

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, July 17, 2017  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, July 17, 2017, at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	Steve Miller	<b>Staff:</b>	Dave Pribulka, Township Manager
	Laura Dininni		Ray Stolas, Director of Planning & Zoning
	Peter Buckland		Chris Albright, Chief of Police
	Rita Graef		Eric Endresen, Director of Finance
	Janet Whitaker		

*Others in attendance included:* Joseph Green, Derek Anderson, Michael Pratt, Charlie Suhr, Cristin Mitchell, Andy McKinnen, Scott Pflumm, Ruth Cooper, Faith Norris, Recording Secretary

### II. CALL TO ORDER

Mr. Miller called the Monday, July 17, 2017, regular meeting to order at 7:00 p.m.

Mr. Miller announced that the Board held an executive session on June 26, 2017, on a litigation matter. The next executive session is scheduled for July 20, 2017, Ferguson Township Building, regarding a personnel matter.

### III. CITIZENS INPUT

Ruth Cooper inquired about having the Planning Commission meetings placed on C-NET. Chairman Miller asked for a consensus from the Board members to place the item on the agenda for the next Board meeting.

Ms. Whitaker noted public servants by name and thanked them for their efforts and dedication, past and present, to Ferguson Township's award-winning community.

### IV. MINUTES

#### 1. July 3, 2017, Board of Supervisors Regular Meeting.

Ms. Graef made a motion to **approve** the July 3, 2017, regular meeting minutes. Ms. Dininni seconded the motion.

Discussion followed with a request for changes to the minutes by Ms. Dininni. VIII - New Business, item 2, second ¶: add *including ambulance service* after emergency services; Page 9, IX - Communications to the Board to change the language from several emails to read *over 50 emails* were received. Seeing no objections from the Board members, the changes will be made to the July 3<sup>rd</sup> regular meeting minutes.

Ms. Dininni requested a change to IV - Proclamations, item b, second ¶: clarified the dialogue for the conservation was that Ferguson Township did not have as much time to provide input for the proclamation as other municipalities. Mr. Miller asked for a motion.

Ms. Dininni made a motion to change the sentence to read, "Ms. Salokangis noted other municipalities had an opportunity to look at the proposed proclamation and provided input but due to staff changes, our municipality - Ferguson Township was receiving it for their meeting where they could provide input at that time. No seconded was made on the motion.

Following discussion, Ms. Dininni made a motion to add a sentence prior to Mr. Buckland's noted concern under VII - Old Business, item 1, fourth ¶ to read, *Ms. Dininni identified*

Foxpointe Extension as a concern. Mr. Buckland seconded the motion. The motion passed with Ms. Whitaker abstaining.

Mr. Miller called for a vote on the motion as amended. The motion passed unanimously.

## **V. REPORTS**

- 1. ABC REPORTS** – Schlow Library – Lewis Steinberg. Speaker not present, will reschedule.

- 2. COG COMMITTEE REPORTS**

- a. Finance Committee.**

The agenda was provided in the agenda packet. Mr. Miller presented the report on the meeting held on July 6<sup>th</sup>. Highlighted topic was the 2018 COG Program Plan and its changes that will be a topic at the next COG meeting; capital improvement plan; CATA budget process review; and Borough fund changes.

- b. Public Services & Environmental Committee**

The agenda was provided in the agenda packet. Mr. Buckland noted the meeting was held on July 6<sup>th</sup> and that he was unable to attend. He reviewed the meeting from the perspective of two representatives that had attended the meeting. Three highlighted topics included UAJA dispute with Penn State regarding an existing agreement and tapping fees issue, sustainability coordinator position (planner position), and Beneficial Reuse and project management team for sourcewater protection. Mr. Buckland went into further detail on each topic.

- c. Parks Capital and Centre Region Parks & Recreation Authority (CRPRA) Joint Committee**

The agenda was provided in the agenda packet. Ms. Graef reported the joint meeting was held on July 13<sup>th</sup>. Highlights included Whitehall Regional Park - no update at this time pending the Supreme Court's decision on the appeal; Parks & Recreation Regional Comprehensive Study-responsibility and next steps; Millbrook Marsh Nature Center (MMNC) Phase 2- new community expansion, fund raising campaign, detail on pledges, dollars received to-date and details on preparing applications for future grant funding; a *gofundme* page through the NRPA will go live on July 25<sup>th</sup>; details on what the MMNC advisory board would like to incorporate in the regular funding for the capital investment plan vs. separate funding. The next meeting is scheduled for August 10<sup>th</sup> at the COG General Forum.

- 3. OTHER REGIONAL COMMITTEES – NONE**

- 4. STAFF REPORTS**

- a. Manager's Report**

The report was included in the agenda packet. Mr. Pribulka highlighted in detail the final rendition to review the existing Building Master Plan renovations with By Design; Coffee and Conversation set for July 21<sup>st</sup> at the Naked Egg Café at 9:00 a.m. that will include staff and local PA state representatives; PA Municipal League Annual Summit is set for October 5-7 in Erie; detailed open public comment period on Centre Region Act 537 Sewage Facilities Plan specifically for the extension of the Beneficial Reuse project – open comment will conclude at 5:00 p.m. on August 28<sup>th</sup>; Township Manager to attend the CRPRA board meeting as a non-voting member on July 20<sup>th</sup>, 12:00 p.m. at the COG building.

b. Public Works Director – The report was provided in the agenda packet. No discussion or comments were noted.

c. Planning & Zoning

The report was provided in the agenda packet. Mr. Stolinas noted the Planning Commission Meeting was cancelled for July 10<sup>th</sup> and will resume on July 24<sup>th</sup>. Highlights included the Active Plans list dated July 12<sup>th</sup> for the Board's consideration and the unofficial copy of the June 26<sup>th</sup> Planning Commission Meeting Minutes.

d. Chief of Police Report

The report was included in the agenda packet. Chief Albright highlighted the report for June in detail that included Part 1 crimes were about the same as in previous months; slight increase in Part II crimes specifically related to unauthorized credit card charges; increase in suspicious activity due mostly to scam calls; in the first year the medication drop-off box at the township building collected 30 lbs. in June and to-date 180 lbs. of unwanted medications; and would like to modify the Chief of Police reports with other items of interest.

e. Finance/Treasurer Report

The report(s) were provided in the agenda packet. Mr. Endresen provided an overview of the 2016 annual CAFR financial report that was submitted to GFOA for consideration for the Excellence in Financial Reporting Award. Detailed presentation highlights for the second quarter financial report included expenditures and revenue, capital funds, cash balances, tax revenues, income for the year, transfer taxes, overview of general fund expenditures by type, update on Liquid Fuels fund, update on rebate received from health insurance, bank loan paid in full; update on administration building and new vehicles.

Clarification of CAFR (Comprehensive Annual Financial Report) and TIF (Transportation Improvement Fund). Discussion followed. Ms. Dininni asked for clarification on how to predict transfer taxes and the percentage on those taxes going into the TIF. Mr. Endresen responded in detail about funding for specific road projects that created the TIF, the Boards input to expand the TIF after the previous projects were completed, the breakdown of mixed funds' percentages, and the budget process. Further discussion followed on the CIP budget. Mr. Endresen noted history and economy are taken into consideration on transfer taxes. Mr. Pribulka went into further detail on reports received on tax parcels that can give an average and helps to predict transfer taxes per month. Ms. Dininni asked whether transfer taxes change depending on how the land is zoned or is it a flat fee per acre and whether everyone pays the transfer tax, i.e., Penn State. Mr. Endresen responded by saying it is the same rate unless tax-exempt and went into further detail about Penn State's agreement with the state.

## **VI. PROCEDURE AMENDMENTS**

### **1. Agenda Structure Discussion**

Mr. Miller introduced a request to place the COG Committee, Other Regional Committees and Staff reports at the end of the agenda. Discussion followed on the reasons for moving these reports to the end of the Board meeting agenda.

Mr. Miller made a motion to move the COG Committee, Other Regional Committees and Staff Reports to the end of the regular meeting after New Business. Ms. Graef seconded the motion. The motion passed unanimously.

## 2. Appointment of Alternates to Committees Discussion

Ms. Dininni started the discussion by noting similar language from other municipalities on blanket statements in Administrative codes where it states it authorizes any Board member to be an alternate when the primary member is absent.

Discussion followed with Mr. Buckland proposing an option that if other members of the Board attend a meeting that they should be able to serve as an alternate who's present; and have a default as an alternate. However, do not put the responsibility on Board members that work full-time. Mr. Pribulka went into detail on municipality policy statements.

The Board's consensus was to have staff draft a policy statement. Ms. Graef went into further detail for consideration on context for rules and responsibilities.

## VII. OLD BUSINESS

### 1. TRADITIONAL TOWN DEVELOPMENT (TTD) ORDINANCE AMENDMENT

Residential Housing Development, LLC submitted an ordinance amendment application for the Traditional Town Development Zoning District on March 16<sup>th</sup>. The application was referred to the Planning Commission for review and comment. The Planning Commission recommend approval of the amendments as requested at its June 26<sup>th</sup> meeting. Mr. Pribulka shared a paper copy of a document received from Dwight Ferguson, representing Circle Road Partners, that details comments on the TTD text amendments. Mr. Stolinas continued the discussion and provided a summarized history of the text amendments as provided in the agenda packet. The Planning Commission will review the application at their August 3<sup>rd</sup> meeting.

Joe Green concurred with Mr. Miller on the clarification that the vote is on the text amendments as a whole package as presented.

Ms. Dininni made a motion that the Board of Supervisors **authorize** the ordinance amending Chapter 27 – Zoning, Section 701, Traditional Town Development for public hearing on August 21<sup>st</sup>. Ms. Whitaker seconded the motion.

A presentation followed on the Concept Plan by Derek Anderson of Residential Housing, Michael Pratt of Keller Engineering and Charlie Suhr of Stevens & Lee.

Discussion followed. Some highlighted concerns included snout garages in regards to setbacks, stormwater into open space, alleyways, building heights, one type of community vs. mixed community, public community space/buildings, specifics on type of use/allotment for drive-through commercial service facilities in regards to walkable community space, lot sizes, specific reference to orientation of streets used to enhance the design of open space/buildings/character of open space, passive solar designs, street gradings, and the eco village.

Public comment. Ms. Cooper wanted clarification on the review process of the TTD and how to get a copy of the full document presented at the meeting. Mr. Pribulka clarified the review process for the TTD amendment and noted electronic copies of the agenda and attachments for the Board meetings are provided on the Township's website. He noted that any resident can contact the Township office prior to the Board meetings and request paper copies for a small fee. Mr. Pflumm raised questions in reference to the eco community component, standards for ecological designs, habitat conservation and energy conservation standards.

Mr. Miller called for a vote on the motion to **authorize** the ordinance amendment for public hearing. The motion passed 4 – 1 with Mr. Buckland dissenting.

## 2. FERGUSION TOWNSHIP OFFICIAL MAP CONTINUED DISCUSSION

Mr. Miller reviewed the history on the map's continued discussion points for this meeting. Mr. Pribulka reviewed the Foxpointe Drive Extension discussion points on the regional growth/development, boundary and requirements on rezoning of the current RA zoned area. Mr. Stolas went into further detailed on the zoned parcels and allowed services.

Further discussion followed on the history, process and whether to include Foxpointe Drive Extension on the Official Map as a planning tool. Ms. Whitaker noted the Deerfield Drive Extension is similar and has not had any issues.

Ms. Dininni made a motion that the Board of Supervisors **authorize** the ordinance adopting a new Ferguson Township Official Map for public hearing on August 7<sup>th</sup>. Mr. Buckland seconded the motion.

Ms. Dininni had questions followed by discussion on the June 1992 traffic study, RA zones, connector roadway, Ag conservation easements, extension of the bikepath with Pine Grove Mills from Foxpointe Drive Extension, and current processes with property owner notifications. The Board's consensus was to extend the bikepath on Foxpointe Drive.

Ms. Dininni made a motion that the Board of Supervisors **extend** the bike shared-use path at the end of Foxpointe Drive Extension across Whitehall Road and connect it to the body of Pine Grove Mills. Mr. Buckland seconded the motion.

Mr. Pribulka questioned whether this proposed extension of the shared-use path to the map would constitute a major change that would need to be reviewed by the Centre Region Planning Commission. Mr. Stolas stated he will research it. In turn, depending on the outcome, the specific public hearing date cannot be listed at this time.

Mr. Miller called for a vote on the motion to **extend** the bike shared-use path. The motion passed unanimously.

Ms. Dininni had a question on process and how property owners are notified of changes to the map, i.e., designation of passive parklands. Moving forward, discussion followed on whether the Board should notify property owners, which is not a requirement. Mr. Pribulka further discussed the process and that no adverse action is taken to acquire any land in these particular changes to the map. Ms. Dininni noted her position that it is not an official action and (board/township) are meeting all the requirements and it would take away staff's time to notify the property owners. However, Ms. Dininni clarified if a property owner objects and voices their opinion, the board/township should respond to that property owner for a further explanation of process.

Discussion followed on how to move forward with authorizing the ordinance without a public hearing date.

Mr. Miller moved that the Board of Supervisors amend the original motion to **remove** the public hearing date from the motion. Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Miller called for a vote on the original motion as amended to **authorize** the ordinance for public hearing. The motion passed unanimously.

## VIII. NEW BUSINESS

### 1. CONSENT AGENDA

- a. June 2017 Voucher Report
- b. Contract 2017-C5 Meadows Park Improvements

Ms. Dininni made a motion to approve the Consent Agenda. Mr. Buckland seconded the motion. The motion passed unanimously.

### 2. AWARD OF PROFESSIONAL DESIGN SERVICES CONTRACT – VALLEY VISTA SHARED USE PATH

Mr. Pribulka introduced the project in Mr. Modricker's absence. Ferguson partnered with Patton Township on a cooperative grant application to PennDOT Transportation Alternatives Program for the engineering design/construction of a shared use path along Valley Vista/Science Park roads. Nine proposals were reviewed, ranked by a review committee, shared design fees and recommendation to the Board for awarded contract to Stahl Sheaffer. Mr. Pribulka went into details on the cost and that it is below budget. This item merits a separate action item from the Consent Agenda due to the regional nature and size of the project.

Ms. Dininni questioned the recommendation and discussion followed with Mr. Pribulka and the Board members on their concerns. Ms. Dininni clarified her position that it is identification of priorities in regard to transparency when working with the contractor(s). Ms. Graef called point of order and called the question.

Ms. Graef moved that the Board of Supervisors **award** a professional services contract for the design of the Valley Vista Shared Use Path to Stahl Sheaffer Engineering, LLC in an amount of \$122,900.00. Ms. Whitaker seconded the motion. The motion passed 4 to 1 with Ms. Dininni dissenting.

### 3. NEW ZERO GREENHOUSE GAS EMISSIONS STRATEGY DISCUSSION

Mr. Pribulka introduced the discussion by stating this is a continuation of the June 19th Board of Supervisors Meeting that adopted Resolution 2017-14. The resolution commits the Township to immediately begin to identify a strategy to achieve net zero greenhouse gas emissions no later than 2050. The strategy will have multiple components and engage a variety of stakeholders. The staff is looking for initial steps and direction from the Board to discuss the establishment and composition of an ad hoc advisory board for a specific purpose as authorized by ordinance in the Administrative Code. The scope of work is to draft a strategy that would be presented, reviewed, and approved by the Board of Supervisors. A memorandum from the Township Manager dated July 13, 2017, that summarizes the discussion item along with the adopted resolution was provided in the agenda packet.

Mr. Buckland moved that the Board of Supervisors **establish** an Ad Hoc Board whose purpose is to develop a strategy for consideration by the Board of Supervisors to achieve net zero greenhouse emissions as quickly as feasible, but not later than 2050, and to ensure that goals identified in said strategy are transparent, fair, and economically feasible. Ms. Dininni seconded the motion.

Discussion followed with Mr. Buckland's points on drivers to climate change and how to adapt; committee should consist of five people, diversity of skills, i.e., understanding of greenhouse gas accounting; technological changes and economics behind it. Ms. Dininni noted as in her previous reference on a parks committee that this group should not draw staff's time away from the community. Mr. Pribulka explained further how the Ad Hoc Board would function in this capacity.

Mr. Buckland further detailed suggestions when looking for citizens' participation/input on the Board: professional experience, volunteerism, general interest, examine SOW to be done in relationship to work, and what the municipality needs to do to meet the transparent/fair economic feasible aspects. The application period will be open for sixty days.

Mr. Miller called for a vote on the motion to **establish** an Ad Hoc Board. The motion passed 4 -1 with Ms. Whitaker dissenting.

#### **4. CORL STREET/W. COLLEGE AVENUE LIGHTING PROJECT - REQUEST FOR MODIFICATION**

Mr. Pribulka noted the Township was awarded a Green-Light-Go Grant in 2016 from PennDOT for traffic signalization and lighting improvements at the intersection of West College Avenue and Corl Street in the Terraced Streetscape zoning district. An issue was identified in the project's design (TSD Design Standards - Ferguson Twp. Code of Ordinances, Chapter 22, Subdivision and Land Development, Section 5A09.D.1.) which limits street light height to 14 feet. This height restriction will not allow the light fixtures to meet PennDOT's required lighting and glare level at the intersection. Included in the agenda packet was a memorandum from the Township Manager dated July 13, 2017, that summarized the requested modification, a copy of the Design Standards of the Terraced Streetscape District (with the appropriate provision highlighted from which the Township is seeking relief without undue hardship) and a copy of the plan. Mr. Pribulka discussed the alternative way to proceed with lighting that would not fall in line with the pedestrian design standards.

Detailed discussion followed on the ordinance, LED lights and TSD guidelines/lighting standards.

Ms. Graef moved that the Board of Supervisors **grant** the modification as requested to Chapter 22, Subdivision and Land Development, Section 5A09.D.1 to allow street lighting at the intersection of West College Avenue and Corl Street to be greater than 14 feet but not to exceed 16.2 feet. Ms. Dininni seconded the motion. The motion passed unanimously.

#### **5. STRATEGIC PLAN PROGRESS REPORT**

Mr. Pribulka presented the 2016 progress report on the Strategic Plan that detailed the nine goals with action steps taken and objectives. Some highlights included a status update to-date on action steps, Capital Improvement process, operating budget, policies, ordinances, concept of elected officials' priorities, resource allocations, focus groups and staffing. Goal Topics included: Financial Stability, Economic Development, Growth Management, Environmental Stewardship, Best Management Practices for Operations, Increase Participatory Government, Promotion of clean Renewable Energy, Promotion of Municipal Identity, and Partnerships and Regional Thinking.

Ms. Dininni wanted clarification of why the recreational park and open space plan is on hold until the regional plan is done. Mr. Pribulka discussed specifics on a possible regional comprehensive plan for parks and recreation and implementation of objectives in the regional comprehensive plan (RCP). Ms. Dininni spoke about other municipalities citizens' involvement on public lands in regard to resident tax dollars that fund parkland and that they should be the driver of the development of those parklands. Ms. Dininni recommended not to wait for the RCP to be finished and continue to move forward and get public input from the Township's taxpayers to see what they would like and have that drive what is in the RCP. Mr. Buckland noted a suggestion that was brought to him on doing something with area parks, similar to Tudek Park, and to work that into an agenda item at some point.

Following discussion, Mr. Miller suggested that staff put together options available to the Board and place on the agenda for discussion and consideration.

**VIII. COMMUNICATIONS TO THE BOARD**

None were noted.

**IX. CALENDAR ITEMS.**

The Board of Supervisors CIP worksessions scheduled for July 20<sup>th</sup> at 6:00 p.m. and July 27<sup>th</sup> at 5:30 p.m. at the Township building. The Springcreek Watershed Commission meets this Wednesday, July 19<sup>th</sup>.

**X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Dininni made a motion to adjourn the meeting. Ms. Graef seconded the motion. Mr. Miller adjourned the meeting at 9:35 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Pribulka', with a stylized, cursive flourish at the end.

David Pribulka, Acting Township Manager  
For the Board of Supervisors

Date approved by the Board: 08-07-17