

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, November 3, 2014
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, November 3, 2014 at the Ferguson Township Municipal Building. In attendance were:

Board: Richard Mascolo, Chairman
Drew Clemson, Vice Chairman
Elliott Killian
Steve Miller
Janet Whitaker

Staff: Mark Kunkle, Township Manager
David Pribulka, Assistant Township Manager
David Modricker, Director of Public Works
Maria Tranguch, Director of Planning and Zoning

Others in attendance included: Heather Bird, Recording Secretary; Vern Squier, President, Ted McDowell, Chair and Bill Joseph, Vice Chair - Chamber of Business and Industry Centre County; Joe Viglione, Becca Petitt and Jim Steff, Centre Region Council of Government

II. CALL TO ORDER

Mr. Mascolo called the Monday, November 3, 2014, regular meeting to order at 7:00 pm.

III. CITIZENS INPUT

IV. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2014-20 AND AUTHORIZING THE TOWNSHIP TO EXECUTE AN AMENDED AGGREGATION AGREEMENT BETWEEN FLEET ENERGY AND FERGUSON TOWNSHIP FOR THE PURPOSES OF FILING A GRANT APPLICATION WITH THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN ALTERNATIVE FUELS INCENTIVE GRANT (AFIG) PROGRAM GRANT TO CONVERT ONE VEHICLE TO BI-FUEL USING BOTH COMPRESSED NATURAL GAS AND GASOLINE

Mr. Pribulka stated that the amendment has been requested by the Pennsylvania Department of Environmental Protection to add an item clarifying that the Township intends to keep the vehicle in service for a minimum of 4 years and that it will be registered in state of Pennsylvania.

Mr. Killian made a motion to ADOPT Resolution 2014-33 amending Resolution 2014-20 and adopting a revised resolution authorizing the execution of an amended Aggregation Agreement between Fleet Energy and the Township. Ms. Whitaker seconded the motion.

ROLL-CALL VOTE: Mr. Clemson: YES; Mr. Killian: YES; Mr. Mascolo: YES; Mr. Miller: YES; Ms. Whitaker: YES

V. COMMUNICATIONS TO THE BOARD

Mr. Mascolo mentioned a letter that the Centre Region Council of Governments administration received from Associated Realty requesting a review of the proposed increase in rental permit fees in the 2015 COG Budget.

VI. ACTION ITEMS

1. ECONOMIC DEVELOPMENT PROGRESS REPORT – MR. VERN SQUIER, PRESIDENT AND CEO – CHAMBER OF BUSINESS AND INDUSTRY CENTRE COUNTY

Mr. Squier began with the purpose statement of the Chamber, which acknowledges the investors and partners and defines three purposes of the Chamber: To retain and expand what we have; grow by recruiting new opportunities; and fostering the growth of new opportunities from within. The Chamber brought in a consultant to look at and appraise the Chamber. Consultants generally represent companies and evaluate potential location or relocation within certain communities. The consultant for the Chamber was a training exercise in preparedness for the community. The goal of the Chamber is to make the community a great place to live, work and play. Approximately 30% of the funds for economic development are used toward recruitment, which would include bringing consultants to the Chamber to advertise the Chamber or contacting individuals. The Chamber focuses about 40% on entrepreneurship through “boot camps” for the companies. Retention accounts for about 20%, which includes calling companies already located in Centre County and seeing what they need in order to move their company forward. Education accounts for 10%. Penn State’s role in economic development is to partner with the Chamber to help in the community.

Mr. Kunkle asked whether the Chamber is connecting companies with venture capitalists who may be able to fund certain projects. Mr. Squier responded that the agency would provide leads but this is an area that the community needs improvement in. An individual company does not know where to go for investing and the Chamber can help companies to connect to venture capitalists. To be more competitive in this there is a need for more local resources. Mr. Killian stated that Pennsylvania has a higher rate of individuals with Masters’ compared to other states. He used California as an example as being lower, but yet attracting more startup companies due to the capital available. Mr. Killian referred to the Knight Foundation, which will be discussed later on the agenda.

Mr. Squier stated that the Chamber began a Gateway Group, which is a group of young professionals who want to stay and live in the community. This all comes back to the community: Keep our talent, nurture it, and allow it to blossom.

Mr. Squier stated the Chamber has some project requests that are not a fit for the community. Some projects may be seen through to the end. Retention and expansion include prep visits. With the prep visits the Chamber met with 23 new clients and an additional 58 clients have been counseled.

Mr. Killian asked what the target group for incubation is. Mr. Squier responded that the Chamber is best suited to assist companies halfway between their launch and their project’s completion. But the long term goal is to fill in the continuum and assist companies at various phases throughout their development as needed.

Mr. Squier stated that preparedness is important, and the community needs to do the best it can with the opportunities presented.

Mr. Killian asked if the main focus is on the incubator and the Ben Franklin Institute. Mr. Squier responded no. The Chamber has invested in New Leaf Initiative. Mr. Killian asked if the plan is to support New Leaf in the future. Mr. Squier stated it will depend on the resources needed.

2. APPOINTMENT OF JOSEPH P GREEN ESQUIRE TO TOWNSHIP SOLICITOR

Mr. Kunkle stated that on January 3, 2005 the Board of Supervisors appointed the current solicitor Lewis G. Steinberg, Esquire. For the past 10 years, Mr. Steinberg has represented the Township in all municipal legal matters. In July of this year, Mr. Steinberg advised the Board of his intent to retire and the need to appoint a new Township Solicitor prior to December 31, 2014. The Board appointed two members of the Board, Mr. Clemson and Mr. Killian, to participate with the Township Manager in an interview process with select, experienced attorneys. The interview panel concluded its work in late September, and has recommended the appointment of Joseph P. Green Esquire as Solicitor acting individually and on behalf of the law firm Lee, Green and Reiter, Inc.

Mr. Clemson stated all the candidates were all well-qualified. He thanked all the candidates interviewed.

Mr. Killian made a motion to APPOINT Joseph P. Green Esquire individually and on behalf of the Law Firm Lee, Green and Reiter, Inc. as solicitor for the Township of Ferguson effective January 1, 2015 and acting as co-council with Lewis G. Steinberg effective November 3, 2014. Mr. Clemson seconded the motion.

The motion passed unanimously.

Mr. Green thanked the Board.

3. DISCUSSION OF DRAFT 2015 TOWNSHIP FEE RESOLUTION – MR. DAVID PRIBULKA, ASSISTANT TOWNSHIP MANAGER

Mr. Pribulka stated that each year the Board adopts a Township Fee Schedule that outlines the fees the Township and other agencies collect for certain services and permits. The enabling legislation such as the Pennsylvania Municipalities Planning Code permits municipalities to charge reasonable fees related to actual cost of reviewing applications and conducting work. These fees must be directly related to the administrative review time, inspection services, office supplies, review times, etc. Township staff reviewed the assessed permit fees by using a model developed by West Bradford Township in Chester County to test the reasonableness of the permit fees charged. The model looked at expenses including items such as salaries and insurance costs, and the amount of time used to complete each permit. Staff compared the fee schedule to College Township and Patton Township, as well. The results were that many of the permit fees were reasonable and fair in comparison to the expenses incurred. After the data was inserted into the model, staff was able to determine if the Township should go higher or lower on the fees. Some small adjustments were made both up and down in costs.

Mr. Killian stated this was a smart approach to determine the fees charged.

Mr. Clemson stated this is a basic exercise for cost benefit analysis, but the parity to other Centre Region Municipalities may not have been necessary. The Township doesn't want to be put out of the competitive market. Mr. Kunkle responded that mainly those areas labeled non-applicable are for areas that are a specialized zoning district, such as the Traditional Town Development that the neighboring municipalities do not have. The subdivision and land development plans were comparable across the board.

Mr. Mascolo confirmed that these changes will be effective on the 2015 fee schedule. Mr. Kunkle stated that yes, these will be the recommendations for 2015, and this was to show the Board how staff used an analytical approach to calculate the fees charged.

Ms. Whitaker questioned the fees going down. Mr. Pribulka stated that the proposed reductions were for areas that the time spent was not as much as originally anticipated or the process had become more streamlined.

4. 2015 COG BUDGET REVIEW

Mr. Kunkle stated the Board had been asked to review the 2015 COG Budget with comments due back to COG by Tuesday, November 18th. Mr. Kunkle provided a memorandum to the Board summarizing the Township's contribution to the 2015 COG Budget. Overall the Township's contribution increased by \$45,365 for a total contribution of \$1,682,842, or a 2.77% increase from 2014.

The Township's contribution represents 19.5% of the Township's General Fund Budget for 2015. The Township does receive substantial services for this investment. The Township is the largest local share contributor to the budget. The County was asked to contribute in the areas of Planning and Library Services. For Schlow Centre Region Library and planning services, the County contribution has been diminishing. Since 2002, the County contribution declined from 30% to 11% which means that the local share has had to pick up the difference. The comment from the Board to COG staff regarding park maintenance with contracted services received a response from Ron Woodhead. From the initial investigation into park mowing contracts, Mr. Woodhead does not think that will create a cost savings scenario in the upcoming year. It is not just mowing but other maintenance that would not be included in a basic mowing cost. One firm indicated it would cost over \$71,000 annually for mowing services, alone, of four municipal parks of approximately 45.5 acres. Mr. Woodhead stated that the CRPR cost would be around \$9,000, plus cost of equipment.

Mr. Clemson stated that overall the budget is within appropriate parameters.

Mr. Mascolo referred to page 57 in relation to the Associated Realty letter received requesting a review of the rental permit fees. The inspection fee costs have increased over a number of years. The Finance Committee agreed to increase the rental permit fees over a five year period. He does not see the possibility of changing the fees at this time. Mr. Kunkle questioned if there are any efficiencies with inspecting a full apartment complex over going from building to building. Mr. Steff, Centre Region COG stated that the 2015 proposed budget includes an increase from \$30 to \$37. He noted that, in some municipalities, a municipal fee is attached to the permit fee. The \$7 increase will generate \$119,000 in additional revenue, but in the last 3 years the data services costs have increased by \$72,000, and the pension and insurance costs have each gone up \$30,000. In previous years, COG was relying on their fund balances to make up the difference but no fund balance remains. Associated Realty makes a point with the efficiency of scheduling locations, but that is offset by the additional costs incurred by inspecting the common places within an apartment complex such as the fire systems, stand pipes, plumbing and electrical features.

The Board discussed becoming full members of the library again. Mr. Steff stated this will be presented at the next Executive Committee and then to the General Forum. Mr. Kunkle stated that the amendments and ordinances may not happen before year end and the completed budget. The Board discussed that this can be done at any time during the year. Mr. Miller stated that it would be safe to say in 2015 Ferguson will again be members.

Mr. Clemson made a motion to APPROVE the contribution of \$378,112 to the Schlow Centre Region Library. Mr. Killian seconded the motion.

The motion passed unanimously.

5. KNIGHT FOUNDATION CITIES CHALLENGE – MR. ELLIOTT KILLIAN

Mr. Killian stated the Knight Foundation was started with two brothers who owned newspapers in 26 communities. When the brothers passed away they left a foundation to help support these communities. The Foundation helps the communities in economic development and cultural vibrancy. This year, the Foundation is starting a pool of \$5 million for an innovation prize for all 26 communities. Currently, the Foundation is in the idea phase where a 300-word idea and “tweet” should be submitted. The first stage is to gather ideas. If the idea is good, an invitation to submit an official idea, including all details such as timeline and budget would need to be submitted. Mr. Killian’s idea is to for a venture capital firm. Venture capital firms increase the success of startups and are more than just the money, but also the knowledge and experience. The idea he would like to submit to the Knight Foundation would be for a community supported venture capital firm. It would begin with the money from the Knight Foundation. The money would be invested into startup companies in the form of a grant or low-or-zero-interest loan. Mr. Killian questioned if the Township would be interested or willing to apply for these funds. He understands the Township may not have the resources to manage this idea, but after original submission another group could be brought in on the idea, such as New Leaf.

Mr. Clemson stated this would be along the lines of what the CBICC presented. Would this be focused as an incubator for just Ferguson Township? Mr. Killian stated his idea was to be more of a funding source that would focus on a company that may have been around for approximately a year; maybe those companies that had just graduated from the CBICC incubator and that this would be more focused on Centre County as a whole.

Mr. Killian stated the deadline for idea phase is November 11, 2014. After the original idea submission, CBICC could be pulled in to help with the second idea phase.

Mr. Kunkle stated that the project is so new that many questions can’t be answered. He is concerned with who would run the program if we received the funds. Mr. Kunkle and the Board would support endorsing a proposal submitted by the Chamber.

Mr. Killian made a motion to ENDORSE the idea of a community supported capital venture firm with Chamber of Business and Industry of Centre County as the prime sponsor. Mr. Clemson seconded the motion.

The motion passed by a vote of 4 – 1 with Mr. Mascolo opposed.

6. VARIANCES

a. The Pennsylvania State University – 300 Science Park Road

Mr. Kunkle stated the variance request is for property located at 300 Science Park Road, former Raytheon Building, and for relief from Chapter 27, Section 1003.1.E (3) requiring submission of a land development plan for any commercial or industrial expansion of a building. The proposed expansion is a 26 foot by 12 foot enclosed stairway that would be constructed on the front portion of the building fronting Science Park Road.

Mr. Killian made a motion to REMAIN NEUTRAL on the variance application for 300 Science Park Road from Chapter 27 Section 1003.1.E (3) requiring a land development plan for any commercial or industrial building expansion. Mr. Miller seconded the motion.

The motion passed unanimously.

b. Grace Presbyterian Church – 370 Airport Road

Mr. Kunkle stated the variance request is for property is located at 370 Airport Road in the General Commercial zoning district. The church has been located there prior to the property being rezoned to General Commercial. The church is a non-conforming structure within the zoning district, exceeding the setbacks allowed in the district. The church would like to improve access to the sanctuary by removing the steps at the front of the building and constructing new steps and ramps for better handicap accessibility.

Mr. Killian made a motion to REMAIN NEUTRAL on the variance application for 370 Airport Road to permit the construction of new steps and accessible handicapped ramp. Ms. Whitaker seconded the motion.

The motion passed unanimously.

7. CONSENT AGENDA

Mr. Clemson made a motion to APPROVE the consent agenda including two payment authorizations: Glenn O. Hawbaker, Inc. \$354,842.15 and Recon \$15,931.10 and two time extensions: Saybrook Final Subdivision Plan Phase 10 and the Landings 1B Planned Residential Development. Mr. Miller seconded the motion.

The motion passed unanimously.

XI. REPORTS

1. Manager

Mr. Kunkle stated that because the Toll Brothers Cottages PRD Plan has significant local and regional interest, a calendar has been created for the timeline. A public hearing is scheduled for December 1st and will continue until January. The hard deadline required to meet in accordance with Pennsylvania Municipalities Planning Code is April 3, 2015. The Board received their copy of the Draft 2015 Township Budget.

2. Director of Public Works

Mr. Modricker stated the maintenance crew major activities include leaf and brush collection. The department paved a patch on Valley Vista, installed no parking signs on Clinton Avenue and ordered the no parking signs for the Traditional Town Development. Staff is working on the 2015 projects and a traffic calming policy.

3. Planning and Zoning Director

Ms. Tranguch stated the Planning Commission did not meet on October 27th. The meeting for November 10th will include Penn State's request for changes to the Ag Progress Days property and a new phasing plan for Turnberry. November 17th will be the rezoning hearing for the North Atherton properties. Currently, 9 plans are under review with 6 not yet heard by the Board. Staff began to look at historical data for homes built in the Township with hopes of creating some graphical representations for the Board to review. Toll Bros. reviews have been sent to developer.

X. MINUTES

Mr. Killian made a motion to APPROVE the October 20, 2014 Regular Meeting Minutes. Ms. Whitaker seconded the motion.

The motion passed unanimously.

XI. ADJOURNMENT

Mr. Clemson made a motion to ADJOURN the meeting. Mr. Killian seconded the motion. The motion passed unanimously.

With no further business to come before the Board of Supervisors, Mr. Mascolo adjourned the regular meeting at 8:49 pm.

Respectfully submitted,

A handwritten signature in black ink, reading "Mark A. Kunkle", is enclosed within a thin black rectangular border.

Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 11/17/2014