

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, May 15, 2017  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, May 15, 2017 at the Ferguson Township Municipal Building. In attendance were:

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

**Staff:** Dave Pribulka, Acting Township Manager  
Dave Modricker, Director of Public Works  
Ray Stolas, Director of Planning & Zoning  
Diane Conrad, Chief of Police  
Jeff Ressler, Zoning Administrator  
Lindsay Schoch, Community Planner

*Others in attendance included:* Jon Brozlleys; Cricket Hunter, Interfaith Power & Light; Lydia Vandenberg; David Vandenberg; Bill Hechinger; Louwana Olivia, CATA; Dorothy Lutz; Edward Perry, National Wildlife Federation; Anthony Buda; Nancy Chiswick; Maggie Ellis; Alicia O'Neill; Scott Pflumm; Susan Brans; Dorothy Rlaer; Nathan Gieger; Joyce Eveleth; James Serene; Mary Bruce Serene; Molly Hunter; Bret Myers; C. Brou; Pam Steckler; Colleen Unroe; Paul Skripnik; Watt Vidir; Faith Norris, Recording Secretary

### II. CALL TO ORDER

Mr. Miller called the Monday, May 15, 2017, regular meeting to order at 7:00 p.m.

Mr. Miller announced that the Board held an executive session on personnel matters directly before the May 15, 2017, meeting. The Board successfully came to terms of agreement with David Pribulka for employment as Township Manager.

Mr. Miller received consent from the Board to move the Proposed Climate Action Resolution under New Business after Consent Agenda.

Ms. Dininni made a motion to add a discussion on the Official Map to the agenda. Mr. Buckland seconded the motion. The motion passed unanimously.

### III. CITIZENS INPUT

No citizens' input.

### IV. PROCLAMATIONS

#### 1. A PROCLAMATION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA DESIGNATING THE WEEK OF MAY 21<sup>ST</sup>, 2017 AS NATIONAL PUBLIC WORKS WEEK.

Mr. Pribulka introduced the proclamation that was included in the agenda packet. This is the second year the Board has asked to make this designation for the hard work that Public Works staff do to maintain the Township's streets and right of ways.

After the reading of the proclamation Mr. Miller asked for a motion.

Ms. Dininni made a motion that the Township proclaims the week of May 21-27, 2017, as National Public Works Week. Mr. Buckland seconded the motion. The motion passed unanimously.

## V. MINUTES

### 1. May 2, 2017, Board of Supervisors Regular Meeting

Ms. Whitaker made a motion to approve the May 2, 2017, regular meeting minutes. Mr. Buckland seconded the motion. Ms. Dininni's noted a de minimis spelling correction on page 5. The amended motion passed unanimously.

There was dialogue on comprehensive content to minutes and what data should be added. Mr. Miller suggested if anything needs added that it be done by a motion.

## VI. REPORTS

### 1. COG COMMITTEE REPORTS

#### a. Special Joint Meeting: Finance, Centre Region Parks & Recreation Authority Board, Parks Capital Committees

In Ms. Graef's absence, Ms. Whitaker attended the Special Joint Meeting on May 11, 2017. A status report on the Whitehall Road Regional Park was received from the Director as well as an update from the bank with options for the required loan. A motion on the modification was made to extend the current loan agreement with the bank until June 1, 2018. Mr. Miller clarified the extension continues for the life of the loan and the recommendation of the motion made was that COG reconsider the recommendation in one year (2018). The motion in the joint meeting passed 3 to 2 for recommendation that will be presented at the next GOG General Forum.

#### b. Human Resources Committee

Ms. Whitaker did an overview of the May 3, 2017, meeting. Some highlights included personnel changes, review of the COG Personnel Policy Handbook and cost of living allowances.

#### c. Public Services & Environmental Committee

Mr. Buckland reviewed the May 4, 2017, meeting. Highlights from the agenda included proposed UAJA Sanitary Sewer Service to an athletic field maintenance building, organics recycling, presentation on Renewable Energy Resources and possible regional solar ordinance, the KINBER Fiber Optic network and CRPA's proposed hiring of a full-time position in lieu of an AmeriCorps position. Mr. Buckland asked to discuss the CRPA's proposal more in-depth at a June Regular Meeting.

#### d. Public Safety Committee

Ms. Dininni reviewed the May 9, 2017, meeting. Some highlights include Centre Region Code Agency moving a part-time staff member to full time as a new Code Services Manager to proactively focus on customer service; a new intern for the Emergency Management Program, HazMat Management Program and Penn State Fire Protection Services; and Bellefonte Code Services Agreement that is moving forward. Ms. Dininni spoke more in-depth on some topics. Ms. Dininni noted the Centre Region Fire Director wanted to make people aware that the county and COG views of HazMat Management are out of sync and had provided a handout at the PSC meeting with five (5) options recommended to remedy this. A copy can be provided to anyone interested. The next PSC meeting will be June 13, 2017, at COG at noon.

#### e. Executive Committee

Mr. Miller noted the meeting has been rescheduled to Wednesday (May 17, 2017) at noon at the Township Building due to the building being used on Tuesday for Election Day voting.

## **2. OTHER REGIONAL COMMITTEES**

No Regional reports.

## **3. STAFF REPORTS**

### **a. Manager's Report**

Mr. Pribulka shared some highlights from the report that included language on the requested easement along Slab Cabin Run as a stipulation on the contribution given to Clearwater Conservancy. Staff is scheduling a CIP road tour. Mr. Pribulka will be out of town to attend the Association of PA Municipal Managers Annual Conference.

### **b. Chief of Police Report**

Diane Conrad shared some highlights from the report. Not much change on crime and other calls from April 2016 or in YTD statistics. Accreditation mock assessment completed on April 25<sup>th</sup> and scheduled for full assessment on May 23-24. HOPE Coalition (Heroin & Opioid Prevention Education) engaged in a strategic planning session (April 12<sup>th</sup>) and waiting on a report. This week is Police Memorial Week with an event on Wednesday at noon at the Bellefonte Courthouse.

### **c. Public Works Director**

Mr. Modricker highlights include an overview of special bush collection, firms interviewed from response to RFQ for professional services for stormwater fee feasibility study, reports received from some Penn State Sustainable Community Collaborative projects, consent agenda items include awards for two contracts - Martin Street Pipeline and Fairbrook Park Parking Lot, finishing up street tree planting and will be starting oak wilt treatment, and the Meckley Road Paving project is out for bid on May 30<sup>th</sup>.

### **d. Planning and Zoning Director**

Mr. Stolas noted the meeting was held on May 8th and provided an Active Plan List along with the latest set of minutes for the Board of Supervisors to review in the agenda packet. Mr. Stolas read off the report as presented in the packet for Draft Traditional Town Development Text Amendment, Sourcewater Protection – SCBWA, Official Map, and April 2017 Permit Activity. Following the report, it was noted a discussion will follow on the Official Map that is in draft stage.

### **e. Treasurer's Report**

Mr. Miller asked for comments and noted the report is in the agenda packet. No comments.

## **VII. OLD BUSINESS**

### **1. CONTINUED DISCUSSION ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 19 – SIGNS AND BILLBOARDS.**

Mr. Miller and Mr. Pribulka reviewed the history of the Signs and Billboards proposed amendment to the ordinance that was reviewed and authorized to be advertised for Public Hearing at the May 2, 2017, Regular Meeting. Staff had determined that it was prudent to allow the Board one additional opportunity to review the ordinance and provide any additional comments on the amendment before the public hearing that is scheduled for June 5<sup>th</sup>. Mr. Pribulka noted advertisement is not until May 22<sup>nd</sup> or 23<sup>rd</sup>.

Mr. Pribulka noted the more substantial changes are prohibition of signage and right-of-way. Further discussion and clarification followed on the topic. Mr. Stolas responded to questions and

further spoke on Digital Message Centers and a comprehensive overview of the signage. Noted, TOD stands for Tourist Oriented Destination.

Ms. Dininni made a motion for political signs to be exempted from right-of-way prohibition. Mr. Miller noted it could not be enforced. Mr. Dininni retracted the motion.

Mr. Miller recognized the public at this time.

Highlights of comments from citizens included: size of signs allowable for the exterior of storefronts, wall signs and digital billboard message centers, lit signs and shade provision, and technical specifications on lighting ordinance. Mr. Miller, Mr. Stolinis and Ms. Schoch responded to citizens' input/questions for permitted uses, sign illumination and light sources specifications and specifics on lighting ordinance.

Discussion followed on land use for educational events at rural agricultural zones. Ms. Graef supported educational opportunities for agricultural events as long as it is consistent and applies to other zoning districts. Clarification was needed that it is a permitted use and farm-based education for a particular site.

Ms. Dininni made a motion to amend the sign ordinance to make it gender neutral in reference to page 2, item 9 and to the gender neutrality of the Ferguson Township Administrative Code. Mr. Buckland seconded the motion with Mr. Miller's note that prior to advertising the ordinance amendment that it be made gender neutral. The motion passed unanimously.

Ms. Dininni made a motion to expand the Educational Agricultural Event signs into the Agricultural Zoning Districts as well as the Agricultural Research Zoning Districts (reference to page 15, item 17, Educational Agricultural Event Sign). Mr. Buckland seconded the motion.

Noted was that item 17 is specifically referencing Ag Progress Days.

Ms. Dininni made a motion to postpone the above motion on expanding Educational Agricultural Event signs indefinitely. Mr. Miller seconded the motion. The motion passed unanimously.

Ms. Dininni noted a spelling error on page 12, letter E, item IV, sigh should be **sign**.

## VIII. NEW BUSINESS

### 1. CONSENT AGENDA

- a. Award of Contract 2017-C3P Martin Street Pipe Lining (Partnership with State College Borough)
- b. Award of Contract 2016-C17 Fairbrook Park Parking Lot
- c. Pay Authorization for Contract 2017-C6 Curb and Ramp Upgrades
- d. Surety Release – Hunter's Chase Phase VII
- e. April 2017 Voucher Report

Mr. Miller asked for a motion following the request for discussion.

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

Next item is the Proposed Climate Action Resolution moved up from item 9 to item 2 per the Board's previous action on page 1.

## 2. PROPOSED CLIMATE ACTION RESOLUTION

Mr. Buckland had previously requested that this discussion item be added to the agenda to review a proposed resolution committing the Township to immediately develop a strategy to achieve net-zero greenhouse gas emissions by 2050. A draft of said resolution was provided. Mr. Buckland lead the presentation and discussion followed.

Mr. Buckland outlined the proposed climate resolution draft in his presentation by reviewing the science behind climate changes, risk assessments, record/impact setting, environment, transportation, strategic planning and goal setting. He said that solar employment leads ahead of coal, oil and natural gas combined. Reviewed Township and Regional actions such as the building of a LEED Gold Public Works Building and have partnered with Penn State's affiliate Sustainability Communities Collaborative.

Mr. Miller asked for public comment. Citizens present at the Regular Meeting spoke in support of climate change and the proposed resolution draft. Some residents spoke on environmental sustainability/impacts at a local/county level, jobs it would create, moral issue, importance with local officials, solar and wind alternative energy vs coal and natural gas, use of scientific means vs political, how it affects people's lives and a suggestion to have forums to educate the public.

Mr. Miller asked for a motion to move the draft resolution to public hearing.

Mr. Buckland made a motion to ask staff to prepare a draft Climate resolution for further review and comment. Ms. Dininni seconded the motion. Motion passed 4 to 1 with Ms. Whitaker dissenting.

Board discussion followed on other viewpoints needed, a strategic plan, dynamic technology, and good stewardship of environmental resources. It was noted that if there is anything to incorporate into the draft resolution, to forward Mr. Pribulka to review with Mr. Buckland for inclusion at a public hearing. Mr. Pribulka suggested the public hearing be held at the second Regular Meeting in June. A copy of the draft Climate resolution was provided with the agenda packet and for citizens in attendance at the meeting.

## 3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CERTIFYING PROVISION OF LOCAL MATCH FOR STATE OPERATING AND CAPITAL FINANCIAL ASSISTANCE TO THE CENTRE AREA TRANSPORTATION AUTHORITY AND REPEALING RESOLUTION 2016-21.

Ms. Dininni made a motion to adopt the resolution certifying the provision of local match for state operating and capital financial assistance to the Centre Area Transportation Authority and Repealing Resolution 2016-21. Ms. Whitaker seconded the motion.

ROLL CALL vote on resolution #2017-11 adopting the resolution for certifying provision of local match for CATA: Mr. Buckland-YES, Ms. Dininni-YES, Ms. Graef-YES, Mr. Miller-YES, Ms. Whitaker-YES. Motion passed unanimously.

## 4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE 2017-2018 CENTRE COUNTY SOBRIETY CHECKPOINT AND EXPANDED DUI ENFORCEMENT PROGRAM, AND AUTHORIZING THE TOWNSHIP MANAGER TO SIGN ALL DOCUMENTS RELATED TO THE GRANT ON BEHALF OF THE TOWNSHIP OF FERGUSON.

Chief Conrad provided an overview of the program, which is an annual grant from the state providing assistance for the countywide Sobriety Checkpoint and Expanded DUI Enforcement Program. Chief Conrad reviewed the statistics of last year's program.

Mr. Miller asked for public comment. There was none.

Ms. Graef made a motion to adopt the resolution authorizing the submission of an application for a grant from the Pennsylvania Department of Transportation's 2017-2018 Centre County Sobriety Checkpoint and Expanded DUI Enforcement Program, and authorizing the Township Manager to sign all documents related to the grant on behalf of the Township of Ferguson. Ms. Dininni seconded the motion.

ROLL CALL vote on resolution #2017-12 adopting the resolution authorizing the application for the DUI Grant from PennDOT for 2017-2018: Ms. Dininni-YES, Ms. Graef-YES, Mr. Miller-NO, Ms. Whitaker-YES, Mr. Buckland-YES. Motion passed 4 to 1.

Mr. Miller noted that he is against the provision that allows for random checkpoints.

**5. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING RESOLUTION 86-4 BY DESIGNATING DAVID G. PRIBULKA AS CHIEF ADMINISTRATIVE OFFICER OF THE FERGUSON TOWNSHIP POLICE AND EMPLOYEES' PENSION PLANS EFFECTIVE MAY 26, 2017.**

Mr. Pribulka noted this is a requirement of Pennsylvania's Act 205 that governs municipal pensions and went into further detail on designation of a chief administrative officer. This position has typically been occupied by the Township Manager, and shall have the authority to supervise the preparation of any actuarial reports relative to the plan; determine the financial requirements of the plan based on the most recent actuarial reports; and determine the minimum municipal obligation (MMO) of the Township with respect to the funding of the plan for a given plan year.

Ms. Whitaker made a motion to adopt the resolution designating David G. Pribulka as Chief Administrative Officer of the Ferguson Township Police Pension Plan and Employees' Pension Plan effective May 26, 2017. Ms. Dininni seconded the motion.

ROLL CALL vote on resolution #2017-13 adopting the resolution designating David G. Pribulka as Chief Administrative Officer of Ferguson Township Police Pension Plan and Employees' Pension Plan: Ms. Graef-YES, Mr. Miller-YES, Ms. Whitaker-YES, Mr. Buckland-YES, Ms. Dininni-YES. Motion passed unanimously.

**6. GUENOT SUBDIVISION TIME EXTENSION REQUEST**

Mr. Stolas noted the Guenot Subdivision was submitted on October 14, 2016 and was conditionally approved by the Board of Supervisors on November 21, 2016. There have been three time extensions following that timeframe due to waiting on the DEP sewage plan module approval. We are approaching a fourth time extension as a result of the Halfmoon Township Planning Commission and Board of Supervisors requiring a full review of the Subdivision Plan and DEP's requirement of a Planning Module for the portion of the lot in Halfmoon Township.

Mr. Miller noted this item would normally be on the Consent Agenda but since it is the fourth time extension request, it needed to be on the agenda for a separate vote.

Ms. Dininni made a motion to approve the fourth time extension for the Guenot Subdivision, making the new deadline July 4, 2017. Mr. Buckland seconded the motion. The motion passed unanimously.

## 7. FERGUSON TOWNSHIP OFFICIAL MAP DISCUSSION

Ms. Schoch presented an overview of what has been added to-date and what will be added prior to adoption of the official map. The potential passive parkland designation was a major addition. It was noted that it is an ordinance map and not a zoning map. Mr. Pribulka noted Ms. Dininni's definition that the map is a planning tool. No specific designations have been made since there are numerous unknown factors. Mr. Pribulka noted feedback from Penn State and staff will most likely be having a meeting with the University. Ultimately, it will be up to the Board to decide on proceeding with the designation in the scope of this map. It was clarified that the discussion is on the Official Map and not a Zoning Map.

More detailed discussion followed on potential passive parkland designation, imminent domain on types of maps (ordinance vs zoning), definition of maps and designation/easement, why state-owned land is not designated, right of first refusal on land, agricultural activities, shared goals and water runoff.

Mr. Miller wrapped the discussion and noted that the Official Map will be placed on the agenda for future discussion at a later date. The Official Map has not been finalized or advertised.

## 8. ZONING VARIANCE – J.L. FARMS

Mr. Stolas presented an overview of the proposed Cidery. Dr. John W. LeClair owns T.P. #24-004,092B-, 0000- at 3392 Shingletown Road containing approximately 31 acres with an existing home, multiple greenhouses, an apple orchard, vineyard and a proposed Cidery. Dr. LeClair submitted a Land Development plan on February 24<sup>th</sup> for the proposed Cidery, which will also include a new parking area with handicap parking space to support a proposed tasting room. Dr. LeClair applied for Zoning Variance under §27-807 15. *Flexible Buffer Yard* which would require a fifteen (15') foot buffer along the perimeter of the property. The applicant identifies that a large, natural buffer exists that includes woods and tree lines surrounding the majority of the property. The hearing will be next Tuesday.

Mr. Miller asked the Board of Supervisors to either take a position or remain neutral on the proposed Cidery.

Ms. Whitaker made a motion for the Board of Supervisors to remain neutral on the variance application for the J. L. Cidery @ JL Farms modification. Mr. Buckland seconded the motion. Motioned passed unanimously.

## 9. FOXPOINTE PLANNED RESIDENTIAL DEVELOPMENT - REQUEST FOR MODIFICATION

Withdrawn by applicant per letter dated 5-15-17 from C. Anthony Fruchtl, presented at this meeting.

## 10. WHITEHALL ROAD REGIONAL PARK PROJECT AND FINANCING

Mr. Miller reviewed the discussion that occurred at the May 11, 2017 Special Joint Meeting of the COG Finance Committee, COG Parks Capital Committee, and Centre Region Park and Recreation Authority Board. The committees reviewed three options with regard to the Whitehall Road Regional Park loan with Fulton Bank. First, amending the current loan agreement by extending the final draw date. Second, Closing the loan without drawing the remaining funds and repaying a large portion of the principal with funds held in a money market account. Third, Closing the loan by withdrawing the remaining funds and depositing the principal into an interest-earning escrow account. The COG Finance and Parks Capital Committee recommended the first option.

The offer from Fulton Bank reduces the interest rate and the required full draw amount. Mr. Miller asked for the Board's input and discussion followed on the loan options, fiscal responsibility, escalating costs, and content for the recommendation. Further clarification was made in terms of fiscal responsibility with parks in the Township. Ms. Dininni clarified, in reference to the joint meeting discussion in terms of parks, we have given away our power to make contracts but have reserved our obligation to pay for those contracts. Mr. Miller suggested to pay for the road. Ms. Dininni objected to this idea. Mr. Miller clarified the recommendation will be made to the Parks Authority for them to accept the new terms of the loan (interest rate and the draw down schedule).

## **11. ELECTRICITY PROCUREMENT AND GREEN ENERGY CREDITS**

Mr. Pribulka reviewed the quote from Constellation Energy to offset the Township's energy procurement with 100% renewable energy credits. The cost would be approximately \$.00068 per kWh through the remainder of the contract term expiring September 29, 2018, for a total of approximately \$446.77 additional cost. If the Board were interested, updated pricing would have to be obtained.

Mr. Pribulka detailed pricing on renewable wind energy credits and the offsets.

Ms. Dininni made a motion for the Board of Supervisors to authorize the Township Manager to execute an agreement with Constellation Energy for the acquisition of Renewable Energy Certificates for the remainder of the contract term. Ms. Whitaker seconded the motion. The motion passed unanimously.

## **12. AUTHORIZATION TO ENTER INTO AN AGREEMENT WITH COMCAST ENTERPRISE SERVICES FOR THE PROVISION OF ETHERNET DEDICATED INTERNET TO THE TOWNSHIP**

Mr. Pribulka noted that Mr. Buckland did a good job, in the PSE report, of characterizing the regional conversation taking place with the Keystone Initiative through the KINBER network at the COG level. Mr. Pribulka went into further detail on the network and the make-ready costs and design that will be determined in the second phase of the ongoing study. The expiration date for the current contract is on or around August 7, 2017. He further discussed a possible future partnership with CATA and a wireless array. Staff recommended to the Board of Supervisors that the Township proceed with its own contract for high-speed internet that would meet the current need of higher bandwidth and at a lower cost. Mr. Pribulka noted this would not preclude the connection to KINBER if feasible at that time. The proposed recommendation is for a three-year contract with zero cancellation fees or early penalties after the first 15 months. This gives staff allowable time to review KINBER costs to appropriate the budget in the Capital Improvement Plan.

Mr. Buckland made a motion for the Board of Supervisors to authorize the Township Manager to execute a 3-year agreement with Comcast Enterprise Services for the provision of Ethernet dedicated Internet to the Township. Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Pribulka noted the new agreement with Comcast will become effected August 7, 2017, and either after 15 months with no financial penalties or at the end of the contract term, we can evaluate other options.

## **IX. COMMUNICATIONS TO THE BOARD**

Mr. Buckland and Ms. Dininni discussed the Naked Egg parking and water issues.



**X. CALENDAR ITEMS – MAY/JUNE**

Mr. Buckland noted the Spring Creek Water Commission will meet on Wednesday at 7:00 p.m. at the Spring Township Municipal Building.

**XI. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Mr. Buckland motioned to adjourn the meeting. Ms. Dininni seconded the motion. Mr. Miller adjourned the meeting at 10:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Pribulka', with a stylized, cursive script.

David Pribulka, Acting Township Manager  
For the Board of Supervisors

Date approved by the Board: 06-05-17