the Township.

Currently, the Township has two (2) Active Plans and one (1) Proposed Concept Plan.

Harner Farm Proposed Concept Plan: The Planning Commission held a preapplication conference with Aspen Whitehall Partners, LLC, Aspen Route 26 Partners, LLC, Penn Terra Engineers, and representatives from Sheetz on Tuesday, December 4, 2018. The proposal is for approximately 27 acres encompassing the southeastern portion of the Harner Farm. The developer is proposing a 6,077 square foot Sheetz convenience store, a multi-use building with retail on the first floor and apartments on the second floor, and a 36 lot residential subdivision. The Planning Commission had the opportunity to make comments and ask questions, but did not have major concerns about the project as it is proposed on the Concept Plan. A Traffic Scoping Meeting was held on December 19, 2018 at which time the Township Engineer, Consulting Traffic Engineer and Community Planner met with PennDOT, PennTerra, Wooster Engineers, and Aspen Route 26 Partners to discuss the scoping application. The scoping application is being amended then will be resubmitted for approval and signatures. The scoping application must be approved and signed prior to the Traffic Impact Study being conducted. ***The Concept Plan was presented to the Board of Supervisors on January 21, 2019, at which time the Board was able to give comments and feedback on the proposed Plan. The Planning and Zoning Director prepared a letter to Justin Mandel, giving an overview of the input from both the Planning Commission and the Board of Supervisors. Staff met with Penn Terra and representatives from Sheetz on January 30 to discuss the proposed Plans and ordinance requirements and look forward to the submission of a subdivision plan, then land development plan.***

King Wealth Strategies Land Development Plan: This Plan, submitted on June 26, 2018 by Penn Terra Engineering, Inc. on behalf of the owners/applicants, Laura and Thomas King, is proposing a conversion of the existing residential rental property located at 222 Blue Course Drive to their financial planning business office. Tax Parcel 24-12-12 contains .369 acres and is zoned General Commercial and lies within the Corridor Overlay. The existing building is 2,800 square feet with 1,400 on both the first floor and the basement. Prior to the submission of the plan, five (5) variances were approved by the Zoning Hearing Board. They are as follows: Reduction of the required parking spaces by 2 spaces; Reduction of the 50' front parking setback by 34'; Reduction of the 15' flexible buffer yard by 7.5'; Reduction of the 75' required minimum distance between driveway entrances by 15'; and Reduction of the 18' required parking stall length by 2'. The Planning Commission made its initial review and comment on the Plan at its July 9, 2018 meeting. The applicant is requesting a variance and two appeals. The Variance (granted) for relief from Section

27-206, Yard Requirements and the Appeals (**withdrawn**) for the interpretation of Section 27-206 and Chapter 26, Stormwater. The Plan was resubmitted to staff for review along with a request for consideration of a modification from Chapter 22, Subdivision and Land Development. The request for modification is relief from Chapter 22, Part 5, Section 22-510.2.C Grading, which states: “in all cases, the bottom of the excavations or fills shall be a minimum of five feet from the property line of developed lots. The Request for Modification is on the January 21, 2019 Board Agenda for Consideration. **Plan Expiration: April 2, 2019. The applicant requested the request for modification be tabled until further notice.**

Pine Hall Traditional Town Development General Master Plan: On February 21, 2018 Residential Housing Development, LLC submitted a General Master Plan for the Pine Hall TTD. A Master Plan currently exists for Pine Hall, but Residential Housing Development, LLC has a different vision, therefore is proposing a new General Master Plan. The Plan was at a stay until decisions were made from both the Zoning Hearing Board concerning the validity challenge and the Court of Common Pleas concerning the procedural challenge—both decisions have been denied and since, appealed by Circleville Partners. Staff submitted initial plan comments to the developer on Friday, March 30, 2018. The Board of Supervisors reviewed the Plan and made initial comments at its April 16, 2018 meeting and the Planning Commission reviewed and made initial comments at its April 23, 2018 meeting. Staff met with the Pine Hall Development Team to discuss initial comments. A Joint Public Work Session with the Board of Supervisors and Planning Commission was held on June 5, 2018. The Pine Hall Design Team submitted a summary of the meeting to staff. Trans Associates submitted the Traffic Impact Study to staff on Monday, July 30, 2018 for review. The General Master Plan was formally submitted to staff for review on August 1, 2018, which started the 90-day review period for the Board of Supervisors to consider approval of the Plan. The Planning Commission reviewed the proposed plan on Monday, August 27, 2018 and had minimal comments and some public comment. Staff has prepared a schedule to move the Plan forward. The traffic study is under review, terms and conditions and agreements are being prepared in preparation for a Public Hearing. Circleville Partners appealed the decision of the Zoning Hearing Board (to the Court of Common Pleas) and the Court of Common Pleas decision (to the Commonwealth Court). Plan review comments were submitted to the developer on September 19, 2018. Staff had a meeting with the Design Team on October 2, 2018 to discuss the various agreements, terms and conditions, and other items. On October 30, 2018, the plan was resubmitted to staff, reviewed, and comment letter was sent to the developer and their team on November 14, 2018. The traffic impact study is still in discussions and the developer’s transportation engineer is reviewing township comments. **Traffic Impact Study is still undergoing review and staff is working on the agreements that go along with the plan. Updated Plans were resubmitted to staff; comments have been made and sent back to the applicant. At this time, the majority of the comments are addressed. Plan Expiration is April 8, 2019.**



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

FERGUSON TOWNSHIP PLANNING COMMISSION 2019 MEETING DATES

All **2019** meetings are held in the Main Meeting Room at the Ferguson Township Building located at 3147 Research Drive, State College, PA 16801. All Ferguson Planning Commission meetings begin at 6:00 p.m. All meetings will be recorded and televised through C-NET.

January	14 th 28 th	Monday Monday
February	11 th 25 th	Monday Monday
March	11 th 25 th	Monday Monday
April	8 th 22 nd	Monday Monday
May	13 th 28 th	Monday Tuesday (due to Memorial Day Holiday)
June	10 th 24 th	Monday Monday
July	8 th 22 nd	Monday Monday
August	12 th 26 th	Monday Monday
September	9 th 23 rd	Monday Monday
October	14 th 28 th	Monday Monday
November	11 th	Monday
December	3 rd	Tuesday