FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Tuesday, September 5, 2017
7:00 PM

I. CALL TO ORDER

II. CITIZENS INPUT

III. MINUTES
1. August 7, 2017, Board of Supervisors Regular Meeting

IV. OLD BUSINESS
1. Building Master Plan Presentation
2. Public Hearing Ordinance adopting Traditional Town Development Amendment (TTD)
3. Public Hearing Ordinance to continue public hearing on Ch. 27 - Water Production Facilities
4. Public Hearing Resolution adopting Township CIP Budget for 2018-2022
5. Harner Farm Rezoning Discussion
6. Draft Ordinances: Pet Care conditional use in IRD Zoning District; Sourcewater Protection

V. NEW BUSINESS
1. Consent Agenda
2. Public Hearing Resolution adopting Liquor License Transfer – Hi-Way Pizza
3. Public Hearing Resolution adopting COG Alternates
4. "We Are Still In" open letter
5. Electricity Procurement contract
6. PA Municipal League Conference Delegate appointment

VI. REPORTS
1. COG Committee Reports
2. Other Regional Committees
3. Staff Reports

VII. COMMUNICATIONS TO THE BOARD
a. August 17, 2017, State College Borough Water Authority Meeting

VIII. CALENDAR ITEMS - SEPTEMBER
Public worksession for Centre Region Park & Recs Authority Board candidate interviews

IX. ADJOURNMENT

Constant Contact

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Board of Supervisors
Regular Meeting Agenda
Tuesday, September 5, 2017
7:00 PM

I. CALL TO ORDER

PLEDGE OF ALLEGIANCE

II. MOMENT OF SILENCE FOR THE VICTIMS OF HURRICANE HARVEY

III. CITIZENS INPUT

IV. MINUTES

1. August 7, 2017 Board of Supervisors Regular Meeting

V. OLD BUSINESS

1. BUILDING MASTER PLAN PRESENTATION – KATHRYN STERNER, BY DESIGN, LLC

15 minutes

NARRATIVE

The Township entered into an agreement with By Design, LLC to complete a building master plan for the main office building. The purpose of the plan was to identify renovations that could be made to the existing space that could better accommodate current and future staffing needs without having to incur the cost of adding new space by way of a second story or additional building. Township staff have been working with the consultant to design a building configuration that would achieve this goal in a manner that is cost-effective and improves the building layout for staff and visiting public. The Board has a copy of the building schematic prepared by By Design, LLC included with the agenda. No formal action is being requested by the Board at this time.

STAFF RECOMMENDATION

That the Board ***receive and comment*** on the Building Master Plan draft.

2. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING, MODIFYING AND CHANGING THE FERGUSON TOWNSHIP ZONING ORDINANCE (CHAPTER 27) TO ALLOW FOR DWELLING UNITS IN A TRADITIONAL TOWN DEVELOPMENT (TTD) TO BE USED BY A FAMILY OF UP TO FOUR UNRELATED PERSONS WHEN 100 OR MORE DWELLING UNITS ARE UNDER COMMON MANAGEMENT; TO ALLOW FOR DRIVE-THROUGH FACILITIES WITHIN A TTD; TO PROVIDE FOR MODIFICATIONS; AND TO AMEND DESIGN CRITERIA FOR A TTD RELATING TO ACCESS TO TOWNHOUSES, LOCATION OF UTILITIES, COMMERCIAL BUILDING HEIGHT, THE DIVERSITY AND REQUIRED MIX OF RESIDENTIAL USES, THE MAXIMUM BUILDING FOOTPRINT FOR NON-RESIDENTIAL BUILDINGS, THE MINIMUM REQUIRED RESIDENTIAL DENSITY, THE MINIMUM LOT SIZE, FRONT YARD AND REAR YARD SETBACKS, THE MAXIMUM PARKING REQUIREMENTS, MAXIMUM IMPERVIOUS COVERAGE AND BUILDING FOOTPRINT; OPEN SPACE STORMWATER FACILITIES AND PARKING LOT LANDSCAPING.

30 minutes

NARRATIVE

Provided with the agenda is a copy of the ordinance as advertised for public hearing amending Chapter 27 – Zoning, Section 701 – Traditional Town Development. Among the most substantive changes, the

amendment allows for an increase in the number of persons per dwelling unit permitted in a unit when 100 or more of the same are under common management; allows for utility placement outside of alleyways; permits modifications to be granted to design standards as allowed under the Municipalities Planning Code; and changes setbacks, minimum lot sizes, impervious requirements, and more. Provided with the agenda is a memorandum from the Director of Planning & Zoning dated 9-5-17 summarizing staff, Centre Regional Planning Commission, and Ferguson Township Planning Commission comments and recommendations.

Recommended motion: That the Board of Supervisors adopt the ordinance as advertised amending Chapter 27 – Zoning, Section 701 Traditional Town Development.

STAFF RECOMMENDATION
That the Board ***adopt*** the ordinance as advertised.

3. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING, MODIFYING AND CHANGING THE FERGUSON TOWNSHIP ZONING ORDINANCE (CHAPTER 27) WHICH CREATES AND ESTABLISHES UNDER USE REGULATION (SECTION 27-204) A CATEGORY ENTITLED WATER PRODUCTION FACILITIES AS A CONDITIONAL USE, WITH STANDARDS AND CRITERIA BEING IDENTIFIED; PROVIDING FOR OFF STREET PARKING SPACE REQUIREMENTS ASSOCIATED WITH WATER PRODUCTION FACILITIES; AND, ADDING NEW DEFINITIONS FOR THE TERMS UTILITIES AND WATER PRODUCTION FACILITY. 10 minutes

NARRATIVE
Provided with the agenda is a copy of the ordinance as advertised for public hearing amending Chapter 27 – Zoning, Section 204 – Use Regulations, Section 809 – Off-Street Parking and Loading Regulations, and Section 1202 - Definitions. The proposed amendment would add Water Production Facilities owned and operated by the State College Borough Water Authority to be permitted as a conditional use in the Rural Agricultural Zoning District. Standards and criteria are also established that would be applicable to the conditional use. Provided with the agenda is a copy of a memorandum from the Director of Planning & Zoning dated 9-5-17 summarizing staff and Planning Commission comments and recommendations. Staff is recommending the Board continue the public hearing to September 18, 2017 to allow for the Centre Regional Planning Commission to submit any comments on the draft amendment at its September 7th meeting.

Recommended motion: That the Board of Supervisors continue the public hearing on the ordinance as advertised until September 18, 2017.

STAFF RECOMMENDATION
That the Board ***continue*** the public hearing.

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING THE CAPITAL IMPROVEMENT PLAN (CIP) BUDGET FOR THE YEARS 2018 THROUGH 2022. 10 minutes

NARRATIVE
Provided with the agenda is a copy of the resolution adopting the Capital Improvement Plan Budget for years 2018 through 2022. The CIP is an annual adoption of the Board of Supervisors that attempts to predict expenditures for a five-year horizon on items that meet the criteria for capital purchases. Namely, items of $2,500 or more in value whose lifespan is longer than one year. Below is a link to the CIP as presented this evening for consideration. David Pribulka, Township Manager, will present the CIP as prepared in accordance with the requirements of the Ferguson Township Home Rule Charter.

https://imageserv11.team-logic.com/mediaLibrary/2032/2018-2022_CIP_FInal_080817.pdf

Recommended motion: That the Board of Supervisors adopt the resolution adopting the Capital Improvement Plan Budget for years 2018 through 2022.

STAFF RECOMMENDATION
That the Board ***adopt*** the resolution.

5. DISCUSSION OF HARNER FARM REZONING REQUEST

20 minutes

NARRATIVE
At its Regular Meeting on Monday, August 7th, the Board of Supervisors authorized the request for public hearing to rezone property located at 2191 West Whitehall Road (Harner Farm) from Rural Agricultural (RA) with Corridor Overlay to General Commercial (C), Two-Family Residential (R-2), and Single-Family Residential (R-1). The public hearing is scheduled for September 18th; however, the Board requested an opportunity to further discuss the request in advance of the scheduled hearing. Provided with the agenda is a copy of the application to rezone, a map of the area illustrating the rezoning request, a memorandum from the Director of Planning & Zoning and Community Planner dated August 7, 2017, and a rezoning analysis completed by staff. This item is for discussion only and no action is required by the Board this evening.

STAFF RECOMMENDATION
That the Board ***discuss*** the request to rezone.

6. LIGHT INDUSTRIAL/RESEARCH & DEVELOPMENT ZONING ORDINANCE AMENDMENT

10 minutes

NARRATIVE
The Board of Supervisors directed staff to prepare a draft ordinance amendment to allow Pet Care Services as a conditional use in the IRD Zoning District. The request to amend the ordinance was submitted to the Township by Robert and Judy Burgess of 3020 Research Drive. The Planning Commission reviewed the draft amendment at its August 28th meeting. Provided with the agenda is a copy of the draft ordinance. Ray Stolinas, Director of Planning & Zoning, will introduce the amendment and summarize staff and Planning Commission comments and recommendations.

Recommended motion: That the Board of Supervisors authorize advertisement of the ordinance amending Chapter 27 – Zoning, Section 204 – Use Regulations and Section 809 – Off-Street Parking and Loading Regulations *to permit Pet Care Services as a conditional use in the IRD Zoning District for public hearing on October 16, 2017.*

STAFF RECOMMENDATION
That the Board ***authorize*** the ordinance for public hearing.

7. DISCUSSION OF DRAFT SOURCEWATER PROTECTION ORDINANCE

30 minutes

NARRATIVE
Planning & Zoning staff met with the Sourcewater Work Group on July 20th and 27th to complete updates and revisions to the draft ordinance and map. The latest revisions culminate the previous review at the April 10th Planning Commission meeting and subsequent presentations from Todd Giddings and the State College Borough Water Authority at the April 24th and May 8th Planning Commission meetings. The Ferguson Township Planning Commission reviewed the current draft ordinance at their August 14, 2017 meeting and discussed issues related to the requirement of Facility Profile Sheet submission along with discussing underlying land area, not controlled or owned by the State College Water Authority, within proposed Zone 1 radii that could be construed as a de facto taking. Uses including Horse Farms,

quarries/mining, de-icing activities and underground storage tanks in addition to blasting were also discussed within the meeting. The Planning Commission did not make a recommendation on the ordinance at this time until staff corrected the map, clean grammatical errors and address comments made that evening.

STAFF RECOMMENDATION
That the Board ***discuss*** the draft ordinance.

VI. NEW BUSINESS

1. CONSENT AGENDA 5 minutes

a. Contract 2017-C9 Microsurfacing Pay Authorization: $447,244.85

b. Contract 2016-C17 Fairbrook Park Lower Parking Lot Pay Authorization: $6,401.87

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, APPROVING AN APPLICATION FOR TRANSFER OF LIQUOR LICENSE #20688, LID #29899 OWNED BY JAC-JAC, INC. FROM THE PREMISES LOCATED AT 1272 NORTH ATHERTON STREET (FORMERLY MARIO & LUIGI'S RESTAURANT) TO HI-WAY PIZZA LOCATED AT 1301 WEST COLLEGE AVENUE IN FERGUSON TOWNSHIP.

20 minutes

NARRATIVE
The Township received an application from Jac-Jac, Inc. to request approval of a liquor license transfer from the premises located at 1272 North Atherton Street, formerly Mario & Luigi's Restaurant to 1301 West College Avenue, future site of Hi-Way Pizza. Provided with the agenda is a copy of a resolution authorizing the transfer of the liquor license. Additionally, staff has drafted several conditions that are also included as part of the resolution for the Board's consideration. The conditions would help to ensure the establishment is run securely and that individuals handling and serving alcoholic beverages do so in a manner consistent with applicable training and relevant legislation. The Township received a completed application on July 27th, and has 45 days to hold a public hearing. The 45-day time period expires on September 10th.

Recommended motion: That the Board of Supervisors adopt the resolution approving a liquor license transfer from 1272 North Atherton Street to 1301 West College Avenue subject to the applicant's compliance with the conditions established within the resolution.

STAFF RECOMMENDATION
That the Board ***adopt*** the resolution authorizing the liquor license transfer with the provided conditions.

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, ADOPTING A POLICY ON COG AND REGIONAL COMMITTEE ALTERNATES. 5 minutes

NARRATIVE
The Board has requested that staff prepare a policy establishing a procedure for COG and Regional Committee Alternates to represent the Township in the absence of a core member. The Manager has drafted a policy in accordance with the Board's wishes that would permit a core member to select an alternate elected official or the Township Manager to fill in when the core member cannot attend. Absent an appointed alternate, any Ferguson Township Supervisor attending in the audience is permitted to fill in. Provided with the agenda is a copy of the resolution and policy.

Recommended motion: That the Board of Supervisors adopt the resolution establishing a policy on COG and Regional Committee Alternates.

STAFF RECOMMENDATION
That the Board ***adopt*** the resolution.

4. "WE ARE STILL IN" OPEN LETTER – MR. PETER BUCKLAND 5 minutes

NARRATIVE
Mr. Buckland requested an item be added to the evening's agenda to discuss the Township becoming signatory to the "We Are Still In" Petition. According to the website, the petition was released on June 5, 2017 and was created with the intent of "delivering on the promise of the Paris Agreement and America's contribution to it." To date, thousands of signatures representing states; cities and counties; institutions of higher education; businesses and investors; and more have been recorded at http://wearestillin.com. A copy of the letter can be found at the link below.

https://ceres.secure.force.com/BusinessParisResponse/

Recommended motion: That the Board of Supervisors authorize Peter Buckland to sign the "We Are Still In" Open Letter on behalf of the Ferguson Township Board of Supervisors.

STAFF RECOMMENDATION
That the Board ***authorize*** Mr. Buckland to sign the "We Are Still In" Open Letter on behalf of the Ferguson Township Board of Supervisors.

5. AUTHORIZATION TO EXECUTE ELECTRICITY PROCUREMENT CONTRACT 5 minutes

NARRATIVE
The Township's electricity supply contract is through the Pennsylvania Municipal League's Municipal Utility Alliance (MUA) with Constellation. The Township is a moderate electricity consumer and uses approximately 500,000 kWh per year, inclusive of street lights, traffic signals, and the Township's office and maintenance buildings. The contract for the Township's accounts does not expire until mid-September, 2018; however, the MUA representative has advised staff that rates are favorable and is recommending an extension of the agreement. All options received are fully-fixed pricing and include 100% Renewable Energy Credits. For prudence, staff also obtained pricing from BUE, Inc. and APPI Energy. Since pricing is sensitive to daily market fluctuations, the recommended supplier, contract term, and fixed pricing will be provided to the Board for consideration at the meeting.

Recommended motion: That the Board of Supervisors authorize the extension of the Township's electricity procurement contract with _____ for a _____ term at a rate of _____ per kilowatt hour.

STAFF RECOMMENDATION
That the Board ***authorize*** the contract with the recommended supplier for the recommended contract duration.

6. APPOINTMENT OF VOTING DELEGATE TO THE PENNSYLVANIA MUNICIPAL LEAGUE ANNUAL CONFERENCE 5 minutes

NARRATIVE
The Pennsylvania Municipal League is hosting its 118th Annual Summit in Erie, PA from October 5th to October 7th. Each year, the League requests that members appoint a voting delegate to represent the municipality for the Annual Business Meeting held on the last day of the Summit. This year, Chairman Steve Miller is the only Board member attending.

Recommended motion: That the Board of Supervisors appoint Chairman Steve Miller to be the Township's voting delegate at the Pennsylvania Municipal League Annual Summit.

STAFF RECOMMENDATION
That the Board ***appoint*** Chairman Steve Miller to be the Township's voting delegate at the Pennsylvania Municipal League Annual Summit.

VII. REPORTS

1. COG COMMITTEE REPORTS 10 minutes
- **a.** Public Safety Committee
- **b.** Human Resources Committee
- **c.** Finance Committee
- **d.** Executive Committee

2. OTHER REGIONAL COMMITTEES

3. STAFF REPORTS 10 minutes
- **a.** Township Manager
- **b.** Planning and Zoning Director
- **c.** Public Works Director – no attachment
- **d.** Chief of Police
- **e.** Treasurer's Report

VIII. COMMUNICATIONS TO THE BOARD 10 minutes
- **a**. August 17, 2017, State College Borough Water Authority Meeting

IX. CALENDAR ITEMS – SEPTEMBER

1. SCHEDULING OF PUBLIC WORKSESSION FOR CENTRE REGION PARK AND RECREATION AUTHORITY BOARD CANDIDATE INTERVIEWS 5 minutes

NARRATIVE
The Board of Supervisors opened up applications to succeed Sue Mascolo as the Ferguson Township representative to the Centre Region Park and Recreation Authority Board. The Township received six applications. The Board has expressed interest in conducting interviews of the applicants at a public worksession. Offered for the Board's consideration are 6:00 – 9:00 p.m. on Tuesday, September 19th; Wednesday, September 20th; or Thursday, September 21st in the Main Meeting Room of the Ferguson Township Municipal Building. Once the Board schedules a date and time, the Manager will contact the applicants. It is recommended that the Board interview candidates and then adjourn to Executive Session to discuss. An appointment would be scheduled to be made at the following Regular Meeting.

X. ADJOURNMENT