

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, May 2, 2017
7:00 p.m.

I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, May 2, 2017 at the Ferguson Township Municipal Building. In attendance were:

Board: Steve Miller
Janet Whitaker
Laura Dininni
Peter Buckland
Rita Graef

Staff: Dave Pribulka, Acting Township Manager
Dave Modricker, Director of Public Works
Ray Stolas, Director of Planning & Zoning
Diane Conrad, Chief of Police
Lindsay Schoch, Community Planner

Others in attendance included: Gayle Sunday, Kathy Vandenberg, Sherry Minarchik, Joyce White, Bonnie Wood, Jeremie Thompson, Lynda Mussi, Greg Mussi, Faith Norris, Recording Secretary.

Mr. Miller called the Tuesday May 2, 2017, Board of Supervisors Meeting to order at 7:00 p.m.

Mr. Miller added an agenda item prior to the Citizens Input. He reported that the Board of Supervisors had interviewed a number of candidates for the new Ferguson Township Manager and, after the Board met and discussed the candidates, the Board agreed on a final candidate as the best choice for the Township.

Mr. Miller called for a motion with a contingent. Ms. Dininni moved that the Board of Supervisors of Ferguson Township appoint Dave Pribulka as the Manager, contingent on reaching agreeable terms of employment. Ms. Whitaker seconded the motion.

ROLL CALL vote: Ms. Dininni – YES, Ms. Graef – YES, Mr. Miller – YES, Ms. Whitaker – YES, Mr. Buckland – YES. Motion passed 5 to 0.

II. CITIZENS INPUT

Mr. Miller asked for any items that were not on the agenda.

Mr. Miller recognized Ms. Sunday from Kansa Avenue. Ms. Sunday addressed the water drainage problem that continues to be an issue on her street. She said that none of the residence were told about the recent meeting that voted this project down. She noted that they had talked to commissioners and DEP about the drainage problem. Since the ditch is no longer open, the water comes onto their properties and now have issues with voles. Other residents spoke in further detail on the water drainage and damage issues plaguing Kansa Avenue.

Mr. Miller addressed the residents present at this meeting by saying that there were no engineering solutions to run the drainage water the other direction. He went on to say there were three possible options presented to the Board of Supervisors. The property owners needed to grant an Easement to discharge the water appropriately and they did not grant this. The Board did not want to force an Easement by Eminent domain; therefore, the third option was taken. Mr. Miller suggested if the residences want to discuss this topic further, it would need to be added as an agenda item at a future Board meeting with the engineer present to answer questions. He said it will be placed on the agenda at a later meeting and the residents of Kansa Avenue will be notified of it.

III. MINUTES

Mr. Miller called for a motion to accept the minutes with one amendment from Mr. Buckland. Ms. Whitaker moved to accept the April 3rd and April 17th, 2017, Board of Supervisors Regular Meeting Minutes. Mr. Buckland seconded the motion. Change: April 3rd, Page 5, under Old Business delete the word designed and replace with designated. The amended motion passed 5 to 0.

Ms. Dininni asked the Chair if de minimis corrections to the minutes can be emailed so that the Board meetings can continue to move quickly and smoothly. Mr. Miller said that is fine.

No further discussions.

IV. REPORTS

Mr. Miller noted the purpose of the reports are to convey information to the Board of Supervisors and there will be no discussion at the time the reports are taken. If there is anything in the report(s) that leads to further discussion, the Board can take a motion to place the discussion in New Business later in the meeting.

Ms. Dininni had questions on what this means at the meetings. Mr. Miller addressed Ms. Dininni's questions and clarifications.

Ms. Dininni moved to appeal the Chair's decision that the Board may only receive the reports and not ask questions or discussion on reports when staff gives the reports during meetings. Mr. Miller seconded the motion. No comment or discussion. The motion failed to carry 1 to 4 with Mr. Miller, Mr. Buckland, Ms. Graef, and Ms. Whitaker dissenting.

1. COG COMMITTEE REPORTS

a. Executive Committee

Mr. Miller noted the agenda was included in the packet. Mr. Miller also reported on the Finance Committee meeting, which will be a discussion of the options for the Whitehall Road Regional Park loan.

No other COG Committee reports.

2. OTHER REGIONAL COMMITTEES

Mr. Miller noted no other reports.

3. STAFF REPORTS

a. Manager's Report

Mr. Pribulka noted the report was in the packet. Mr. Pribulka noted the schedule for the Capital Improvement Plan Budget. He noted two letters not included in the report. One is a letter of appreciation from Discovery Space Interim Executive Director in receipt of a charitable contribution. The other is a request from Central PA 4th Fest for a contribution towards their event celebration that the Board had already budgeted for.

Noted was a question on the initial budget for the budgeted item(s) above. It will be emailed for discussion.

b. Public Works Director

Mr. Modricker noted the report was in the packet. He noted the contract for paving Fairbrook Park parking lot. The next Tree Commission Meeting is May 15th. He highlighted that the crews were out until late last night and this morning clearing trees from roadways and bike paths. He noted what areas got hit hard from the storm. Responded in a timely manner to a heavier volume of calls and provided assistance to other municipalities.

c. Planning and Zoning Director

Mr. Stolas noted the report is included in the packet. He read off the report to the Board. The topics were Active Plan list and Land Development Plans and Other Projects.

No other reports.

V. OLD BUSINESS

1. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES AS FOLLOWS: (1) REPEALING CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, PART 5, IMMOBILIZATION, REMOVAL AND IMPOUNDMENT IN ITS ENTIRETY AND READOPTING A NEW CHAPTER 15 MOTOR VEHICLES AND TRAFFIC PART 5, IMMOBILIZATION, REMOVAL AND IMPOUNDMENT

Mr. Miller read off the ordinance for the public hearing. Mr. Miller saw no comments at this public hearing and asked for a motion.

Ms. Whitaker moved that the Board of Supervisors adopt the ordinance as advertised. Ms. Graef seconded the motion.

ROLL CALL vote: Ms. Graef – YES, Mr. Miller – YES, Ms. Whitaker – YES, Mr. Buckland – YES; Ms. Dininni - YES. Motion passed 5 to 0.

This will be Ordinance No. 1031.

2. PROPERTY MAINTENANCE CODE CONTINUED DISCUSSION

In review, Mr. Pribulka said this is a continued discussion from previous Board meetings on the Centre Region Building Safety & Property Maintenance Code. The Board requested more information on the regulation of Intermittent Rentals, regulation of hazard trees, and regulation of recreational fires.

Mr. Miller wanted clarification on whether the packet today provided staff recommended changes. Mr. Pribulka said no. Mr. Pribulka went on to discuss short-term rentals up for consideration, the definition of rentals, what area townships have updated their language and number of rental days for intermittent rentals.

On hazard tree removal, Mr. Modricker requested striking the words “municipal arborist, or municipal director of public works” in section 302.11.2 due to conflicting with the street tree ordinance.

Discussion followed on intermittent rentals and hazard trees sections.

Ms. Dininni moved to authorize the code for public hearing. Ms. Graef seconded the motion.

Discussion followed. Ms. Dininni noted a policy leadership role is important in regards to a safety perspective that provides a layer of security for visitors to our region. Mr. Buckland ask if any data or numbers were received for lack of safety concerns. Mr. Pribulka responded by saying an analysis was done a few years ago for nuisance reports and there were no hard fast numbers and didn't rise to the top for specific enforcement for these types of intermittent rentals.

Mr. Miller asked for a motion to the amendment of 7 days to 1 day on the residential rental property definition in the code draft.

Ms. Dininni moved to amend 7 days to 1 day in the definition of residential rental properties in the Property Maintenance Code. Mr. Buckland seconded the motion. Motion passed 5 to 0.

Mr. Miller asked for a motion to the amendment to strike the language "municipal arborist, or municipal director of public works" in 302.11.2.

Mr. Buckland moved to strike the language for the hazard trees "municipal arborist, or municipal director of public works" in sections 302.11.2. Ms. Dininni seconded the motion. Motion passed 5 to 0.

Ms. Graef moved to further strike the same language as above in section 302.11.4 "municipal arborist, or municipal director of public works". Ms. Whitaker seconded motion. Motion passed 5 to 0.

Staff responded to inquiries about the possible regulation of recreational fires in the Township. Specifically, there are provisions in the existing code that allow for nuisance fires to be reported and enforced.

Mr. Miller moved to authorize the amended Centre Region Building and Property Maintenance Code for public hearing. Motion passed 5 to 0.

VI. NEW BUSINESS

1. CONSENT AGENDA

Ms. Dininni moved to accept the Consent Agenda as presented. Mr. Buckland seconded the motion. Motion passed 5 to 0.

- a. 2017-C6 Pay Authorization Request
- b. Award of 2017-C3, Martin Street Paving
- c. Approval of tax refund for Kenneth M. Kinslow
- d. Approval of tax refund for Stonebridge Housing, LP

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AUTHORIZING THE DISPOSITION OF SPECIFIC PUBLIC RECORDS IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE RETENTION AND DISPOSITION SCHEDULE FOR RECORDS OF PENNSYLVANIA MUNICIPALITIES ISSUED JULY 16, 1993 AND AS AMENDED DECEMBER 16, 2008.

Ms. Dininni moved to adopt the resolution authorizing the disposition of specific public records in accordance with the retention and disposition schedule. Ms. Whitaker seconded the motion. ROLL CALL vote: Mr. Miller – YES, Ms. Whitaker – YES, Mr. Buckland – YES; Ms. Dininni – YES, Ms. Graef – YES. Motion passed 5 to 0.

This will be Resolution No. 2017-9.

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA SETTING FORTH THE REQUIREMENTS FOR CONDITIONAL APPROVAL OF COMPANIES WHO WISH TO PROVIDE TOWING, IMPOUNDMENT AND RELATED VEHICLE STORAGE SERVICES FROM PUBLIC PROPERTY IN FERGUSON TOWNSHIP.

Mr. Miller noted this is a previous discussed resolution.

Ms. Dininni moved that the Board of Supervisors adopt the resolution establishing requirements for conditional approval of towing companies who wish to provide towing, impoundment, and related vehicle storage services from public property in Ferguson Township. Mr. Buckland seconded the motion.

ROLL CALL vote: Ms. Whitaker – YES, Mr. Buckland – YES; Ms. Dininni – YES, Ms. Graef – YES, Mr. Miller – YES. Motion passed 5 to 0.

This will be Resolution No. 2017-10.

Mr. Buckland asked about the 20-minute issue. Chief Conrad responded by saying it is mostly for accidents and impounds.

4. PROPOSED ORDINANCE AMENDMENT – PET DAYCARE FACILITY IN IRD

Mr. Stolinis presented the proposed amendment as stated in the packet.

Ms. Dininni suggested conditional use as a provision of the facility. She stated more information is needed on permitted uses.

The staff addressed the Board's questions and concerns. Ordinance 888, 2007 discussed. Provisions discussed. Pet facilities vs Pet Daycare facilities discussed. The proposed ordinance does not have a deadline at this time.

Mr. Miller asked the Board if there is an interest in making an ordinance amendment in the zoning district for permitted use or more toward a conditional use or not interested at all. Discussion followed on conditional use.

Mr. Pribulka suggested that the Board, if desirous, direct staff to prepare an ordinance amendment for review by the Board of a conditional use of a Pet Daycare Facility in the Light Industrial, Research & Development Zoning District. This would be a text amendment for conditional use instead of use-by-right.

Mr. Miller asked for a motion.

Ms. Dininni made a motion that staff prepare an amendment to the IRD zoning district to conditionally allow Pet Daycare Facilities. Mr. Buckland seconded the motion. Motion passed 5 to 0.

5. DISCUSSION ON ON-STREET PARKING CONCERNS IN PINE GROVE MILLS

Mr. Pribulka said staff has received a number of comments from Board members and residents in Pine Grove Mills about on-street parking issues at the Naked Egg Café area. Recently, there were prohibitions posted along sections of the road. The parking area is on a floodplain. Parking prohibitions have been established along certain areas of W. Pine Grove Rd. (Rte. 26) and Meckley Rd., but on-street parking persists along Rosemont Drive and other areas.

Chief Conrad did a brief overview of the area. Discussion followed. The Board considered discussion points that may encourage parking in another area. Staff has prepared a map to share with the proprietors of the Naked Egg Café to encourage parking in permitted areas.

Through consensus, the Board directed staff to meet with the proprietors of the Naked Egg Café to encourage their patrons to park in permitted areas.

6. AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR DESIGN OF LEED CERTIFIED PUBLIC WORKS MAINTENANCE FACILITY

Mr. Modricker did a synopsis of the report to the Board that was included in the agenda packet. The Township had budgeted funds in 2017 for the architectural design, engineering and site work for about a 9,000 sq. ft. LEED Gold Certified Public Works Building. Some design funds will be expended this year and will flow into next year, and construction funds start in 2018 and may flow into 2019. Staff received five proposals in February for Professional Services. Mr. Modricker recommended to the Board a Professional Services Contract to Greenfield Architects, LTD, for the design of a LEED Gold Public Works Garage and associated site work as outlined in the RFP and their scope of services in the amount of \$377,571.

Ms. Dininni moved that the Board of Supervisors authorize an agreement between the Township and Greenfield Architects, LLC, at a cost not to exceed \$377,571 for the design of a new Public Works Maintenance Facility. Mr. Buckland seconded the motion. Motion passed 5 to 0.

7. DRAFT AMENDMENT TO THE CHAPTER 19 - SIGNS AND BILLBOARDS

Mr. Stolas presented his report that was included with the agenda packet. Planning & Zoning staff have been drafting an amendment to the Township's Signs and Billboards ordinance to comply with the decision handed down by the United States Supreme Court in *Town of Gilbert v. Reed*, which prohibits local governments from regulating signage based on content.

Discussion followed in detail and on the illumination of message centers type of lighting. Ms. Schoch addressed the changes made.

Ms. Dininni moved that the Board of Supervisors authorize the amendment to Chapter 19 – Signs and Billboards for public hearing. Ms. Graef seconded the motion.

Mr. Miller moved to amend the ordinance to change the language on internal lighting in the IRD zoning district. Motion failed 1 to 3 with Ms. Graef, Mr. Buckland, and Mr. Miller dissenting. Ms. Dininni abstained.

The original motion on the table passed 4 to 1 with Ms. Dininni dissenting.

8. 2018 COG TARGET BUDGET GUIDELINE

A communication from Jim Steff, Executive Director, Centre Region COG was in the packet. Mr. Miller went over the budget history with the Board and the needed feedback for the Finance Committee to make a recommendation. The Board discussed the 2018 COG target budget guideline in detail. The consensus of the Board was not to go over 3% or stay between 2.75% and 3%. The Finance Committee will be discussing the guideline during its meeting on June 8th.

VII. COMMUNICATIONS TO THE BOARD

Ms. Graef received concerns regarding noise levels at the Movin' On concert that was held on Friday, April 28th from 3:00 p.m. – 10:30 p.m.

Mr. Buckland talk about a skate park that was created off West College Avenue and for Planning and Zoning to possibly initiate a process for responsible private property recreation.

Ms. Dininni advised the Board that she had represented the Board of Supervisors at another committee meeting in her official capacity without obtaining prior consent from the Board.

VIII. CALENDAR ITEMS – MAY

No calendar items.

IX. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Graef motioned to adjourn the meeting. Mr. Buckland seconded the motion. Mr. Miller adjourned the regular meeting at 9:40 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Pribulka', with a stylized, cursive script.

David Pribulka, Acting Township Manager
For the Board of Supervisors

Date approved by the Board: 05-15-17