

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, November 18, 2019  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, November 18, 2019, at the Ferguson Township Municipal Building. In attendance were:

**Board:** Steve Miller  
Richard Killian  
Laura Dininni  
Lisa Strickland  
Ford Stryker

**Staff:** Dave Pribulka, Township Manager  
Dave Modricker, Public Works Director  
Jenna Wargo, Director of Planning & Zoning  
Chris Albright, Chief of Police  
Eric Endresen, Director of Finance

*Others in attendance included:* Faith Norris, Recording Secretary; Jim Steff, COG; Bill Keough; Chuck Mong; Fred Henry; Jens Damgaard, Eckert, Seamans, Cherin & Mellott, LLC; Chris Gibbons, Concord Financial; Jeremie Thompson; Peter Buckland; Randy Hudson; Charles Smuligan; Lisa Smuligan; Dorothy Blair; Birttany Baker, Centre County Assoc. of Realtors; Galen Dreibellis; Shawn Greenland; Judy Hess; Ross Ansel, Senior Architect with Greenfield Architects; Adam Long, Landscape Architect with Keller Engineering; Richard Koval, Director of Electrical Engineering at Barton Associates.

### II. CALL TO ORDER

Mr. Miller called the Monday, November 18, 2019, regular meeting to order at 7:00 p.m.

### III. CITIZENS INPUT

Mr. Greenland noted concerns on the text amendments that Mr. Pribulka stated the Township plans on discussing at a future meeting. Mr. Mong noted his appreciation of the police monitoring of speed in his neighborhood that he feels makes drivers aware of the speed concerns in the area. This was in reference to his request at a previous Board meeting. Ms. Hess noted her concerns in W. Pine Grove on zoning and requested when public input is requested that she receive notices. It was clarified that residents in the area Ms. Hess had discussed will be notified of worksessions for resident input and related meetings.

Mr. Miller read a comment received from a resident that had positive remarks about the ABC presentations this year and in particular the presentation on "Room to Run Wild" on October 15<sup>th</sup> by Mr. Erickson, Patton Township Manager. It talks about the successful efforts of acquiring open space lands by Patton Township. The comments went on to encourage Ferguson Township Board of Supervisors to contact Patton Township and invite the open space talk and playbook for successful outcome that can benefit the Township in land acquisitions.

### IV. SPECIAL REPORTS

- a. Third Quarter Financial Report. Mr. Endresen presented the 3<sup>rd</sup> Quarter Financial Report for period ending September 30, 2019. This included budget actuals; Deficits; tax revenues; state funding; gains and losses; capital equipment and road projects and General Fund expenditures that are meeting budget. Mr. Pribulka noted projections to the budget were exceeded in a good way, meaning addition to fund balances are using much less than what was originally budget for that reflects efficiencies and operations and being able to meet or reduce budget expenditures on projects.

## V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the Regular Meeting Minutes of November 4, 2019, with one minor correction. Bottom of page one should read "mining and quarrying operations and conditional uses". Mr. Killian seconded the motion. The motion passed unanimously.

## VI. UNFINISHED BUSINESS

### 1. FERGUSON TOWNSHIP PUBLIC WORKS MAINTENANCE FACILITY PRESENTATION

Mr. Miller introduced the item followed with public comments and discussion. Mr. Pribulka noted two items for Board approval related to the construction of the new facility. These included: (1) approval of an ordinance for Bond issuance to finance the construction of the project and (2) award of four contracts as noted later in the minutes. Speakers included Township staff Messrs. Modricker and Pribulka and the representatives of the firms involved with the construction and design of the facility. Mr. Pribulka reviewed the history that was initiated nearly 20 years ago when it was introduced into the Capital Improvement Plan. The Basis of Design was discussed for the LEED Gold standard certification along with fleet fueling program and life of vehicles. It was noted that cost containment was important. Mr. Modricker discussed in more detail the Basis of Design for sustainability, BMPs and reducing costs. Mr. Ansel reviewed the rendering and building layout that easily allows for future renovations, if needed. There were three guiding questions Mr. Pribulka noted: (1) is there an immediate need to build a facility? (2) can we afford it? and (3) is this a reasonable cost given the bid climate? Discussion followed on the questions and the alternatives in comparison to the Basis of Design.

Public comments followed. Concerns included debt load in relation to MS4 and costs associated with unknown actions; concern on poor orientation to satisfy solar panels and if there are any tax increase/implications. Mr. Pribulka addressed some concerns and discussed the orientation design of the new building; debt services; costs; stormwater obligations and predicted expense related to MS4. Some positive comments were made by citizens on the milestone accomplishments and working towards climate change goals set forth in a previous passed Township Resolution (2017-14) as well as a worthwhile investment to serve the Township as noted by Mr. Buckland. Discussion continued with the Board comments and speaker responses. This included solar costs to the project; structural and pricing impact; cost factors; benchmarking; and bid climate. A detailed discussion followed with Messrs. Modricker and Pribulka on the initial base cost estimate vs. the higher estimate with energy modeling.

Ms. Strickland discussed the difference in cost from the Capital Improve Plan vs. the actual cost for the overall project. Discussion followed on the cost difference; overall management of cost and debt service; to have the COG's anticipated costs in writing; timing of awarding the project for continued customer service; LEED Gold certification and design energy savings/efficiencies; interest payments; and safety and affordability in relation to looking at a Fire Station and future impact on the budget.

Mr. Stryker moved that the Board of Supervisors **authorize** securing funding and the issuance of contracts to construct the Public Works Maintenance Facility. Ms. Dininni seconded the motion. The motion passed unanimously.

### 2. PUBLIC HEARING ORDINANCE AUTHORIZING AND SECURING ISSUANCE OF A GENERAL OBLIGATION BOND TO CONSTRUCT A NEW PUBLIC WORKS FACILITY AND RELATED ACTIONS

Mr. Miller introduced the item for public hearing and noted that the amount for the bond was corrected from what had previously been provided with the agenda. Mr. Pribulka introduced the

presenters that included Mr. Damgaard, bond council and Mr. Gibbons, Township consultant on the bond issue. Financial terms were reviewed that were provided to the Board. The Township had received an Aaa rating that translates to receiving a lower debt cost associated with the Bond. Discussion followed on the bids received; process of ordinance; contingency; and noted lower bond amount. Board members noted their appreciation of the work done and the Aaa rating.

No public comments were made.

Ms. Dininni moved that the Board of Supervisors **adopt** the ordinance authorizing and securing the issuance of a general obligation bond in the aggregate principal amount of \$6,845,000. Mr. Stryker seconded the motion.

Discussion followed on the accomplishment in securing the bond.

ROLL CALL on Ordinance #1048: Mr. Miller – YES; Ms. Strickland – YES; Mr. Stryker – YES; Ms. Dininni – YES; Mr. Killian – YES. The motion passed unanimously.

3. AWARD OF CONTRACT 2018-PWGG PUBLIC WORKS MAINTENANCE FACILITY

Mr. Modricker reviewed the memorandum dated November 13, 2019, provided with the agenda on the bids received for the new facility.

Mr. Stryker moved that the Board of Supervisors **award** contract 2018-PWGG, Public Works Maintenance Facility as recommended in the Public Works Director's memo of November 13, 2019, as follows:

General Construction contract to Leonard S. Fiori, Inc. in the amount of \$4,416,000.00; Plumbing Construction contract to Allied Mechanical and Electrical, Inc. in the amount of \$480,000.00; HVAC Construction contract to Allied Mechanical and Electrical, Inc. in the amount of \$1,100,000.00; and Electrical Construction contract to Westmoreland Electric Services, LLC in the amount of \$846,000.00. Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Miller called for a brief recess.

4. PUBLIC HEARING ORDINANCE REPEALING CODE OF ORDINANCES, CHAPTER 27, ZONING AND REPLACING IT WITH A NEW CHAPTER 27, ZONING.

Ms. Wargo introduced the zoning ordinance as advertised for public hearing followed by public comments.

Ms. Baker discussed short-term rentals and language changes in the ordinance. Staff and Board responded to questions on the annual application process and definition of a short-term rental. Mr. Pribulka noted if there were additional questions, to contact the Township following the meeting to discuss further. In response to a zoning fee question, Mr. Pribulka referenced the Schedule of Fees that can be found on the Township's website. Mr. Hudson thanked the Township for updating the zoning ordinance. He focused his discussion on the overall quality of life; the length of the zoning document; review of the sections, and specifically parking and areas that were not categorized. He further discussed the TTD's Appendix 27b and an opportunity to look at the existing impact of the land and more time to review before voting on the ordinance.

Mr. Miller called for a vote.

Mr. Killian moved that the Board of Supervisors **adopt** the ordinance repealing Chapter 27, Zoning of the Ferguson Township Code of Ordinances and replacing it with a new Chapter 27, Zoning. Mr. Miller seconded the motion.

Board discussion followed regarding Mr. Hudson's comments from a referenced letter the Township had received this year on environmental regulations. Mr. Pribulka stated the requests made in the letter would take considerable time to review and was questionable on whether the requests were legally feasible to follow. It was noted that further analysis has been discussed to evaluate ways to improve low-impact development strategies, green land use practices and other environmentally sensitive regulations for future amendments to the zoning ordinance. Mr. Miller noted the Tree Commission is currently working on a tree preservation ordinance that can tie into zoning to address some of the comments in the reference letter. Further amendments can be considered at a later time. Noted, parking was taken out of the zoning ordinance and placed into the SALDO that makes it more flexible and appropriate. Ms. Dininni had concerns on addressing environmental and social issues.

Roll Call vote on Ordinance #1049: Ms. Strickland – YES; Mr. Stryker – YES; Ms. Dininni – NO; Mr. Killian – YES; Mr. Miller – YES. The motion carried 4 to 1 with Ms. Dininni dissenting.

5. PUBLIC HEARING ORDINANCE REPEALING CODE OF ORDINANCES, CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT AND REPLACING IT WITH A NEW CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT.

Ms. Wargo reviewed the ordinance as advertised for public hearing.

No comments were made.

Ms. Dininni moved that the Board of Supervisors **adopt** the ordinance repealing Chapter 22, Subdivision and Land Development of the Ferguson Township Code of Ordinances and replacing it with a new Chapter 22, Subdivision and Land Development. Ms. Strickland seconded the motion.

Roll Call vote on Ordinance #1050: Mr. Stryker – YES; Ms. Dininni – YES; Mr. Killian – YES; Mr. Miller – YES; Ms. Strickland – YES. The motion passed unanimously.

## VII. NEW BUSINESS

### 1. CONSENT AGENDA

- a. Development Schedule – The Landings Planned Residential Development (PRD)
- b. Development Schedule – Foxpointe PRD
- c. Development Schedule – Phase II of Stonebridge Senior Living PRD
- d. Stormwater Management Agreement – West Campus Parking Deck
- e. Voucher Reports for September and October 2019
- f. Treasurer's Report for August 2019
- g. The Crossings Surety Reduction #2
- h. Contract 2019-C15 Street Tree Pruning: \$15,340.00
- i. 2019-32a Pay Application for Renovations to Ferguson Township Building: \$19,602.00

Mr. Killian moved that the Board of Supervisors approve the Consent Agenda and accept the Treasurer's Report for August 2019. Mr. Stryker seconded the motion.

Clarification was made on the development schedules and the Crossings Surety in response to Ms. Strickland's questions. Mr. Pribulka and Ms. Wargo reviewed the dirt pile as it relates to conditions

of approval. It was determined that item a, The Landings, has the dirt pile and was pulled from the Consent Agenda to discuss at a future regular meeting. The Crossings was clarified as a senior living facility that is part of the Turnberry TTD (Harmony at State College). Ms. Strickland requested that these items in the future be more specific with the addresses.

The motion passed unanimously.

2. HARPSTER LOT ADDITION.

Ms. Wargo reviewed the Harpster property as provided with the agenda.

Mr. Stryker moved that the Board of Supervisors **approve** the plan subject to the outstanding comments outlined in the Planning and Zoning Director's memorandum dated November 13, 2019. Ms. Strickland seconded the motion. The motion passed unanimously.

3. CENTRE REGION PARKS AND RECREATION AUTHORITY – REQUEST FOR FINANCIAL SUPPORT FOR WHITEHALL ROAD REGIONAL PARK.

Mr. Pribulka reviewed the three requests as provided with the agenda.

Mr. Steff discussed the 13-year history on building effort, amenities and the tight budget for the park. Mr. Keough, Township representative for CRPRA, discussed meeting zoning requirements for tree planting. Mr. Miller noted that these request should be separate motions. Discussion followed on whether to move forward with the funding requests; timeline for funding decision for early next year; Township budget allocations; percentage rates; resources that do not include tax payer expense; buffers; irrigation examples; LDP requirements; non-financial options and grant opportunities. Mr. Steff discussed the build out costs that started with the master plan in 2010 in response to Mr. Killian's question on how the COG's current fixed rate was determined. Ms. Dininni discussed responsibility of costs. Mr. Pribulka discussed the surety, occupancy and filing/building process. Further discussion followed on clarification on the COG budget and constraints. Ms. Dininni requested clarification on the total funding raising efforts vs. the committed budget and outstanding costs. Further discussion followed on the history, the Township's budget and other municipalities' investment options for the shared use of assets.

Mr. Killian moved that the Board of Supervisors **approve** the appropriation of \$70,360 for irrigation and the tree buffer items using Fund 31. Mr. Stryker seconded the motion. It was clarified that Fund 31 was to be used. Discussion followed on the motion of combining both irrigation and trees. The motion failed 2 to 3 with Ms. Dininni, Ms. Strickland and Mr. Stryker dissenting.

Mr. Stryker moved that the Board of Supervisors **approve** the appropriation of \$75,000 for the maintenance facility using Fund 31. Mr. Killian seconded the motion. Discussion followed on fund raising efforts including an option to reach out for grants and to the other area municipalities for shared funding. Mr. Miller called for a vote. The motion failed 1 to 4 with Ms. Dininni, Ms. Strickland, Mr. Miller and Mr. Killian dissenting.

Mr. Keough had a discussion on tree cost and fund raising efforts.

Mr. Stryker moved that the Board of Supervisors **approve** the appropriation of \$40,360 for the tree planting using Fund 31. Mr. Killian seconded the motion.

Ms. Dininni asked whether the COG will join the consortium if the Solar Power Purchase Agreement (SPPA) is approved. Discussion followed on reallocating the SPPA budgeted amount to the tree buffer, and hold that amount until the Board approves release of the funds at a later date to cover

expenditures. Further discussion followed on the state grant funding stipulations for the park. It was clarified that this is partial funding for the tree buffer. The consensus was to agree to allocate funds to the tree buffer and not to the SPPA.

The motion passed unanimously.

Ms. Dininni moved that the Board of Supervisors **remove** the \$45,000 from solar array for Whitehall Road Regional Park line item from Fund 31. Ms. Strickland seconded the motion. Discussion followed on clarification on the motion and master plan. The motion passed unanimously.

Mr. Stryker moved that the Board of Supervisors **approve** the appropriation of \$30,000 for the irrigation system using Fund 31. Mr. Miller seconded the motion. Discussion followed. Mr. Killian called the question. Ms. Dininni had a discussion on postponing the vote until such time to discuss with other entities for assistance. Ms. Dininni moved that the Board of Supervisors postpone voting on this item until the next regular meeting. Mr. Stryker seconded motion. Discussion followed. The motion passed 3 to 2 with Messrs. Miller and Killian dissenting.

Discussion followed with Mr. Keough. Mr. Steff thanked the Board for its invested support.

#### 4. DISCUSSION OF ZONING ORDINANCE AMENDMENT – DOMESTIC KEEPING OF DUCKS.

Mr. Pribulka reviewed the item for discussion.

Mr. Stryker moved that the Board of Supervisors **refer** the item to the Planning Commission for consideration and comment. Ms. Strickland seconded the motion. The motion passed 4 to 1 with Mr. Killian dissenting.

#### 5. 2020 FERGUSON TOWNSHIP OPERATING BUDGET DISCUSSION - FUNDING FOR EMERGENCY MEDICAL SERVICES.

Mr. Miller introduced the item. Discussion followed on account appropriations and donation policy. It was the consensus of the Board that more discussion is needed on Centre Life Link allocation due to its policy. Discussion followed on justifying an increase to the Port Matilda 2019 appropriation.

Mr. Miller moved that the Board of Supervisors **appropriate** \$3,500 to Port Matilda EMS and \$3,500 to Centre Life Link EMS but not to release funds for Centre Life Link until authorized for the 2020 Operating Budget. Mr. Killian seconded the motion. The motion passed unanimously.

Mr. Miller moved that the Board of Supervisors **increase** the amount to Port Matilda EMS to \$3,500 in the 2019 budget. Ms. Strickland seconded the motion. The motion passed unanimously.

### VIII. STAFF AND COMMITTEE REPORTS

#### 1. COG COMMITTEE REPORTS

- a. Ad Hoc Facilities Committee. Mr. Stryker stated the agenda was provided in packet. COG is in the process of hiring a coordinator. The position will be a plus to COG.
- b. Human Resources Committee. Mr. Killian reported discussion on final review of job descriptions and looking for consistency and overtime rules. Discussion followed.
- c. Public Safety & Environmental (PSE) Committee. Mr. Stryker reported discussion was held on timeframe of pumping septic tanks; refuse/recycling rates for 2020 and proposal on start time - requested a representative to attend a Board meeting to do a report following the outcome of

their meeting. Mr. Pribulka suggested he can reach out to the recycling coordinator to attend the next regular Board meeting.

- d. Joint Public Safety and PSE Committees. Mr. Stryker reported discussion on emergency management and updates on route accidents and concern on timeframe that it takes to post on the automatic message boards. Ms. Dininni had a discussion on program and a repeating issue of Centre Life Link warning signs that are not working.

## **2. OTHER REGIONAL REPORTS**

None.

## **3. STAFF REPORTS**

- a. Township Manager. Mr. Pribulka discussed the update on Rushcliffe Street and a follow-up meeting for tomorrow at 1:00 p.m. at the Township building in response to the one-way study requested by the Board. ABC vacancies update and after discussion, the consensus was not to have interviews given the number of applicants. Will fill other vacancies as time permits.
- b. Public Works Director. Mr. Modricker discussed updates per report provided. The Tree Commission met tonight and focused on the draft tree preservation ordinance. Ms. Wargo reviewed the progress of the ordinance at that meeting. Renovation and contract updates. This Wednesday starts the origin and destination study at Science Park Road and Sandy Drive.
- c. Planning & Zoning Director. Ms. Wargo reported on Planning Commission meeting from November 11<sup>th</sup> that reviewed the Harpster property and a report received on the traffic impact study from Mr. Seybert. LDP update. Attended Act 537 training.
- d. Chief of Police. Chief Albright reported for the month of October and activities year to date. Part 1 crimes are up; part 2 crimes are down; overall calls for service are about the same as last year. Reported on notable incidents and active cases. Community service update.

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

- a. Ms. Dininni reported on responsible pet ownership and local ordinances received by a citizen for a reduction of financial/administrative burden on local government and support for a safer community. She will follow-up on this communication.

## **X. CALENDAR ITEMS**

- a. Administrative Offices closed on November 28<sup>th</sup>, November 29<sup>th</sup>, and December 25<sup>th</sup> for the holidays.

## **XI. Adjournment**

Mr. Miller called for adjournment. With no further business to come before the Board of Supervisors, Mr. Killian motioned to adjourn the meeting. The meeting adjourned at 11:25 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors  
Date approved by the Board: 12-09-2019