



TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, March 20, 2017
7:00 PM**

I. CALL TO ORDER

PLEDGE OF ALLEGIANCE

II. CITIZENS INPUT (PLEASE LIMIT COMMENTS TO 5 MINUTES)

III. MINUTES

1. February 2, 2017 Joint Planning Commission & Board of Supervisors Worksession
2. February 6, 2017 Board of Supervisors Meeting
3. February 21, 2017 Board of Supervisors Meeting

IV. REPORTS

1. COG COMMITTEE REPORTS

20 minutes

- a. Executive Committee
- b. CCMPO Coordinating Committee
- c. Public Services & Environmental Committee
- d. Parks Capital Committee

2. OTHER NON-COG REGIONAL COMMITTEES

3. STAFF REPORTS

15 minutes

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

V. OLD BUSINESS

1. **AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, SECTION 15-201, RELATING TO MAXIMUM SPEED LIMITS TO DELETE THE MAXIMUM SPEED LIMIT ON BLUE COURSE DRIVE OF 50 MILES PER HOUR BETWEEN WEST COLLEGE AVENUE AND TEABERRY LANE AND TO ESTABLISH OR ADD A MAXIMUM SPEED LIMIT OF 45 MILES PER HOUR ON BLUE COURSE DRIVE BETWEEN WEST COLLEGE AVENUE AND CIRCLEVILLE ROAD/ TEABERRY LANE.**

5 minutes

NARRATIVE

Provided with the agenda is a copy of the ordinance as advertised amending Chapter 15, Section 201, Maximum Speed Limits, by deleting the maximum speed of limit of 50 miles per hour on Blue Course Drive between West College Avenue and Teaberry Lane and adding the maximum speed limit of 45 miles per hour on Blue Course Drive between West College Avenue and Circleville Road. The Board authorized the amendment for advertisement for public hearing on February 6th, based on the results of a speed limit study performed by staff considering current traffic speeds, crash history, and geometric conditions of the street.

Recommended motion: Move that the Board of Supervisors adopt an ordinance amending Chapter 15 Motor Vehicles and Traffic by amending the posted speed limit on Blue Course Drive.

STAFF RECOMMENDATION

That the Board of Supervisors **adopt** the ordinance amending the Code of Ordinances Chapter 15, Motor Vehicles and Traffic.

VI. NEW BUSINESS

1. CONSENT AGENDA

- a. Award of Contract 2017-C7C - Aggregate and Asphalt Contract
- b. Award of Contract 2017-C16 - Oak Wilt Treatment
- c. Guenot Subdivision – Time Extension Request
- d. Approval of February, 2017 Voucher Report
- e. Payment Authorization – Contract 2016-C23 Admin. Building Stone Sill, \$44,650.00
- f. Treasurer’s Report

- 2. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING AN AMENDED LICENSE AGREEMENT BETWEEN STATE COLLEGE LIONS YOUTH FOOTBALL AND CHEERLEADING AND THE TOWNSHIP OF FERGUSON, STONEBRIDGE PROPERTY OWNERS ASSOCIATION, STATE COLLEGE AREA LITTLE LEAGUE, AND JOHNSON FARM ASSOCIATES.** 5 minutes

NARRATIVE

Provided with the agenda is a copy of the resolution and amended agreement between State College Lions Youth Football and Cheerleading, Ferguson Township, Johnson Farm Associates, Stonebridge Property Owners Association, and the State College Area Little League. The multi-party agreement allows State College Lions Youth Football and Cheerleading to utilize the parking facilities located adjacent to the State College Little League Fields in the vicinity of Haymarket Park between July 15th and November 15th of each year.

Recommended Motion: Move that the Board of Supervisors approve the resolution amending the Stonebridge License Agreement providing for the use of parking facilities at the Stonebridge Little League Fields.

STAFF RECOMMENDATION

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

- 3. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE NITTANY MOUNTAIN BIKING ASSOCIATION AND THE TOWNSHIP OF FERGUSON.** 5 minutes

NARRATIVE

On February 6, 2017, the Board of Supervisors received a request presented by Neil Millar on behalf of the Nittany Mountain Biking Association (NMBA) to consider entering into a Memorandum of Understanding (MOU) to allow the NMBA to utilize an existing old logging road on property of the Township. This existing logging road connects with similar old logging roads on Rothrock State Forest. The PA Department of Conservation and Natural Resources has approved an agreement with NMBA. Staff has consulted the Township Solicitor on February 10 and has received an opinion letter that there are no legal consequences to executing an MOU with MNBA nor is there any additional exposure to liability, no assurance of exclusive use nor degradation of resources on or within the property.

Provided with the agenda is a resolution, MOU and mapping showing the area of the Township property where the existing old logging roads traverse the property.

Recommended motion: Move that the Board of Supervisors approve the resolution authorizing the Chair and Secretary to execute a Memorandum of Understanding between the Township and the Nittany Mountain Biking Association.

STAFF RECOMMENDATION

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

4. MILBROOK MARSH NATURE CENTER – PHASE II UPDATE – PRESENTED BY JEN SHUEY, MMNC ADVISORY COMMITTEE CHAIR 15 minutes

NARRATIVE

Ms. Shuey will present a progress update on the Phase II development of the Millbrook Marsh Nature Center. The Master Plan, budget projections, and Phase II Drawings have been provided with the agenda. The Millbrook Nature Center web page includes information as follows:

PLANS FOR THE FUTURE

The vision for the Millbrook Marsh Nature Center is to build and operate an innovative and creative environmental education center on a year-round basis (the Spring Creek Education Building), a cutting-edge wetland/water laboratory, information kiosks, a parking area, and access to community bike paths. With this vision in mind, members of the Millbrook Marsh Nature Center Advisory Committee have volunteered countless hours fund-raising and networking during the quiet phase of this campaign to raise just over \$1,000,000 towards the \$1.25 million (local) goal. Pledges from major gift donors, local governments, grants and foundations have been part of the quiet phase.

This item is informational only and no action is required by the Board at this time.

5. ZONING VARIANCE/APPEALS HEARINGS

20 minutes

VARIANCES

NARRATIVE

State College Borough Water Authority, Property located at 3062 Ernest Lane – Multiple Variances
Gwin, Dobson & Foreman, Inc. has submitted a request for ten variances from the Township's zoning ordinance on behalf of the State College Borough Water Authority. The variances, if granted, would enable Water Authority to construct an advanced water treatment facility in accordance with the attached site plan in the vicinity of the Nixon wellfield. Provided with the agenda is a copy of the variance application, site plan, and a memorandum from the Director of Planning & Zoning dated March 15, 2017. Staff recommendations to the Board are outlined in the memorandum.

Additionally, due to a conflict of interest of the Township Solicitor, the Board should appoint special counsel to represent the Board of Supervisors if any of the requested variances are opposed. Staff has been in contact with Attorney Betsy Dupuis of Babst Calland. Ms. Dupuis has indicated that she has no conflicts of interest in this matter and would be willing to serve as special counsel for the Board of Supervisors in front of the Zoning Hearing Board.

Recommended Motion: *Move that the Board of Supervisors oppose variances numbered 2, 4, and 10 in the application for zoning variance and that the Board of Supervisors remain neutral on variances numbered 1, 3, 5, 6, 7, 8, and 9 in the application for zoning variance.*

If the Board opposes any of the requested variances - Move that the Board of Supervisors appoint Attorney Betsy Dupuis of Babst Calland to represent the Board of Supervisors in front of the Zoning Hearing Board at its March 28, 2017 hearing.

STAFF RECOMMENDATION

That the Board of Supervisors **oppose** variances numbered 2, 4, and 10 in the application for zoning variance and that the Board of Supervisors **remain neutral** on variances numbered 1, 3, 5, 6, 7, 8, and 9 in the application for zoning variance.

APPEALS

NARRATIVE

State College Borough Water Authority, Property located at 3062 Ernest Lane – Appeal

Gwin, Dobson & Foreman, Inc. has submitted an appeal from the Township's stormwater ordinance on behalf of the State College Borough Water Authority. The stormwater ordinance does provide for an appeal to the Zoning Hearing Board of the Township Engineer's decision; however, no land development plan has been submitted to date and no determination has been made by the Township Engineer and, therefore, the provision is not ripe for an appeal.

Recommended Motion: *Move that the Board of Supervisors recommend the request for appeal be continued by the Zoning Hearing Board until the applicant submits a Land Development Plan for the water treatment facility and a determination is made by the Township Engineer regarding the drainage easement.*

STAFF RECOMMENDATION

That the Board of Supervisors **recommend to the Zoning Hearing Board that the request for appeal be continued** until the applicant submits a Land Development Plan and the Township Engineer issues a determination regarding the drainage easement.

6. CONSIDER PROPOSED TEXT AMENDMENTS TO CHAPTER 27 ZONING – TRADITIONAL TOWN DEVELOPMENT 10 minutes

NARRATIVE

Recommended Motion: *Move that the Board of Supervisors refer the proposed text amendments to the Planning Commission for review and recommendation.*

STAFF RECOMMENDATION

That the Board of Supervisors **refer** the application for proposed text amendments to Chapter 27 Zoning – Traditional Town Development to the Planning Commission for a review and recommendation.

7. RESOLUTION ON COMMUNITY INCLUSIVENESS AND MUTUAL RESPECT 10 minutes

NARRATIVE

On February 27th, COG General Forum passed a motion to ask the Centre Region municipalities to consider adopting resolutions expressing support for equity and inclusion, and to provide copies of the resolutions to the COG Executive Director for distribution to the Executive Committee. The motion also called for the Executive Committee to consider drafting a resolution for the General Forum to consider at its March 27, 2017 meeting. The Board adopted a resolution on Equity and Inclusion at its Regular Meeting on December 5, 2016. A copy of the adopted resolution is provided with the agenda. Chairman Miller has requested that a discussion item be added to discuss an expanded resolution.

STAFF RECOMMENDATION

That the Board of Supervisors **discuss** the item and **direct staff** to prepare a resolution for public hearing, if desired.

8. DISCUSSION OF ORDINANCE AMENDMENT – CHAPTER 15, MOTOR VEHICLES AND TRAFFIC 15 minutes

NARRATIVE

The Police Department has been monitoring parking restrictions at The Heights at Turnberry since they were enacted over two years ago. Provided with the agenda is a memorandum from Diane Conrad, Chief of Police, outlining several issues that have been observed regarding citing violators and enforcement of parking regulations. Issues with the current regulations have reduced the police department's ability to effectively change behaviors of violators. Staff is suggesting that the Board consider amending the ordinance to allow for more effective use of towing and vehicular immobilization devices (boots). Provided with the agenda is a copy of a memorandum from the Chief of Police dated March 13, 2017 outlining the issues and recommendations. Also provided with the agenda is a summary of the number of parking tickets issued in The Heights versus the rest of the Township over the past two years.

Recommended motion: Move that the Board of Supervisors direct staff to prepare an amendment to Chapter 15 – Motor Vehicles and Traffic revising parking restrictions on certain streets in the Turnberry TTD in accordance with the Chief of Police memorandum dated March 13, 2017.

STAFF RECOMMENDATION

That the Board of Supervisors **authorize** staff to prepare a draft amendment to Chapter 15 – Motor Vehicles and Towing in accordance with the changes recommended by the Chief of Police in the memorandum dated March 13, 2017.

9. PRIVATE ROAD NAMING POLICY DRAFT 10 minutes

NARRATIVE

Staff has received a request to name a private lane located at 850 North Nixon Road on property owned by Mark & Lisa Jordan. Currently, the Township does not have a policy in place to address the naming of private roads and streets. Provided with the agenda is a copy of a draft Private Road Naming Policy prepared by the Director of Planning & Zoning. Staff is requesting that the Board review and provide comments on the draft policy. The final version of the policy will be presented to the Board at its next Regular Meeting for consideration and adoption.

Recommended motion: Move that the Board of Supervisors direct staff to prepare a resolution establishing a policy on Private Road Naming.

STAFF RECOMMENDATION

That the Board of Supervisors **review and comment** on the draft private road naming policy.

10. AMERICORP POSITION AT COG FOR REGIONAL SUSTAINABILITY ISSUES 10 minutes

NARRATIVE

As reported at the General Forum during Committee reports, the COG Public Services and Environmental (PSE) Committee is currently proposing that the municipalities consider hiring an AmeriCorps member in 2018 to assist with regional sustainability issues in the Centre Region. The

position, if approved, would be located in the Centre Regional Planning Agency (CRPA). The first step for the PSE Committee is to receive input from individual municipalities on whether an AmeriCorps position would be financially supported. If there is general support, the PSE Committee would work with the municipalities to define specific tasks that would be beneficial to the region that the AmeriCorp member could complete within 12 to 18 months. If there is general support, CRPA will further explore and include funding of \$9,700 for this position in their 2018 -2019 budget. Provided with the agenda is a draft document prepared by Jim May, Director of the Centre Regional Planning Agency, outlining more detail about the position and a tentative timeline for recruiting and hiring.

STAFF RECOMMENDATION

That the Board of Supervisors *discuss* the Americorp position at COG for regional sustainability issues.

11. APPOINTMENT TO ZONING HEARING BOARD

5 minutes

NARRATIVE:

The Township has received notice from Matthew Patch, member of the Zoning Hearing Board, of his immediate resignation from the Zoning Hearing Board. Mr. Patch was a member of the core board and resides in Ward 2. Currently there are three alternate members of the ZHB, Charles Farrell, Michael MacNeely and Susan Buda. Mr. Farrell and Mr. MacNeely have served as alternates on the ZHB for several years.

Enclosed is a communication from Swamy Anatheswaran recommending the appointment of an alternate to the the core board.

STAFF RECOMMENDATION

That the Board of Supervisors *appoint* either Michael MacNeely or Charles Farrell to the core board of the Zoning Hearing Board.

VII. COMMUNICATIONS TO THE BOARD

10 minutes

VIII. CALENDAR ITEMS – MARCH/APRIL

IX. ADJOURNMENT