

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 16, 2017
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 16, 2017, at the Ferguson Township Municipal Building. In attendance were:

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

Others in attendance included: John Spsychalski, CATA; Louwana Olliva, CATA; Dr. Jonathan Dietz, UAJA; Steve Bair, Alpha Fire Company; Mark Kozar, Flaherty & O'Hara; David Gill, Weis Markets; John Lichman, SCBWA; Todd Giddings; Pam Steckler; Kelli Hoover; Andy Arnold; Dave Yoxtheimer; Kimberly Fragolg; Brian Heiser; Jim Steff; Bernie Hoffman; John Kulka; Lynda Mussi; *Greenbriar Development*: Steven Zarit, Judy Zarit, Chuck Phillias, Gerry L. Hamilton, Deborah A. Benedetti, Betha Welz, Gary Moyer, Frank Ugliese, Susan Steinberg, Louis Steinberg, Ed Crow, Janise Crow, Lynne Sanders, Carolyn Lambert, Robert Whitaker, Leann Reisinger, Ari Geselowitz, Dale Koth, Don Snowden, Pieter, Ouwehand, Jeremy Manno, Don Koss, Cindy Koss, James Sweeney, Vicki Welder, Ed Prince, Peggy Schlegel, Bob Schlegel, Tamela Serensits, Tanya Furman, Melissa Wandrisco, Joe Heule, Sue Santalucia, Jeremy Manno, Nina Jenkins, Steve Foard, Brian Shunk, Jill Shunk; Faith Norris, Recording Secretary

II. CALL TO ORDER

Mr. Miller called the Monday, October 2, 2017, regular meeting to order at 7:05 p.m.

Mr. Miller announced that the Board of Supervisors had an executive session prior to tonight's meeting on a litigation matter.

III. CITIZENS INPUT

Ms. Steckler voiced her concern for water protection and discussion on zoning in regards to natural resource and conservation. Discussion followed on open space preservation in the Township.

IV. MINUTES

- a. October 2, 2017, Board of Supervisors Regular Meeting.
Ms. Graef made a motion to **approve** the October 2, 2017, regular meeting minutes. Ms. Dininni seconded the motion. The motion passed unanimously.

V. ABC REPORTS

- a. Dr. Spsychalski & Ms. Oliva – Centre Area Transportation Authority Report & Local Match Share

The presentation included updates on facility expansion, vehicle maintenance, active mobile ticketing app program, travel program with social service agencies, service areas, local share, partnerships, solar lighting project, ways to give public input, and the budget runs on a FY of July 1st to June 30th. The next CATA board meeting is October 23rd at 5:00 p.m. where the public can attend and give input on service needs. A draft budget is due out in the Spring.

Ms. Dininni inquired about ridership data. Discussion followed on how data is collected specific to communities and the ride pass program. Discussion followed on possible funding opportunities through the Visitors Bureau and a Pittsburgh bike share system that offers free bike rides to *ConnectCard* transit riders through *Healthy Ride*.

VI. PRESENTATIONS

a. Presentation on the UAJA Greenbriar Development Demonstration Project

Mr. Pribulka introduced Dr. Dietz and gave some background on the Greenbriar Development Nutrient Offset Demonstration Project. The UAJA Board authorized the demonstration project last July to assess the feasibility and desirability of connecting the development, that is currently on a septic system, to the UAJA sewer system. Greenbriar is within the regional growth boundary sewer service area. Greenbriar residents were notified of this informational meeting and that no action would be taken. Dr. Dietz presented on the Demonstration Project and its goals, as well as potential contaminants introduced to the water supply through on-lot septic systems.

Discussion followed including concerns about the validity of the science presented, the rate of failure of on-lot systems in Greenbriar, and the cost of connection to the sewer system and UAJA rates. Additional items reviewed included the process to design and locate the sewer main, and connect to individual residences.

Cory Miller, UAJA Executive Director, acknowledged the residents' concerns and noted that no construction is anticipated for at least a year and encouraged continued public comment and open dialogue with the Greenbriar community. Mr. Miller stated the need for community discussion and next steps with UAJA. Suggestions for future discussion included nutrient management, strategies to address the regulatory framework, and what role the Board of Supervisors will take.

b. Proposed increase to the stipend paid to volunteers of the Alpha Fire Company

Mr. Bair discussed the overall goals, economics, activities, current conditions, the need for more volunteers, incentives, part-time jobs, costs and impact. Mr. Miller noted the decision for funding will come from the COG. No action was taken at this time. Clarification of peer group used was suburban density.

VII. OLD BUSINESS

a. Public Hearing Ordinance Amending Chapter 27, Zoning – Pet Care Service Facilities

Mr. Stolinas introduced the public hearing ordinance as included in the agenda packet.

Ms. Graef made a motion that the Board of Supervisors **adopt** the ordinance as advertised. Ms. Dininni seconded the motion.

Discussion followed on the requirements of vaccinations for animals kept in pet care facilities, acoustic testing to mitigate noise, sound buffers and the potential issues with other facilities in the same building area as pet care, i.e., a medical facility.

After a lengthy discussion on acoustics and zoning, Ms. Graef called the question.

Roll Call vote on Ordinance 1038: Ms. Graef – YES; Mr. Miller – YES; Ms. Whitaker – YES; Ms. Dininni – NO. The motion passed 3 to 1 with Ms. Dininni dissenting.

b. Continued Public Hearing Resolution on a Liquor License Transfer, Weis Markets, 1471 Martin Street

Mr. Pribulka introduced the resolution. Mr. Kozar of Flaherty & O'Hara, on behalf of Weis Markets, discussed the changes and background on Weis Markets and changes to the liquor code under Act 39, effective last year. Further details were discussed on Act 39, PLCB public auctions, Wine Expanded permits and café requirements.

Ms. Whitaker moved that the Board of Supervisors **adopt** the resolution conditionally approving an intermunicipal liquor license transfer from the Pennsylvania Liquor Control Board to Weis Markets, Inc. located at 1471 Martin Street. Ms. Dininni seconded the motion.

Discussion followed on number of licenses in the Township.

Roll Call vote on Resolution 2017-21: Mr. Miller – YES; Ms. Whitaker – YES; Ms. Dininni – YES; Ms. Graef – YES. The motion passed unanimously.

c. Draft Ordinance Amending Administrative Code to Establish a Standing Parks Committee – Advertisement for Public Hearing

Mr. Pribulka introduced the draft ordinance. The Board of Supervisors had previously authorized staff to prepare an ordinance for review to establish a standing Ferguson Township Parks Committee.

Staff had previously met with Ms. Dininni and several changes were recommended and reviewed and approved by the Board. An editorial change was noted to keep the language in the ordinance gender neutral.

Ms. Dininni moved that the Board of Supervisors amend the ordinance to reflect the changes discussed. Ms. Graef seconded the motion. The motion passed unanimously.

A detailed discussion followed on the reporting requirement process, clarity on the connectivity of bike plan/shared use path and clarity on staggering term appointments.

Mr. Miller asked for a vote on the ordinance for public hearing.

Ms. Dininni moved that the that Board of Supervisors **authorized** the ordinance for public hearing on November 6, 2017. Ms. Graef seconded the motion. The motion passed unanimously.

d. Continued Discussion - Draft Sourcewater Protection Ordinance

Mr. Miller noted some questions were identified at the last Board meeting. Mr. Miller recommended that no amendments be made at this meeting due to not having a full Board present.

Ms. Hoover voiced her concern on lack of restrictions in the ordinance on blasting in wellhead protection overlay zoning areas and quoted recommendations made by a SCBWA Board member and Sourcewater Protection Committee Chair back in January 2016. Mr. Hoffner thanked the Township's Police Department for their handling of a situation that transpired at the proposed Toll Brothers housing development site. He followed with a detailed discussion on Karst geology and Karst terrain, referencing a DEP advisory council presentation. He went into detail on structures and proximity to Karst features, recommendations on excavating vs. blasting as well as other criteria to consider.

Mr. Lichman voiced his concern on Zone 1 ownership and went into more detail on land ownership. SCBWA does not own the wellheads and would prefer to management the 400 ft. radius surrounding the wellhead sites.

Ms. Dininni asked for clarification of language for the footage on blasting restrictions. She went into detail on specific items. Mr. Pribulka asked for direction from the Board on specific language to consider for the draft ordinance. Mr. Miller stated some answers are needed from the Township solicitor. Discussion followed on defining hazardous material vs. special hazardous substances, reporting requirements, regulations, timeline following enactment of ordinance, MSDS (Material Safety Data Sheets) and the sourcewater profile sheet.

Discussion followed on whether the stormwater ordinance addresses a recommendation previously made in January 2016 for geologic studies to demonstrate site suitability and planning feasibility in wellhead protection zones. Mr. Modricker stated it has a correlation to Karst features but does not use the term wellhead. More discussion followed on sourcewater protection overlay requirements, Best Management Practices (BMPs), pre- and post-development flow conditions, regulatory compliance for the 400 ft. circular radius, chemical reporting, prohibited substances vs. regulated substances, PPC plan, review timetable, land ownership and level of protection. Dr. Giddings recommended a contingency plan and went into details on options. Ms. Graef discussed having a program to educate the public on the federal and state requirements in addition to the ordinance. Mr. Yoxthimer discussed safety features, spill prevention and suggested narrowing the large list into a condensed list of hazardous materials.

VIII. NEW BUSINESS

1. Consent Agenda

- a. September Voucher Report
- b. 2017-C20 Tudek Dog Park Improvements Pay Authorization – \$18,246.90
- c. Turnberry - Science Park Turn Lane Surety Release – (\$95,693.45) reduction

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

2. Public Hearing Resolution Amendment to Appoint an Acting Manager

Mr. Pribulka introduced the resolution that would authorize the Township Manager to appoint an Acting Manager in his absence.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Township Manager to appoint an Acting Manager and repealing Resolution 2013-18. Ms. Graef seconded the motion.

Roll Call vote on Resolution 2017-22: Ms. Whitaker – YES; Ms. Dininni – YES; Ms. Graef – YES; Mr. Miller – YES. The motion passed unanimously.

3. Approval of County Liquid Fuels Grant Application

Mr. Modricker presented a brief overview of the grant process and went into further detail on the project that is being proposed for approval at this meeting for local match funding. This is a requirement of the Green Light-Go program.

Ms. Graef moved that the Board of Supervisors **authorize** the submission of a 2018 County Liquid Fuels Grant Application for the construction phase of intersection improvements and signalization on West College Avenue and Corl Street. Ms. Dininni seconded the motion. The motion passed unanimously.

4. Photovoltaic (PV) Design Options for Public Works Maintenance Facility

Mr. Pribulka stated the PV options were discussed in more detail with the consultants since the document was provided in the agenda packet and noted there is more to discuss regarding the options. Mr. Modricker discussed the reports and laid out the options in detail for the logistics, costs, criteria and construction of the solar panels for the building. Discussion followed on the options. The additional third option discussed was a power purchase agreement (PPA) or a Guaranteed Energy Savings Agreement for a solar solution that has a demonstrative return on investment and possible net savings. Discussion followed on whether to pay the cost in one lump sum or through a PPA with a third-party that may have incentive options for the Township. A clarification was made on the life of the equipment (solar arrays) which is about 25 years. The consensus was that more information is needed to make a sound decision on the PV option.

5. Appointment of Assistance Secretary

Mr. Pribulka stated that the Township Manager is typically designated as the municipal secretary. In certain circumstances as with an upcoming meeting that the Manager will be absent, and a municipal secretary is required, it is prudent for the Board of Supervisors to appoint an Assistant Secretary. Mr. Pribulka recommended to appoint the Township's executive assistant as the Assistant Secretary.

Ms. Whitaker moved that the Board of Supervisors **appoint** Angela Kalke as Assistant Secretary for a term expiring December 31, 2017. Ms. Dininni seconded the motion. The motion passed unanimously.

IX. REPORTS

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

- a. Steering Committee. Ms. Dininni reported the committee met on October 3rd. Discussion items included topics for the Comprehensive Plan and open space plan publication from DCNR that will be used as the framework and went into details. The next meeting is November 7th.
- b. Finance Committee. Mr. Miller reported that the committee met on the budget and no major changes were made.
- c. CRPC – TLU Joint Committee. Ms. Dininni attended the meeting on October 5th in place of Ms. Whitaker. Items of regional relevance and potential for open space preservation were discussed. A GIS demonstration was done showing the online capability. Discussion followed on a suggestion made to show parcel ownership in the GIS system to show the regional growth.

X. OTHER REGIONAL COMMITTEES - None

XI. STAFF REPORTS

- a. Third Quarter Financial Report. Mr. Endresen presented a detailed summary of the Township finances. Revenue is healthy. Transfer taxes play a beneficial part in balancing the budget. Capital spending has remained under budget.
- b. Township Manager. The report was included in the agenda packet. The scheduled budget worksessions' dates have been determined at this meeting as November 15 & 16 from 5:00 p.m. to 9:00 p.m., Main Meeting Room at the Township Building with C-NET coverage. Ms. Graef requested since the meetings will be held after the election process to have an invitation extended to the new representative from Ward III. Mr. Pribulka discussed the upcoming MS4 presentation that COG is

hosting that will talk about partnering/credit sharing with other agencies. Board members were encouraged to attend. The COG Lunch 'n' Learn is October 30th at 12:00 p.m. at the COG Building.

Ms. Dininni asked for information in reference to a court case about Penn State acquiring land (imminent domain) and being an instrumentality of the Commonwealth in relation to the land that is listed on the Official Map. Mr. Pribulka stated the status of the case is not known and the Township does not have a position on the case. Further discussion followed regarding PSU's land and Musser bike path ownership.

- c. Chief of Police. Chief Albright presented an overview of the report included in the agenda packet. Part 1 offenses are down; Part 2 offenses are up (less serious crimes); and calls for service are up. Further detailed followed on the highlights of the report. Officers to be recognized at a future meeting for their assistance in an overdose case. Two active shooter presentations were completed at local organizations.
- d. Planning and Zoning Director. The report was included in the agenda packet. October 10th Active Plan List; Zoning and Subdivision – met with the Steering Committee on October 5th and went into further detail on the items discussed at the meeting; a draft of the working zoning ordinance was provided to the Steering Committee on October 5th and to the Planning Commission on October 6th. The first round of discussions on the working draft zoning ordinance will be at the next Planning Commission Meeting on October 13th.

Ms. Dininni asked who is on the SALDO Steering Committee. Mr. Stolinis said there are about 20 members. He went into further detail on the members and who had attended the last meeting.

- e. Public Works Director. The report was included in the agenda packet. Calendar items include the public hearing on tree removal that was held at the October 16th Tree Commission Meeting; Stormwater Fee Advisory Committee Meeting is November 1st; and a public presentation on the PRP - Chesapeake Bay final report will be on October 25th at 6:00 p.m. at the College Township Building.

It was clarified that the waterline to the Butterfly Garden was completed.

XII. COMMUNICATIONS TO THE BOARD – None

XIII. CALENDAR ITEMS

- a. ABC Appreciation Dinner – Wednesday, October 18 at 6:00 p.m. at Toftrees Resort.

XIV. ADJOURMENT

With no further business to come before the Board of Supervisors, Ms. Dininni made a motion to adjourn the meeting. Ms. Whitaker seconded the motion. The meeting adjourned at 12:10 a.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 11-06-17