

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, January 20, 2020  
7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, January 20, 2020, at the Ferguson Township Municipal Building. In attendance were:

<b>Board:</b>	Steve Miller, Chairman	<b>Staff:</b>	Dave Pribulka, Township Manager
	Lisa Strickland		Centrice Martin, Assistant to the Manager
	Patty Stephens		Dave Modricker, Public Works Director
	Prasenjit Mitra		Chris Albright, Chief of Police
			Eric Endresen, Director of Finance
			Ron Seybert, Township Engineer

*Others in attendance included:* Faith Norris, Recording Secretary; Troy Knecht; John Sepp, PennTerra Engineering; Mark Torretti, PennTerra Engineering; Karen Lambert; Jeremie Thompson; Bill Keough; Kevin Mullen; Dennis Myers.

### II. CALL TO ORDER

Mr. Miller called the Monday, January 20, 2020, regular meeting to order at 7:00 p.m.

Mr. Miller stated an executive session on a personnel matter will follow this meeting.

### III. CITIZENS INPUT

Mr. Pribulka noted C-NET was absent tonight and will check into providing the audio recording to C-NET following this meeting. He noted for everyone to speak clearly into the microphones when talking.

Mr. Mullen, a Patton Township resident and property owner in Ferguson Township, discussed ongoing issues he has had with the University Area Joint Authority. Mr. Miller stated citizens input is to discuss topics pertaining to Township business.

Ms. Lambert, a resident who works for Adult Services at Schlow Library, stated she is attending this meeting as part of the Leadership Centre County class to learn about local government. She acknowledged that Cathy Alloway was in support of her attendance in the program. Ms. Lambert thanked the Township for their continued support of the Schlow Library and hopes it continues in the future.

### IV. APPROVAL OF MINUTES.

Ms. Strickland moved that the Board of Supervisors **approve** the Board of Supervisors' minutes of January 6, 2020, for the Organizational and Regular meetings. Ms. Stephens seconded the motion. The motion passed 4 to 0.

### V. UNFINISHED BUSINESS

1. PUBLIC HEARING RESOLUTION AUTHORIZING AMENDED AUTOMATED RED LIGHT ENFORCEMENT PROJECT FUNDING AGREEMENT WITH THE COMMONWEALTH OF PA.

Mr. Pribulka reviewed the history of the item in for adoption. Messrs. Modricker and Seybert were in attendance to answer any questions.

No public comment was noted.

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute an amended Automated Red Light Enforcement Program Project Funding Agreement between the Township of Ferguson and the Commonwealth of Pennsylvania. Mr. Mitra seconded the motion.

Discussion followed on a clarifying question from Mr. Mitra. Topics included how the data is gathered or collected to improve performance of the signal lights; program implementation and location; consulting services; and potential revenue generated from the project with respect to red light enforcement. It was clarified that the Township is not permitted to have camera enforcement for red light violations and the grant name has no relationship to the project.

Roll Call vote on Resolution #2020-05: Mr. Miller – YES; Mr. Mitra – YES; Ms. Stephens – YES; Ms. Strickland – YES.

2. PUBLIC HEARING RESOLUTION AUTHORIZING AUTOMATED RED LIGHT ENFORCEMENT (ARLE) PROJECT FUNDING AGREEMENT WITH THE COMMONWEALTH OF PA.

Mr. Pribulka reviewed the item for adoption as noted in the above discussion. This is for the previous Township funding for ARLE in 2018. The purpose for this funding would be to implement signal upgrades in the Township to digital radar detection technology for improved vehicle detection. Noted was the 80/20% match toward the project. This is a continuance of the existing program to upgrade the remainder of the signal lights in the Township.

Mr. Myers discussed his concerns on the backup at Martin Street/Blue Course Drive intersection and whether this project would address that issue. Mr. Seybert responded to the resident on existing budget options that may address the stated cycled protected movement intersection issue. The project for authorization tonight does not address that intersection.

Discussion followed on a clarifying question from Ms. Stephens. Mr. Modricker responded by stating the project does not include allowance for emergency vehicles/first responders to change the light while traveling through the area. However, signal lights do have preemption for fire and EMS responders.

Mr. Mitra moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute an Automated Red Light Enforcement Program Project Funding Agreement between the Township of Ferguson and the Commonwealth of Pennsylvania. Ms. Strickland seconded the motion.

Roll Call vote on Resolution #2020-06: Mr. Mitra – YES; Ms. Stephens – YES; Ms. Strickland – YES; Mr. Miller – YES.

3. AUTHORIZATION OF A PUBLIC HEARING AMENDING THE CODE OF ORDINANCES, CH. 15 MOTOR VEHICLES & TRAFFIC, PART 4, GENERAL PARKING REGULATIONS, SECTION 403 PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS; SECTION 404 PARKING PROHIBITED IN CERTAIN LOCATIONS CERTAIN DAYS AND HOURS; AND SECTION 409 RESIDENTIAL PERMIT PARKING.

Messrs. Miller and Pribulka reviewed the item for public hearing. Mr. Modricker reviewed resident concerns and the map showing the parking restrictions. Red areas noted on the map are no

parking; yellow and green areas require permits; and no more than two requested permits per household. If approved, the public hearing would be scheduled for February 18<sup>th</sup>.

Ms. Strickland moved that the Board of Supervisors **authorize** the advertisement of a public hearing amending Chapter 15 of the Code of Ordinances for Tuesday, February 18<sup>th</sup>. Mr. Mitra seconded the motion.

Mr. Mitra inquired about parking and limits. Discussion followed on parking for brief deliveries; restrictions; and annual fee per permit (up to 2 permits per household). Mr. Pribulka noted current conditions of the street are functioning as intended.

The motion passed 4 to 0.

#### 4. CENTRE REGION REFUSE AND RECYCLING – CONSIDERATION OF REQUEST TO AUTHORIZE EARLIER START TIME FOR REFUSE COLLECTION.

Mr. Pribulka reviewed the history of the item for consideration of an earlier start time between Memorial and Labor days of each year. The recommendation was deferred by the Public Services & Environmental (PS&E) Committee until February 2020 to give the Board's new committee member a chance to review with the current Board prior to a recommendation. Mr. Pribulka stated if a new start time is approved for 6:00 a.m. for collection, it would necessitate a new ordinance amendment to Health & Safety. He also recommended that the amendment note refuse collection as an exempt item from noise ordinance to be consistent with other municipal ordinances of the Township. Mr. Miller noted the Board did not make any recommendations last year, but did ask for additional information from COG to provide other options. However, other stated options were determined not to be feasible.

An expanded discussion followed for new Board members on opposition to the change; source of the issue; waste hauler adjusting to new time if approved; and health and safety issues that occur during the summer months.

Mr. Keough spoke on behalf of the rural areas of the Township. Earlier pickup may require residents to place trash out the night before and may attract animals to the residential areas. Discussion followed on identifying areas that can have a later 7:00 a.m. pickup time. Following discussion, it was the consensus of the Board to have Mr. Mitra bring the request to COG's PS&E Committee in addition to supporting the earlier start time.

Ms. Strickland moved that the Board of Supervisors **support** the request from the COG Public Services and Environmental Committee to permit refuse and recycling collection to begin at 6:00 a.m. between Memorial Day and Labor Day of each year. Mr. Miller seconded the motion.

Discussion followed on the motion and request. In addition, Mr. Miller requested that the PS&E Committee explore with the contractor the possibility of authorizing a notification to residents prior to noted high temperature days of the earlier pickup time between Memorial Day and Labor Day months of the year.

The motion passed 4 to 0.

## VI. NEW BUSINESS

### 1. CONSENT AGENDA

- a. 2016-C19 Corl St. Signal Pay App 3: \$6,066.40

- b. 2016-C19 Corl St. Signal Pay App 4: \$43,597.99
- c. 2019-C32a GENERAL Admin Renovations Pay App 3: \$125,463.60
- d. 2019-C32b HVAC Admin Renovations Pay App 1: \$3,533.40
- e. 2019-C32b HVAC Admin Renovations Pay App 2: \$29,707.20
- f. 2019-C32b HVAC Admin Renovations Pay App 3: 10,445.04
- g. 2019-C32c ELECT Admin Renovations Pay App 001: \$19,710.00
- h. 2019-C32c ELECT Admin Renovations Pay App 002: \$7,290.00
- i. 2019-C32d FIRE Admin Renovations Pay App 1: \$3,600.00
- j. 2019-C32d FIRE Admin Renovations Pay App 2: \$4,500.00
- k. 2019-C32e PLUMB Admin Renovations Pay App 1: \$7,845.52
- l. 2019-C32e PLUMB Admin Renovations Pay App 2: \$2,950.88

Ms. Strickland moved that the Board of Supervisors **approve** the Consent Agenda. Mr. Mitra seconded the motion. The motion passed 4 to 0.

## 2. REQUESTS FOR VARIANCES/MODIFICATIONS/WAIVERS.

- a. Request for Variance – 3765 West College Avenue

Mr. Pribulka reviewed the request, the floodplain boundaries, further analysis and the process. The applicant is the Islamic Society of Central PA.

Mr. Mitra had a clarifying discussion on the road request, floodplain and potential disadvantages. A discussion followed regarding the Township's general no-build ordinance, assessment and review efforts. The request is for a second access to the property for a future secondary use. A study has been provided. Further review can be done by an outside engineering firm prior to going before the Zoning Hearing Board.

Ms. Strickland moved that the Board of Supervisors **oppose** the request for variance at 3765 West College Avenue pending review of the applicant's floodplain analysis by the Township's Stormwater Engineer. Ms. Stephens seconded the motion. The motion passed 4 to 0.

The Board will be updated on the outcome of hearing.

- b. Requests for Modification – Harner Farm – Subdivision of Tax Parcel 24-4-67 and Replot of Tax Parcel 24-4-67C

Ms. Wargo reviewed the modification request. Mr. Torretti reviewed the map of the property. Mr. Pribulka reviewed the process and standards in the MPC and ordinance. Discussion followed on the pros and cons of granting the modification.

Ms. Strickland moved that the Board of Supervisors **grant** the requested modification described in the Director of Planning & Zoning memorandum dated January 15, 2020. Mr. Mitra seconded the motion.

Discussion followed on requirements.

The motion passed 4 to 0.

- c. Request for Modification– West Cherry Lane Sidewalks

Ms. Wargo reviewed the modification request. Mr. Sepp presented the full land development plan that includes the next agenda item.

A clarification was made on the parking lot area and sidewalk area and relocation connection.

Mr. Mitra moved that Board of Supervisors **grant** the requested modification described in the Director of Planning & Zoning memorandum dated January 14, 2020, for sidewalks. Ms. Strickland seconded the motion. The motion passed 4 to 0.

### 3. WEST CHERRY LANE LAND DEVELOPMENT PLAN

Staff reviewed the land development plan process for new Board members. Clarification on access for future workforce housing was discussed.

Ms. Strickland moved that the Board of Supervisors **conditionally approve** the West Cherry Lane Land Development Plan subject to the completion of the outstanding conditions as described in the Director of Planning & Zoning memorandum dated January 14, 2020. Ms. Stephens seconded the motion. The motion passed 4 to 0.

### 4. HARNER FARM REPLOT SIDEWALK DISCUSSION

Ms. Wargo reviewed the item for discussion along with the options provided with the agenda. Mr. Pribulka reviewed the building requirements. Discussion started with maintenance of a bike path vs. a sidewalk; and exploring paths with MPO. Clarification and direction of options were discussed. Discussion followed on concern for possible barrier and who maintains the property. Mr. Seybert discussed consideration of a shared-use path for parcel to the north due to not having an option in the current plan for a bike lane. Following discussion, the Board consensus and direction for engineering firm on how to prepare the plan was for option B:

That the applicant will install sidewalks as required by ordinance without constructing a bike lane. The applicant will widen the proposed turn lanes during construction for future grant funding for any bike lane improvements along West College Avenue. A 15-foot easement will be dedicated to the Township to install a future pedestrian/bike path when a connection is identified. This easement will allow the Township to build and maintain the shared use path.

### 5. PROCLAMATION PROCLAIMING THE MONTH OF APRIL TO BE "PENNSYLVANIA 811 SAFE DIGGING MONTH" IN FERGUSON TOWNSHIP.

Mr. Pribulka introduced the proclamation as provided with the agenda.

Mr. Mitra moved that the Board of Supervisors **proclaim** the month of April to be "Pennsylvania 811 Safe Digging Month" in Ferguson Township. Ms. Strickland seconded the motion. The motion passed 4 to 0.

Mr. Miller called for a short recess.

### 6. PROCLAMATION PROCLAIMING FERGUSON TOWNSHIP'S COMMITMENT TO PARTNERING WITH THE UNITED STATES CENSUS BUREAU TO HELP ENSURE A FULL AND ACCURATE COUNT IN 2020.

Ms. Martin introduced the proclamation as provided with the agenda. The primary goal for the 2020 Census is to count everyone only once in the right place. As a representative of Ferguson

Township, Mr. Martin was part of a State College complete count committee. She shared who was on the committee and that the consistent message to the community was to emphasize the importance of completing the census.

Ms. Strickland moved that the Board of Supervisors **proclaim** Ferguson Township's commitment to partnering with the United States Census Bureau to help ensure a full and accurate count in 2020. Mr. Mitra seconded the motion. The motion passed 4 to 0.

7. PUBLIC HEARING RESOLUTION REPEALING RESOLUTION 2019-11 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.

Mr. Pribulka reviewed the item for adoption as provided.

Mr. Mitra moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2019-11 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. Ms. Stephens seconded the motion. The motion passed 4 to 0.

No public comment noted.

Roll Call vote on Resolution #2020-07: Ms. Stephens – YES; Ms. Strickland – YES; Mr. Miller – YES; Mr. Mitra – YES.

8. REQUEST FOR SUPPORT – STATE COLLEGE SPIKES MINOR LEAGUE BASEBALL TEAM.

Mr. Pribulka review the support request as provided with the agenda. The Spikes have provided assistants to Ferguson Township as well as other area events and has had a positive impact to the local community. A petition and support has been initiated to help keep the local team. A clarification discussion followed on teams to potentially be eliminated. Discussion followed on the language to add to the support letter; i.e., quality of life, family oriented events and other support functions.

Ms. Strickland moved that the Board of Supervisors **authorize** a letter of support for the State College Spikes Minor League Baseball Team. Ms. Stephens seconded the motion. The motion passed 4 to 0.

9. AUTHORIZATION OF A PUBLIC HEARING ON AMENDING THE FERGUSON TOWNSHIP CODE OF ORDINANCES CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, PART 2, TRAFFIC REGULATIONS, SECTION 217, SCHOOL ZONES ESTABLISHED.

Chief Albright reviewed the item for authorization. Mr. Pribulka noted that it is the same chapter reviewed in the above item for Rushcliffe Street and this would be authorized for one public hearing amendment for both ordinances at a future regular board meeting. Discussion followed on clarification of amendment and motions for the two separate actions of the board for the same topic.

Mr. Mitra moved that the Board of Supervisors **authorize** the advertisement of a public hearing amending Chapter 15 of the Code of Ordinances for Tuesday, February 18<sup>th</sup>. Ms. Strickland seconded the motion. The motion passed 4 to 0.

10. BOARD MEMBER REQUEST – PATTON TOWNSHIP OPEN SPACE PRESERVATION PRESENTATION

Mr. Miller reviewed the item on behalf of Ms. Dininni as provided.

Ms. Strickland moved that the Board of Supervisors **direct** staff to invite the Patton Township Manager or his designee to present information to the Board of Supervisors on Patton Township's Open Space Program and the 62-acre Patton Woods Nature Recreation Area. Mr. Mitra seconded the motion. The motion passed 4 to 0.

**VII. STAFF AND COMMITTEE REPORTS**

**1. COG COMMITTEE REPORTS**

- a. Transportation & Land Use Committee. Ms. Strickland attended the organizational meeting. She reviewed committee appointments and items from the agenda. This included work items for the year; i.e., CCMPO long range plan for 2050; CHIP projects; Harris Township review of speed reduction request for Route 45; and outer loop discussion.
- b. Ad Hoc Facilities Committee. Ms. Stephens reviewed the organizational meeting items that included a Millbrook Marsh Nature Center (MMNC) boardwalk discussion; COG parking issue - short term rental of parking spaces; and sustainability of fleet vehicles. A lengthy discussion followed on the safety, age and structure of the boardwalk.
- c. Public Safety Committee. Agenda was provided in the packet. Any questions can be addressed the next time Ms. Dininni is in attendance.
- d. Human Resources Committee. Ms. Stephens reviewed the organizational meeting items that included expanded discussion for the over 50 applications received for the COG director position; and COG policy discussion on medical marijuana.
- e. Finance Committee. Mr. Miller reviewed the organizational meeting's updates that included the appointments and budget process. Replacement of fire vehicles discussion; amendment to the regional park loan will be discussed at a future Finance meeting; and Code parking budget amendment.
- f. Public Services & Environmental Committee. Mr. Mitra reviewed the organizational meeting with updates on the appointments; presentation by Pam Adams on Climate Action process-objectives on emissions target; solar consultant discussion; refuse collection start time; recycling pilots for reducing organic waste; nutrient capacity surcharge; projects at Spring Creek Park; and electronic recycling program expanding to accept an electronic card.

**2. OTHER REGIONAL REPORTS**

- a. Spring Creek Watershed Commission. Mr. Mitra reviewed items discussed that included the election; upcoming meeting on a regional watershed plan at Ferguson Township Municipal Building on January 23<sup>rd</sup> at 1:00 p.m.; and Phase 2 report of One Water Plan. Mr. Mitra volunteered to attend the watershed plan meeting on behalf of Ferguson Township municipality.
- b. Joint Parks Capital & CRPRA. Ms. Dininni was not available to give the report. Mr. Miller did note that the Comprehensive Study Update was complete and will go before the COG General Forum next week and then will be referred to municipalities for comment.

**3. STAFF REPORTS**

- a. Township Manager. Mr. Pribulka reviewed his report as provided with the agenda. Attachment included a thank you letter of support from People's Choice Festival; there will be a proposal to consider at the February 3<sup>rd</sup> regular meeting on construction management services for the new

public works facility; Parks Committee and appointment updates; staff members Messrs. Pribulka and Endresen attended a pre-audit meeting and noted no large changes are anticipated from last year; Ferguson Township fire station needs assessment discussion and next steps.

Ms. Strickland had a discussion on the regional fire study. Mr. Pribulka noted in general the Township's needs assessment and regional fire study are unrelated. Shared goals and focused needs were discussed. Attraction, attention and location of the volunteer staff were noted. Ms. Dininni is on the committee and can better speak on this subject.

Mr. Pribulka noted the Board's orientation meeting is this Thursday, January 23<sup>rd</sup>. The Township has received the GFOA certificate of achievement for the Township's CAFER audit for the ninth straight year.

- b. Public Works Director. Mr. Modricker's report provided an update on renovations to the Township's Administration building and the new Public Works Maintenance Facility; Stormwater Fee Study update; Tree Commission and organizational update; upcoming Podcasts; RFP for management services; and year at a glance on maintenance activities.
- c. Planning & Zoning Director. Ms. Wargo updated the Board with the organizational meeting and appointments; renovations update; and Zoning Hearing Board will meet on January 28<sup>th</sup> to review the items from tonight's regular meeting.
- d. Chief of Police. Chief Albright reported on the month of December that was a quiet month and year to-date (YTD) statistics. Overall YTD crimes under more serious crimes [Part 2] were up due to more assaults and burglaries; Part 1 crimes were down for 2019; overall calls for service were down; and notable incidents update on scams and assaults. Clarification was made on YTD crime statistics.

**VIII. COMMUNICATIONS TO THE BOARD – none.**

**IX. CALENDAR ITEMS – JANUARY/FEBRUARY**

- a. Coffee & Conversation, Baileyville Community Hall, January 25, 2020, 8:00 a.m. – 9:30 a.m.

Ms. Strickland referenced the State College Spikes agenda item and to where the support letter will be sent. Mr. Pribulka will follow up on representatives to send the letter to.

**X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Strickland motioned to adjourn the meeting. The meeting adjourned at 9:40 p.m.

Mr. Miller noted again that there is an executive session following this meeting.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 02-03-2020