

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, September 17, 2018
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, September 17, 2018, at the Ferguson Township Municipal Building. In attendance were:

Board:	Peter Buckland	Staff:	Dave Pribulka, Township Manager
	Steve Miller		Dave Modricker, Public Works Director
	Laura Dininni		Ray Stolinas, Director of Planning & Zoning
	Sara Carlson		Eric Endresen, Director of Finance
	Tony Ricciardi		Chris Albright, Chief of Police

Others in attendance included: Faith Norris, Recording Secretary; John Spsychalski-CATA; Louwana Olivia-CATA; Micaela Amateau; Pam Steckler; Bill Hechinger; Berner Hoffner; Mike Misselutz; Brian Heiser-SCBWA; David Stone; Stan Smith; Andrew McKinna; Susan Shields; Michael Costello; Wes Glebe and John Sepp.

II. CALL TO ORDER

Mr. Buckland called the Monday, September 17, 2018, regular meeting to order at 7:00 p.m.

III. CITIZENS INPUT

A number of citizens voiced their concerns on how plastic bags are detrimental to the health and welfare of the country and presented a petition to the Board requesting an ordinance for the Township to ban Single-Use Plastic Bags at point-of-purchase. Citizens presented alternate options in place of plastic bags and some voiced their concerns on how the community needs to develop a consensus effort about recycling. The Township's process of accepting petitions was reviewed.

Ms. Shields voiced her concern on the vacation of "Rec Vee Road" in her neighborhood and the impact it may have on her property value. This item was in reference to a vacation of a right-of-way identified as "Rec Vee Road" at the Board of Supervisors September 4, 2018, Regular Meeting. Mr. Buckland noted a follow-up will done.

Mr. Haiser introduced himself as the new Executive Director for the State College Borough Water Authority as of August 1st. He thanked the Township for the past mutual cooperation and communication with SCBWA and encouraged it to continue in the future. A Board member thanked him for continued cooperation and support in the Rock Springs water issue.

IV. SPECIAL REPORTS

- a. Centre Area Transportation Authority – Mr. John Spsychalski reported updates on construction, mobile ticketing pilot project, rolling stock funding and service changes. He thanked those for continued support; referred to the CATA website for employment information; and answered questions on articulated busses.
- b. Presentation of 2018 GFOA Distinguished Budget Presentation Award. Eric Endresen was presented with the award for the Township by the Board Chair, Mr. Buckland. Mr. Endresen reviewed the history of the educational program and award. The program currently has over 19,000 members across the country. The Township has received the budget award consecutively since 2015.

Mr. Pribulka noted that the representative for the University Area Joint Authority was not able to attend the meeting.

V. **APPROVAL OF MINUTES**

Mr. Miller moved that the Board of Supervisors **approve** the September 4, 2018, Regular Meeting minutes and the August 29, 2018, Board of Supervisors-Ad Hoc Joint Worksession. Ms. Carlson seconded the motion. The motion passed unanimously.

VI. **UNFINISHED BUSINESS - None**

VII. **NEW BUSINESS**

a. **CONSENT AGENDA**

1. 2018-C1 Pay Application #3, HRI: \$346,783.68
2. 2018-C1 Pay Application #4, HRI: \$399,083.32
3. Board of Supervisors Request – Rooftop Solar PV in Whitehall Road Regional Park
4. Board of Supervisors Request – Utility Scale Solar Ordinance
5. August 2018 Voucher Report

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

b. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A GRANT OF EASEMENT TO THE UNIVERSITY AREA JOINT AUTHORITY FOR SANITARY SEWER**

Messrs. Buckland and Pribulka introduced the item for public hearing. Noted was that Mr. Sepp was in attendance to answer questions.

A number of citizens voiced their opposition of granting a pump station in Ferguson Township. Water concerns and options were given by citizens that included Mr. Stone from Nittany Valley Environmental Coalition; Mr. Hechinger; Ms. Steckler; Mr. Hoffner; and Mr. McKinnon.

Mr. Sepp, PennTerra engineering firm that designed The Cottages project, discussed the history, approval process, engineering and design of the pump station location.

Mr. Miller moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute a grant of easement to the University Area Joint Authority for sanitary sewer. Mr. Ricciardi seconded the motion.

Discussion followed on justification and relevance of the motion. Mr. Pribulka stated that the agreement will go before the COG General Forum for approval at an upcoming meeting.

Roll Call vote on Resolution 2018-22: Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni – NO; Mr. Miller – YES. The motion passed 4 to 1 with Ms. Dininni dissenting.

c. **REVIEW OF DRAFT DISCRIMINATION ORDINANCE**

Mr. Pribulka introduced the item and discussed the draft changes. The Board will be able to review the draft ordinance following this meeting prior to the public hearing.

The Board discussed using a state commission for review; statute of limitations on complaints; public hearing repercussions; protections for retaliation on grievances that may be submitted; state pre-emption on state game lands; structural barriers; and constitutional issues. It was recommended that an outside PA Human Relations Commission consultant review the draft ordinance with written responses on strengths, weaknesses and possible alterations that may include a constitutional focus. Ms. Carlson thanked staff for work done on the draft ordinance.

Ms. Carlson moved that the Board of Supervisors **direct** staff to prepare an ordinance for authorization for advertisement for public hearing. Mr. Miller seconded the motion. The motion passed 4 to 1 with Ms. Dininni dissenting.

d. DESIGNATION OF "NO-MOW" AREA(S) IN FAIRBROOK PARK

Ms. Dininni introduced the item as provided with the agenda. Discussion followed on the floodplain boundary and capacity.

Mr. Miller moved that the Board of Supervisors **refer** the request to identify low-/no-mow areas of Fairbrook Park and suggest criteria for maintenance to the Ferguson Township Parks and Recreation Committee. Mr. Ricciardi seconded the motion.

Discussion followed on utilizing the township's Parks Committee; specifics on the Fairbrook Park seasonal maintenance; and assessment for the low-/no-mow areas.

The motion pass unanimously.

e. AUTHORIZATION OF THE TOWNSHIP MANAGER TO ENTER IN AN AGREEMENT WITH ECKERT SEAMANS CHERIN & MELLOTT, LLC FOR LEGAL SERVICES IN CONNECTION WITH GENERAL OBLIGATION NOTES OR BONDS TO BE ISSUED BY FERGUSON TOWNSHIP

Mr. Pribulka introduced the item that coincides with the future debt service incurred to fund the Public Works Maintenance Facility.

Mr. Miller moved that the Board of Supervisors **authorize** the Township Manager to enter into an agreement with Eckert Seamans Cherin & Mellott, LLC, for legal services in connection with general obligation notes or bonds to be issued by Ferguson Township. Ms. Carlson seconded the motion.

Discussion followed on background searches for any potential conflicts with legal services.

The motion pass unanimously.

f. DISCUSSION OF UPCOMING VACANCIES ON TOWNSHIP AUTHORITIES, BOARDS, AND COMMISSIONS

Mr. Pribulka introduced the item and detailed the vacancies and candidates. An updated list of ABC vacancies was provided to the Board at the meeting. The adopted policy states applications can be accepted starting the first week in October through November 1st.

Mr. Miller moved that the Board of Supervisors **open** an application period from October 1, 2018, through November 1, 2018, for the vacancies of the township's Authorities, Boards, and Commissions. Mr. Ricciardi seconded the motion. The motion passed unanimously.

g. 2019 CERTIFICATION OF PENSION FUNDS MINIMUM MUNICIPAL OBLIGATION (MMO)

Mr. Pribulka introduced the item as provided with the agenda. This is the Township's exposure towards its pension costs. Per Act 205, the certification of the pension plans are required to be provided to the governing body annually by September 30th. The Board received the information. No discussion.

VIII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS – agendas included with the packet

- a. Public Service & Environmental Committee. Mr. Miller attended on Mr. Buckland's behalf. The main topic was on organics recycling - MOU prepared with regional recycling authority to transfer to State College Borough facility; work to be done on contract bid specifications for waste and organics recycling.
- b. Transportation & Land Use Committee. Highlights were CATA service and rolling stock and COG strategic planning. Mr. Miller was not able to attend.
- c. Public Safety Committee. Ms. Dininni attended on Ms. Carlson's behalf. Highlights were continued discussion on ACT 235 training and funding for tactical paramedics - carrying of weapons-details followed. Chief Albright gave examples of specific events in crisis for tactical paramedics.
- d. Finance Committee. Ms. Carlson attended the 9/13/18 meeting. Highlights were COG 2017 audit - no outstanding fund issues; auditing firm retained for three additional years with option of two more years; Program Plan and Capital Improvement Plan discussion/comments-decided to remove updates to Millbrook Marsh and Library Assistant position will be fully funded by the Foundation; changes to The Active Adult Center agreement administration-details followed.

Ms. Carlson clarified a Board member question that the new agreement was attached to the Finance Committee agenda that had previously been distributed.

2. OTHER REGIONAL COMMITTEES

- a. Centre Area Cable Consortium. Mr. Ricciardi gave highlights of the meeting that included a presentation from a Comcast; customer service initiatives; and an executive session that followed the meeting on negotiations.

Ms. Dininni noted a complaint was voiced for Public Safety on WPP connections that were not going as quickly as anticipated and what agency should address the issue. More details followed.

3. STAFF REPORTS – reports included with the packet

- a. Township Manager. Highlights included the 2018 Liquid Fuels Audit – details followed. A meeting was held for the transition of a new Sewage Enforcement Officer to facilitate a smooth transition for when Chuck Herr retires – new SEO and alternate(s) will be announced in January. Fall Dinner for Centre County Association of Township Officials will be on October 22, 2018 – RSVP deadline is October 12th. Included with the report was a copy of a letter from the Central PA Festival of the Arts thanking the Board for their financial support of the MS4 Partners' Rain Art community outreach and education project featuring stormwater stencil locations at the Arts Fest this year. Noted from a Planning Commission discussions is a potential conditional use hearing for a Footgolf Course at Penn State - Blue Course/College Avenue pending a Land Development Plan required under the ordinance. The manager will be attending the International City-County Management Association's Annual Conference from September 24-26, 2018, in Baltimore, MD.

- b. Planning and Zoning Director. Highlights included the Active Plan List; approved minutes of July 9th and August 27th; Kline subdivision/replot; The Cottages – Post Final Changes; Zoning and SALDO update; Source Water Committee and Board joint worksession scheduled for October 9th, 6:00 – 9:00 p.m., Main Meeting Room to discuss recommendations previously made to the Board; Pine Hall – General Master Plan Submission review; Pine Grove Mills Small Area Plan – Alignment Meeting update; and TTD ordinance amendment validity challenge update – land use appeal to go before Court of Common Pleas for the Zoning Hearing Board decision and the procedural challenge will be appealed in Commonwealth Court – no schedule as of this date. Permit totals in report.

Discussion followed on The Cottages - Post Final Changes on the reduction of footprint and how it relates to the stormwater assessment followed by the stormwater management agreement. A separate discussion was held on the Pine Hall proposed apartments and access for disabilities that Mr. Stolinas noted a follow-up to the Board is needed and Mr. Buckland noted that there is no action by the Board at this time.

- c. Public Works Director. Highlights included an update on the kick-off meeting for the Transportation Mobility Study held September 5th – first open house is scheduled for October 3rd, 6:00 p.m. at the Radio Park Elementary School. Public Works continues to look for options for street lighting for the Corl Street Signal Upgrades; Silvi Field project is out to bid; work is soon to be completed on the large 2018-C1 paving contract; maintenance update; the Township was successful in each grant round and has received an additional \$100,000 under the Green-Light-Go program for 80/20 match for advance radar detection upgrades at traffic signal intersections.
- d. Chief of Police. Chief Albright reported crimes are down 9% for the month of August; calls for service are down 4%; traffic citations/stops are up; officers helped with Camp Cadet; Sgt. Morrison participated in the Grange Fair Law Enforcement event; (Officer Lamb) participated in a So Long to Summer Shindig at Tudek Park that kids were able to participate with Public Works and PD cars; hosted Meet N Greet at Heights Complex with new students on hot topics such as theft prevention; three school assessments conducted; and Run-Hide-Fight drills. Report continued with Penn State's move-in weekend arrests and reports.

IX. COMMUNICATIONS TO THE BOARD - None

X. CALENDAR ITEMS

- a. Coffee and Conversation, October 20, 2018, Dunkin Donuts, N. Atherton Street, 8:00 – 9:30 a.m.

XI. ADJOURNMENT

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Mr. Ricciardi motioned to adjourn the meeting. The meeting adjourned at 9:45 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 10-01-2018