

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, June 19, 2017
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, June 19, 2017, at the Ferguson Township Municipal Building. In attendance were:

Board: Steve Miller
Laura Dininni
Peter Buckland
Rita Graef

Staff: Dave Pribulka, Township Manager
Dave Modricker, Director of Public Works
Lindsay Schoch, Community Planner
Chief Diane Conrad
Sgt. Chris Albright

Others in attendance included: Cindy Hahn, Thomas Giles, Dean Ball, Todd Giddings, Tom Zurat, Ken Beldin, Brian Heiser, John Lichman, Sarah Rafacz, C. Young, Bill Hichinger, Pam Steckler, Jacob Mann, Janet Swim, Dorothy Blair, Doug Keith, Bob Potter, L. Heritage, Faith Norris, Recording Secretary

II. CALL TO ORDER

Mr. Miller called the Monday, June 19, 2017, regular meeting to order at 7:00 p.m.

The first rule of business was to appoint a new Police Chief. Mr. Pribulka discussed the recruitment process for the new Chief of Police. He thanked those that assisted in the recruitment by providing valuable feedback. Mr. Pribulka detailed Chris Albright's career and accomplishments in law enforcement that spans over three decades with 25 of those years in at the Township's Police Department. Mr. Pribulka recommended his selection of Sgt. Chris Albright for the Board of Supervisors' approval to succeed Chief Diane Conrad as the next Chief of Police, effective June 30, 2017.

Ms. Dininni made a motion to approve Chris Albright as the new Chief of Police of Ferguson Township effective June 30, 2017. Mr. Buckland seconded the motion. The motion passed unanimously.

III. CITIZENS INPUT

Mr. Miller asked for any items not on the agenda. None were noted.

IV. MINUTES

1. June 5, 2017, Board of Supervisors Regular Meeting.

Mr. Buckland made a motion to approve the June 5, 2017, regular meeting minutes. Ms. Graef seconded the motion. The motion passed unanimously.

V. REPORTS

1. REPORTS

C-NET Annual Presentation – Thomas Giles and Cindy Hahn

Mr. Giles, C-NET representative from Ferguson Township and currently Board Chair for C-NET, presented 2016 highlights, membership, programming, and streaming. Ms. Hahn, C-NET Executive Director, continued the shared presentation and discussed in detail the 35.1 programs (29 sponsored programs and 6.1 Bulletin Board Messages), completed in 2016. Ferguson Township was responsible for 7.2% of all programming by C-NET members, up from 5.8% in 2015. Overall from 2012-2016 Ferguson Township's programming was about 5.92% of all the member programming on both channels that is up from the previous five-year period that had been 5.5%. This shows that the Township's usage of C-NET has increased.

Ms. Dininni called a point of order to clarify whether questions could be asked during comment period. Mr. Miller clarified that the prohibition on questions applies to the staff and COG Committee reports.

2. COG COMMITTEE REPORTS

a. Human Resources

Mr. Miller presented the report provided by Ms. Whitaker in her absence. Highlights included: committee discussed a proposal for a part-time staff member for the Active Adult Center for the 2018 budget and consensus was to endorse the position for 2018 program plan; update on 2018 personnel request from the Fire Department; committee supported a rewrite of the personnel policy book that when completed will go the General Forum; continued discussion on cost of living allowance and to take a look at how other municipalities calculate their cost of living.

Ms. Dininni moved that questions be allowed during report time. Motion did not pass.

b. Finance

Mr. Miller presented the report from the June 8th meeting that was provided in the agenda packet. Highlights included a discussion of the 2018 target budget guidelines; discussion on CATA budget process; discussion on Capital funding for the Millbrook Marsh Nature Center and further discussion on capital costs associated with future upkeep of similar assets in the 2018 Program Plan. Mr. Miller noted maintenance costs of assets is a new item in this year's budget.

Mr. Buckland called a point of order and asked if it's permitted for a Supervisor to move an item from one of the reports and put on the agenda for discussion. Mr. Miller ruled that it is permitted.

Ms. Dininni called a point of order and asked if a Supervisor was permitted to ask a simple question that they did not feel warranted placement on an agenda. Mr. Miller ruled that there is no process for doing so.

c. Public Safety

Mr. Miller attended the meeting in Ms. Dininni's place. Highlights Included a presentation of survey results on the COG existing structure; Program Plan Review; a new proposed customer service position at CRCA; Code permitting software update; CRCA budget update; a new position proposed at the Alpha Fire Company; and potential targeted financial incentives for firefighters.

3. OTHER REGIONAL COMMITTEES – None were noted.

4. STAFF REPORTS

a. Manager's Report –

Mr. Pribulka noted the report was provided with the agenda packet. Overview of report includes Desirability and Feasibility Study of a Fire Station in Ferguson; details on specific municipal components of the 2018 COG funding formula; conclusion of interviews for the Police Chief; details of the Township's share on the proceedings to acquire an agricultural conservation easement on 61 acres; Chairman and Manager attendance at the groundbreaking of Morgan Advanced Materials at Innovation Park on June 9th sponsored by CBICC. Also reported was that work continues on the Capital Improvement Program; maintenance concerns along Park Center Blvd.; recent action of the State College Borough Water Authority; and the CBICC Economic Development Summit.

b. Public Works Director

Mr. Modricker noted the report was provided with the agenda packet. Overview of report includes the kickoff meeting for the LEED Gold Public Works Building; details on the regional Pollutant Reduction Plan; stormwater fee feasibility study; and capital projects.

c. Planning and Zoning Director

Ms. Schoch presented the report in Mr. Stolas absence. Ms. Schoch reviewed the Active Plan list and the approved Planning Commission Minutes for May 22nd. Ms. Schoch advised that the

Draft Traditional Town Text Amendment was postponed; Harner Farms rezoning request was presented to the Planning Commission; amendment to allow Pet Daycare Facilities in the IRD zoning district; and status of update to the Zoning Ordinance and SALDO.

d. Chief of Police

Chief Conrad reviewed crime statistics. The first accreditation assessment that passed and will become official by the next Accreditation Commission Meeting end of July. The new electronic traffic citation and crash reporting system is being tested. Spring refresher and training classes for new officers for the Emergency Vehicles & Operations Course is underway. Final processing for new hires is underway and one officer had started today and two new hires will be attending the Police Academy in July in Harrisburg.

e. Treasurer's Report

Mr. Miller noted the report is included with the agenda packet.

VI. PROCEDURE AMENDMENT – DISCUSSION ON PROPOSED STANDING RULE OF ORDER NARRATIVE

Mr. Miller proposed that the Board of Supervisors adopt a standing rule of order that would permit any individual Board member to vote against a motion that he or she made if conditions warrant. Current rules require the maker of a motion to vote in support of it.

Mr. Miller made the motion that the Board of Supervisors adopt a standing rule allowing an individual Board member to vote against a motion made by that individual member. Mr. Buckland seconded the motion.

Ms. Graef made a motion to amend that the maker of the motion even when he or she can vote against the motion cannot speak against his or her own motion. Mr. Miller seconded the motion.

Board discussion followed for clarification on the motions.

Mr. Miller asked for a vote on the amendment to the original motion. The motion failed with Mr. Buckland, Ms. Dininni and Mr. Miller dissenting.

Mr. Miller called for a vote on the original motion of the standing rule. The motion passed unanimously.

VII OLD BUSINESS

1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA COMMITTING THE TOWNSHIP TO DEVELOPING AND IMPLEMENTING A STRATEGY TO ACHIEVE NET ZERO GREENHOUSE GAS EMISSIONS NO LATER THAN 2050; TO BECOME A LEADER IN THE REGION AND COMMONWEALTH IN PURSUING GOALS ESTABLISHED BY SAID STRATEGY; AND TO ENGAGE OTHER STAKEHOLDERS IN A DIALOGUE TO DEVELOP COURSES OF ACTION TO REDUCE THE IMPACT OF HUMAN-INDUCED CLIMATE CHANGE TO PENNSYLVANIA AND PEOPLE AND PLACES AROUND THE WORLD.

Mr. Miller introduced the resolution for public hearing. Mr. Pribulka went into detail on the strategy for implementing the resolution and noted a copy of the resolution was included with the agenda packet.

Mr. Buckland read the resolution in its entirety. The resolution commits the Township to immediately begin developing a strategy to achieve net zero greenhouse gas emissions no later than 2050. If adopted at this meeting, staff will place an item on a future agenda for discussion on how to proceed with developing a strategy.

Citizens input followed with discussion on geothermal benefits, photovoltaic solar array hybrid benefits, and to explore other technologies that may emerge over time. A citizen inquired about the clean air pure water act and if that article could be added to the resolution.

Mr. Buckland made the motion that the Board of Supervisors adopt the resolution of the Township of Ferguson, Centre County, Pennsylvania committing the Township to developing and implementing a strategy to achieve net zero greenhouse gas emissions no later than 2050; to become a leader in the region and commonwealth in pursuing goals established by said strategy; and to engage other stakeholders in a dialogue to develop courses of action to reduce the impact of human-induced climate change to Pennsylvania and people and places around the world. Ms. Graef seconded the motion.

Discussion followed on green building practice and geothermal power.

Mr. Buckland made a motion to amend the resolution on page 2, first paragraph to read, "WHEREAS, green building practices and standards... including solar, wind and **Geothermal** power have..." Ms. Graef seconded the amended motion.

Ms. Dininni made a motion to amend the amendment to the resolution, page 2, first paragraph to read, WHEREAS, green building practices and standards **have been established**," Mr. Graef seconded the motion. The motion passed unanimously.

Ms. Dininni made a motion to amend the amended motion to the resolution, page 2, first paragraph, to replace the word reduced to **fallen**. Mr. Buckland seconded the motion. The motion passed unanimously.

Mr. Miller asked for a motion on Mr. Buckland's motion to amend as amended. The motion passed unanimously.

Mr. Miller asked for a motion on the resolution.

Ms. Dininni suggested several editorial changes. Ms Dininni suggested adding the specific meeting in Paris for record in the first paragraph. Mr. Buckland clarified the change to be the 21st Conference of the Parties member meeting of the UN Framework Convention on Climate Change in Paris. Mr. Miller noted it will be added to the resolution and a motion is not necessary.

Ms. Dininni moved to amend the resolution, page 2, last paragraph, item 3 to add language after business, and **universities including**. Mr. Miller seconded the motion.

Ms Graef made a motion to amend the resolution, page 2, paragraph 4, strike **including Penn State University** and last paragraph, item 3 strike **including Penn State University** so that it would read, "**Engage peer governments...businesses and universities to raise awareness**..." to keep the language more general. Ms. Dininni seconded the motion. The motion passed unanimously.

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

Mr. Buckland made a motion to amend the resolution to add in its entirety Article 1, section 27 of the PA constitution that reads, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people." Ms. Dininni seconded the motion. The motion passed unanimously.

ROLL CALL VOTE on Resolution # 2017-14: Mr. Buckland-YES, Ms. Dininni-YES, Ms. Graef-YES, Mr. Miller-YES. The motion passed unanimously.

VII. NEW BUSINESS

1. CONSENT AGENDA

- a. Special Events Permit – Stonebridge 4th of July Parade
- b. Sponsorship Request – \$282.20 for PA APA Conference
- c. 2017-C6 and Ramp Upgrades Pay Application

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

2. NORTH ATHERTON STREET DETOUR/NIGHT WORK REQUEST – MR. DEAN BALL, PENNDOT

PennDOT submitted a request for three short-term detours and night work to be permitted in the Township during the second phase of a project to repair and replace a deteriorating drainage system along Atherton Street.

Mr. Ball presented an update on the project objectives, drainage system upgrades, signal work, detours for SR3014, section 152, Work Zones A-D - Ferguson Township, Phases 1-5 and the Culvert section (June 2018). Final clearances on schedule and work is scheduled to begin in August. The utility work to start in Fall of 2017 and the main construction will begin in 2018. Mr. Ball went into further details of the project regarding accommodations for pedestrian access, lane closures and detours.

Ms. Dininni followed with discussion on Big Hollow Road towards the Airport on developing a road/culvert to connect the unfinished road. It was recommended to contact PennDOT directly to discuss this item. Other clarifications were noted that West Aaron Drive-southbound will stay open and the dramatic dip from Aaron Drive to Atherton Street will be part of the road improvements in terms of road profiling.

Mr. Pribulka noted seeing no objections from the Board, will go ahead and issue the permits.

3. ORDINANCE AMENDMENT APPLICATION – CHAPTER 27, ZONING; CHAPTER 26, STORMWATER

Mr. Pribulka introduced the ordinance amendment application that was received on May 27, 2017, from the State College Borough Water Authority (SCBWA) requesting revisions to both Chapter 26-stormwater and Chapter 27-zoning specific to Use Regulations related to Essential Services within Floodplain Conservation areas. If interested in moving forward, the amendment would be referred to the Planning Commission specifically relating to the revisions requested from the zoning ordinance. It has been reviewed and commented on by Township staff and consultant for requested revisions to the Stormwater Ordinance.

Ms. Dininni made a motion that the Board of Supervisors *refer* the ordinance amendment application to the Planning Commission for review and a recommendation. Mr. Buckland seconded the motion.

Mr. Buckland asked for clarification of the definition of essential services in regards to infrastructure/natural gas pipelines and went into further discussion on source water protection overlay. Ms. Schoch and Mr. Pribulka responded with further detail and discussion.

Mr. Miller asked for a vote on the motion. The motion passed unanimously.

4. AUTHORIZATION TO ENTER INTO AGREEMENT WITH AMEC FOSTER WHEELER TO CONDUCT A STORMWATER FEE FEASIBILITY STUDY FOR THE TOWNSHIP

Mr. Modricker presented the proposed Stormwater Fee Feasibility Study that was included in the agenda packet. A consultant was hired under a professional services contract to prepare the Stormwater Fee Feasibility Study (SFFS) in cooperation with MS4 partners that are Centre Region municipalities and Penn State. The plan is in the preliminary design stage. Mr. Modricker went into detail on the responsibilities relating to stormwater management, scope of work, short and long-term goals, milestones and timelines, and public and advisory meetings.

Ms. Graef made a motion that the Board of Supervisors approve a contract with Amec Foster Wheeler to conduct a Stormwater Fee Feasibility Study for the Township in an amount not to exceed \$69,825.00. Mr. Buckland seconded the motion.

Discussion followed. Ms. Dininni needed further clarification on MS4 partners and was concerned whether taxpayer funds will be going to projects outside the Townships' boundaries. Ms. Dininni had concerns regarding Penn State's designation of being an MS4 owner, why Penn State is a partner and how does that group of MS4 partners relate to this study in regards to the fee for Ferguson Township. Mr. Modricker clarified that Penn State is a MS4 permit holder and went on to clarify that the Chesapeake Bay PRP and the SFFS are two separate items and no agreement has been made on construction for any improvements that come out of the study. Details followed on how to pay for improvements, reduction of sediment loads from other municipalities and how to build costs collectively into the plan. The PRP will help determine the costs and the SFFS based on improvements needed will help determine the opportunity for funding/assessing fees and the Board's choice to do those projects.

Discussion followed on how impact fees are applied, benchmarking, clarification that the Stormwater Fee Feasibility Study is the Townships' plan and does not include other municipalities. Mr. Pribulka clarified that municipalities can implement a fee without an authority. Ms. Graef suggested a regional authority may be appropriate. Ms. Dininni asked if an evaluation was going to be done on whether to provide services at the regional or municipal level.

A citizen noted that he is not in the MS4 district and asked for a determination of what fee he would be paying outside that zone. Mr. Modricker noted a stakeholder advisory committee will be established to look into the interests that stakeholders have and what structure will be set up. Mr. Buckland called a point of order to move the meeting on.

Mr. Miller asked for a vote on the motion. The motion passed unanimously.

5. DISCUSSION OF CONDITIONAL USE APPLICATION – 1316 WEST COLLEGE AVENUE

Ms. Schoch introduced the application as presented in the agenda packet. Applicants were in attendance at this meeting. The Township received a conditional use application to establish a skate park in the Terraced Streetscape District at 1316 West College Avenue. Currently, it is not a permitted use and the applicants have asked the Township for a conditional use permit in that zoning district.

Discussion followed on determining whether the request should go to the Planning Commission. Ms. Schoch clarified that it would be added into the TS district as an added conditional use.

Ms. Dininni made a motion that the Board of Supervisors refer the conditional use application to the Planning Commission. Mr. Buckland seconded the motion. The motion passed unanimously.

6. DISCUSSION OF APPOINTMENT TO THE CENTRE REGION PARKS AND RECREATION AUTHORITY BOARD – MR. STEVE MILLER

Mr. Miller had received a letter from Ms. Sue Mascolo stating she is resigning as the CRPR's Authority Board effective July 7th. The position will need to be filled until the end of the term ending December 31, 2018.

Mr. Miller proposed and the consensus was that the entire Board interview applicants in a public worksession prior to appointing someone to the position. No motion is required. Mr. Miller noted that the Board will announce the application period and will let staff know the plan to proceed.

Discussion followed on if there should be an interim person in place until a new member is appointed. Mr. Pribulka will look into it.

Mr. Miller thanked Ms. Mascolo for over fourteen years of service on the Authority Board.

7. DISCUSSION ON DRAFT EMAIL POLICY FOR TOWNSHIP AUTHORITY, BOARD, AND COMMISSION MEMBERS

Mr. Pribulka introduced the draft policy as included in the agenda packet. The draft policy encompasses issues such as compliance with local, state, and federal regulations, and email utilization, among other things. If proceeding, a resolution will be prepared for public hearing at a future Regular Meeting.

Ms. Dininni made a motion that the Board of Supervisors direct staff to prepare a resolution for public hearing to adopt an email policy for the Township's Authorities, Boards, and Commissions. Mr. Buckland seconded the motion.

Discussion followed. Ms. Dininni had questioned whether the new policy will repeal the old policy automatically or if a motion is needed to repeal it. Mr. Pribulka answered by saying the resolution language states it repeals the old resolution and would do so automatically.

Mr. Miller asked for vote on the motion. The motion passed unanimously.

8. DISCUSSION OF PROPOSED SUSTAINABILITY POSITION AT COG – MR. PETER BUCKLAND

Mr. Miller noted we do not have the information needed from COG at this time and tabled this item to the next meeting.

9. STATEMENT OF SENIOR MANAGEMENT COMMITMENT TO RISK MANAGEMENT AND EMPLOYEE SAFETY – PENNPRIME LOSS CONTROL STANDARD #1

Mr. Pribulka introduced the item that was provided in the agenda packet. A memorandum from the Township Manager to all staff dated June 13, 2017, affirms the commitment of senior management to risk management and employee safety. It is an annual requirement of the PennPRIME Insurance Trust, the Township's worker's compensation and liability insurer, as part of its Loss Control Standards program. The Township's certified Safety Committee ensures compliance with Loss Control Standards, regularly meets to review safety concerns, helps to mitigate risk in the workplace, routinely inspects high-risk facilities in the Township, and reviews incidents among other things.

Ms. Graef made a motion that the Board of Supervisors **approve** the Statement of Senior Management Commitment to Risk Management and Employee Safety. Ms. Dininni seconded the motion. The motion passed unanimously.

VIII. COMMUNICATIONS TO THE BOARD

Mr. Buckland had a number of communications about the Climate resolution and the ongoing occupation of Penn State's property at the future site of The Cottages Planned Residential Development.

IX. CALENDAR ITEMS – JUNE/JULY - None were noted.

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 script.

David Pribulka, Township Manager

For the Board of Supervisors

Date approved by the Board: 07-03-17