

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, July 19, 2021
7:00 PM

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, July 19, 2021 as a hybrid meeting. In attendance were:

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| Board: | Laura Dininni, Chair | Staff: | David Pribulka, Township Manager |
| | Lisa Strickland, Vice Chair | | Eric Endresen, Director of Finance |
| | Steve Miller | | Jenna Wargo, Planning & Zoning Director |
| | Prasenjit Mitra | | |
| | Patty Stephens | | |

Others in attendance included: Rhonda Demchak, Recording Secretary; Mark Kunkle, Ferguson Township Resident; Charima Young, Penn State University

I. CALL TO ORDER

Ms. Dininni called the Monday, July 19, 2021, regular meeting to order at 7:00 p.m.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting, meaning that attendees can attend remotely via zoom or in person. Persons attending the zoom format as members of the public and wanted to participate were asked to identify themselves by their name, municipality, and topic. Persons attending in person will utilize the podium in the conference room. Mr. Pribulka noted that attendees will not be permitted to speak unless addressed by the Chair. C-NET is recording as well.

Ms. Dininni noted that there was an Executive Session regarding litigation on July 13, 2021.

II. THE PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

There were no comments.

IV. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the Regular meeting Minutes of July 6, 2021. Mr. Mitra seconded the motion. The motion passed unanimously.

V. SPECIAL REPORTS

a) Community Engagement/Strategic Plan Progress Report

Ms. Centrice Martin presented the report via PowerPoint. Ms. Martin reviewed the percentages of Community Engagement and Communications from the 2019 National Citizens Survey. The largest resources for the residents of Ferguson Township were the Township Website and the annual print newsletter. There is no data yet for the Township's LinkedIn page that was launched after the survey was conducted. Last year there were several opportunities to engage the residents such as the Stormwater Fee Campaign; COVID-19; Internship Program; Tree Commission, Pine Grove Mills Small Area Plan Advisory Committee; Parks and Recreation; and short informational videos to raise awareness on topics supported or lead by the Township.

Ms. Martin reviewed the main focal areas of the Strategic Plan Progress that included Financial Stability; Economic Development; Growth Management; Environmental Stewardship; Best Management Practices for Operations; Increase Participatory Government; and Promotion of Clean Renewable Energy.

VI. UNFINISHED BUSINESS

1. Public Hearing – Automated Red Light Enforcement Program Grant Extension Resolution

Mr. Pribulka noted that provided with the agenda is a copy of a resolution advertised for public hearing authorizing the Chair and Secretary to execute an extension of time letter for the Automated Red Light Enforcement Program Project Funding Agreement between the Township and the Commonwealth of Pennsylvania. The grant award was to install traffic signal optimization hardware and software to monitor and coordinate the Township's traffic signals. Currently, the grant expires on January 9, 2022, but the agreement would extend the deadline through January 9, 2023.

Public Hearing – No comments

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution authorizing the Chair and Secretary to execute an extension of time letter for the Automated Red Light Enforcement Program Project Funding Agreement between the Township of Ferguson and the Commonwealth of Pennsylvania. Ms. Stephens seconded the motion.

ROLL CALL: Mr. Miller – Yes: Mr. Mitra – Yes: Ms. Stephens – Yes: Ms. Strickland – Yes: Ms. Dininni – Yes

2. Draft Ordinance Amendment - Turf, Grass, Weeds and Other Vegetation

Mr. Pribulka noted that at the May 17th Regular Meeting, the Board considered a request from Mr. Mitra to amend the Turf, Grass, Weeds and Other Vegetation Ordinance to relax or repeal the requirement that lawns be maintained at a maximum height of six inches. At the conclusion of the discussion that evening, the Board directed staff to draft an amendment for review that would incorporate provisions of the Ferguson Township Green Infrastructure Policy (Resolution 2021-17) into the Turf, Grass, Weeds and Other Vegetation Ordinance to expand on the Managed Natural Landscape Provisions currently permitted such as meadowed areas, low no mow, pollinators, etc. Provided with the agenda is an initial "redlined" draft of an ordinance amendment that aims to achieve the goals set by the Board at the May 17th meeting. Also provided for reference is the Green Infrastructure Policy. Staff is recommending that the Board discuss the draft and any requested amendments, and, if ready, refer the draft to the Tree Commission for review and comment.

Board Discussion

Mr. Mitra expressed concerns with putting more burden on residents who want to be environmentally friendly with all the requirements proposed in the amendment. Mr. Pribulka noted that the changes made clarifies the types of Green Infrastructure that would be permitted to be installed and the intent is to relax some of the registration requirements. Mr. Pribulka noted that it doesn't have to be a complex maintenance plan. Mr. Pribulka explained the process of registration.

Mr. Miller stated that the draft is an improvement but the question he and Mr. Mitra proposed about the length of the grass wasn't completely addressed. Mr. Pribulka noted that the length wasn't changed because there was no Board direction, but it can be changed.

Ms. Dininni discussed the grow zones in the Township. Mr. Pribulka explained what and where they were located. Continued discussion with the interpretation under the Green Infrastructure

continued. Mr. Pribulka will reorganize the list and change the language. Ms. Dininni noted that the grow zone map at Fairbrook was amended and asked to have parameters set to maintain.

Ms. Stephens stated that she spoke to some people in her neighborhood about grass length and they will be upset if it were to be increased. Ms. Stephens suggested not using him and hers when referring to property owners in the ordinance.

Ms. Dininni supports adding the green infrastructure language and stated that 6 inches is on the short side for grass length. Ms. Dininni would entertain to support grass length of 8-10 inches. Ms. Stephens supports grass length of 6 inches.

Mr. Mitra expressed concerns with the audit portion under 103.4 of the draft and suggested removing.

Ms. Dininni stated that the entire Board agrees with integrating the green infrastructure components into the ordinance with the grow zone and the categories underneath. Ms. Dininni is supportive of the permits, a basic maintenance plan, and concurred with Mr. Mitra that the audit should be removed. The entire Board agreed.

Ms. Dininni suggested adding language around invasive species versus noxious weed. Ms. Dininni suggested giving this task to the Tree Commission.

Mr. Pribulka stated that he would be reluctant to remove the audit portion because he favors having language in an ordinance to allow staff to pursue enforcement. Mr. Pribulka reviewed the violations process. Ms. Dininni suggested moving the violations/enforcements under enforcements. Continued discussion regarding the language under Audit continued. Ms. Strickland suggested removing the term audit. Mr. Pribulka will revise the language to exclude audit and the sentence "shall be periodically visually inspected by the Township Arborist for compliance with the requirements described herein".

With regards to the traditional turf height restriction, Mr. Miller and Mr. Mitra prefer the grass much higher than 6 inches. Ms. Stephens proposed leaving the height at 6 inches. Ms. Strickland proposed 8 inches. Ms. Dininni proposed 8 inches. Mr. Pribulka will change to 8 inches and send to the Tree Commission for comment, and it will come back to the Board.

3. Musser Gap Trail Proposed Bike Path – Official Map Amendment Discussion

Ms. Wargo noted that in October 2017, the Board of Supervisors adopted the Township's Official Map designed to implement the goals and community vision set forth in the Centre Region Comprehensive Plan. The Board of Supervisors directed Township staff to research the implications of amending the Official Township Map to identify the Musser Gap Trail as a proposed path. Provided with the agenda is a memorandum dated July 14, 2021, from Jenna Wargo, Director of Planning & Zoning, providing an overview of an official map, its benefits and process once an official map is adopted. Ms. Wargo reviewed the official map definition.

Ms. Dininni reiterated some main points. The potential designation of the official map doesn't mean that the Township will be taking it at that time. In the event the Township would like to use eminent domain, there is a separate process. Ms. Wargo noted that when an area is designated on an official map the property owners will provide the municipality with a notice if they plan to subdivide or build, etc. The municipality would have one year to negotiate the purchase of the property or the area that was designated. Mr. Pribulka stated that an official map designation is separate from the condemnation process that the Township would go through for eminent domain. The value in it is the stay of one year that is placed on any property that has a designation. The Township is still restricted as a government unit by the eminent domain code for condemnation proceeding.

Ms. Dininni asked if the Board is interested in making a designation on the official map of the proposed pedestrian easement/bike pathway that would connect the Whitehall Regional Park with the Musser Gap Trail.

Mr. Miller noted there would be no downside to this because Penn State University has expressed intentions numerous times to use the area as a multi-use pathway.

Ms. Strickland echoed what Mr. Miller stated and added that it was her understanding that the intention for Penn State was not to build but to utilize as a natural pathway.

Ms. Stephens and Mr. Mitra agreed with the comments that the other Board members made.

Mr. Miller stated that updating the official map is a process and it would be worthwhile to look at other items that could be added as well. Ms. Stephens noted that the bike trails that connect to Huntingdon could be added.

Mr. Pribulka reviewed the process and stated that it would be an ordinance. Mr. Pribulka noted that it is zoning relevant and should have the Planning Commission, Centre Region Planning Commission, and Centre County make comments. Mr. Pribulka suggested having neighboring municipalities Harris and College review as well.

Ms. Dininni suggested continuing the discussion at the next Board meeting.

VII. NEW BUSINESS

1. Consent Agenda

- a. Special Events Permit – Pregnancy Resource Clinic 5K
- b. 2018-PWGG Pay Application 12: \$24,677.67
- c. 2021-C8 Pay Application 2: \$14,755.35
- d. 2021-C23 Science Park Pole Replacement Pay Application 1a: \$3,487.72
- e. 2021-C23 Science Park Pole Replacement Pay Application 1b: \$3,844.00
- f. Harner 4 Lot Subdivision Surety Reduction 4: \$213,413.19
- g. Orchard View Subdivision Surety Reduction 1: \$262,272.42

Ms. Stephens moved that the Board of Supervisors **approve** the Consent Agenda.

The Special Events Permit – Pregnancy Resource Clinic 5K was pulled from the Consent Agenda by Mr. Mitra and will be added to New Business.

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

2. Recreation, Parks, and Open Space Plan Update – Award Contract for Consulting Services

Mr. Pribulka presented the contract and noted that the Township issued a Request for Proposals (RFP) to select a consultant to facilitate an update to the 2009 Ferguson Township Recreation, Parks, and Open Space Plan. A total of four proposals were received from qualified consultants. An internal review team narrowed the proposals to two finalists, who were forwarded to the Ferguson Township Parks and Recreation Committee for review and consideration. The Parks Committee met on July 15th and recommended that the Board award the contract to YSM Landscape Architects in an amount of \$39,300. Provided with the agenda is a copy of the two highest ranked proposals submitted by YSM Landscape Architects and HRG, Inc. Also provided with the agenda is the RFP that was issued for the project. The Parks Committee did note several concerns about YSM Landscape Architects with the scope of work related to engagement of the

public and the Board of Supervisors that the Committee suggested being addressed if the firm is awarded the contract.

Mr. Pribulka noted that the internal review was conducted by himself, the assistant manager, planning director and the administrative assistant in the planning department. The majority favored HRG, Inc. because they were familiar with the customs of the RFP that was issued. The YSM proposal was a little more generic, but the staff made the recommendation based on the Parks & Recreational Committee recommendation. Mr. Pribulka is confident that both firms are qualified and would do an effective job. Mr. Pribulka stated he didn't strongly feel one way or the other.

Mr. Miller moved that the Board of Supervisors **award** a contract to HRG, Inc. in an amount of \$39,500 for consulting services to update the Ferguson Township Recreation, Parks, and Open Space Plan. Ms. Strickland seconded the motion. The motion passed unanimously.

3. Special Events Permit – Pregnancy Resource Clinic 5K

Mr. Miller moved that the Board of Supervisors **approve** the Special Event Permit for the Pregnancy Resource Clinic 5K. Ms. Strickland seconded the motion. The motion passed 4-1 with Mr. Mitra opposing.

VIII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Finance Committee – Mr. Miller reported that the program plan for COG and the Capital Improvement Plan will be coming out at the General Forum meeting next week. There will be time to review and comment before the next Finance Committee meeting.
- b. Joint Parks Capital and Parks & Recreation Authority – Ms. Dininni reported that they met on July 8th and reviewed the Millbrook Marsh Nature Center Part 1 Boardwalk Feasibility Study. They supported Option #3 that is included in the agenda packet. Ms. Dininni voiced her concerns with supporting the project without funding. The committee discussed the Ferguson Township effort to place on the official map the Musser Gap Greenway Connection and it will be moving forward. Staff will be drafting a letter to pursue public access of the connector and will exclude the word easement. Charima Young a non-voting member who represents PSU, stated that PSU is not in favor of an easement, but perhaps an MOU. There were updates/discussions on the Whitehall Road Regional Park, Division of Responsibilities for Maintenance and Operation, and reviewed the Regional Park Master Plans.
- c. Climate Action Sustainability Committee (CAAP) – Mr. Mitra reported that they discussed the Charter, presentations by Pam Adams, reduction targets for COG were passed, and discussed the proposed schedule of tasks for the completion of CAAP. On, July 28th there will be a tour of the UAJA solar installation at 8:30 a.m.

2. OTHER COMMITTEE REPORTS

- a. Climate Action TAG – Mr. Pribulka noted that the report is included in the agenda.

3. STAFF REPORTS

- a. Manager's Report – Mr. Pribulka noted that the report is included in the agenda.
- b. Public Works Director – The report is included in the agenda packet. Mr. Pribulka reported that there was a grant awarded for \$108,000 from Green Light-Go. Mr. Pribulka stated that there are notes regarding the Traffic Study at the Intersection of Cherry Lane and Martin Street. Ms.

Strickland noted that she and Ms. Stephens took a walk with the parent who had a complaint at the intersection. Ms. Strickland reported that there is an overgrowth from trees on the right-hand side that is covering up signage and on Cherry Lane there is overgrowth from trees and vegetation on sidewalks. Mr. Pribulka will ensure these issues be addressed.

- c. Planning and Zoning Director - Mr. Pribulka noted that the report is included in the agenda. Ms. Strickland asked about the signage on Shingletown Road for a Zoning Hearing. Mr. Pribulka reported he will be attending the Zoning Hearing Board meeting on July 27th to support the request for variance at the Scott Road Pump Station.
- d. Chief of Police - Mr. Pribulka noted that the report is included in the agenda.

Ms. Dininni asked if grow zone signs could be placed in Homestead Park and reported the kiosk was in poor condition. Ms. Dininni noted that the water fountains at Fairbrook Park are not working. Ms. Dininni asked if the chicken permit process could be placed on social media because there are chickens everywhere, but not a lot of permits have been issued. Ms. Dininni noted that at the Giant Northland Center, there are no pedestrian access markings since they paved. Mr. Pribulka will remind the owner.

IX. COMMUNICATIONS TO THE BOARD

Ms. Dininni had a communication from a resident about the old O.W. Houtz land being used for a laydown yard.

X. CALENDAR ITEMS – JULY/AUGUST

- a. Ferguson Township upcoming committee meetings:
 - 1. Capital Improvement Plan Special Meetings, July 20 & 21, 6PM
 - 2. Pine Grove Mills Small Area Plan Advisory Board - Thursdays, July 22 & August 26, 4PM
 - 3. Planning Commission - Mondays, July 26, August 9 & 23, 6PM
 - 4. Tree Commission – Monday, August 16, 5PM
 - 5. Parks & Recreation Committee - Thursdays, July 15, & August 19, 4PM
- b. Summer Bike Anywhere Friday, July 23

XI. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 10:15 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 08-02-2021