

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, December 8, 2014
7:00 pm

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, December 8, 2014 at the Ferguson Township Municipal Building. In attendance were:

Board:	Drew Clemson, Vice Chairman	Staff:	Mark Kunkle, Township Manager
	Janet Whitaker		David Pribulka, Assistant Township Manager
	Elliott Killian		David Modricker, Director of Public Works
	Steve Miller		Maria Tranguch, Director of Planning and Zoning
			Diane Conrad, Chief of Police
			Eric Endresen, Director of Finance

Others in attendance included: Heather Bird, Recording Secretary; Chad Stafford, PennTerra

II. CALL TO ORDER

Mr. Clemson called the Monday, December 8, 2014 regular meeting to order at 7:00 pm.

III. CITIZENS INPUT

IV. PUBLIC HEARINGS – ORDINANCES

1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 27 ZONING, PART 2 DISTRICT REGULATIONS, SECTION 209 COMMUNICATIONS FACILITIES AND TOWERS IN ITS ENTIRETY AND ADOPTING A NEW SECTION 209 WIRELESS COMMUNICATIONS FACILITIES.

Mr. Pribulka stated the Board first heard a presentation on the proposed changes on June 16th. The purpose of the amendment is due to the demand for infrastructure to support wireless data increasing with the introduction of new technology such as small cell towers and requires a new approach to regulating the placement, operation and removal of wireless communications facilities. Many of these new facilities are located in public right-of-ways and residential neighborhoods. The proposed ordinance has been modeled after the Townships of Northampton and White Marsh and has been reviewed by the Cohen Law Group. It is important to note that a wireless communications facilities ordinance should include all potential facilities including both traditional and new technology. The proposed ordinance accomplishes this and can be divided into four parts tower based and non-tower based or co-located and regulations for these both inside and outside of the public right-of-way. Facilities located within the public right-of-way often hold certificates of public convenience from the Pennsylvania Public Utilities Commission, it is important to realize certain limitations and restrictions on how a municipality can regulate these facilities. Additional considerations include Section 704 of the Federal Telecommunications Act which preserves, with some limitations, the municipalities zoning authorities over these facilities; the Pennsylvania Wireless Broadband Co-Location Act which places a limit on what a municipality may require of an applicant seeking to locate an antennae and supporting infrastructure on an existing facility and other evolving guidance from the Federal Communications Commission, the most recent dated October 21, 2014. As an addition to the draft ordinance staff is considering restricting the location of the facilities within the right-of-way to certain areas where above ground infrastructure is permitted because many of the areas include the use of underground facilities. The ordinance proposed to locate these facilities at intersections providing the necessary coverage to the residential areas.

Mr. Killian made a motion to CONTINUE the public hearing on the Wireless Communications Facilities ordinance until January 5, 2015. Ms. Whitaker seconded the motion. The motion passed unanimously.

V. PUBLIC HEARINGS – RESOLUTIONS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE BUDGET FOR THE FISCAL YEAR 2015, BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015.

Mr. Kunkle stated the Board adopted a tentative budget at their meeting on December 1, 2014. He presented the 2015 Township budget. He began by thanking the Board and staff for their work in preparing the budget. On November 3rd the Board received the proposed budget and conducted two worksessions on November 19th and 20th. Tonight the Board will consider adopting the final 2015 budget.

Beginning the budget overview Mr. Kunkle reviewed some of the accomplishments and initiatives from the current year.

The Township has been fortunate to continue to grow and have new revenues to cover increased costs. This has resulted in the Township's ability to keep tax rates the same for the 8th consecutive year. The 2015 budget does not include any new or increased taxes. The real estate taxes will remain at 2.422 mills, real estate transfer tax remains at 1.25% and the earned income and net profits tax remains at 1.4%. To balance the two enterprise funds for fire hydrant and street light each will see a small increase in assessments.

What are the projected General Fund revenues and expenditures at the end of the current year as compared to the 2014 budget? The projected 2014 revenues will be \$320,481 or 3.1% more than budgeted and expenditures will be \$84,142 or .8% more than budgeted. Projected expenditures were greater than revenues by \$175,195 and projected to end the year with a \$4 million fund balance.

For 2015 the General Fund revenues are estimated at \$10,574,704 and expenditures of \$11,122,983 or 3.4% more than 2014. To balance the budget the General Fund will be using \$548,279 of fund balance leaving a projected fund balance of \$3,450,985 or 31% of General Fund expenditures. The total budget, 12 non fiduciary funds, estimates revenues of \$14,531,430 an increase in revenues of \$766,299 or 5.6%, while expenditures are estimated at \$15,502,253 or a 1.8% increase as compared to 2014 budget. Expenses are expected to exceed revenues and \$970,823 in fund balance will be used to balance the budget. The total increase in revenues is \$767,312 net of transfers with taxes representing 65% of total revenues. The Township anticipates incurring a small amount of in the amount of \$295,000 through the Pennsylvania Infrastructure Bank Loan Program to meet the local share of the West College Avenue Streetscape Project. Total expenditures net of transfers are projected to increase \$315,247 for a total of \$12,947,716, an increase of 2%. The Township contributes a significant amount of funds to the Centre Region Council of Governments, in 2015 this contribution is \$1,682,842 or 26.6% of the total local government funding of the 2015 COG budget.

The following are significant changes for 2015. Personal wage increases with a cost of living increase of 1.7% for 35 non-uniform employees, \$25,185 in merit pay up to 2%. The 21 Police Officers will be receiving 2.35% increase for a total of \$51,512. Health insurance increased by 11.8% or \$100,366, including the four new employees for 2015. Workers compensation insurance is up 22.6% and pension costs increased by 65.5%. 2015 should be a water make year for significant pension contributions. Some of the budgeted capital projects include the Rosemont Drive box culvert; Selders Circle repaving; Wyoming Lane, Circleville Road, Wyandotte Lane, Delaware Road, Kansa Avenue, Suburban Avenue and Park Lane overlays for a total of \$581,000. The Township will also look at the design of the intersection of Valley Vista Drive and Bachman Lane and Suburban Avenue stormwater and study the intersection of Science Park Road and Sandy Drive for a total of

\$98,000. The Township equipment replacements and additions total \$300,675 and building and grounds expenditures are anticipated to be \$132,400 including the construction of the fire training trailer storage facility. The Township has some debt; the General Obligation note will be paid in full in 2017, while the regional parks debt is part of the aquatics facility and two regional parks. It is likely that additional regional debt will be acquired when the Parks and Recreation maintenance facility is completed.

Mr. Killian made a motion to ADOPT Resolution 2014-37 approving the 2015 Township Budget. Mr. Miller seconded the motion.

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

2. PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, LEVYING TAXES AND ASSESSMENTS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2015 AND ENDING DECEMBER 31, 2015.

Mr. Kunkle stated real estate taxes remain at 2.422 mills, real estate transfer at 1.25% of consideration amount, the earned income at 1.4% and the local services tax at \$52 per person. \$5 of the \$52 tax is retained by the State College Area School District. The street light assessment has been increased by \$.04 per lineal foot and the fire hydrant assessment has been increased by \$.01 per lineal front foot. These changes in the street light and fire hydrant assessment will continue to keep both of those enterprise funds in balance.

Mr. Killian made a motion to ADOPT Resolution 2014-38 establishing taxes and assessments levied for the fiscal year 2015. Mr. Miller seconded the motion.

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REPEALING RESOLUTION NUMBER 2013-36 AND ADOPTING A REVISED COMPENSATION PLAN FOR NON-UNIFORMED EMPLOYEES WITH AN EFFECTIVE DATE OF JANUARY 1, 2015.

Mr. Kunkle stated in July 2014 the Township retained McGrath Human Resources Group Inc. to complete a salary and compensation study to determine if the current salary and pay grade schedule is current and comparable to similarly sized public and private organizations with similar job classifications. The results of the study indicated that the Township had maintained a wage and salary schedule that needed minimal modification. Seven positions saw a change in salary grade and within the 2015 budget funds are allocated to make some salary adjustments in addition to the 1.7% cost of living increase. For 2015 the Board has approved a 1.7% cost of living increase for non-uniform employees. The revised compensation plan and salary schedule reflects the change in each pay grade so that the salary ranges are increased by this cost of living adjustment. As in the past, employees will move through their specific pay range by achieving merit increases through performance evaluations.

Mr. Killian made a motion to ADOPT Resolution 2014-39 revising the compensation plan for non-uniform employees effective January 1, 2015. Ms. Whitaker seconded the motion.

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

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ESTABLISHING CONTRIBUTIONS TO THE POLICE PENSION FUND BY MEMBERS.

Mr. Kunkle stated annually in accordance with Act 205 the Board of Supervisors is required to establish a contribution rate, if any, by members of the police pension plan. Based upon the minimum municipal obligation certification provided to the Board in September, members of the police pension plan will be required to contribute 5% of their base salary into the police pension fund for the year 2015. This contribution rate is the maximum authorized under Act 600 and is required due to prior years plan performance. These member contributions will be added to the municipal contributions in order to keep the plan actuarially sound.

Mr. Killian made a motion to ADOPT Resolution 2014-40 establishing 2015 contributions to the police pension fund by members at 5% of their base salary. Mr. Miller seconded the motion.

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

5. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2001-25 AND ADOPTING A REVISED ALLOCATION OF EARNED INCOME TAX AND REAL ESTATE TAX, AND REAL ESTATE TRANSFER TAX REVENUES TO THE TRANSPORTATION IMPROVEMENTS FUND.

Mr. Kunkle stated this resolution refers back to a 2001 resolution where the taxes were increased to build sufficient funding for maintaining the backbone roads. The allocation of these taxes was to the Transportation Improvement Fund, which was used for major road improvements. This year staff compared the number of dollars contributed to the Transportation Improvement Fund(TIF). Instead of increasing any tax amounts the Board decided to reallocate funds. This resolution changed the allocation for real estate taxes from .61 mills dedicated to a reduced amount of .53 mills, changed the amount of earned income and net profits from 0.1% to 0.045 % of the total 1.4% earned income and net profits tax and retained 0.75% of the real estate transfer tax of the total 1.25% of real estate transfer tax. In real dollars this changed the interfund transfer from the General Fund to the Transportation Improvement Fund from a budgeted amount in 2014 of \$1,373,531 to a proposed 2015 transfer of \$1,223,567. This reallocation did not result in any overall tax increase.

Mr. Killian made a motion to ADOPT Resolution 2014-41 repealing resolution 2001-25 and adopting a revised allocation of earned income tax, real estate tax and real estate transfer tax revenues to the Transportation Improvement Fund. Mr. Miller seconded the motion.

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

VI. COMMUNICATIONS TO THE BOARD

Mr. Killian had a resident question the taxes in Ferguson Township and how they compared to other municipalities.

VII. ACTION ITEMS

1. DIX HONDA REVISED LAND DEVELOPMENT PLAN – PLAN LAST DATED AUGUST 15, 2014 PLAN DEADLINE DECEMBER 8, 2014.

Ms. Tranguch stated the proposed plan is for an addition located on the existing site at Cato and West College Avenue. The plan proposed a 2,800 square foot new service facility and two new car display areas along Cato Avenue. The land is currently zoned General Commercial and is in the Corridor Overlay District. The total change in impervious surface would 17,359 square feet. The remaining comments on the plan are typical administrative comments.

Mr. Killian made a motion to APPROVE the Dix Honda revised land development plan subject to the completion of the outstanding conditions set forth in the Director of Planning and Zoning memorandum dated November 26, 2014. Ms. Whitaker seconded the motion.

The motion passed unanimously.

2. WEB PAGE ANALYTICS – DAVID PRIBULKA, ASSISTANT TOWNSHIP MANAGER

Mr. Pribulka presented the Google Analytics summary on the Township website. The statistics included in the summary are very useful for improving the web page with greater accessibility, layout and user friendliness. Mr. Pribulka summarized the statistics provided to the Board with the agenda. This year has seen an increase in activity with the Township website. The police news and the electronic newsletters were the most popular items. A new list serve has been added for the winter weather reminders. Mr. Clemson questioned the way the site visits were counted. Mr. Killian commented his interest in seeing the police report information on the website.

3. STREET LIGHT / FIRE HYDRANT EXONERATIONS

Mr. Kunkle the Board received a memorandum from Finance Associate, Valerie Snyder requesting the Board of Supervisors to exonerate street light and fire hydrant on tax parcel 24-004-067 owned by Danny Harner in the amount of \$444.02. The exoneration is being requested because the property is in Clean and Green and is exempt from Street Light and Fire Hydrant assessment.

Mr. Killian made a motion to APPROVE the street light and fire hydrant exonerations for tax parcel 24-004-067 in the amount of \$444.02. Mr. Miller seconded the motion.

The motion passed unanimously.

4. APPROVAL OF NOVEMBER 2014 VOUCHER REPORT

Mr. Killian made a motion to APPROVE the November 2014 voucher list. Ms. Whitaker seconded the motion.

The motion passed unanimously.

5. CONSENT AGENDA

Mr. Killian made a motion to APPROVE the consent agenda including the November 2014 Treasurer's Report, a Surety Reduction for Turnberry TTD, Phase 2A in the amount of \$743,025 and a Time Extension for 1000 West College Avenue. Mr. Miller seconded the motion.

The motion passed unanimously.

XI. REPORTS

1. Planning and Zoning Director

Ms. Tranguch stated the Planning Commission met on December 2nd and heard the Dix Honda Land Development plan recommending conditional approval. The Commission also heard The Cottages at State College PRD discussion with a number of good questions. The new submission should be this week. Staff currently has 10 land development plans, five of these not yet heard by the Board and five conditionally approved by the Board. The November 2014 permit activity report showing 15 permits issued for a total of \$865.

2. Chief of Police

Ms. Conrad stated the Part 1 crimes were up 22 over 12 in 2013, with the majority due to thefts from Christmas delivery packages stolen from resident's front porches. Part 2 crimes were down to 53 from 62 in 2013. The other calls for service were a little lower. Generally everything is down for the

month including traffic stops, citations with parking tickets higher. Corporal Rose was awarded from FOP the Distinguished Service Award for his DUI efforts. The new interview recording system was installed and the Department is now in compliance with US Department of Justice. There was a serious crash where a driver crossed westerly parkway, through two yards and into a house; the driver was cited.

3. COG Committee Reports
a. Human Resources

Ms. Whitaker stated the committee met on December 3rd and welcomed Amanda Murther to replace Kathy Prosek as the new Human Resources Director. The committee approved job descriptions for the Finance Director and Assistant Fire Chief. The library has a position with a new job title, Manager of Philanthropy. Mr. Brady Clemons accepted the position as District Librarian

b. Public Services and Environmental

Mr. Killian stated the committee discussed a zero waste goal for their meetings adding composting and keeping waste below 10%. The second item discussed was brush and leaf collection and what the regional plan could be. At this time they will apply for a grant to do a study to determine if a regional collection should occur. Next item discussed was composting and ideas of extending composting from just State College Borough to all areas within the sewer service area/regional growth boundary. Should they bring commercial or residential customers on first? Mr. Modricker commented that in regards to the brush and leaf collection, the grant would be for regionalizing brush collection but not leaf collection.

X. MINUTES

Mr. Killian made a motion to APPROVE the December 1, 2014 Regular Meeting Minutes. Ms. Whitaker seconded the motion. The motion passed unanimously.

XI. ADJOURNMENT

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

With no further business to come before the Board of Supervisors, Mr. Clemson adjourned the regular meeting at 8:05 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors
Date approved by the Board: 01/05/2015