

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, August 2, 2022

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, August 2, 2022 as a hybrid meeting. In attendance were:

Board: Laura Dininni, Chair
Lisa Strickland, Vice Chair
Patty Stephens
Tierra Williams

Staff: Centrice Martin, Township Manager
Dave Modricker, Director, Public Works
Jaymes Progar, Assistant Township Manager
Eric Endresen, Finance Director
Jenna Wargo, Director of Planning and Zoning
Chris Albright, Chief of Police

Others in attendance included: Jeremie Thompson, Ferguson Township Planning Commission and Ferguson Township Resident; Susan Werner, Schlow Centre Region Library; Mark Garlicki, Spring Creek Watershed Committee; Ralph Wheland, Ferguson Township Planning Commission and Ferguson Township Resident; Mark Stephens, Ferguson Township Resident; Bill Keough, Ferguson Township Planning Commission and Ferguson Township Resident

I. CALL TO ORDER

Ms. Dininni called the Tuesday, August 2, 2022, regular meeting to order at 7:00 p.m.

Ms. Martin welcomed everyone to the meeting and noted that the Board of Supervisors meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting with an option to attend online utilizing zoom and the main meeting room for any public members to participant. Persons attending the meeting as members of the public and wanted to participate were asked to state their name, municipality, and topic. Members of the public are to be muted during the meeting and must be acknowledged by the Chair. Board members are asked to indicate their name when motioning or seconding a motion so that the minutes are accurate. Ms. Martin took Roll Call and there was a quorum.

II. CITIZENS INPUT

There were none.

III. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the July 19, 2022, Board of Supervisors Regular meeting minutes. Ms. Strickland seconded the motion. The motion passed unanimously.

IV. AUTHORITIES, BOARDS, AND COMMISIONS REPORT

a. Schlow Centre Region Library

Susan Werner, Schlow Centre Region Library, stated that her report was included in the agenda packet.

b. Parks & Recreation Authority – cancelled

V. SPECIAL REPORTS

- a. Diversity, Equity, and Inclusionary Initiatives – no report.
- b. Township and Fiscal Responsibility – Financial 2nd Quarterly Reports, Finance and Tax Director, Eric Endresen

Mr. Endresen reviewed the second quarter financials that was included in the agenda packet via PowerPoint slides. Also, Mr. Endresen reviewed the two pension plans offered by the Township, Defined Benefit Plans and Defined Contribution Plans.

- c. Community And Economic Development – no report.
- d. Environment – no report.

VI. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Parks and Recreation Governance Committee

Ms. Dininni stated that her report is included in the agenda packet. They discussed the complicated governance structure.

Ms. Stephens asked if Tudek Park has their own Board of Directors. Ms. Dininni reported that it's a unique park because some of the land is under a trust fund called the Tudek Memorial Trust Fund. Ms. Dininni confirmed that Millbrook Marsh is owned by Penn State.

2. OTHER COMMITTEE REPORTS

- a. Spring Creek Watershed Committee

Mr. Mark Garlicki stated that his report is included in the agenda packet.

Ms. Dininni inquired if Penn State could launch a Master Watershed Program in the region. Mr. Garlicki will mention the program at the next meeting.

VII. STAFF REPORTS

- a. Township's Manger's Report

Ms. Stephens pointed out that the Budget meeting on November 8th is Election Day. Ms. Martin will review other dates to be chosen.

Ms. Dininni expressed appreciation for the Parks & Rec. report that Ms. Martin included in her report. Ms. Dininni asked for clarification with the pie chart and the pool rentals. Ms. Martin will confirm with Pam Salokangas at their next meeting and report back.

- b. Public Works Director Report

Ms. Stephens asked if the Township coordinates their paving projects with the school district. Mr. Modricker stated that they do coordinate.

- c. Planning and Zoning Report

VIII. UNFINISHED BUSINESS

1. Minor Land Development Plan – Sidewalk Construction for 165 Volos Lane

Ms. Wargo reported that on June 3, 2022, Albert Drobka submitted a Minor Land Development Plan on behalf of his client, Ryan Dimakopoulos. The parcel is located at 296 West Pine Grove Road (TP: 24-007-016-0000) and is zoned Rural Residential (RR). This tabled discussion was brought before the Board of Supervisors from the previous regular meeting.

The parcel is 19.96-acres, and the applicant is proposing to construct a second residential home on the lot. Chapter 22, Section 512.1.D. requires the Board of Supervisors to determine if sidewalks are required to be installed on properties within the RR zoning district.

Provided in the agenda packet is a copy of the proposed Minor Land Development Plan, a sidewalk map of Pine Grove Mills, an aerial image of the property, neighboring properties, and a Google Street View image. The Board of Supervisors is being asked to review the provided materials and determine if sidewalks should be constructed along the property fronting West Pine Grove Road.

The Planning Department met with Township Engineering to discuss the installation of the sidewalk along 165 Volos Lane, the Pine Grove Mills Small Area Plan, newly awarded grants, and the projects resulting from those grants in relation to pedestrian connectivity and staff is recommending that the sidewalk not be installed at this time unless the Board is considering sidewalk installation from Deepwood Drive to 165 Volos Lane to have a logical termination of the sidewalk. Whether the Board of Supervisors requires the applicant to install sidewalks now, or when the rest of this corridor is connected to the existing infrastructure in Pine Grove Mills, both instances will be at the expense of the property owner.

Ms. Wargo viewed a PowerPoint slide of the area in question.

Ms. Strickland stated she is leaning towards having the sidewalk installed because it's logical to connect the sections. Ms. Strickland inquired about the road widening. Mr. Modricker reported that the road won't be widened, but rather that the shoulder will be improved by a foot.

Ms. Stephens moved that the Board of Supervisors **approve** the construction of sidewalks along the property fronting West Pine Grove Road. Ms. Strickland seconded the motion. The motion passed unanimously.

2. Discussion – Authorize Public Hearing on Township's Draft 2023-2027 Township CIP Budget

Ms. Martin noted that provided in Chapter One, Administration and Government, Section 902 of the Ferguson Township Code of Ordinances, the Township Manager shall submit a five-year Capital Improvement Program Budget to the Board of Supervisors annually. The DRAFT 2022 – 2026 Capital Improvement Program (CIP) Budget includes a summary of major Township expenditures proposed across each department for five fiscal years. Capital items are generally defined as any item costing over \$2,500 and having a projected useful life of one year or more. It is important to note the Capital Improvement Program serves as a plan for budgeting, but it is not a budget. Rather, it is meant to serve as a tool to help guide the Township in its planning for largescale expenditures to better ensure financial resiliency. A link to the current draft can be found below the narrative. The Board conducted Special Meetings on July 13th and 18th, and staff recorded comments, questions, and items requested to be flagged by Board members. Provided with the agenda packet are written responses and comments per discussion held at the special meetings. Staff is prepared to answer additional questions as the Board discusses the CIP comments and flagged items.

Centrice Martin, Township Manager will introduce the CIP, and Eric Endresen, Director of Finance and Tax will provide a short presentation summarizing its contents.

• [2023-2027 Capital Improvement Plan Draft](#)

Mr. Endresen reviewed the CIP and commented that the Township will roughly spend \$112 million over the next five years.

Ms. Martin reported that the CIP was balanced for the first time in several years and there will be no tax increases over the next five years.

Ms. Martin stated that the Board is being asked to review the document, direct staff to make any final changes, and authorize the advertisement of a public hearing on the 2023 – 2027 Capital Improvement Program Budget for Tuesday, August 16th. Staff recommends the Board make a motion for each requested change to the DRAFT 2023 – 2027 CIP version uploaded to the Township's website on July 1, 2022.

Mr. Modricker reviewed the Public Works Road Project that was on page 66 of the CIP Draft.

Ms. Strickland reviewed her questions/comments regarding the housing study that was on page 89 of the agenda. Ms. Dininni suggested moving the housing study to 2025 and the Long Range Growth Management plan to 2026.

Ms. Strickland moved that the Board of Supervisors **move** the Housing Study to 2025, the Long Range Growth Management Plan to 2026 and the Transportation Study to 2025. Ms. Stephens seconded the motion. The motion passed unanimously.

Ms. Strickland reviewed her question about the vehicle replacement on page 89 of the agenda.

Ms. Strickland moved that the Board of Supervisors **add** the administration replacement vehicle expenditure as a placeholder for 2026. Ms. Stephens seconded the motion. The motion passed unanimously.

Ms. Strickland reviewed her question about microsurfacing on page 89 of the agenda.

Mr. Modricker noted that at the end five years the TIF has a negative \$700,000 and the liquid fuels account has a positive \$700,000.

Mr. Endresen reported that the TIF will be short in 2025 and is looking into a loan from the bank for \$2 million. Ms. Strickland expressed concerns with taking on debt. Ms. Endresen suggested transferring \$2 million from the General Fund to the TIP. Ms. Martin suggested tabling because Mr. Modricker is reevaluating the spreadsheet.

Ms. Dininni reviewed her questions regarding Buildings & Grounds and Roads on page 90 of the agenda. Ms. Dininni suggested moving the exterior lighting to 2024

Ms. Dininni moved that the Board of Supervisors **move** the exterior lighting to 2024. Ms. Stephens seconded the motion. The motion passed unanimously.

Ms. Dininni stated that the Parking Space Design is a high priority. Ms. Martin reported that Mr. Modricker has the Parking Space Design in the CIP for 2023. Mr. Modricker stated that this could be done in house instead of hiring a consultant.

Ms. Martin suggested meeting with staff to provide assistance with the cost for each of the projects of the Pine Grove Mills Mobility Study.

Ms. Dininni moved that the Board of Supervisors **add** \$15,000 for a consultant for 2023 to conduct the parking space study design in Pine Grove Mills. Ms. Williams seconded the motion. The motion passed unanimously.

Ms. Dininni and Ms. Strickland had questions regarding the Northland Mobility Study. Mr. Modricker reported that it is currently funded in the 2022 budget, and it has not been put out for bids. Ms. Strickland suggested waiting until 2024. Ms. Dininni stated she would be in favor of moving it out further. Ms. Stephens stated she would like to keep in 2022. Mr. Modricker reported that the consultant did an analysis, submitted to PennDot, but the first time it was rejected. The second submittal was accepted so the design was started. Once the signal is built a count will need to be done, and if it doesn't meet the warrants it may need to be removed. Ms. Strickland expressed her concerns and suggested moving to 2024.

Ms. Strickland moved that the Board of Supervisors **move** the traffic signal on Science Park Road and Sandy Drive to 2024 for design and construction. Ms. Dininni seconded the motion.

Mr. Modricker noted that the design work is not complete.

The motion passed 3-1 with Ms. Stephens opposing.

Ms. Dininni spoke about the Equipment Sinking Fund and noted recycling came in second on the survey behind the want for bathrooms.

Under page 88 of the agenda, Ms. Strickland reviewed IT Specialists under Information Technology. Ms. Strickland asked if the Township would still have a contract with Hinton. Ms. Martin stated they would. Ms. Strickland expressed concerns with adding this addition. Ms. Martin explained that they are looking for someone to perform higher level IT support. Mr. Endresen stated that the \$195,463 also includes an executive administrator.

Ms. Strickland flagged the stormwater engineer/operator on page 88 of the agenda. Ms. Strickland suggested adding only one position. Mr. Modricker reported that two positions are shown in the cost-of-service summary of program elements and are maintenance focused. Mr. Modricker stated that if the positions are not filled, the Township will continue to work with less than a full crew on stormwater repairs using road workers, taking away from necessary road work tasks.

Ms. Strickland moved that the Board of Supervisors **move** the one stormwater engineer/operator position to 2024. Ms. Williams seconded the motion.

Ms. Strickland would like to hold off on hiring the second position because the process is still relatively new.

Mr. Mordricker reported that the work is done currently with road workers.

Ms. Stephens noted that in her neighborhood the inlet's are made out of bricks and are deteriorated. Ms. Stephens would support hiring two positions.

Continued discussion ensued regarding the level of service that is needed and could the two workers stay busy.

The motion was tabled until the end of discussions.

Ms. Strickland flagged the Planning and Zoning Community Planner Assistant due to adding more staff and the cost associated with it. Ms. Strickland suggested waiting until 2024 to decide if the position is needed.

Ms. Dininni feels the staffing is essential due to the many developments in the Township. Ms. Dininni suggested making the position fixed term and suggested adding a grant writer.

Ms. Strickland moved that the Board of Supervisors **move** Planning and Zoning Community Development Planner until 2024. Ms. Williams seconded the motion.

Continued discussion ensued regarding the projects that the Planner would be assigned.

Ms. Wargo confirmed that the position title is Community Development Planner.

The motion failed 2-2. Ms. Strickland and Ms. Stephens were in favor, with Ms. Dininni and Ms. Williams opposing.

Ms. Dininni moved that the Board of Supervisors **move** the Haymarket Park restroom facilities for \$165,00 until 2024. Ms. Strickland seconded the motion. The motion passed unanimously.

Ms. Dininni moved that the Board of Supervisors **add** a placeholder of \$5,000 in 2023 for the Tudeck Butterfly Gardens Observation Deck Design and a placeholder of \$50,000 in 2024 for the Tudeck Butterfly Gardens Observation Deck Structure. Ms. Williams seconded the motion. The motion passed unanimously.

Ms. Dininni suggested adding a grant writer administrator for 2023 and make the position 3-year fixed term.

Ms. Dininni moved that that Board of Supervisor **add** into the administrative budget for 2023 a 3-year Fixed Term Grant Writer Administrator in the amount of \$65,000. The motion failed.

Ms. Dininni called for the vote regarding the stormwater engineer/operator being moved to 2024.

The motion failed 3-1.

Discussions regarding the loan for road projects continued.

Ms. Martin suggested that the Board make a motion that the budget not exceed a point where a loan would be needed.

Ms. Strickland moved that the Board of Supervisors not to **exceed** on the road projects budget to a point where a loan would be required and to eliminate the loan language in the CIP. Ms. Dininni seconded the motion. The motion passed unanimously.

Ms. Strickland moved that the Board of Supervisors **authorize** the advertisement of a public hearing on the 2023 – 2027 Ferguson Township Capital Improvement Program Budget for Tuesday, August 16, 2022. Ms. Stephens seconded the motion. The motion passed unanimously.

3. Discussion – Proposed Diversity, Equity, and Inclusion Calendar

Ms. Martin reported that introduced to the Board of Supervisors at their Regular Meeting held on July 19, 2022, was an initial draft of the Ferguson Township Diversity, Equity, and Inclusion Calendar for the Board's consideration. The calendar has been updated based on comments staff received from the Board. Staff recommends the calendar items be recognized and announced on

future meeting agendas, specifically in the special report section as part of the diversity, equity, and inclusionary initiatives category and mentioned in Township digital publications.

Ms. Stephens moved that the Board of Supervisors **establish** its Diversity, Equity, and Inclusion Calendar for the remainder of 2022. Ms. Strickland seconded the motion.

Ms. Williams reported that Mr. Jeremie Thompson sent the following suggestions:

January – International Holocaust Remembrance Day
January – National Human Trafficking Awareness Day
January - National Religious Freedom Day
March – National Aids and HIV Awareness Day
March – Employee Appreciation Day
April – Child Abuse Prevention Month
April – World Autism Month
May – National Fitness Day

The motion passed unanimously.

IX. NEW BUSINESS

1. Consent Agenda

- a. June Treasurer's Report for acceptance
- b. Contract 2021-C4 Harold Drive Improvements, Pay App 1: \$76,983.93
- c. Sponsorship Request – Ferguson Township Elementary PTO
- d. Board Member Request – Black August Proclamation
- e. Board Member Request – Elements of Current Sign and Zoning Ordinances

Ms. Stephens moved that the Board of Supervisors **approve** the Consent Agenda and accept the Treasurer's Report. Ms. Williams seconded the motion. The motion passed unanimously.

2. Board Member Request – Proclamation on Gun Safety and Gun Violence Prevention

Ms. Stephens reported that in the last five (5) years, there has been an increase in mass shootings. Medical communities have identified gun violence as a public health epidemic. The ripple effect of the trauma of gun violence affects all our communities. The goal is to encourage conversations and education about safe firearm storage. Provided with the agenda packet is a draft proclamation.

Ms. Stephens moved that the Board of Supervisors **adopt** the proclamation. Ms. Williams seconded the motion.

Ms. Dininni read the proclamation that was provided in the agenda on page 115.

The motion passed unanimously.

Mr. Mark Stephens, Ferguson Township Resident stated that as a Navy Veteran for 20 years in the Medical Corp, he was very pleased to see the proclamation adopted.

3. Zoning Officer Determination Appeal Hearing – Nixon Road

Ms. Wargo reported that on June 29, 2022, C. Anthony Fruchtl, Penn Terra Engineering, Inc., submitted an application for an appeal hearing at 24-003-007M-0000, on behalf of the property owner, Lindsey Kiefer. The property is zoned Rural Agriculture (RA), and the applicant is appealing

the Zoning Administrator's application of the Riparian Buffer Overlay Zoning District regulations. The Zoning Administrator has determined that a landfill site is not a permitted use within the Riparian Buffer and as a result, denied the Zoning Permit Application.

Ms. Dininni moved that the Board of Supervisors **oppose** on the appeal hearing. Ms. Strickland seconded the motion.

Ms. Martin reported that someone from the staff or the solicitor will attend on the Board of Supervisors behalf.

The motion passed unanimously.

4. Discussion on Partial Exemption - Stormwater Agricultural Exemption Resolution

Ms. Martin reported that at a Regular Meeting held on February 16, 2021, the Board of Supervisors adopted by resolution a partial exemption for agricultural properties from the Township's Stormwater Management Utility Fee. This policy states that it is for qualified properties that meet the definition of agricultural use as defined in the Pennsylvania Farmland and Forest Land Protection Act of 1974. The policy would impose a maximum fee assessed on eligible properties of twice the median assessment imposed on all properties in the Township. For the purposes of the billing unit methodology applied, this would equate to two (2) Equivalent Residential Units (ERUs) for agricultural properties. Any dwelling units on the property would be assessed in addition to the two (2) ERUs charged to the agricultural property. The policy adopted by the resolution requires an annual submission for the partial exemption for agricultural properties to be eligible based on approval. Staff recommends the Board of Supervisors discuss the policy with consideration to the low frequency of changes made to agricultural properties.

Ms. Martin reported that the Township received in 2021, 115 submissions for the partial agricultural exemption. All 115 submissions were approved. To date, there are not many submissions.

Ms. Strickland moved that the Board of Supervisors direct staff to **amend** the policy for the Board to review at the August 16, 2022, Board's regular meeting. Ms. Stephens seconded the motion.

Ms. Stephens reported that she received a call from Mr. Bill Keough, Ferguson Township Resident, and that he was calling on behalf of a number of farmers. Mr. Keough stated he would like to see it go away.

Mr. Ralph Wheland, Ferguson Township Resident, asked for clarification on the discussion.

Ms. Martin stated that instead of an annual submission perhaps the Board would consider a bi-annual or tri-annual submission.

Mr. Wheland stated that they were assured that the annual renewal process will be nothing more than a postcard sent to the owner to check off. Mr. Wheland reported that farm uses do not change without a rezoning, a land development plan, or a subdivision plan. Mr. Wheland stated that if there are changes, the Township is the first to know.

Ms. Williams suggested having staff go to the farms to ensure there are no changes instead of burdening the owners.

Ms. Strickland agreed with Mr. Wheland and Ms. Williams' suggestions.

Ms. Martin acknowledged that there is a potential for a disconnect due to the lack of cross communication.

Mr. Modricker reported that they receive approximately 600-700 stormwater bmp credit applications for non-structural and structural. Those credits do not need to be submitted each year. The non-profit exemption is based on the annual income and should be annually. Mr. Modricker supports less frequent submissions for agricultural.

The motion passed unanimously.

X. COMMUNICATIONS TO THE BOARD

Ms. Williams reported that today is Osaze Osagie's birthday and there was a memorial service at 3 Dots Downtown and encouraged everyone to check on people you know that suffer from mental illness.

Mr. Keough requested a few weeks' notice for the stormwater change because it impacts the farm community, and he needs time to communicate to the community.

Ms. Martin reported that it will be on the August 16th agenda.

XI. CALENDAR ITEMS – August

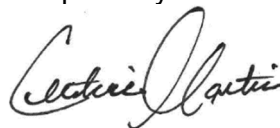
- a. Planning Commission, August 8, 22
- b. Pine Grove Mills SAP Advisory Committee, August 25
- c. Route 45 Getaways Week through August 7
- d. Municipal Mixer: Greenbriar/Saybrook Park Master Planning and Bike Safety Education Event, August 3
- e. Tree Commission, August 15
- f. Parks and Recreation Committee, August 11
- g. Pine Grove Mills Farmers Market, every Thursday throughout the Summer
 - 1. Child Seat Safety Check by Ferguson Township Police Department, August 4
- h. TSD Public Input Meeting, August 31

Ms. Williams asked Chief Albright what the weight limit is for a child's car seat. Chief Albright will get the facts to the Board.

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting adjourned at 10:30 p.m.

Respectfully submitted,



Centrice Martin, Township Manager
For the Board of Supervisors

Date approved by the Board: 09-06-2022