

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, August 19, 2019
7:00 PM

I. ATTENDANCE

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

Board: Steve Miller
Richard Killian
Laura Dininni
Ford Stryker
Lisa Strickland

Staff: Dave Pribulka, Township Manager
Dave Modricker, Public Works Director
Kristina Aneckstein, Community Planner
Eric Endresen, Director of Finance
Chris Albright, Chief of Police
Ron Seybert, Township Engineer

Others in attendance included: Faith Norris, Recording Secretary; Jon Dietz, UAJA; Louwana Oliva, CATA; Kathryn Sterner, ByDesign Consultants; Joe Green, Township Solicitor; Stan Smith; Frank Bunge; Bonnie Hutchinson; Larry Hutchinson; Michael Costello; Cynthia Nixon; Jeremie Thompson; Cami Porter; Ron Porter; Don Bainbridge; Pieter Ouwehand; Karl Mierzejewski; Gary Petersen; Renee Steffensmeier; Randy Hudson; Dorothy Blair; Christine Bailey; Jennifer Anderson; Jennie Tasheff; Steve Tasheff; Missy Schoonover; Wes Glebe; Rob Demayo; Bill Hechinger; Art Curtze; Rob Butler; Howard Fescemyer; Joshua Potter; Robin Homan; Ralph Wheland; Derek Anderson, Residential Housing; Michel Pratt, Keller Engineers; Charles Suhr, Stevens & Lee.

II. CALL TO ORDER

Mr. Miller called the Monday, August 19, 2019, regular meeting to order at 7:00 p.m.

An executive session was held prior to this meeting on a personnel matter.

III. CITIZENS INPUT

None.

IV. SPECIAL REPORTS

- a. Centre Area Transportation Authority. Ms. Oliva reviewed future plans for growth; Act 89; data usage; fares and routes. A Two-Phase pilot project was discussed on a microtransit zone that will be initially modeled after the fixed routes. The van service will be wheelchair accessible. The first phase will kick off in January 2020. Depending on the outcome of the first phase, a second phase will follow. The key to the project is to have a strong fixed-route backbone for the service. Details followed on backbone locations. Local Match budgeting information will be available at a later date.
- b. University Area Joint Authority. Mr. Dietz reviewed UAJA's sewer service areas, beneficial reuse program, and current construction projects. Current activities included the waste water treatment plant upgrades; on-site odor control facilities upgrade to be done by this winter; and solar panel and battery array to offset electricity and generate revenue. UAJA is looking to expand the 10-acre solar panel facility by another 15 acres to generate additional revenue and savings. Details were provided on sewer service being provided to the Greenbriar development. Discussion followed on the expansion of beneficial reuse to Tussey Mountain and golf course area. The expansion is still in the permitting process with the PA Department of Environmental Protection. Noted, UAJA is coordinating with Columbia Gas in extending gas to the Greenbriar development. A question was raised on methane at the source and efficiency.

V. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the Regular Meeting Minutes of August 5, 2019.

Ms. Dininni requested her comments be added to the TTD discussion about the 2016 “tree save” area that was shown on previous concept plans.

Mr. Killian seconded the motion. The motion passed unanimously.

VI. UNFINISHED BUSINESS

The Pine Hall TTD General Master Plan discussion was moved to first item under Unfinished Business.

a. PINE HALL TRADITIONAL TOWN DEVELOPMENT GENERAL MASTER PLAN

Mr. Miller stated this item is a follow-up to the meeting from August 5, 2019. Mr. Pribulka reviewed the plan that the Board was asked to conditionally approve at this meeting. The Planning Commission voted to recommend conditional approval and staff had reviewed the plan submittal. It was determined that the plan meets all requirements and there are no material defects. Mr. Pribulka noted under the terms and conditions 8h regarding the tree count that was assessed in 2016 has been updated and provided to the Board which is reflective of both assessments. Mr. Green took questions from the Board and expanded on aspects for approval and factors that do not apply.

The Board commented on the plan and addressed comments made by citizens from the August 5th regular meeting. Mr. Miller stated that the Township is at the last stage in a 3-year process with a good plan to move forward.

The 3-year process was explained in detail; and intent and rights of the Township were made clear within the ordinance parameters. Board member comments included the need for affordable workforce housing; accessibility to all; implementation plans; continue to be an instrumental leader in smart growth, sustainability and greenway access; agricultural preservation; support open space; be economically strong and have a responsible development; reduce traffic; and to encourage responsible growth to avoid urban sprawl. It was noted multiple meetings and charrettes took place that enabled all interested parties to participate and review the plan and adjust it to better suit what is appropriate for that area. The Official Map was noted as being a good tool to use for areas to invest in as a Township. Ms. Dininni noted the Township is having a meeting tomorrow to review the Zoning Code and invited the public for input.

Open comment period followed. Mr. Miller stated the timeframe allowed for comment was 30 minutes and to defer to citizens that did not get a chance to speak at the last meeting.

A number of citizens and two children spoke on their concerns for preserving the forested areas, working with the developer, the need for change, and to be aware of the parameters of the Township's ordinances. In summary, comments included the need for affordable housing for potential families; value of natural forests that attract future residents; to provide a legacy for our children; continue to work together on preserving natural areas and habitat; be aware of the Township's goals and keep in mind the spirit of the Township's ordinances; work with the developer on the need to preserve natural assets; have balance; be diligent; be aware of climate change; and innovative ways to handle stormwater that would use the existing landscape. Noted, letters were provided to the Board from citizens at the meeting.

Ms. Dininni moved that the Board of Supervisors **approve** the Pine Hall Traditional Town Development General Master Plan subjects to the Terms and Conditions of approval dated August 19, 2019. Ms. Strickland seconded the motion.

Discussion followed on the currently approved master plan and tree retention. The Board will need to approve specific implementation plans moving forward. It was noted there is no intention to use the old plan from 2011 for development. Ms. Dininni asked whether the current plan might be developed if the new plan was not approved. The Municipalities Planning Code, logging of the site, Bill of Rights, and specific language on "shall" preserving unique features were discussed. Mr. Pribulka discussed the zoning process in detail on what the zoning administrator looks for in reviewing; ruling per the applicant's decision; and clear direction given to staff on how to apply the language of the ordinance. Discussion followed on protection of natural resources at the site and interpretation of the 40% rule.

Representatives for the developer Messrs. Andersen, Pratt, and Surr responded to Board members' questions. Discussion followed on the old plan vs. the new plan. Tree-safe/wood line areas and stormwater retention basin were reviewed. The developer stated the master plan is not the final design for the stormwater plan, i.e., adjustments as appropriate can be made in the final design process. Noted, the new master plan saves more trees than the old plan and accommodates the new stormwater ordinance. Mr. Pribulka discussed an approved plan's status with respect to regulations in place at the time of adoption. Workforce Housing targets, phases, open space, ordinance requirements and criterion were discussed.

Following the discussion, Mr. Miller called for a recess for an executive session to discuss the legalities of the Pine Hall General Master Plan. The Township Manager and Solicitor joined the session.

The session was called back to order. No additional comments were made.

The motion passed unanimously.

The Stonebridge Drive Speed Study discussion was moved to second item under Unfinished Business.

b. STONEBRIDGE DRIVE SPEED STUDY

Mr. Modricker stated the history of the study that was requested by a resident representing the Stonebridge Property Association. The Board approved the study earlier this year. The study was completed per the established criteria. Details followed. The current speed limit on Stonebridge Drive is 35 MPH.

Mr. Stryker moved that the Board of Supervisors **authorize** a resolution for public hearing reducing the posted speed limit on Stonebridge Drive to 30 miles per hour. Mr. Killian seconded the motion.

A citizen discussed his concerns and noted some recommendations on street signage, speed humps, lowering the speed limit to 25 MPH, and a suggestion about cost-sharing with the neighborhood. Another citizen discussed his concerns on compliance to the speed limit.

Mr. Modricker reviewed criteria that establishes speed limits. Mr. Seybert noted the factors and criteria in the Pennsylvania Code for justification on street speed limits. Based on the Stonebridge street data, it does not meet standards for a Residence district.

Mr. Modricker noted staff had received residents concerns and have addressed those concerns with mechanisms available for assistance. Discussion followed about the prohibition of local police use of radar. Board discussion followed on the speed hump suggestion and the traffic calming policy process. Current conditions for this street do not meet the criteria for a speed hump.

Mr. Miller called for a vote. The motion passed 4 to 1 with Mr. Killian dissenting.

A discussion followed on other signage options and education, enforcement and engineering.

c. PUBLIC HEARING RESOLUTION ADOPTING 2020-2024 CAPITAL IMPROVEMENT PROGRAM BUDGET

Mr. Pribulka introduce the item and noted the CIP road tour was completed. Changes made by the Board have been incorporated into the document. Mr. Endresen noted the revised changes and additions that included the Pine Grove Mills Mobility Study and traffic signals.

No public comment was noted.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution adopting the 2020 – 2024 Capital Improvement Program Budget. Ms. Strickland seconded the motion.

Ms. Dininni requested clarification on specific projects prioritized for the Northland Mobility Study and future years' funding. Mr. Pribulka discussed State and Federal aid to construct the study and noted examples of why the funding is not specific at this time. Project matches will be done following the funding that becomes available for the projects.

Roll Call vote for Resolution 2019-18: Mr. Miller–YES; Ms. Strickland–YES; Mr. Stryker–YES; Ms. Dininni–YES; Mr. Killian–YES.

d. PUBLIC HEARING RESOLUTION AMENDING THE PERSONNEL POLICY ESTABLISHING REMOTE WORK AND LEAVE OF ABSENCE POLICIES

Mr. Pribulka reviewed the history and description of both items. Earlier this year a Board member asked for an analysis for remote work and paid parental leave of absence.

No public comment was noted.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution amending the Ferguson Township Personnel Policy Manual by establishing the Remote Work Policy and the Parental Leave of Absence Policy. Ms. Strickland seconded the motion.

Mr. Stryker discussed a progressive discipline approach in reference to a previous Board discussion on the remote work policy. Discussion followed on the philosophy.

Roll Call vote for Resolution 2019-19: Ms. Strickland–YES; Mr. Stryker–YES; Ms. Dininni–YES; Mr. Killian–YES; Mr. Miller–YES.

e. AWARDS OF CONTRACTS 2019-C32A, GENERAL CONSTRUCTION; 2019-C32B, HVAC; 2019-C32C, ELECTRICAL; 2019-C32D, FIRE PROTECTION; AND 2019-C32E, PLUMBING ASSOCIATED WITH CONTRACT 2019-C32, FERGUSON TOWNSHIP ADMINISTRATION BUILDING INTERIOR RENOVATIONS

Mr. Pribulka reviewed the items for separate motions required due to the bids being advertised separately. Memorandums for each bid contract were provided by the architect, ByDesign, for interior renovation design of the Ferguson Township administration building. The budget was reviewed. Any unspent portion of the budget will be carried over to the following calendar year in 2020. It was noted the base bid for all the contracts be approved exclusive of the alternate bid that is separate.

Ms. Dininni moved that the Board of Supervisors **award** Contract 2019-C32A, General Construction to JC Orr & Son in an amount of \$353,300.00. Mr. Killian seconded the motion. The motion passed unanimously.

Ms. Dininni moved that the Board of Supervisors **award** Contract 2019-C32B, HVAC to PBCI Allen Mechanical and Electrical in an amount of \$127,470.00. Mr. Killian seconded the motion. The motion passed unanimously.

Mr. Stryker moved that the Board of Supervisors **award** Contract 2019-C32C, Electrical to The Howard Company in an amount of \$71,078.00. Ms. Strickland seconded the motion. The motion passed unanimously. Ms. Dininni seconded the motion. The motion passed unanimously.

Ms. Strickland moved that the Board of Supervisors **award** Contract 2019-C32D, Fire Protection to Triangle Fire Protection, Inc. in an amount of \$28,760.00. Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Killian moved that the Board of Supervisors **award** Contract 2019-C32E, Plumbing to PBCI Allen Mechanical and Electrical in an amount of \$16,150.00. Ms. Strickland seconded the motion.

Mr. Pribulka reviewed the process and changes that will temporally affect meeting space availability when staff are relocated during the interior renovations. The Township will try to minimize the overlap of project work for both the administration interior renovations and the pending Public Works Maintenance Facility.

VII. **NEW BUSINESS**

1. **CONSENT AGENDA**

a. 2019-C2 – Street Improvement Projects West Pay Application: \$273,661.76

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

2. **MECKLEY TWO-LOT SUBDIVISION PLAN – REQUEST FOR MODIFICATION**

Mr. Pribulka reviewed the item. The Township has an ordinance in place that allows for the Board of Supervisors to require sidewalks installed along any public ROW (Right of Way) or abutting privately owned property by resolution by the sole expense of the property owner. It is important to note this ordinance to preserve this right if plan is approved. Discussion followed on the construction for public improvement; the surety process; land development plan expiration dates and extensions; and Township blanket rights.

The developer discussed the incline issues and zoning for the 20 year old subdivision plan. The processed was reviewed and the possibility of a future development in regards to the plan note and owner's responsibility to construct sidewalks. Discussion followed on the preliminary plan and modifying the cover sheet to be recorded.

The modification will be drafted and brought before the Board at a future Board Meeting.

3. **AWARD OF CONTRACT 2019-C27 TRAFFIC SIGNAL DETECTION UPGRADE**

Mr. Modricker reviewed the item for the fourth round of funding. Staff will consider a change order that best leverages Federal funding and local matches.

Ms. Dininni moved that the Board of Supervisors **award** Contract 2019-C27, Traffic Signal Detection Upgrades, to Tel-Power, Inc. in the amount of \$127,269.50. Mr. Killian seconded the motion. Clarification was made on initial contracted amount and a deductive change order to reduce the amount and scope following the award of the contract. Cost and climate of work was discussed. The motion passed unanimously.

4. APPOINTMENT OF A PLANNING COMMISSION MEMBER

Mr. Pribulka reviewed the item as provided with the agenda.

Ms. Strickland moved that the Board of Supervisors **appoint** Ellen Taricani to serve as an Alternate Member of the Ferguson Township Planning Commission for the remainder of Shannon Holliday's term expiring December 31, 2021. Ms. Dininni seconded the motion. The motion passed unanimously.

VIII. STAFF AND COMMITTEE REPORTS

a. COG COMMITTEE REPORTS

1. Steering Committee Parks & Recreation Comp Plan. Ms. Dininni reported the review of the mailed survey results. Ms. Dininni noted two items she brought to the committee on citizen visits to parks close to them vs. parks of interest; and programs taken by level of income; and looking at the affordability of the parks program. The data will be available to review and respond to Ms. Dininni on any particular region. A worksession is proposed this month on governance.
2. Human Resources Committee. Mr. Killian noted agenda is in the packet. No other comments.
3. Public Safety Committee. Mr. Dininni reported a new Code Services Manager from College Township. Reviewed RFP for consulting services from the Fire Safety Study Committee that was sent to the Board with incorporated changes. Reviewed standard of care for the Fire Protection Program as provided with the agenda. Software Study is being reviewed regarding the sharing concept with other counties, noted a big ticket item in the budget.
4. Finance Committee. Mr. Killian reported the COG Program Plan and Capital Improvement Plan that Ferguson Township's submitted comments for were generally consistent with other municipalities' comments. Details followed. Current borrowing environment is good, details followed.

b. OTHER REGIONAL REPORTS

1. Centre Area Cable Consortium. Mr. Miller reported a discussion on Remote Origination Points and financing. An executive session followed on the ongoing negotiations for the cable franchise agreement.

c. STAFF REPORTS

1. Township Manager. Mr. Pribulka reviewed the report as provided with the agenda. Notes of interest included a letter from HOPE Initiative regarding national recovery month for the Opioid program asking for support by way of a display from end of August through September. Following Board discussion on the sensitive subject, the Board consensus was in approval of displaying a low-key display at the Township building. A letter was received from 4th Fest in appreciation of the Township's donation. A conditional offer of employment is forthcoming to replace the Planning & Zoning Director position with a tentative start date in September. The Township's Parks & Recreation Committee met on August 12th – reviewed parks projects and resident issues. Staff and Board Retreat is scheduled for Wednesday, November 20, 2019, at Nature Inn at Bald Eagle State Park - core values and work styles is the tentative topic. Update on meetings attended per the report.
2. Public Works Director. The report was included with the agenda. Mr. Modricker noted areas of interest and did an update on Traffic Calming studies and Oak Wilt case on Deepwood Drive-area residents notified and taking necessary steps for removal. Ms. Dininni asked about educating tree cutters about the Township's ordinance. Discussion followed on educating the tree services.

3. Chief of Police. Chief Albright reported on activities for July and year-to-date. Part 1 Crimes are up; Part 2 less series Crimes are down; and overall Calls for Service are down. Activity for the Arts Festival was down compared to last year. Incidents of note were discussed. Community activities: Stonebridge 4th of July Parade; several Run Hide Fight training sessions; and a senior group discussion on scams and other current events.

IX. COMMUNICATIONS TO THE BOARD

Ms. Dininni noted a thank you to the Chief of Police and the Legion for the attendance at their Sentinel Celebration. The Police led the parade.

X. CALENDAR ITEMS – AUGUST/SEPTEMBER

- a. Special Meeting, Zoning & Subdivision and Land Development Ordinance (SALDO) amendments, August 20, 2019, 6:00 p.m., Ferguson Township Main Meeting Room;
- b. Pine Grove Mills Small Area Plan, August 21, 2019, 6:00 p.m., St. Paul Lutheran Church;
- c. Administrative offices closed Monday, September 2nd for Labor Day.

XI. ADJOURNMENT

Mr. Miller called for adjournment. With no further business to come before the before the Board of Supervisors. Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 11:00 p.m.

Respectfully submitted,

A handwritten signature in black 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: 09-03-2019