

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, July 1, 2019  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, July 1, 2019, at the Ferguson Township Municipal Building. In attendance were:

**Board:** Steve Miller  
Richard Killian  
Laura Dininni  
Lisa Strickland

**Staff:** Dave Pribulka, Township Manager  
Lindsay Schoch, Community Planner  
Dave Modricker, Public Works Director  
Chris Albright, Chief of Police

*Others in attendance included:* Faith Norris, Recording Secretary; Judge Casey McClain; Ford Stryker; Bill Keough; Jeremie Thompson; Robin Haner; Dan Harner.

### II. CALL TO ORDER

Mr. Miller called the Monday, July 1, 2019, regular meeting to order at 7:00 p.m.

### III. APPOINTMENT OF WARD II SUPERVISOR

Mr. Miller opened the floor for nominations for the Ward II Supervisor position. Mr. Buckland officially resigned from the Board of Supervisors last month. This position will fill the remainder of his term through December 2019. One applicant applied for the position and was interviewed last week.

Mr. Killian nominated Ford Stryker. No other nominations were made.

Roll Call vote: Ms. Dininni – YES; Mr. Killian – YES; Mr. Miller – YES; Ms. Strickland – YES.

Mr. Stryker was sworn in by Judge McClain.

### IV. CITIZENS INPUT

None.

### V. SPECIAL REPORTS

- a. Centre Region Parks & Recreation Authority. Mr. Keough reported on recent and future Authority meetings. The Active Adult Center has reduced hours for patrons from 8:00 a.m. to 3:30 p.m. to allow staff adequate time to complete their tasks. A new program for the community is Rec on the Go that coordinates a truck schedule to local parks for children, including a park in Ferguson Township. There was an update on the Whitehall Road Regional Park LDP that was received from Parks & Recreation and is being reviewed. Oak Hall and Hess Field Complex recently hosted ASA/USA amateur softball tournaments locally for the 18 and 16 and under Girls Fastball Softball State Championship. He noted our community is a sought-after location for some park and recreation amenities and that the fields are being used almost all the time.

Discussion followed on the activities and fee associated with the Rec on the Go program. Mr. Keough noted he will ask for more clarification on the fee for the program. A separate discussion followed on specifics of the reduced hours at the Active Adult Center.

VI. **APPROVAL OF MINUTES**

Ms. Dininni moved that the Board of Supervisors **approve** the Regular Meeting Minutes of June 17, 2019. Mr. Killian seconded the motion. The motion passed unanimously.

VII. **UNFINISHED BUSINESS**

a. REVIEW OF PLASTIC BAG IMPACT FEE DRAFT ORDINANCE

Mr. Pribulka reviewed this item's petition and draft ordinance history and indicated recent evolutions in state law relative to municipal preemption of regulations of plastic bag ordinances. Mr. Miller reviewed specifics on the PA legislation that blocks plastic bag bans for at least a year, including any taxes or fees associated with the bans and directs a department at the State level to research the economic and environmental impacts of the regulations. This in turn prevents the Township from enacting an ordinance. Given this information, Mr. Miller called for a motion to postpone any further action on the draft ordinance.

Mr. Killian moved that the Board of Supervisors **postpone** any further action on the draft ordinance until the State defines what local governments are allowed to do in terms of plastic bag regulation. Mr. Stryker seconded the motion.

Mr. Harner noted recent communications he had and his suggestion on talking with the University and local manufacturers on the progress they are making. Mr. Harner requested more information on the survey that was done.

Discussion followed on how well the draft ordinance was written; regional components; research done at Penn State for all aspects of educational alternatives and sustainability initiatives. Suggestions included green certification and/or broader incentive-driven approach program for willing businesses for a competitive marketing advantage and economic development collaboration. The deadline for the environmental and economic analysis is July 1, 2020.

The motion passed unanimously.

VIII. **NEW BUSINESS**

1. CONSENT AGENDA

- a. Special Events Permit – Stonebridge Fourth of July Parade
- b. Donation Request – People's Choice Festival, \$250.00
- c. 2017-C1 Pay Application: \$75,630.58
- d. 2019-C31 Pay Application: \$4,100

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

2. ZONING APPEALS/REQUESTS FOR VARIANCE

a. Request for Variance – Whitehall Road Regional Park – Phase 1

Ms. Schoch introduced the variance. Three variances are requested by the applicant, including two relative to the caliper of tree required to be planted by ordinance and one relative to the number of tree plantings. The Board discussed the Tree Commission's role in reviewing land development plans. Concern was expressed by the Board that the applicant did not demonstrate sufficient hardship to justify the relief requested, and that the variances sought could be sharply out of character with the intent of the ordinance.

Ms. Dininni moved that the Board of Supervisors **oppose** the three variances requested for Whitehall Road Regional Park. Mr. Stryker seconded the motion. The motion passed 4 to 1 with Mr. Miller dissenting.

Mr. Pribulka will represent the Board at the upcoming Zoning Hearing Board meeting.

b. Request for Variance – 3005 Enterprise Drive

Ms. Schoch introduced the variance. Relief of land development plan.

Ms. Dininni moved that the Board of Supervisors **remain neutral** on the request for variance for 3005 Enterprise Drive. Mr. Killian seconded the motion.

It was clarified the variance was not a modification due to being in the Zoning Ordinance and not the SALDO. The motion passed unanimously.

3. REVIEW OF REMOTE WORK AND FAMILY LEAVE

Mr. Pribulka reviewed the topic as provided with the agenda packet. This review was in regards to a previous request made by the Board.

Ms. Dininni moved that the Board of Supervisors **direct** staff to advertise a resolution for Public Hearing on amendments to the Ferguson Township Personnel Policy Manual adding policies establishing "remote work" guidelines and paid family leave. Mr. Killian seconded the motion.

It was noted how paid leave will help with employee retention and can attract qualified applicants. Discussions followed on minimal financial implications for remote work vs. Family Leave that is different financially than remote work in that the employee would be entitled to six (6) weeks of family leave according to Mr. Pribulka. More details followed on the Family Leave policy implementation and future anticipated expenses.

The motion passed unanimously.

4. COG / REGIONAL COMMITTEE APPOINTMENTS

Mr. Pribulka introduced the topic. With Mr. Buckland's resignation, the Township needs to appoint representatives to the following COG committees: Public Services & Environmental, Ad Hoc Facilities and Spring Creek Watershed Commission. The terms for each committee expires December 31, 2019.

Mr. Miller called for nominations one at a time.

Mr. Killian moved that the Board of Supervisors **appoint** Ford Stryker to the COG Public Services and Environmental Committee. Mr. Miller seconded the motion. The motion passed unanimously.

Mr. Killian moved that the Board of Supervisors **appoint** Ford Stryker to the Ad Hoc COG Facilities Committee. Ms. Strickland seconded the motion. The motion passed unanimously.

Ms. Strickland moved that the Board of Supervisors **appoint** Ford Stryker to the Spring Creek Watershed Commission. Mr. Miller seconded the motion. The motion passed unanimously.

No other nominations were made.

Ms. Dininni referenced an evaluation tool that Mr. Stryker can use moving forward.

5. RESCHEDULED PUBLIC HEARING FOR PINE HALL TTD GENERAL MASTER PLAN

Mr. Pribulka introduced the request for extension to August 30<sup>th</sup> to allow the developer to work on outstanding issues on the traffic impact study and draft terms and conditions. Request for public hearing would be for August 5<sup>th</sup> with the second Board meeting in August to take action on the master plan.

Discussion followed on ensuring a Board quorum for granting of the extension. Mr. Pribulka explained the public hearing process. The Planning Commission will review and make a recommendation prior to the public hearing.

Ms. Dininni moved that the Board of Supervisors **reschedule** the public hearing on the Pine Hall Traditional Town Development General Master Plan for Monday, August 5, 2019. Mr. Killian seconded the motion. The motion passed unanimously.

6. FERGUSON TOWNSHIP PLANNING COMMISSION MEMBER APPOINTMENT

Mr. Pribulka introduced the item. Ms. Strickland's unexpired core member position term runs through December 31, 2021. An alternate had expressed interest in becoming a core board member of the Planning Commission.

Matter of record. Bill Keough was appointed to serve as Chairman of the Planning Commission for the remainder of the year.

Ms. Dininni moved that the Board of Supervisors **appoint** Shannon Holiday to the Core Board of the Ferguson Township Planning Commission for a term expiring December 31, 2021. Ms. Strickland seconded the motion. The motion passed unanimously.

7. 2020-2024 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET SPECIAL MEETINGS

Mr. Pribulka introduced the item. Discussion followed on meeting dates that work best for the Board members.

With the Board consensus, the scheduled dates for the Special Meetings will be Tuesday, July 23<sup>rd</sup> and Wednesday, July 24<sup>th</sup> at 6:00 p.m., at the Township Building.

IX. **STAFF AND COMMITTEE REPORTS**

a. COG COMMITTEE REPORTS

1. Executive Committee. Mr. Miller noted a discussion about the screening committee's charge for the director and will narrow the pool to 2 to 3 candidates and the Executive Committee will do the final interviews. Anticipated timeframe is early next year.

b. OTHER REGIONAL REPORTS

1. Metropolitan Planning Organization Coordinating Committee. Mr. Seybert attended in Ms. Strickland's place. The actions taken at the meeting were passed. Report summary included Risks to Transportation Funding-summary available through COG; amendment to Transportation Improvement Program regarding the State College Area Connector Project engineering studies; and amended Unified Planning Work Program that received supplemental financing.
2. Ms. Dininni suggested adding the Centre Region COG Fire Study Working Group meeting updates to the Board's agenda under Regional Reports and will forward this information to Mr. Pribulka. Details followed from the last meeting on the 1<sup>st</sup> draft of the scoping of the study and its goals, transitions and concerns that were presented by Steve Bair. One of the main goals is how to maintain

volunteers while transitioning to paid staff. Ms. Dininni noted a lot of effort was put into this study and team.

**c. STAFF REPORTS**

1. Township Manager. Mr. Pribulka's report included the following items. A letter from CCRRA's Executive Director to state legislators asking to oppose transfer of funds from the recycling fund to help support other initiatives. Letter of appreciation from the Community Diversity Group for sponsorship donation to support its conference on June 11<sup>th</sup>. Larson Design Group completed a safety inspection report for PennDot District 2 that is available at the Township for inspection of two (2) bridges in the Township that were found in satisfactory condition. A letter from CRPA to UAJA that approves a Task Activity Report for an Act 537 Plan Special Study for Scott Road Pump Station and Bristol Road Interceptor – details on UAJA to provide alternatives to the upgrade of the pump station. Draft of the 2020-2024 Capital Improvement Plan budget is being finalized and to be distributed the week of July 8<sup>th</sup> – Road Tour is scheduled for the Board on July 12<sup>th</sup>. Ms. Schoch will be leaving the Township effective July 27<sup>th</sup> and taking a new position with College Township. The Board was provided a letter from Ms. Darlene Chivers stating her resignation from the Tree Commission – the Board will be asked at a future regular meeting to make an appointment to serve the remaining term for Ms. Chivers. Crisis Intervention Training concluded this past week that was hosted by the Township as with previous years for First Responders who work with individuals in crisis that include a variety of issues including MHID. The Police Department now has a new upfitted pickup truck that is posted to our site to view.

Ms. Dininni noted that Ms. Chivers had served the Township well on the Tree Commission.

2. Interim Planning and Zoning Director. Ms. Schoch's report included the following items. Comments for Whitehall Road Regional Park will be out by end of this week. Orchard View is being reviewed by Penn Terra as well as Harner Farm and Harner Subdivision – to be resubmitted to staff in the near future and to the Planning Commission tentatively by July 22<sup>nd</sup> for future recommendation to the Board. A meeting is scheduled for next Tuesday on Pine Hall to discuss traffic mitigation. Awaiting comments back for the Hummel Subdivision Plan. Update on Public Works Maintenance Facility – awaiting for report that all review comments are satisfied. New tentative schedule for Zoning and SALDO Update as of the June 24<sup>th</sup> Planning Commission Meeting - asked consultant for an outline to ensure that changes are incorporated into the ordinances by July 8<sup>th</sup> and July 15<sup>th</sup> to recommend to the Board for advertisement authorization of Zoning/SALDO/Map and the 45-day public comment period will begin on July 16 - additional details were noted on process dates. The Waters Retail Group did a Pre-application Conference on a project with Patton and Ferguson townships on development in mostly the R3 district – major concerns noted from the Planning Commission were circulation and where best to place entry onto road - comments to be submitted shortly.

Discussion followed on a required traffic study for Young Scholars due to capped attendance in response to a Board member's question.

3. Public Works Director. Mr. Modricker reported that the Administration Building Renovation Project was out for bid through July 23<sup>rd</sup> and interested bidders can contact the architect. The Township does have a full set of plans for public viewing at the Township office. The proposed Public Works Maintenance Facility will go out to bid in August. The Stormwater Fee Study update was presented at the last Board meeting and the next SAC Meeting is July 17<sup>th</sup>. The Next Tree Commission Meeting is July 15<sup>th</sup>. Recent Tree Commission topics included involvement in the Land Development Plan review process and working on the Board-tasked Tree Preservation Ordinance. Maintenance update was provided. Following completed maintenance, there is a push to complete base repairs in advance of contracted work as noted. Park Hills Drainageway Design will be discussed at upcoming CIP budget meetings. Updates followed on Sidewalk Repairs bid and Green Light-Go round 4 funding.

**X. COMMUNICATIONS TO THE BOARD**

None.

**XI. CALENDAR ITEMS**

- a) Ferguson Township Administrative offices closed Thursday, July 4<sup>th</sup> for the holiday
- b) Pine Grove Mills Small Area Plan Meeting, 6:00 p.m., July 10<sup>th</sup>, St. Paul Lutheran Church
- c) Coffee & Conversation, Naked Egg Café, 8:00 – 9:30 a.m., Friday, July 19<sup>th</sup>, 320 Pine Grove Rd.

**XII. ADJOURNMENT**

Mr. Miller called for adjournment. With no further business to come before the before the Board of Supervisors, Mr. Killian motioned to adjourn the meeting. The meeting adjourned at 8:32 p.m.

Respectfully submitted,

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

David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 07-15-2019