

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Monday, October 17, 2016

7:00 pm

Worksession

I. ATTENDANCE

Board: Steve Miller
Peter Buckland
Janet Whitaker
Laura Dininni
Rita Graef

Staff: Mark Kunkle, Township Manager
David Pribulka, Assistant Township Manager
Dave Modricker, Director of Public Works
Diane Conrad, Chief of Police
Eric Endresen, Finance Director

Others in attendance included: Jendi Ammerman, Recording Secretary; Lewis Steinberg; John Spsychalski; Vern Squire;

II. CALL TO ORDER

Mr. Miller called the Monday, October 17, 2016, worksession to order at 7:00 pm.

III. DISCUSSION ITEMS

1. COMMITTEE REPORTS

a. ABC Reports

i. Mr. Lewis Steinberg, Schlow Centre Region Library

Mr. Steinberg gave a quarterly report on the Schlow Centre Region Library. He reported that Schlow Library had a Strategic Planning Retreat. One finding from the retreat was that the library goes beyond the normal uses of a library. It is used as a gathering place for many within the community. The demand for e-books is rising, which is a budgetary concern due to the fact that e-books are more expensive. Checkouts are up 4% from this time last year and visits are up 16%. Other activities include Research Unplugged, which is done in coordination with Penn State.

ii. Mr. John Spsychalski, Centre Area Transportation Authority

Mr. Spsychalski gave a quarterly report on the Centre Area Transportation Authority. Highlights included: an update on the CATA construction project, solar lighting upgrades and additions, Travel Training Program, review of ridership data and shuttles for the PSU football games.

b. COG Committee Reports

i. Human Resources Committee

Ms. Whitaker reviewed the October 5th Human Resource Committee meeting. The committee approved the part-time planner job description, with a slight change to make the position non-exempt. Also, the Committee agreed to staff's recommendations on the Fair Labor Standards Act (FLSA) regulations.

ii. Public Services & Environmental Committee

Mr. Buckland reviewed the October 10th Public Services & Environmental Committee meeting. Three topics were discussed. First was a recycling rebate for Schlow Library Recycling containers, where the Committee supported Schlow Centre Region Library doing a recycling project. Second was the UAJA Sewer Service to the Penn State Campus and the Proposed Morgan Advanced Materials Building at Innovation Park, where the Committee recommended that the UAJA provide service for the Morgan Advanced Materials Building. Last was the MS4 Partners Presentation.

iii. Public Safety Committee

Ms. Dininni reviewed the Public Safety Committee meeting that was held on October 11th. There was a review of the Benner Township/COG Emergency Management Agreement where the Committee made a motion to forward it to the Emergency Management Council. Disposal options for the 1991 KME Pumper – Engine #513 were discussed. Ultimately, the Committee made a motion that Mr. Bair accept the trade-in offer of \$14,500. Discussion on consideration for locating new Fire Stations took place. Ms. Dininni also updated the Board with staff reports that were given.

iv. Finance Committee

Mr. Miller stated the Finance Committee finished the budget up on Thursday October 13th. There were no major changes. The fulltime IT position for the library was discussed and only supported by 2 of the 6 Committee members. A vote passed to give Schlow Library's part-time employees a pay increase from \$12 an hour to \$13. Mr. Miller added that the budget amendment for the repairs/improvements to the Oak Hall Rental House were also discussed at the meeting. A motion will come before the COG General Forum asking them to authorize expenditures not to exceed \$26,500 to repair/renovate the Oak Hall Rental House. It was requested that the Finance Committee do a projection of this asset and return on investment. Mr. Endresen stated that it's his understanding that, under the current condition, the building cannot be rented. Therefore, no income would be received at all versus repairing it and getting \$1,300 a month. It was pointed out that there might be historic value in the property as well, and that should be taken into consideration.

v. Parks Capital Committee

Ms. Graef reviewed the Parks Capital Committee. She stated that Jeff Luck will be Patton Townships representative to the Parks Capital Committee. Meeting procedures were reviewed and discussed, specifically for the Parks Capital Committee. A Whitehall Road Regional Park – Phase I update was given. It was requested that an agenda item be added to a later meeting to discuss the articles of agreement and the Townships commitment in this park. An update was also given on Phase II of the Millbrook March Nature Center.

2. STAFF REPORTS

a. Manager's Report

Mr. Kunkle stated that staff recommended two nights be set aside for the Proposed 2017 Township Budget review. The 2017 Proposed Township Budget will have public hearings on December 5 and 12 prior to adoption on December 12. The Draft Strategic Plan update will be distributed to the Board on Friday October 21st. On Saturday October 15th, the Township hosted its quarterly Coffee and Conversation, where conversation surrounded Rock Spring Water Company and safety improvements to the intersection of Nixon Road and Whitehall Road. It was requested that staff provide a report on the number of accidents at that intersection within the past three years.

b. Public Works Director

Mr. Modricker stated that staff and regional municipal engineers are reviewing three proposals from engineering firms to prepare a regional pollutant reduction plan for our watershed tributary to the Chesapeake Bay. The following projects were reviewed: Meckley Road no parking safety study, contract 2015-C1 Piney Ridge and Contract 2015-C2 Suburban Avenue Paving and Drainage Improvement Project.

c. Planning & Zoning Director

Mr. Pribulka reviewed the Planning & Zoning Director's Report. Staff scheduled a meeting with Carolyn Yeagle and AJ Schwartz of EPD, LP and the Ordinance Committee on October 21st to discuss zoning and SALDO revisions. A Public Hearing is scheduled for November 7th on the rezoning application for the property owned by Team Rahal of Lewistown LLC. The Planning Commission discussed the requested sign ordinance amendment by Pandey Farm LP on October 10th. The recommendation from the Commission was that the Board does not consider amending the sign ordinance. The Sourcewater Protection Work Group is continuing to meet and finalize their proposed draft.

d. Chief of Police

Chief Conrad reported that the Part I Crimes for September is slightly up from last year, mostly due to thefts. Part II Crimes were up as well, mostly due to drunk driving and disorderly conduct. Other calls for service are down. The third town hall on the opioid epidemic was held at Bald Eagle Elementary School. On November 1st the fourth town hall will be held to specifically address the criminal justice system. It was pointed out that between the time periods of September 1, 2015 and August 31, 2016, roughly half of the disorderly conduct calls received came from the Heights.

3. Discussion of Economic Development Contribution

Mr. Squire, President and CEO of the CBICC, discussed and provided an update on recent economic development activities in the County and region. The current 2016 appropriation has been held subject to the CBICC meeting to two conditions: a) a semiannual report would be provided to the Board on economic development efforts and b) that the Township receive a Board of Directors appointment on the CBICC Board of Directors. CBICC has been in Ferguson Township since the 1990s. CBICC conducted an employee/area code survey on local companies. Of the 30 companies surveyed in the area, 51% of the employees are coming from Centre County and 49% are coming from outside the county.

IV. ADJOURNMENT

Ms. Dininni made a motion to ADJOURN the meeting. Ms. Graef seconded the motion. With no further business to come before the Board of Supervisors, Mr. Miller adjourned the worksession at 9:05 pm.

Regular Meeting

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 17, 2016 at the Ferguson Township Municipal Building. In attendance were:

Board:	Steve Miller	Staff:	Mark Kunkle, Township Manager
	Peter Buckland		David Pribulka, Assistant Township Manager
	Janet Whitaker		Dave Modricker, Director of Public Works
	Laura Dininni		Diane Conrad, Chief of Police
	Rita Graef		Eric Endresen, Finance Director
			Lance King, Township Arborist

Others in attendance included: Jendi Ammerman, Recording Secretary;

II. CALL TO ORDER

Mr. Miller called the Monday, October 17, 2016, regular meeting to order at 9:10pm.

III. COMMUNICATIONS TO THE BOARD

Mr. Miller reviewed meeting procedures.

Ms. Dininni stated that Mr. Steff shared his belief with her that Whitehall Park won't be using any chemical herbicides or pesticides.

Ms. Graef inquired if the Board would want to revisit the support of artificial turf for the Louis E. Silvi Baseball Complex, considering new research findings. Mr. Miller directed staff to see if the Teener League Board would be interested in pursuing an organic alternative.

IV. PUBLIC HEARINGS – ORDINANCES

1. AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE CODE OF ORDINANCES CHAPTER 25 TREES, SECTION 5, HAZARDOUS AND NUISANCE TREES ON PUBLIC AND PRIVATE PROPERTY AND SECTION 10, VIOLATIONS AND PENALTIES

Mr. Kunkle stated the amendment to Chapter 25 – Trees has been recommended by the Tree Commission. On September 6th the Board of Supervisors reviewed draft language to amend Chapter 25 and agreed to the language incorporated in the amended ordinance. Specifically, the amendments provide for the Public Works Director to take immediate action to abate oak wilt disease within an appropriated amount. Second, the amendment makes it illegal to prune oak trees during a time period between April 1st and October 31st. Further, it makes it unlawful to climb oak trees with boot spurs or spikes.

Ms. Whitaker moved that the Board of Supervisors adopt Ordinance 1023 amending the Code of Ordinances Chapter 25 Trees, Section 5, Hazardous and Nuisance Trees on Public and Private Property. And section 10, Violations and Penalties. Ms. Graef seconded the motion.

It was asked whether there was potential for cost mitigation to increase because a larger area is now included in this amendment. Mr. Modricker replied yes, in general, because there is risk for more exposure because of the bigger area. However, the risks that have been seen to date have been in the urbanized area.

It was asked if staff is corresponding with other municipalities. Mr. King stated he has been corresponding with State College Borough's arborist and Patton Township's zoning administrator.

Mr. King advised that, when there is a confirmed case of oak wilt, adjacent property owners within a given area are notified of such, along with it being advertised on the Township website. If there is a suspected case of oak wilt Township residents are to notify Lance King, Township Arborist.

ROLL-CALL VOTE: Mr. Miller: YES; Ms. Whitaker: YES; Mr. Buckland: YES; Ms. Dininni: YES; Ms. Graef: YES

V. PUBLIC HEARINGS – RESOLUTION

1. A PUBLIC HEARING ON RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A PROGRAM AND PROCESS TO EDUCATE AND MITIGATE OAK WILT INFESTATION

Mr. Modricker reviewed the resolution. The resolution was recommended by the Tree Commission and reviewed by the Board of Supervisors at its meeting on September 6th. The resolution is a companion to the amendments made to the Tree Ordinance Chapter 25. The resolution provides a foundation for educational outreach on the oak wilt fungus and its detrimental impacts on the oak tree species. Further, it provides the process and procedures to be followed when the oak wilt fungus is identified.

Ms. Dininni moved that the Board of Supervisors adopt Resolution 2016-32 establishing a program and process to educate and mitigate oak wilt infestation. Ms. Whitaker seconded the motion.

ROLL-CALL VOTE: Ms. Whitaker: YES; Mr. Buckland: YES; Ms. Dininni: YES; Ms. Graef: YES; Mr. Miller: YES

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP TO ENTER INTO THE MEMORANDUM OF UNDERSTANDING WITH THE CENTRE COUNTY HOUSING AND LAND TRUST, ATTACHED HERETO AS EXHIBIT “A,” TO SERVE AS THE THIRD PARTY ADMINISTRATOR IN ACCORDANCE WITH THE FERGUSON TOWNSHIP CODE OF ORDINANCES, CHAPTER 27 ZONING, SECTION 215 WORKFORCE HOUSING.

Mr. Pribulka reviewed the resolution. The resolution authorizes the Township to enter into a Memorandum of Understanding with the Centre County Housing and Land Trust to act as a third party administrator of the workforce housing that is required to be constructed with future development phases in the Traditional Town Development Master Plans.

Ms. Dininni moved that the Board of Supervisors adopt Resolution 2016-33 authorizing the Township to enter into a Memorandum of Understanding with the Centre County Housing and Land Trust to act as a third party administrator of the Township’s workforce housing. Ms. Whitaker seconded the motion.

It was inquired as to whom would be responsible for the administrative fee. Mr. Pribulka replied that the cost of the administration of the program per unit would fall on the individual property owner. It would be included in closing costs.

ROLL-CALL VOTE: Mr. Buckland: YES; Ms. Dininni: YES; Ms. Graef: YES; Mr. Miller: YES; Ms. Whitaker: YES

VI. ACTION ITEMS

1. PRESENTATION OF GOVERNMENT FINANCE OFFICERS ASSOCIATION DISTINGUISHED BUDGET PRESENTATION AWARD – MR. ERIC ENDRESEN, FINANCE DIRECTOR

Mr. Endresen stated that the GFOA Distinguished Budget Presentation Award was presented to the Township for its 2016 Operating Budget. This is the second year in a row that the Township has been recognized by GFOA for the quality of its budget preparation and presentation. GFOA has honored approximately 400 Governments with their Distinguished Budget Presentation Award. In Pennsylvania, Ferguson Township is one of 6 municipalities that have received this recognition in 2016. The GFOA established the Distinguished Budget Presentation Award Program in 1984 to encourage and assist state and local governments to prepare budget documents of the very highest quality, to reflect both the guidelines established by the National Advisory Council on State and Local Budgeting and the GFOA's best practices on budgeting, and then to recognize individual governments that exceed in achieving that goal.

2. THIRD QUARTER FINANCIALS – MR. ERIC ENDRESEN, FINANCE DIRECTOR

Mr. Endresen reviewed the expense and revenue reports via a PowerPoint presentation. A comparison was done between the 2016 financials and the budget. He also reviewed information that is relevant to activities and events which have impacted the financials in the third quarter.

3. APPOINTMENT OF PLANNING COMMISSION MEMBER

Ms. Dininni moved that the Board of Supervisors appoint Andrea S. Harman to the Ferguson Township Planning Commission with a term expiring December 31, 2018. Ms. Graef seconded the motion. The motion passed unanimously.

4. CONSIDER ACTION TO REMOVE RESTRICTION REQUIRING TOWNSHIP REPRESENTATION ON CBICC BOARD OF DIRECTORS

Mr. Miller stated during the review process for the 2016 Township Budget the Board of Supervisors placed two restrictions on the release of the appropriation for economic development to the Chamber of Business and Industry of Centre County. The first restriction was a requirement that the Board receive a semi-annual report on economic development initiatives for which the appropriation would be used and an update on new business growth as it related to the CBICC efforts. A second requirement was the appointment of a Township Supervisor or staff member to the CBICC Board of Directors which has not been accepted by the CBICC.

Ms. Dininni moved that the Board of Supervisors remove the restriction requiring a Township representative be appointed to the CBICC Board of Directors. Ms. Graef seconded the motion. The motion passed unanimously.

5. APPROVAL OF SEPTEMBER 2016 VOUCHER REPORT

Ms. Dininni moved that the Board of Supervisors approve the September 2016 voucher report. Mr. Buckland seconded the motion. The motion passed unanimously.

6. CONSENT AGENDA

- a. September 2016 Treasurer's Report
- b. 2015-C16 Fire Trailer Building
- c. Crossings at State College – 45 Day Extension Request
- d. 2015-C2 Suburban Ave Pay App 2
- e. 2015-C2 Suburban Ave Pay App 3 Final
- f. Weis Gas-N-Go – 45 Day Extension Request
- g. Contract 2015-C26 OGR Basin Two Forebay Repairs

Ms. Graef moved to approve the consent agenda. Ms. Dininni seconded the motion. The motion passed unanimously.

VII. CALENDAR ITEMS – OCTOBER/NOVEMBER

1. Fall Economic Development Summit – Wednesday, October 27th, 5:00 p.m., Mt. View Country Club
2. ABC Recognition Dinner – Wednesday, October 19th, 6:00 p.m., Toftrees Resort

VIII. MINUTES

1. October 3, 2016 Board of Supervisors Regular Meeting

Ms. Graef made a motion to APPROVE the October 3, 2016 Board of Supervisors Regular Meeting Minutes. Ms. Whitaker seconded the motion.

Ms. Dininni motioned to amend the minutes. Under item 1. Committee Reports, a. ABC Reports, ii. State College Borough Water Authority, add the appointment of Peterson and the Boards discussion on The Cottages. No second was made on the motion.

The original motion to approve the October 3, 2016 Board of Supervisors Regular Meeting Minutes passed 4 to 1 with Ms. Dininni voting against.

IX. ADJOURNMENT

Ms. Graef made a motion to ADJOURN the meeting. Ms. Dininni seconded the motion.
With no further business to come before the Board of Supervisors, Mr. Miller adjourned the regular meeting at 9:54 pm.

Respectfully submitted,



Mark Kunkle, Township Manager
For the Board of Supervisors

Date approved by the Board: 11/07/2016