

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Tuesday, February 19, 2019

7:00 PM

SWEARING IN OF APPOINTED OFFICIAL

I. CALL TO ORDER

II. CITIZENS INPUT

III. SPECIAL REPORTS

Schlow Centre Region Library – Ms. Susan Werner

IV. APPROVAL OF MINUTES

1. February 4, 2019, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

1. Public Hearing Resolution authorizing Chairman & Secretary to execute agreement with UAJA and Greenbriar Property Owners Association
2. Public Hearing modifying Resolution 2012-11 approving Liquor License Transfer to Giant Food Stores
3. Public Hearing Resolution approving Settlement offer for Condemnation of Property at Owens Drive
4. Discussion on Plastic Bag Ban/Impact Fee Ordinance

VI. NEW BUSINESS

1. Consent Agenda
2. Zoning Variance for 3062 Ernest Lane – SCBWA proposed Nixon-Kocher Water Treatment Facility
3. Public Hearing Resolution adopting Amended Purchasing & Procurement Policy
4. Public Hearing Resolution repealing 2014-04 and authorizing Chair & Secretary as signatories on various accounts with JSSB
5. Citizen's Right to be Heard – Proclamation Request
6. Authorizing Public Hearing on 2018 Operating Budget Amendments
7. Discussion of commercial property assessed Clean Energy Legislation & Zoning Ordinance Amendment
8. Board Member Request – Kathy Matason Letter of Support

VII. REPORTS

1. COG Committee Reports
2. Staff Reports

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – FEBRUARY/MARCH

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

X. ADJOURNMENT



Visit the Township's Web Site www.twp.ferguson.pa.us and sign up for *Notify Me!* to receive email notices about Township Information



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

**Board of Supervisors
Regular Meeting Agenda
Tuesday, February 19, 2019
7:00 p.m.**

SWEARING IN OF APPOINTED OFFICIAL

I. CALL TO ORDER

II. CITIZENS INPUT

III. SPECIAL REPORTS

1. **SCHLOW CENTRE REGION LIBRARY** – Ms. Susan Werner. 10 minutes

IV. APPROVAL OF MINUTES

1. February 4, 2019, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN AGREEMENT WITH THE UNIVERSITY AREA JOINT AUTHORITY AND THE GREENBRIAR HOMEOWNERS ASSOCIATION AS ATTACHED HERETO AS EXHIBIT "A".**

10 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing authorizing the Chairman and Secretary to execute an agreement with the University Area Joint Authority (UAJA) and the Greenbriar Homeowners Association. The agreement permits UAJA to open cut streets in Greenbriar including Deerfield Drive, Tara Circle, Sleepy Hollow Drive, Apple Green Circle, and Woodberry Circle as requested by the Highway Occupancy Permit application. This is in response to concerns from staff and the Board that the project will structurally degrade the roads quickly enough so as to require they be repaved earlier than would otherwise be warranted. By executing the agreement, UAJA agrees finance the cost of repaving the roads in Greenbriar, with the exception of Sleepy Hollow Drive, in the year the Township's assessment methodology shows the roads meet warrants. A baseline assessment of the conditions of the roads will be used to determine when they are predicted to need repaving under normal degradation conditions. The Township will reimburse UAJA the principal amount of the cost of repaving in that year. The Township Manager will review the terms of the agreement in further detail. If the Board adopts the resolution. It will be forwarded to UAJA and representatives of the Greenbriar Homeowners Association for their concurrence. A Highway Occupancy Permit will be issued by the Township that allows UAJA to proceed with their design once all parties are in agreement.

Recommended motion: 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.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

- 2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA MODIFYING RESOLUTION 2012-11 BY AMENDING CONDITION 6(C) OF THE APPROVAL OF THE LIQUOR LICENSE TRANSFER FROM POTTER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA TO FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA REQUESTED BY GIANT FOOD STORES, LLC.** 5 minutes

Narrative

On February 4th, the Board of Supervisors authorized advertisement of a resolution for public hearing amending the condition attached to the approved liquor license transfer requested by Giant Food Stores, LLC. The condition being modified requires that Giant maintain a ratio of 1-to-1 of onsite prepared food sales to alcohol sales, and that quarterly reports be filed with the Township verifying the store's compliance with this requirement. Specifically, the modification being made will amend the condition to obligate the applicant to submit reports to the Township annually, rather than quarterly. The restriction on food-to-alcohol sales, commonly referred to as the "Pizza Hut Rule," will still be applicable. Also provided with the agenda is a copy of the letter received from attorneys of the firm Flaherty & O'Hara representing Giant Food Stores, LLC, requesting the modification.

Recommended motion: 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.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

- 3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING A SETTLEMENT OFFER TO PAULA WHITE FOR THE CONDEMNATION OF PROPERTY LOCATED ON OWENS DRIVE AND IDENTIFIED AS TAX PARCEL 24-019-073E AND AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A SETTLEMENT AGREEMENT ATTACHED HERETO AS EXHIBIT "A".**

10 minutes

Narrative

On December 14, 2015, the Board of Supervisors adopted a resolution authorizing a declaration of taking of the property located on Centre County tax parcel 24-019-073E, now commonly referred to as Songbird Sanctuary, as authorized by the Eminent Domain Code. The former property owners, Mr. and Mrs. Stephen White, subsequently filed a preliminary objection to the amount of just compensation offered for the property (\$240,000). Upon commencing with a public hearing by an appointed Board of View, the Ferguson Township Board of Supervisors expressed a desire to arrive at an agreeable settlement amount. Ultimately, that amount was determined to be \$504,000, which 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.

Recommended motion: 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.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

- 4. DISCUSSION OF PLASTIC BAG BAN/IMPACT FEE ORDINANCE**

10 minutes

Narrative

On November 19, 2018, the Board of Supervisors conducted a public hearing in accordance with Section 9.03 of the Home Rule Charter on a petition that was submitted requested the Township implement a

ban on single use plastic bags. At the hearing, the Board directed staff to research similar ordinances that have been adopted in Pennsylvania and identify and potential legal challenges that have resulted.

In October 2018, the Borough of Narberth became the first municipality to regulate the distribution of plastic bags and straws in the Commonwealth of Pennsylvania. Provided with the agenda is a copy of the ordinance that was adopted by Narberth Borough Council. The Township Manager had a discussion with a Narberth Borough Councilwoman who largely championed the regulation, and several potential concerns were identified. If the Board is interested in moving forward with drafting an ordinance, it is the Manager's recommendation that any discussion of potential regulations is preceded by a concerted community engagement campaign designed to seek feedback from stakeholders including business owners, residents, and the disabled community. After input is received, a more focused discussion on appropriate regulations may take place.

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Voucher Report – January 2019

2. ZONING APPEALS/REQUESTS FOR VARIANCE

- a. **3062 ERNEST LANE - STATE COLLEGE BOROUGH WATER AUTHORITY PROPOSED NIXON-KOCHER WATER TREATMENT FACILITY**

5 minutes

Narrative

Provided with the agenda is a copy of the Variance Request Application received from Gwin, Dobson & Foreman, on behalf of the State College Borough Water Authority, for property located at 3062 Ernest Lane. The applicants are seeking variances from the Riparian Buffer Overlay under Chapter 27, Section 213.4, Floodplain Conservation under Chapter 27, Sections 801.1., 801.1.C, 801.H. and 801.I. The applicants are also requesting variances from Lot Requirements under Chapter 27, Section 205.1.A. and Nonconforming Uses and Structures under Chapter 27, Section 903. The applicant currently operates the Nixon Wellfield on T. P. #24-003-,007F,0000- that contains three well buildings. The SCBWA opts to acquire approximately 2.98 acres of land owned by Gary & Carol Myers in order to develop a new Water Treatment Facility to treat water from both the Nixon and Kocher Wellfields. The Water Treatment Facility will be located outside the designated Zone A and Riparian Buffer, however, the driveway section from Ernest Lane will be developed within Zone A and Riparian Buffer. The proposed facility will also be located outside of the Sourcewater Protection Zone I Radii for all three existing well buildings. Also, the Myers property, T.P #24-003-,007K,0000- is a Nonconforming Lot totaling 44.9 acres and will potentially decrease in size by 2.98 acres, continuing the lot size nonconformity. The subject properties are located within the Rural Agricultural (RA) zoning district.

Recommended motion: That the Board of Supervisors remain neutral on the variances requested for 3062 Ernest Lane by the State College Borough Water Authority.

Staff Recommendation

That the Board of Supervisors **remain neutral** on the request for variances.

- 3. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING AN AMENDED PURCHASING AND PROCUREMENT POLICY.**

5 minutes

Narrative

In certain areas, the Second-Class Township Code governs Township policy where the Home Rule Charter is silent or is preempted by state law. One of these areas relates to purchasing guidelines that govern spending by Township departments. Provided with the agenda is a redlined revised purchasing

policy and resolution which has been advertised for public hearing. One of the main differences is related to the limits for department head approvals and the related limits requiring formal purchase orders. Currently, a formal purchase order is required for a purchase of \$1,000 or more. The revised guideline would increase the limit to \$2,500 per purchase. Reasoning for changing the limit is as follows:

1. The \$1,000 limit was put in place over a decade ago when the Township budget was half the size of the current budget;
2. Increasing the limit decreases the number of purchase orders and related tasks saving time and money;
3. Increasing the limit removed the requirement for the front-line staff to secure the Township Manager's approval for purchases between \$1,000 and \$2,499.00;
4. Increasing the limit will limit the number of purchases the Manager has to review, focusing efforts on more costly and arguably bigger purchases; and
5. The \$2,500 requirement mirrors the Township's current definition of a capital item.

The Township is also providing an allowance for blanket purchase orders. Generally, a blanket purchase order is a commitment to buy goods or services for a set amount from a specific vendor. By using blanket purchase orders, the vendor can plan their operations knowing what the township is committing to pay. The Township benefits by reduced paperwork by not having to prepare multiple requisitions and purchase orders.

Recommended motion: That the Board of Supervisors adopt the resolution adopting an amended purchasing and procurement policy.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2014-04 AND AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A RESOLUTION WITH JERSEY SHORE STATE BANK, VOYA FINANCIAL ADVISORS, AND PERSHING, LLC DESIGNATING THE AUTHORIZED SIGNATORIES ON THE TOWNSHIP'S VARIOUS BANK ACCOUNTS.

5 minutes

Narrative

Provided with the agenda is a copy of a resolution as advertised for public hearing authorizing the Chairman, Vice Chairman, and Township Manager to act as signatories on the various Township bank accounts held by Jersey Shore State Bank. The Township's Administrative Code provides for two signatures on certain checks and drafts whose amounts exceed \$3,000. For many expenditures, the Township utilized ACH (Account Clearing House) transfers but also issues semi-monthly checks for goods and services received where two signatures are required.

Recommended motion: 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.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution.

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

5 minutes

Narrative

Mr. Todd Giddings of Beaver Branch Road submitted a request under Section 2.20 of the Ferguson Township Home Rule Charter, Citizen's Right to be Heard. Specifically, Mr. Giddings is requesting the Board adopt the attached proclamation designating the week of March 10th as Groundwater Awareness

Week in Ferguson Township. This request would coincide with National Groundwater Awareness Week. If the Board is interested in proceeding, a proclamation can be prepared and placed on the March 4th Regular Meeting agenda for consideration.

Recommended motion: 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.

6. AUTHORIZATION OF PUBLIC HEARING ON 2018 OPERATING BUDGET AMENDMENTS

10 minutes

Narrative

Provided with the agenda is a draft resolution amending the Ferguson Township Annual Operating Budgets for fiscal year 2018. In accordance with Section 7.08 of the Ferguson Township Home Rule Charter, the Board of Supervisors may schedule a public hearing to amend the budget after it is adopted, provided that it is scheduled within two weeks of announcement of the hearing. The resolution amending the 2018 Operating Budget includes increasing the Hydrant Fund, which has exceeded budget expenditures. No amendments are needed to the 2019 Operating Budget to reflect encumbered expenditures. The Township has sufficient reserves to cover the additional expenditures in the 2018 fiscal year.

Recommended motion: That the Board of Supervisors authorize the public hearing to amend the 2018 Ferguson Township Annual Operating Budget for March 4, 2019.

Staff Recommendation

That the Board of Supervisors **authorize** the public hearing.

7. DISCUSSION OF COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (C-PACE) LEGISLATION AND THE ZONING ORDINANCE AMENDMENT

20 minutes

Narrative

In 2018, Governor Tom Wolf signed into law a bill that enabled Pennsylvania municipalities to establish clean energy districts. The program, labeled C-PACE, provides a mechanism for businesses and industry to finance environmental efficiency improvements such as renewable energy systems, improved insulation, HVAC upgrades, and more. The financing of the upgrades is done by lending institutions, who are in turn repaid throughout the life of the building via an added assessment to the building's property tax bill. This additional assessment is transferred as the property is sold. In order to incorporate C-PACE into the Township's zoning ordinance, staff should be directed to further research this legislation and how it should manifest itself within local regulations. Additional consideration and discussion should be given to which zoning districts would be appropriate for this program and how it would be administered. Provided with the agenda is a fact sheet that further explains the program and legislation.

Recommended motion: 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.

Staff Recommendation

That the Board of Supervisors **direct** the Township Manager to write a letter of support for the county adoption of C-PACE legislation.

8. BOARD MEMBER REQUEST – KATHY MATASON LETTER OF SUPPORT

10 minutes

Narrative

The letter of support from Ferguson Township for Ms. Matason comes from concerns voiced by regional staff, elected officials, and members of the public. Recently, Chairman Buckland was alerted to social media posts made by a Ferguson Township supervisor that disparaged Ms. Matason. These posts were

not in the spirit of good faith or the will of the Board. The Ferguson Township Board of Supervisors wishes to:

- Engage in good-faith dialogue;
- Cooperate with our peer governmental bodies to accomplish common goals even when we disagree;
- Work to advance policy for the common good; and
- Recognize that the Council of Governments unanimously approved a conduct policy by resolution.

It seems appropriate that the Board recognize that Ms. Matason has conducted meetings in good faith, in a spirit of cooperation, advanced policies for the common good, and conducted herself well. Her work on and for the Centre Region Parks and Recreation Authority meets the Ferguson Township Strategic Plan Goal #9 – Partnerships and Regional Thinking. Therefore, the Board is asked to move to advance this letter of support recognizing Ms. Matason’s service. Provided with the agenda is a copy of the letter as drafted by Chairman Buckland.

Recommended motion: That the Board of Supervisors authorize a letter of support for Ms. Kathy Matason in recognition of her service to the Centre Region Parks and Recreation Authority.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

15 minutes

- a. Ad Hoc Facilities Committee
- b. Human Resources Committee
- c. Joint Finance & PSE Committees
- d. Executive Committee

2. STAFF REPORTS

15 minutes

- a. Township Manager
- b. Planning and Zoning Director
- c. Public Works Director
- d. Chief of Police

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – FEBRUARY/MARCH

1. Zoning and SALDO Ordinances, Zoning Map / Idea Board Open House,

Ferguson Township Main Meeting Room, February 21, 2019, 6:00 p.m.

2. Northland Mobility Study Open House, Ferguson Township, March 11, 2019, 5:00 p.m.
3. Pine Grove Mills Small Area Plan, St. Paul Lutheran Church, March 13, 2019, 6:00 p.m.

X. ADJOURNMENT