

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday February 19, 2019
7:00 PM

I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, February 19, 2019, at the Ferguson Township Municipal Building. In attendance were:

Board:	Peter Buckland	Staff:	Dave Pribulka, Township Manager
	Steve Miller		Centrice Martin, Assistant to the Manager
	Laura Dininni		Ray Stolinas, Director of Planning & Zoning
	Tony Ricciardi		Chris Albright, Chief of Police
			Eric Endresen, Director of Finance

Others in attendance included: Faith Norris, Recording Secretary; District Judge Katie Oliver; Richard Killian; Susan Werner; Gerry L. Hamilton; Wes Glebe; Todd Giddings; Bill Hechinger; Matt Vidic; Deborah A. Benedetti; Connie D. Baggett; Charlene Harrison; Robert Semion

Mr. Buckland introduced Judge Oliver for the swearing in ceremony of the newly appointed Board member Richard Killian by unanimous vote by the Vacancy Board held on February 15, 2019. Mr. Killian fills the Ward III vacancy until the term ends December 31, 2019.

II. CALL TO ORDER

Mr. Buckland called the Tuesday, February 19, 2019, regular meeting to order at 7:03 p.m.

Mr. Miller moved that the Board of Supervisors **remove** item 8, letter of support, from the agenda. Mr. Ricciardi seconded the motion. The motion passed unanimously.

III. CITIZENS INPUT

Mr. Glebe spoke on the shared understanding on the state of our democracy quoting from an editorial done in the February issue of *Science*.

IV. SPECIAL REPORTS

- a. Schlow Centre Region Library. Ms. Werner reported that the 2nd floor of the library was temporarily out of service due to a sprinkler system malfunction. During that time, the Community Room was turned into a study area to accommodate the patrons needing a study area and shelter during the closure of the University for the inclement weather. Book returns have increased since last year. Discussion followed on the flat funding and operating budget increase for the library. Ms. Werner shared a short story on a potential patron that inquired about the Children's department.

V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the Regular Meeting minutes of February 4, 2019. Mr. Miller seconded the motion. The motion passed unanimously.

VI. UNFINISHED BUSINESS

- a. PUBLIC HEARING RESOLUTION AUTHORIZING AGREEMENT WITH UAJA AND GREENBRIAR HOMEOWNERS ASSOCIATION

Mr. Pribulka reviewed the resolution as advertised for public hearing.

Citizens input. Mr. Hamilton spoke on the Memorandum of Agreement (MOA) and residents' responses to the items in the MOA. He voiced his concern for answers at the next sewer meeting.

Mr. Miller moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute an agreement with the University Area Joint Authority and the Greenbriar Homeowners Association as described in Exhibit "A" of the resolution. Mr. Ricciardi seconded the motion.

Roll Call vote on Resolution 2019-07: Mr. Buckland – YES; Ms. Dininni – YES; Mr. Killian – YES; Mr. Miller – YES; Mr. Ricciardi – YES.

b. PUBLIC HEARING RESOLUTION AMENDING CONDITION FOR LIQUOR LICENSE TRANSFER FOR GIANT FOOD STORES, LLC

Mr. Pribulka reviewed the current resolution (2012-11) and the requested modification as authorized for public hearing. The major change would be from quarterly to annual reporting. No public comment was noted.

Mr. Ricciardi moved that the Board of Supervisors **adopt** the resolution modifying resolution 2012-11 by amending condition 6(c) of the approval of the liquor license transfer requested by Giant Food Stores, LLC. Ms. Dininni seconded the motion.

Roll Call vote for Resolution 2019-08: Ms. Dininni – YES; Mr. Killian – YES; Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES.

c. PUBLIC HEARING RESOLUTION APPROVING WHITE SETTLEMENT ON OWENS DRIVE

Mr. Pribulka reviewed the settlement offer for the property on Owens Drive that is now referred to as Songbird Sanctuary. The former owners filed an objection to the compensation amount offered for the property (\$240,000). The Board of Supervisors expressed interest to arrive at an agreeable settlement amount and a determination by the Board of View that includes the fee simple conveyance of the property to the Township, as well as the amount the condemnee is entitled to under the Eminent Domain Code for legal and appraisal services. This evening's public hearing is a request to approve the resolution for the additional amount for consideration for the acquisition of the property as well as the \$4,000 for legal and appraisal fees. The determined inclusive amount was \$504,000. The property is an authorized acquisition per the Eminent Domain Code.

No public comment was noted.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution approving an offer of settlement to Stephen and Paula White for the condemnation of property identified as tax parcel 24-019-073E. Mr. Ricciardi seconded the motion.

Mr. Miller noted for record that this expenditure was anticipated and it is within the 2019 budgeted amount.

Roll Call vote for Resolution 2019-09: Mr. Killian – YES; Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Dininni – YES.

d. DISCUSSION OF PLASTIC BAG BAN/IMPACT FEE ORDINANCE

Mr. Pribulka reviewed the history of the public hearing from last year in response to a petition received by the Township. Research was done on other municipalities adopting similar ordinances. The main

point noted would be to engage dialogue with the community and identify interested stakeholder groups including the disabled community that may be doing things to advance the stated initiatives that can help identify special needs to achieve the goals necessary to put an ordinance in place. Mr. Pribulka spoke about Borough of Narberth and how the impact fee is imposed instead of a ban on plastic bags. More details followed on handling of other plastics, i.e., plastic straws. Moving forward, there are local organizations that Ferguson Township can seek additional information to review with the Board.

Citizens input. Mr. Hechinger noted that he was one of the Plastic Bag Ban petitioners. He voiced his concern on the ongoing health and safety issues with plastics and suggested practical ways for the impact fee. Mr. Vidic voiced his support for inclusion of the business community across municipalities and to determine what is already being done by small business owners in the area of sustainability and what would benefit the environment. Mr. Glebe voiced his support and his opinion on more clarity of language for the single plastic bag usage.

Following citizens input, the Board had a detail discussion. Some of the talking points included impacted businesses-big and small; fees vs. a ban; community and stakeholder engagement, including new proposed businesses; expanded scope that would include consulting and partnering with other municipalities and interested parties; income inequality and exemptions; and be cognizant of time and level of acceptance with all interested parties. Mr. Pribulka suggested a motion moving forward and made a clarification relative to staff time followed by details of the budget appropriation for these types of projects. Discussion followed on community engagement timelines.

Mr. Buckland moved that the Board of Supervisors **direct** staff to move forward with a community engagement initiative relative to Plastic Bag regulations and report back to the Board for clear direction moving forward. Mr. Ricciardi seconded the motion. The motion passed unanimously.

VII. NEW BUSINESS

a. CONSENT AGENDA

1. Voucher Report – January 2019

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

b. ZONING REQUEST – 3062 ERNEST LN - SCBWA NIXON-KOCHER WATER TREATMENT FACILITY

Mr. Stolinas discussed the history on the property as provided with the agenda along with a visual presentation.

Mr. Miller moved that the Board of Supervisors **remain neutral** on the variances requested for 3062 Ernest Lane by the State College Borough Water Authority. Mr. Ricciardi seconded the motion. Discussion followed on the floodplain and ownership of property. The motion passed unanimously.

c. PUBLIC HEARING RESOLUTION ADOPTING AMENDED PURCHASING AND PROCUREMENT POLICY

Mr. Endresen reviewed the proposed resolution as provided with the agenda. Discussion focused on the purchased order threshold, administrative process and blanket purchase order account cost savings. No public comment was noted.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution adopting an amended purchasing and procurement policy. Mr. Ricciardi seconded the motion. Discussion followed on thresholds for Capital items and purchase order examples.

Roll Call vote for Resolution 2019-10: Mr. Miller – YES; Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Dininni – YES; Mr. Killian – YES.

d. PUBLIC HEARING RESOLUTION AUTHORIZING DESIGNATION OF AUTHORIZED SIGNATORIES ON THE TOWNSHIP'S VARIOUS BANK ACCOUNTS

An editorial change was noted. Mr. Pribulka reviewed the resolution as advertised for public hearing. No public comment was noted. Clarification was made on signatories and authorizations.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute a resolution with Jersey Shore State Bank designating the authorized signatories on the Township's various bank accounts. Mr. Miller seconded the motion.

Roll Call vote for Resolution 2019-11: Mr. Ricciardi – YES; Mr. Buckland – YES; Ms. Dininni – YES; Mr. Killian – YES; Mr. Miller – YES.

e. CITIZEN'S RIGHT TO BE HEARD – PROCLAMATION REQUEST

Mr. Pribulka introduced the item for discussion as provided with the agenda. Mr. Giddings discussed the proposed proclamation for Groundwater Awareness Week noted as March 10th. He noted that the Township's Sourcewater Protection Overlay District Ordinance takes effect tomorrow. He thanked the Board and Staff for their initiative, perseverance and commitment to the ordinance.

Ms. Dininni moved that the Board of Supervisors **direct** staff to prepare a proclamation for the March 4th Regular Meeting designating the week of March 10th to be Groundwater Awareness Week in Ferguson Township. Mr. Ricciardi seconded the motion.

Discussion followed on adding a monthly newsletter with facts and adding language to the proclamation noting policy and regional resources as stated at this meeting.

The motion passed unanimously.

f. AUTHORIZATION OF PUBLIC HEARING ON 2018 OPERATING BUDGET AMENDMENTS

Mr. Pribulka reviewed the draft changes in accordance with Section 7.08 of the Home Rule Charter. The requested amendment is for the 2018 Operating Budget's Hydrant Fund to capture the amount needed as provided with the agenda. The Township has sufficient reserves to cover the 2018 additional expenditures. Noted, no amendments are needed at this time for the 2019 Operating Budget that would reflect encumbered expenditures.

Ms. Dininni moved that the Board of Supervisors **authorize** the public hearing to amend the 2018 Ferguson Township Annual Operating Budget for March 4, 2019. Mr. Miller seconded the motion. The motion passed unanimously.

g. DISCUSSION OF COMMERCIAL PROPERTY (C-PACE) LEGISLATION AND THE ZONING ORDINANCE AMENDMENT

Mr. Pribulka reviewed the bill establishing clean energy districts as provided with the agenda along with a fact sheet describing the program. Mr. Stolinas discussed the districts' setup and why it needs referred to the county-wide level.

Ms. Dininni moved that the Board of Supervisors *direct* the Township Manager to write a letter of support to the Centre County Commissioners endorsing the passage of C-PACE legislation. Mr. Ricciardi seconded the motion.

Clarification was made that the Township is supporting this state-wide legislation that requires adoption at the county level. Discussion followed on C-PACE funding and concern on issues such as use of acceptable waste coal.

The motion passed unanimously.

VIII. STAFF AND COMMITTEE REPORTS

a. COG COMMITTEE REPORTS

1. Human Resources Committee. Mr. Ricciardi reported that the main discussion items were the update on the job description for the Executive Director and working on the public comment guidelines for COG meetings.
2. Ad Hoc Facilities Committee. Mr. Buckland reported the discussions included a presentation on the Sustainability Communities Collaborative and student engaged projects; COG building lease terms – no action taken; and RFP for COG building space evaluation. The Maintenance Facility Guide discussion was moved to the next meeting.
3. Joint Finance & PSE Committees. Messrs. Buckland, Miller and Endresen attended the meeting along with other area organizations noted. The main discussion was on a possible regional solar power purchase agreement – details followed on a possible intergovernmental purchase for cost savings that was approved to move forward with the exploratory process. A follow-up document is available for interested Board members.
4. Executive Committee. Mr. Miller reported the meeting was held today. The two main actions items were authorization of staff working on the above stated purchase agreement and cancelation of the COG meeting this month due to lack of action items.

b. OTHER REGIONAL REPORTS

1. Centre Area Cable Consortium. Mr. Ricciardi reported that most of the discussion was in executive session with ongoing negotiations with Comcast. Details followed on potential C-NET additional remote origination points and noted that Ferguson did not have any remote uses in the past due to Township meetings not being broadcast live.

c. STAFF REPORTS

1. Township Manager. Mr. Pribulka reviewed highlights of the report provided. The Township has a new Ordinance Enforcement Officer, Mr. Stacey Mayes; committee meetings' updates on economic development, parks and recreation; the Suburban Park Master Plan Steering Committee was rescheduled for today - Ms. Martin updated the Board on the pre-final design and the next public meeting that is scheduled for March 27th at 6:00 p.m.
2. Planning and Zoning Director. Mr. Stolinas reviewed the report provided that included the Active Plans list, meeting minutes, meeting updates and site plan for the new Public Works Building. The

new Public Works building has been submitted as a Land Development Plan (LDP) - details followed and comments from EPD and the Planning Commission are due by February 22nd; Zoning and SALDO update and Open House is scheduled for February 21st for the interested public to discuss their property and how the revisions affect them. A worksession at the Board's request will be scheduled in March to discuss the Public Works LDP. The Pine Grove Mills Small Area Plan has been rescheduled for March 13th at 6:00 p.m. The CBICC-ABC Essentials first of a series meetings titled "The Future's Blueprint" has been rescheduled due to inclement weather and will be held on February 28th.

Discussion followed on a follow-up item on zoning ordinance question on home-based businesses.

3. Public Works Director. Mr. Modricker reviewed the report as provided. The Transportation Mobility Study Open House is scheduled for March 11th at 5:00 p.m. – details followed; Public Works building as noted above was presented to the Planning Commission on February 11th - details followed on required submissions, building plans and draft policies that will come before the Board in the near future and anticipate June/July advertisement and bids; update on the Stormwater Fee Study Phase II that held it's kickoff meeting on February 11th; Tree Commission will meet on February 25th; and update on Winter operations and engineering projects. Noted, Kansa Avenue is out to bid for opening on February 26th.
4. Chief of Police. Chief Albright reported January statistics. Part 1 and 2 crimes were up slightly but overall calls for service were down; school bus violations continue and the PD is taking action by awareness on social media and with local schools; noted change on call log format due to switching to a new records management system.

Discussion followed on awareness and safety for area school buses.

IX. COMMUNICATIONS TO THE BOARD – None

X. CALENDAR ITEMS

- a. Zoning and SALDO Ordinances, Zoning Map / Idea Board Open House,
Ferguson Township Main Meeting Room, February 21, 2019, 6:00 p.m.
- b. Northland Mobility Study Open House, Ferguson Township, March 11, 2019, 5:00 p.m.
- c. Pine Grove Mills Small Area Plan, St. Paul Lutheran Church, March 13, 2019, 6:00 p.m.

XI. ADJOURNMENT

Mr. Buckland called for adjournment. With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 8:50 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 03-04-2019