

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, December 4, 2017
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, December 4, 2017, at the Ferguson Township Municipal Building. In attendance were:

Board:	Steve Miller	Staff:	Dave Pribulka, Township Manager
	Peter Buckland		Dave Modricker, Public Works Director
	Laura Dininni		Ray Stolas, Director of Planning & Zoning
	Janet Whitaker		Eric Endresen, Director of Finance
			Chris Albright, Chief of Police

Others in attendance included: Cristin Mitchell; Sara Carlson; T. Ricciardi; Diane Boden and John LeClair, JL Farm Cidery; Faith Norris, Recording Secretary

II. CALL TO ORDER

Mr. Miller called the Monday, December 4, 2017, regular meeting to order at 7:00 p.m.

III. CITIZENS INPUT-NONE

IV. MINUTES

- a. November 20, 2017, Board of Supervisors Regular Meeting.

Ms. Whitaker made a motion to **approve** the November 20, 2017, regular meeting minutes. Mr. Buckland seconded the motion.

A clarification was made on a passed motion for language in section 7 under the Sourcewater Protection Ordinance.

The motion to approve the minutes passed unanimously.

Mr. Buckland made a request to add a sponsorship request for a tree planting event from Ms. Hoskins that was provided to the Board. Mr. Miller stated the item can be discussed under the Operating Budget section of this meeting. Mr. Miller stated to also move the Beaver Branch Tributary Stream Project to the budget section. Discussion followed on Township sponsorship of projects.

V. OLD BUSINESS

- a. Public Hearing Resolution prohibiting location of Category 4 licensed casino facilities within Township.

Mr. Pribulka reviewed the history of the proposed resolution prohibiting a Category 4 Casino facility in the Township. Act 42 allows municipalities to adopt a resolution prohibiting such casinos prior to December 31, 2017. Subsequent action may be taken by the Board, if desired, to rescind the prohibition.

No public comment was made.

Ms. Dininni made a motion that the Board of Supervisors **adopt** the resolution prohibiting the placement of Category 4 Licensed Casino Facilities within Ferguson Township. Ms. Whitaker seconded the motion.

Roll Call vote on Resolution 2017-27: Ms. Whitaker – YES; Mr. Buckland – YES; Ms. Dininni – YES; Mr. Miller – YES.

b. Energy, Photovoltaics, and HVAC for LEED Gold Public Works Maintenance Facility

Mr. Modricker summarized the narrative and discussed the options and recommendations provided to the Board for their approval as included in the agenda packet. He went into detail on the energy goals, solar net-zero energy consumption, financial options through a power purchase or lease agreement and heating/ventilating structure for different parts of the building.

Mr. Buckland inquired about Option 2 on alternative grant funding and full build-out options that exceed 100%. Discussion followed on offsets on solar renewable energy credits, energy usage, buy back and return on investment, grant incentives, risk, energy performance, building footprint (100% vs. up to 120%), local job opportunities, and grant options.

Mr. Buckland made a motion that the Board **approve** an energy goal of 25.0 KBtu/sf/-yr, the design of a rooftop PV system with the goal of supplying the full build-out up to 120% of the energy demand, the design of an HVAC system as proposed by Barton & Associates. Ms. Dininni seconded the motion. The motion passed unanimously.

c. Zoning Appeal/Variances

1. SBA Towers, II, LLC & Cellco Partnership – 200 Jackson Trail

Mr. Stolinas reviewed the variance request for a wireless communication facility that had previously come before the board for the setback provisions. The additional request is for the allowance of a lattice cell tower on site. The Township ordinance currently limits the tower type to a monopole structure. Mr. Pribulka stated the history and regulations of the ordinance. Discussion followed on the setback, tower type, property, adjacent owners, safety and impact on area.

Mr. Buckland moved that the Board of Supervisors **remain neutral** on the variance requested by SBA Towers II, LLC and Cellco Partnership. Ms. Whitaker seconded the motion. The motion passed unanimously.

VI. NEW BUSINESS

1. Consent Agenda

- a. Turnberry Annual Phasing Plan-**pulled**
- b. Foxpointe Development Schedule-**pulled**
- c. Stonebridge Senior Living Project Development Schedule
- d. The Landings Development Schedule
- e. Dunkin Donuts – Weis Gas-N-Go Public Surety Reduction 1: (\$18,170)

Ms. Dininni pulled items a. (Turnberry) and b. (Foxpointe) from the Consent Agenda. Mr. Miller stated they will be added as New Business items for discussion following item 5.

Ms. Dininni made a motion that the Board of Supervisors **approve** the Consent Agenda. Mr. Buckland seconded the motion. The motion passed unanimously.

2. Public Hearing on Proposed 2018 Annual Operating Budget

- a. Mr. Pribulka summarized the updated budget that reflects the goals, impact on infrastructure and the community and changes made at two public worksessions. The budget document was provided to the Board and posted to the website for public access. December 11, 2017, will be the final adoption of the Operating Budget. Mr. Endresen did a highlighted presentation on the budget. Following discussion, sponsorship requests were reviewed as stated below.

(1) Sponsorship Request – Tree Planting Event, Ferguson Elementary School Environmental Club

Mr. Buckland read a sponsorship request received by the Township from Ms. Hoskins for a tree planting improvement project with a local elementary school club. Discussion followed on the location of the tree project, clarification that the site is located within a previously designated passive parkland in the Township and funds that are built into the Capital Improvement Plan for passive recreation improvements to the area. Discussion followed on nature-related uses for the area and a specific request for the Township's newly created Parks Committee to review.

Mr. Buckland made a motion that the Board of Supervisors **appropriate** \$2,400 for the tree planting and native pollinator plot be done by the Ferguson Township Elementary School Environmental Club. Ms. Whitaker seconded the motion. The motion passed unanimously.

Clarification was made on where the funds will be appropriated in the budget.

(2) Sponsorship Request – Beaver Branch Tributary Stream Restoration Project, The Trust for Tomorrow

The Township received a sponsorship request from Ms. Woodward that was included in the agenda packet. The land is in the Piney Ridge community. Mr. Pribulka described the project in detail along with grant match, in-kind funding and the Township's sponsorship policy. The Township has previously contributed some in-kind and cash services to the project. Discussion followed.

Ms. Whitaker moved that the Board of Supervisors **authorize** \$2,000 in cash assistance and between \$5,000 and \$10,000 in in-kind assistance to the Trust for Tomorrow Fund for the Beaver Branch Tributary Stream Restoration Project. Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Miller called for a vote on the proposed budget with the changes.

Ms. Dininni moved that the Board of Supervisors **adopt** the tentative 2018 Annual Operating Budget with the corrections and **authorize** a public hearing on the final adoption of the budget on December 11, 2017. Ms. Whitaker seconded the motion.

Mr. Buckland asked for clarification on inclusion of costs for the rooftop solar array. Mr. Endresen stated the building costs will be included with the project costs in reference to the new LEED Gold Public Works Maintenance Facility. No changes will need to be made.

Mr. Buckland thanked Mr. Modricker for a follow-up on the types of trucks.

The motion for the budget passed unanimously.

3. JL Farms and Cidery – Land Development Plan

Mr. Stolinas presented the plan to the Board as included in the agenda packet. He stated the remaining pending conditions on the plan. Clarification was made on the conditions.

Mr. Buckland moved that the Board of Supervisors **approve** the Land Development Plan for JL Farms located at 3392 Shingletown Road subject to the conditions described in the Planning & Zoning

Director memorandum dated November 15, 2017. Ms. Dininni seconded the motion. The motion passed unanimously.

4. Draft 2018 Ferguson Township Schedule of Fees

Mr. Pribulka reviewed the few substantive changes to some fees that are established by the Township's vendor and notes added to provide clarification for questions raised. New items included, temporary sign permit fee in response to a revised sign ordinance; elimination of notary fees-notary services will only be used for the Township's internal needs moving forward.

Ms. Dininni asked for clarification on the Meeting Room Usage and the scale cut-off for Subdivision Applications. Mr. Pribulka stated for the Meeting Room there is a flat rate and went into detail on the usage. Discussion followed on the scale for the subdivision applications. Following discussion, Mr. Buckland proposed that staff review other fee schedules for size and scales of development for a possible amendment at a future time. A discussion followed on the PRD Master Plans and clarification that the fee is for tentative plans for a master PRD. There is a separate fee for the Final PRD Plans. Following discussion, Mr. Miller reiterated what Mr. Buckland suggested to review the fees at a later date.

Ms. Dininni moved that the Board of Supervisors **authorize** a public hearing on a resolution adopting the 2018 Ferguson Township Schedule of Fees for December 11, 2017. Mr. Buckland seconded the motion. The motion passed unanimously.

5. Consent Agenda Discussion Items

Turnberry Annual Phasing Plan – Staff will review and see how they vary from prior reiterations of the plan. Clarification was needed on the update of the plan. Mr. Stolinas reviewed the phases of the master plan and TTD ordinance. Discussion followed.

Mr. Miller clarified the updated reports are an administrative requirement per the Board's previous request years ago for informational purposes.

Foxpointe PRD – Ms. Dininni asked for clarification of the year the project started. It was determined it has been over 25 years. Discussion followed on updates done on a yearly or anniversary basis. Clarification was made that the Foxpointe Drive Extension is not part of the master development plan due to being outside the developed area. Discussion followed on the boundaries of the development and extension of Foxpointe Drive.

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

VII. REPORTS

1. COG COMMITTEE REPORTS – Agendas provided in the packet.

a. Executive Committee. Mr. Miller – General Forum Meeting discussed.

b. TLU Committee. Ms. Whitaker stated the committee met on December 4th. Open committee discussion on how to increase transit service with our regions' growing population; future transit methods; Mr. Zilla's update on the Atherton Street Stormwater Drainage project and went into detail on the project, sections and issues with traffic that need assistance in mitigating; January 8th is the next meeting. Ms. Dininni had a discussion on future transit methods and planning and a separate discussion on bikepaths.

VIII. OTHER REGIONAL COMMITTEES

- a. Centre County Metropolitan Planning Organizational Committee. Ms. Whitaker stated the committee met on November 28th; presentation on rail service in Centre County from SEDA-COG Joint Rail Authority; committee chose to approve targets for the safety performance measures that PSU had for PennDOT's Highway Safety Improvement Program; 2019-2022 TIP update and a final draft TIP will be presented in February 2018 and working towards adoption in June 2018; report on the "Drive Forward" coalition for two major highway projects in Center County; next meeting is on February 27th at 6:00 p.m.

IX. STAFF REPORTS

- a. Township Manager. Copies of the Resolution in support of Citizen's Commission for Congressional and Legislative Redistricting were sent to Centre County Commissioners, State and Federal legislators representing Ferguson Township; Municipal Manager's Meeting was held on November 29th at CBICC with an update on current/pending projects and an invitation that will go out to elected officials for an orientation in the first quarter of next year on economic development due in part to the Board's request; worksessions scheduled for ABC vacancies-a list has been provided to the Board for review.

January 2018 Board meeting dates were discussed due to both Regular Meeting dates being a holiday and MLK day respectively.

Ms. Dininni moved that the Board of Directors **schedule** the first two meetings of 2018 be Tuesday, January 2nd and Tuesday, January 16th. Mr. Buckland seconded the motion. The motion passed unanimously.

Mr. Pribulka stated he is preparing the orientation for elected officials and will be sending dates for that in January. December 11th at 5:00 p.m. will be the Parliamentary Procedures Training. Update on the second Climate Action Committee Meeting held today and the next meeting will be on January 8th.

- b. Planning and Zoning Director. Mr. Stolas stated the Planning Commission will be meeting tomorrow, December 5th; report and Active Plan list for Board review was included in the agenda packet; Sourcewater Protection draft update; CRPC will meet December 7th.

Ms. Dininni asked for clarification from the list of permits on what type of permit is needed for a solar array for a home roof. Mr. Stolas stated it is a general zoning permit. Discussion followed.

- c. Public Works Director. Mr. Modricker reported on the Traffic Calming Study public meeting on November 14th and update for next steps and criteria, discussion followed on the positive public comments received; next Stormwater Advisory Committee is on December 6th; Tree Commission will meet on January 15th; maintenance update and leaf collection discussion.

X. COMMUNICATIONS TO THE BOARD

Mr. Miller read an excerpt from a letter received from the Government Finance Officers Association. The Comprehensive Annual Finance Report (CAFR) for FY 2016 qualifies for the GFOA Certificate of Achievement for Excellence in Financial Reporting. This is the highest recognition in governmental accounting and is a significant accomplishment by the government and its management. Mr. Endresen was recognized for his efforts as the Township's Director of Finance.

XI. CALENDAR ITEMS

XII. ADJOURMENT

With no further business to come before the Board of Supervisors, Mr. Buckland made a motion to adjourn the meeting. Ms. Dininni seconded the motion. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "D. Pribulka", written in a cursive style.

David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 12-11-17