

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting

Monday, October 21, 2019

7:00 PM

### I. ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 21, 2019, at the Ferguson Township Municipal Building. In attendance were:

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

**Staff:** Dave Modricker, Public Works Director  
Chris Albright, Chief of Police  
Jeff Ressler, Zoning Administrator  
Kristina Aneckstein, Community Planner

*Others in attendance included:* Faith Norris, Recording Secretary; Lewis Steinberg, Schlow Library; Bill Keough, CRPRA representative; Carolyn Yagle, EPD; Jeremey Thompson; Chuck Mong; Ralph Wheland; Brittney Baker Shurr

### II. CALL TO ORDER

Mr. Miller called the Monday, October 21, 2019, regular meeting to order at 7:00 p.m.

Prior to the meeting Mr. Miller stated a grant opportunity has become available with the PA Fish and Wildlife Commission that Mr. Modricker discussed at the end of New Business.

### III. CITIZEN'S INPUT

A citizen spoke about the dirt mound near Haymarket Park and his concern on height limit and whether a new permit will be issued with a height restriction. Follow-up with the Zoning Administrator will be done prior to the next meeting on permit regulations. Discussion followed on the uses in the PRD district.

A citizen spoke on the concern about the speed of vehicles and amount of traffic going through his neighborhood in Rock Springs. Discussion followed on speed limits and a request for police to monitor the area more closely as has been done in the past. A follow-up will be done with the Ferguson Police Department.

### IV. Special Reports

- a. Schlow Library. Mr. Steinberg reviewed trends, circulation of books, revenue and current and future budget figures. E-book use is up. The 2019 budget is on schedule and the 2020 budget has been approved. Noted, COG is a major source of revenue for the library. Other funding comes from municipalities and sponsor donations. As noted in prior reports, E-books and audio are a significant expense. Discussion followed on events. The library had its first StoryWalk on September 28<sup>th</sup> at Autumnwood Park; spotlight on next month's author is journalist George Packer that will include a fundraising dinner. The next Little Free Library to stock will be at Baileyville.

A discussion followed on employee retention. Mr. Steinberg stated the library is able to retain the libraries and staff. Noted, the increase in the budget request to COG is due mainly to benefits and health insurance.

- b. Centre Region Parks & Recreation Authority. Mr. Keough discussed the needed space at COG and the decision to move the Parks & Recreation office to a new location at 204 Sandy Drive off Science Park Road with a COG-negotiated lease of seven years. The move will take place in mid-

November and to expect some down time for the move. The Parks office is scheduled to reopen on November 22<sup>nd</sup> with the same contact phone numbers. Fee policies, no-fee activities and possible options for cost recovery were part of a discussion. Mr. Keough noted specialized work that is needed at one of the area pools. Bid letters will go out for the project. Some of the costs have been budgeted. The Planning Commission will be receiving for review the Land Development Plan for Whitehall Road Regional Park. The Park Comprehensive Plan is in its final stages and the Public Meeting will be held on November 14<sup>th</sup> at the State College Area High School to reveal the findings for those interested in attending.

An expanded discussion followed on cost recovery in relation to collection of data on team sports usage of local parks to get a sense of participation value from area municipalities. Mr. Miller had a discussion on recovery for large events and sponsorship opportunities.

c. LED Street Lighting

Mr. Modricker reported on the LED lighting projects in the Township. Township Engineer Ron Seybert was appointment by request to the State Transportation Innovative Council and did a report for the Council on LED Lighting as part of showcasing different types of innovations. The newer lighting is more cost efficient, conducts better light patterns, better distribution and has less hot spots. There are no reports of LED luminaire failures in the Township for over ten years since initial LED lighting was first installed. This is a line item in the budget and does receive some funding through the Green Light-Go Grant Program. Details followed on the light fixtures.

An expanded discussion followed on this topic as a line item in the budget for next year's projects, type of replacement lighting, location, color distribution and feedback.

V. **APPROVAL OF MINUTES**

Ms. Dininni moved that the Board of Supervisors **approve** the Regular Meeting Minutes of October 7, 2019. Mr. Killian seconded the motion. The motion passed unanimously.

VI. **UNFINISHED BUSINESS**

1. PUBLIC HEARING ORDINANCE REPEALING CODE OF ORDINANCES, CH. 27, ZONING AND REPLACING WITH NEW CH. 27, ZONING

Mr. Miller introduced the item as provided in the agenda. Noted, no action to be taken this meeting. Mr. Modricker presented a brief history of the ordinances. Ms. Yagle from EPD reviewed the changes followed by public comment and Board discussion.

Ms. Yagle focused on zoning items such as Kennel and noise ordinance criteria that did not include the zoning map. Buffers, feedback on short-term rentals and applications of uses for non-conforming lots were discussed.

Public comments followed. A representative of the Pennsylvania Association of Realtors had concerns on maintenance codes, short-term rental timeframe designations, and parking for potential owners. Discussion followed with the EPD representative on accessory use, dwelling type, set criteria, on-site owner occupant, permit timeframe, and what is considered a seasonal dwelling.

Discussion followed on detailed changes moving forward, specifically buffers, land uses, types of businesses, restrictions and incentives. Mr. Miller noted that substantive changes will need to be reviewed by the Township solicitor. Following discussion the following motion was made.

Ms. Dininni moved that the Board of Supervisors **remove** restrictions on no-impact businesses subject to consultation with the Township Solicitor. Ms. Strickland second the motion. A detailed discussion followed. Mr. Ressler noted no real concerns. The motion passed unanimously.

Other items discussed were other residential areas; legal considerations that will need a follow-up by the Township; parking modifications: Right-of-Way; rental properties and trends; and subdivisions with non-confirming lots.

Mr. Stryker moved that the Board of Supervisors **continue** the public hearing on the draft Zoning Ordinance amendment until November 4, 2019. Mr. Killian seconded the motion. The motion passed unanimously.

Mr. Miller called for a five minute recess.

## 2. PUBLIC HEARING ORDINANCE REPEALING CODE OF ORDINANCES, CH. 22 SUBDIVISION & LAND DEVELOPMENT AND REPLACING WITH CH. 22, SUBDIVISION & LAND DEVELOPMENT (SALDO)

Mr. Miller introduced the item followed by a review by the EPD representative. Noted components for the criteria were discussed.

No public comments were noted.

A clarification was made on split zoned lot requirements in the Zoning Ordinance for non-confirming lots in response to Ms. Dininni's questions. It was clarified that no lot size is designated in the SALDO for this process.

Ms. Strickland moved that the Board of Supervisors **continue** the public hearing on the draft Subdivision and Land Development Ordinance amendment until November 4, 2019. Ms. Dininni seconded the motion. The motion passed unanimously.

Mr. Miller moved item 4 on the Zoning Map by request of a Board member to item 3 under Old Business in the interest of time for interested citizens in attendance that have public comments.

## 3. DISCUSSION OF AMENDMENTS TO FERGUSON TOWNSHIP OFFICIAL ZONING MAP

Mr. Miller introduced the item for discussion and asked for public comment.

Mr. Greenland noted his concerns on rezoning in the Rock Springs Village. It is currently zoned as RA and is looking at being rezoned as R1. The specific concern is the designation of on-lot sewage due to being zoned as a non-confirming or other uses. Specific discussion followed on hardship variance requests and functionality for the lots. Mr. Miller noted that there will a future discussion on items requiring proposed amendments and will address other concerns to determine what the effects will be. No action was taken at this meeting.

Mr. Miller asked for a review of amendments. Mr. Modricker introduced Ms. Aneckstein that presented a review of the proposed amendments to the map. Discussion followed on specific zoning districts for RA and R1 and a noted citizen request for rezoning. Ms. Yagle had a discussion on lot sizes. Topics included non-confirming uses such as a farm stand that was noted as falling under retail but will be further reviewed; lot sizes in Rock Springs Village; single family homes in the Meadows and other noted properties for rezoning such as the Golf Course; setbacks; buffers; and clarification on resident district codes in regards to speed control. Following an expanded

discussion on setbacks, zoning code text, and West College Avenue Corridor, Ms. Dininni suggested having a discussion on putting in place an intermunicipal agreement not covered in the TTD/IRD for better land uses for the property owners.

There was consensus to delay the public hearing until next year for the Official Zoning Map due to the proposed amendments and comments that will need to be reviewed by regional planning as well as the local Planning Commission. The Board will give direction to staff.

**4. PUBLIC HEARING RESOLUTION AMENDING PERSONNEL POLICY MANUAL BY AMENDING SECTION 34, DRUG FREE WORKPLACE**

Mr. Modricker reviewed the resolution as provided with the agenda. It applies to non-uniformed personnel. Noted were minor changes to the Drug and Alcohol Random Testing policy. Other minor changes were done to stay in compliance with the Federal Motor Carrier Safety Administration. Mr. Modricker noted changes on percentages for testing: random drug testing is at 25%, not 50%, and random alcohol testing is at 10% not 25%.

Mr. Killian moved that the Board of Supervisors **adopt** the resolution amending the Ferguson Township Personnel Policy Manual by amending Section 34, Drug Free Workplace and Section 35, Drug & Alcohol Testing Policy. Ms. Dininni seconded the motion.

Roll Call vote on Resolution #2019-21: Ms. Dininni – YES; Mr. Killian – YES; Mr. Miller – YES; Ms. Strickland – YES; Mr. Stryker – YES.

**II. NEW BUSINESS**

**1. CONSENT AGENDA**

**a. Special Events Permit – Cranksgiving**

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

**2. PUBLIC HEARING RESOLUTION AUTHORIZING REIMBURSEMENT AGREEMENT WITH PADOT FOR UPGRADING AND INSTALLATION OF EQUIPMENT AT EXISTING SIGNALIZED INTERSECTIONS**

Mr. Modricker reviewed the resolution as provided with the agenda. It is a Green Light-Go Grant.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Secretary of the Board of Supervisors to execute the Green Light-Go Program Grant/Reimbursement Agreement with the Pennsylvania Department of Transportation using dotGrants and to execute all future documents related to this Grant. Mr. Killian seconded the motion.

Roll Call vote on Resolution # 2019-22: Mr. Killian – YES; Mr. Miller – YES; Ms. Strickland – YES; Mr. Stryker – YES; Ms. Dininni – YES.

**3. PUBLIC HEARING RESOLUTION REPEALING RESOLUTION 2018-25 BY ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP**

Mr. Modricker stated the Snow Removal Map is revised yearly by resolution. The sidewalk map was shown with the exemptions.

Mr. Stryker moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2018-25 by adopting a revised sidewalk snow removal map. Ms. Strickland seconded the motion.

Mr. Miller had a discussion an agreement with PennDOT and Pine Grove Mills that Mr. Modricker noted as a verbal agreement and will follow-up on this item in regards to snow removal.

Roll Call vote on Resolution # 2019-23: Mr. Miller – YES; Ms. Strickland – YES; Mr. Stryker - YES; Ms. Dininni - YES; Mr. Killian – YES.

The next item was a request by Mr. Modricker to add as an agenda item.

4. Grant Funding Opportunity for Park Hills Stream Restoration Project.

Mr. Modricker introduced the item and stated an opportunity arose quickly through the consultants for the Township to apply for grant funding through the National Fish and Wildlife Foundation. It would help offset costs for design of the Park Hills (Drainageway) Stream Restoration Project. Grant applications are due tomorrow, October 22<sup>nd</sup>.

Ms. Dininni moved that the Board of Supervisors **authorize** the Chairman to sign a letter requesting grant funding through the National Fish and Wildlife Foundation for preliminary engineering of the Park Hills Stream Restoration Project. Ms. Strickland seconded the motion. The motion passed unanimously.

## VI. STAFF AND COMMITTEE REPORTS

### 1. COG COMMITTEE REPORTS

- a. Public Safety Committee. Ms. Dininni reported the review of the Joint Emergency Operation Plan that will go to General Forum. The next meeting will be held jointly with Public Services and Environment Committee on November 12<sup>th</sup> at noon.
- b. Finance Committee. Mr. Killian reported the committee wrapped up this year's budget process on October 10<sup>th</sup>. Next year's budget by October 28<sup>th</sup> and municipalities are requested to provide comments to the COG Executive Director by November 19<sup>th</sup>. Discussion followed on the increase percentage request that's unique to the Schlow Library.

### 2. OTHER REGIONAL REPORTS

- a. Cable Consortium. Mr. Miller reported they completed negotiations on the Franchise agreement. Once finalized, it will go to all the municipalities to adopt. Noted, all municipalities will need to adopt the same agreement with no changes.

### 3. STAFF REPORTS

- a. Township Manager. The report was in the agenda packet. Mr. Modricker noted one item on the report that states the health insurance plan has decreased by 5.8% for 2019 premiums that reflects good utilization of the plan.
- b. Public Works Director. The report was in the agenda packet. Mr. Modricker noted items marked in blue. The Rushcliffe Street Study was reviewed regarding parking.
- c. Planning & Zoning Director. The report was provided in the agenda packet.

- d. Chief of Police. Chief Albright reported on the month of September and year-to-date. Part 1 Crimes remain up; Part 2 less serious Crimes are still down; and overall Calls for Service are about the same as compared to last year. Notable incidents were reported. Community relations update. The Police Department will participate in No-Shave November. Chief Albright referenced previous citizen's comments on monitoring the Rock Springs Village for speeding and briefly reviewed reported stops and ticketing that was minimal.

## VII. COMMUNICATIONS TO THE BOARD

- a. Mr. Miller discussed a letter he had provided to the Board at this meeting. This was in regards to interviews for candidates and possible funding in addition to the municipal share. History of the letter was provided that originated at College Township Council Meeting. Discussion followed on process of distribution of the request and other noted correspondence. Mr. Miller noted if moving forward with the discussion, to discuss at the upcoming Township budget meetings.
- b. Ms. Strickland noted a resident concern about off-street parking and blocking of view out of their driveway. The Township has previously been contacted. Noted concern – street lights in windows in Pine Grove Mills.

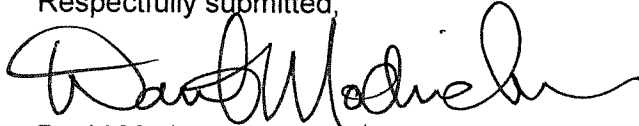
## VIII. CALENDAR ITEMS –OCTOBER/NOVEMBER

- a. Open House for the Bicycle Implementation Plan, Wednesday, October 30, 6:00 p.m. – 8:00 p.m.
- b. Trick or Treat Night in Ferguson Township, Thursday, October 31<sup>st</sup>, 6:00 p.m. – 8:00 p.m.

## IX. 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 10:50 p.m.

Respectfully submitted,



David Modricker for David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 11-04-2019