

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, December 3, 2018
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, December 3, 2018, at the Ferguson Township Municipal Building. In attendance were:

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

Others in attendance included: Faith Norris, Recording Secretary; John Spychalski-CATA; Louwana Olivia-CATA; Barbara Christ; Edwin Stewart; Bill Keough.

II. CALL TO ORDER

Mr. Buckland called the Monday, December 3, 2018, regular meeting to order at 7:00 p.m.

A moment of silence was held in honor of Sue Mascolo.

III. CITIZENS INPUT – None

IV. SPECIAL REPORTS

a. Centre Area Transportation Authority – Mr. Spychalski

The report included an update on the positive feedback from the October 16th and the November 20th community input meetings; solar lighting pilot study; five cutaway buses that have been retrofitted with a hydraulic system for a better ride quality for passengers; and a construction report.

Ms. Dininni inquired about the purple light at the CATA facility and its function. CATA staff responded even though it appears decorative, the overall functional purpose is lighting and risk management. Further discussion followed on risk management.

V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the November 19, 2018, Regular Meeting minutes. Ms. Carlson seconded the motion. The motion passed unanimously.

VI. UNFINISHED BUSINESS

a. A PUBLIC HEARING ON THE PROPOSED 2019 ANNUAL OPERATING BUDGET

Mr. Pribulka introduced the item for public hearing and discussed the details of the 2019 draft operating budget.

Mr. Pribulka noted that the 2019 budget is not balanced; however, fund balances are predicted to remain strong at the end of 2019. Other governmental funds were reviewed.

Ms. Dininni moved that the Board of Supervisors **adopt** the proposed 2019 Annual Operating Budget and authorize a public hearing on the final adoption of the budget for December 10, 2018. Ms. Carlson seconded the motion.

Detail discussion followed in reference to the Manager's memorandum on flagged updates to the budget.

Mr. Pribulka reviewed miscellaneous requests from staff to increase appropriations in the 2019 operating budget relative to the pipe lining project; replacement of the Tudek barn roof; and Fire Station Feasibility Study. These items are all carryover items from the 2018 budget.

Mr. Ricciardi moved that the Board of Supervisors amend the motion to add the three items in subsection 5 of the Miscellaneous Changes Request memo dated December 3, 2018. Ms. Carlson seconded the motion. The motion passed unanimously.

Parkland fee-in-lieu was discussed. Mr. Pribulka and the Board discussed the structuring of the budget. Staff noted the renaming of the Regional Parks fund can be done at any time and the revenue can be used for any recreational activity provided it is not specifically restricted to certain used and it would not require a budget amendment. Mr. Buckland advised that it could be put on a future agenda. Mr. Pribulka stated it could be amended to place in the Township's General Fund and transfer out into an appropriated fund.

The Board discussed certification of the zoning administrator as a Playground Safety Inspector. Point of clarification was made on how frequently playgrounds are inspected at the Township level vs. regional level and the importance of having a certified safety inspector on staff that catch and mitigate safety hazards. A lengthy discussion followed. Mr. Buckland called for a motion.

Ms. Dininni moved that the Board of Supervisors remove the appropriation for the zoning administrator's Certified Playground Safety Inspector course. A short discussion followed on the motion that was too vague to determine. Motion was not seconded.

Economic Development – appropriation was included in the budget. No comments made.

Marcellus Shale Impact Fee. It was determined to decide what account the funds would go into when accepted at a later time in 2019. Mr. Endresen noted the state restricts what the funds can be used for. A short discussion followed on appropriations.

Community sponsorships were discussed. The Board was asked to consider the requests for donations that were provided with the agenda.

Ms. Dininni moved that the Board of Supervisors **postpone** the vote on considering requests for funding until further examination of donation policy. Ms. Carlson seconded the motion. Discussion followed on more structure to the requests are needed and other criteria for a well-rounded view of needs in reference to a written request shared with the Board members from a previous Board member.

The motion was clarified. Itemizations referenced in the budget were discussed. Mr. Pribulka suggested to alternatively to include it as is or amend as appropriate and direct staff to not release any of the funds until approved in accordance with the established policy. Appropriate an amount but not individually.

Ms. Dininni withdrew her previous motion.

Ms. Dininni moved that the Board of Supervisors **appropriate** an amount as is currently stated but not identify individual donations, with the exception of the amounts for Discovery Space and Leadership Centre County, to take out of the current sponsorship list. Ms. Carlson seconded the motion.

Mr. Pribulka clarified items to keep and to strike.

The motion above passed unanimously.

The motion to approve the budget for final adoption passed unanimously.

Mr. Buckland called for a five-minute recess.

- b. A PUBLIC HEARING REPEALING RESOLUTION 2018-23 AND AUTHORIZING THE TOWNSHIP SECRETARY TO EXECUTE A REIMBURSEMENT AGREEMENT, AGREEMENT NUMBER GLG-2017-14206-1344, WITH PADOT FOR THE UPGRADING AND INSTALLATION OF EQUIPMENT REQUIRED TO PROVIDE VEHICLE DETECTION AT EXISTING SIGNALIZED INTERSECTIONS

Mr. Pribulka introduced the item for re-adoption and noted the change to the previously adopted agreement that it will be the Secretary that executes the agreement only. No public comments were made.

Mr. Ricciardi moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2018-23 and authorizing the Township Secretary to execute a reimbursement agreement with the Pennsylvania Department of Transportation for the upgrading and installation of equipment required to provide vehicle detection at existing signalized intersections. Ms. Carlson seconded the motion.

Roll Call vote on Resolution 2018-26: Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Carlson – YES; Ms. Dininni – YES.

- c. CONTINUED DISCUSSION AND AUTHORIZATION FOR ADVERTISEMENT FOR PUBLIC HEARING ON DRAFT SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE

Mr. Stolinas introduced and presented updates to the draft ordinance. Mr. Buckland called for a vote prior to discussion.

Ms. Dininni moved that the Board of Supervisors **authorize** the advertisement of the DRAFT Sourcewater Protection Overlay District Ordinance for public hearing on Monday, January 21, 2019. Mr. Ricciardi seconded the motion.

Discussion followed on adding the word require and strike encourage in the language of the ordinance on referenced page 21. The change had already been made on a previous page as noted.

Mr. Buckland moved that the Board of Supervisors **include** the word require and strike encourage from referenced page 21 of the ordinance. Ms. Dininni seconded the motion. The motion passed unanimously.

Discussion continued on herbicides and pesticides. A Board member discussed the notification for use of applications within a certain distance of the property and application rates through education and if there would be any barriers. Mr. Stolinas responded to the questions.

Ms. Dininni moved that the Board of Supervisors include salt in its regulated land use table and require that multi-family residential developments provide staff with annual data on salt application. Mr. Ricciardi seconded the motion. Discussion followed on the motion. Salt runoff and education to reduce use and green housing was discussed. Clarification was made on Zone 1 area and be the same as Zone 2. Mr. Buckland recommended to postpone this discussion until a future meeting with the ad hoc committee. Procedures for adoption of the ordinance amendment were discussed.

Ms. Dininni withdrew her motion above.

Ms. Dininni exited the meeting at this time.

Mr. Stolinas continued discussing recommendations and changes provided from the Ad Hoc Committee. Blasting was a special exception in Zone I recharge areas. Special exceptions were further discussed. Mr. Stolinas clarified the definition of incinerators was included in the update. No changes to the draft were incorporated. The definition of multi-family dwellings was clarified.

Mr. Buckland called for a short recess. Directly following the recess, Mr. Buckland called for a vote on the motion.

The Motion passed 3 to 0. Public Hearing will be scheduled for January 21st.

VII. NEW BUSINESS

a. CONSENT AGENDA

1. Revised Development Schedule – Stonebridge Planned Residential Development Phase V Senior Living Project
2. Revised Development Schedule – The Landings Planned Residential Development
3. Revised Development Schedule – Foxpointe Planned Residential Development
4. Revised Development Schedule – Turnberry Traditional Town Development
5. 2018-C1, HRI, Invoice 6: \$181,012.51
6. The Crossings Surety Reduction No. 1
7. Board of Supervisors Request – Engineering Study to Evaluate Lengthening Turn Lanes at Intersections of West College Ave. and Science Park Rd. and West College Ave. and Bristol Ave.

Mr. Carlson moved that the Board of Supervisors **approve** the Consent Agenda. Mr. Ricciardi seconded the motion. The motion passed unanimously.

b. ZONDING APPEALS/VARIANCES

1. Request for Variances – 3020 Research Drive

Mr. Buckland noted that only three Board members were in attendance following Ms. Dininni's exit of the meeting. He stated that he would have to recuse himself from voting on this variance due to a pecuniary interest with the tenant involved. Due to lack of quorum, this item will be postponed and placed on the next meeting agenda.

c. REVIEW OF THE DRAFT 2019 FERGUSON TOWNSHIP SCHEDULE OF FEES

Mr. Pribulka introduced the item for discussion. The proposed changes were reviewed. Mr. Stolinas clarified some items. There was a minor change to page 12 for reference to zoning fee reference in the table from \$250 to \$500. Details on escrow amounts were provided. Noted was that language updated on page 13 on parkland fee for fee-in-lieu for a park master plan.

Ms. Carlson moved that the Board of Supervisors **authorize** a public hearing on a resolution adopting the 2019 Ferguson Township Schedule of Fees for December 10, 2018. Mr. Ricciardi seconded the motion.

Mr. Keough was recognized and voiced his concern on the increased cost in the variance fee for developers versus homeowners. He observed that developers can pass the costs onto future property owners, while homeowners cannot. The Board discussed amending the fee schedule to address this

concern. Mr. Pribulka acknowledged that, while Mr. Keough's point is accurate, the Municipalities Planning Code does not recognize a difference between developer or individual property owner requests for variances. Messrs. Stolinas and Pribulka went into more detail on how other municipalities handle fees, exceptions, advertising and possible refundable deposits. Mr. Pribulka noted at the public hearing staff can be prepared to discuss what the Township's costs are on average for variance requests.

The motion passed 3 to 0. Public Hearing will be on December 10th.

d. LETTER OF COMMITMENT OF FUNDING AND SUPPORT OF A GRANT APPLICATION TO THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION'S ALTERNATIVE FUELS INCENTIVE GRANT PROGRAM FOR THE ACQUISITION OF ONE ELECTRIC VEHICLE

Mr. Pribulka introduced the item and added that, if successful, the funds appropriated would be used to offset the incremental cost of the electric vehicle and a comparable gas-powered model. Part of the submission requires a letter of commitment and support from the governing body. The grant announcement is anticipated in the late winter or early spring.

Mr. Ricciardi moved that the Board of Supervisors **authorize** the Chairman to execute a letter of commitment of funding and support of a grant application to PennDOT's Alternative Fuels Incentive Grant Program. Ms. Carlson seconded the motion. The motion passed 3 to 0.

VIII. **STAFF AND COMMITTEE REPORTS**

a. COG COMMITTEE REPORTS

1. Executive Committee – No verbal report. Mr. Miller is absent. Agenda was provided with the agenda packet.

b. OTHER REGIONAL COMMITTEES

- i. CCMPO Coordinating Committee. Mr. Ricciardi noted the meeting schedule for next year is available; end of year information; targets for safety performance and baseline adoption; Title VI; PennDOT *Connects* meeting; next meeting is February 26th; Greenlight Go funding requests due by January 11th. Mr. Modricker noted there will be one more Greenlight go application coming up similar to before with signal improvements at intersections.

c. STAFF REPORTS

Township Manager. Mr. Pribulka noted a letter from PennDOT attached to his report regarding funding for Cecil Irving Park that summarized says the project is of high value and if additional grant money is available for the program, this project would be at the top of the list to fund and we should know an update in late January 2019. Funding is in the budget for the match if the funding comes through. Attended the CBICC Municipal Manager's Committee Meeting on November 28th – lessons learned on KCF project and Agri-Tourism efforts update; will be on a CPCBB/CBICC joint stakeholders committee that holds their first meeting by the end of this year; ABC interview worksession scheduled for December 13th at 6:30 in the Main Meeting Room-posted to the website; noted PennPrime and Loss Control Subcommittee meetings attended-update on compliance resources; and variance request denied for dumbwaiter for Township building that will be removed from the drawings for 2019.

Planning and Zoning Director. Ms. Stolinas reported Planning Commission Meeting is December 4th. Discussed items on report: EPD on December 12th to review both documents and comments; comments received from today's Tree Commission Meeting as a result of the November meeting; Sourcewater Protection Overlay Draft will be discussed tomorrow with the Planning Commission to

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request recommendations; Messrs. Stolinis and Pribulka will attend the Centre Regional Planning Commission on Thursday; Pine Hall General Master Plan-update; Pine Grove Mills Small Area Plan link to site provided by our Communications Coordinator with the progress that has been made that includes the Townhall meeting-summary forthcoming; Harner Farm Concept Plan update.

In response to a Board member's question, Mr. Stolinis noted the comments for the Traffic Impact Study are with the applicant's engineer. This is in reference to the Pine Hall General Master Plan submission. Discussion followed on the update.

Public Works Director. Mr. Modricker reported work continues on Transportation Mobility Study; working group to meet in January; proposed Public Works Maintenance Facility-update; Keller submitted Land Development for staff review; project bid updates; 7 Group teleconference held today on LEED certifications and policies; have received one proposal for Phase II of the SFFS for staff review prior to bringing before the Board for review; Tree Commission will meet in January; submission of proposed subdivision as stated in Mr. Stolinis's report; projects update; Silvi complex update; and road construction update.

IX. COMMUNICATIONS TO THE BOARD - ...

a. Northland Mobility Study and pedestrian traffic signals.– PennDOT matter.

X. CALENDAR ITEMS

a. Holiday Office Closures - December 24-25, 2018

b. Board of Supervisors Worksession to Interview ABC Applicants – December 13th, 6:30 p.m.

XI. ADJOURNMENT

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ms. Carlson motioned to adjourn the meeting. The meeting adjourned at 9:11 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 12-10-2018