

Ferguson Township Tree Commission (FTTC)

Date January 20, 2020

Meeting Agenda

Time 5:30pm

Call to Order

Introduction of Josh Potter

The FTTC shall welcome Josh Potter the newest member of the FTTC.

Election of Chair and Vice Chair

The FTTC shall vote and elect the positions of chair and vice chair for the 2020 year.

November 18th Meeting Minutes

The FTTC shall review and approve the minutes from the November meeting.

ABC Email Policy Acknowledgment

Included in the agenda packet is the Ferguson Township ABC Email Utilization Policy along with an acknowledgement form. FTTC members shall view the policy, and sign the acknowledgement form.

FTTC Goals for 2020

The FTTC shall discuss goals and a work plan for the 2020 year.

Outreach and Education

The FTTC shall discuss outreach and educational efforts including podcasts, collaborating with Patton Township on Oak Wilt education, etc.

2020 Street Tree Planting

The arborist will provide an update on planned street tree planting for 2020.

Arborist Report:

The Arborist will review work activities and plan reviews since the last meeting.

Communications to Commission Members

This is an opportunity for FTTC members to report on any contact by residents regarding FTTC matters.

Future agenda items

Tree preservation ordinance, arbor day, outreach and education

Other

Next meeting date and time is February 18th at 5:30pm

**FERGUSON TOWNSHIP TREE COMMISSION
MEETING MINUTES
Monday, November 18, 2019
5:30 PM**

I. ATTENDANCE

The Tree Commission held its public meeting on Monday, November 18, 2019 at the Ferguson Township Municipal Building. In attendance were:

COMMISSION:	STAFF:
Mike Jacobson	Lance King, Arborist
Scott Pflumm	David Modricker, Public Works Director
Allyson Muth	Jenna Wargo, Planning & Zoning Director
Marc McDill	

Absent was Howard Fescemyer, Chairman.

Others in attendance were: Summer Krape, Recording Secretary; Ralph Wheland, Ferguson Township resident and Planning Commission member.

II. CALL TO ORDER

Mr. Pflumm called the Monday, November 15, 2019 Ferguson Township Tree Commission meeting to order at 5:32 pm.

III. CITIZEN'S INPUT FOR ITEMS NOT ON THE AGENDA

IV. OCTOBER 21ST MEETING MINUTES

Mr. Scott Pflumm made a motion to approve the October 21, 2019 minutes. Mrs. Muth moved the motion and Mr. Mike Jacobson seconded the motion. The motion passed unanimously.

V. FTTC 2020 MEETING SCHEDULE

The group discussed the 2020 meeting schedule for the Commission. After some discussion the Commission will meet on the following dates and times in 2020:

January 20th 5:30pm

February 18th 5:30pm

March 16th 5:30pm

April 20th 5:30pm

May 18th 5:30pm

June 15th 5:30pm

July 13th 5:00pm Tree Tour Begin in Conference Room 1

August 17th 5:30pm

September 21st 5:30pm

October 19th 5:30pm Public Hearing Tree Removals

November 16th 5:30pm

VI. TREE PRESERVATION ORDINANCE

Mr. Pflumm asked for citizen's input on the Tree Preservation Ordinance. Mr. Ralph Wheland had some questions and comments on the existing ordinances and the proposed tree preservation ordinance related to hazard trees. Mr. Wheland also stated that he thought the ordinances were intended for public street trees only.. Mr. Modricker stated that the Board of Supervisors gave the Commission a charge to prepare a tree preservation ordinance and whether it pertains to private as well as public trees is a matter of discussion and the proposed ordinance is still a draft. Mr. Modricker explained the task and responsibilities given to the Tree Commission

Mr. Wheland stated that he has issues with the hazardous tree section of the proposed ordinance. Mr. Wheland stated that residents get letters regarding the removal of hazardous trees, but storms blow trees over all the time that no one designated as a hazardous tree. Mr. Wheland stated that if the Township is going to distinguish the difference between what trees are hazardous and what trees aren't they miss 95% of them. Mr. Modricker stated that the issue of hazardous trees is currently defined and ordained so it's not new as a part of the proposed tree preservation ordinance. Staff is enforcing the ordinance that was passed by the Board of Supervisors (BOS). Mr. Modricker and the Arborist are not actively looking for hazardous trees but when we notice them or when they are brought to our attention they are handled. Ms. Wargo stated that she is still reviewing the proposed draft ordinance and making sure everything is legal in the state of Pennsylvania. Mr. Wheland stated that he was looking at the definitions and this concern came to his mind. Ms. Wargo agreed and stated that definitions needs to be looked at such as "historic" trees, and whether the Township take an inventory of all the historic trees.

Ms. Wargo described the review process prior to adoption of the proposed ordinance. She will review the proposed ordinance with staff and the Township Solicitor. She will then review any suggested edits with the Tree Commission. She will then review it with the Planning Commission, and then there will be a review and public hearing period with the BOS, and then it will go to the BOS for a vote. Ms. Wargo recommends that the Commission review any further changes and make a motion (take a vote) before moving it forward to the Planning Commission. Mr. Marc McDill stated that he was not present at the last meeting and has questions. He asked if there is any processes for designating historic trees and the Commission stated that it hasn't established a process yet. Mr. McDill stated that the majority of the proposed ordinance has to do with land

development and questioned why is it not a part of Subdivision and Land Development Ordinance (SALDO). Ms. Wargo stated by keeping it out of the SALDO, appeals can go to the Tree Commission and the BOS and it allows a process for property owners to obtain a waiver. Mr. King stated that if the proposed ordinance stands alone (meaning it is not part of the SALDO) then property owners seeking relief may come to the Tree Commission. Mr. Modricker stated that if the proposed ordinance gets adopted as part of the SALDO, then the Tree Commission will be asked to advise, however any waivers would be approved by the BOS. The Commission discussed the tree permit process.

The group discussed the virtues and drawbacks of regulating removal of trees on private property not part of a land development or subdivision plan as part of the proposed tree preservation ordinance.

The Commission discussed the goal of the Tree Preservation ordinance. Mr. McDill stated that he thinks the goal is to retain canopy coverage when development occurs and establish a canopy coverage metric for the Township. Mr. Pflumm asked if there are other goals. Mr. King stated that by preserving canopy you also help with storm water management, habitat, and air quality. The Commission continued a discussion of goals and decided the draft ordinance requires further work by the Commission prior to turning it over to staff and the Planning Commission for edit. The Commission discussed the heritage tree component of the ordinance and reviewed over College Township's heritage tree ordinance.

VII. OUTREACH AND EDUCATION

Mrs. Muth stated that the subcommittee will be meeting with staff and the new communication coordinator tomorrow to discuss the podcast launch. Mr. Pflumm stated that the first podcast would be a three to four minute introduction of the Tree Commission and the Arborist.

VIII. 2019-C15 STREET TREE PRUNING

Mr. King stated that the Township opened bids for the annual pruning contract last Tuesday. The contract should be awarded tonight, the recommendation is to award the contract to the low bidder, Nature's Canopy.

IX. ARBORIST REPORT

Mr. King stated that he had a request to remove a tree at 221 Lois Lane and explained that the tree is leaning towards a bus stop and the roots are starting to uproot. Mr. King stated that he plans to remove the tree during the first week in December. Mr. King performed some tree trimming since his last report. Mr. King met with Scott Burke from Scott's Landscaping regarding the Yards at Old State landscape plan. Mr. Burke wants to change the landscape plantings and diversify the types of trees and shrubs. Mr. King also stated that the developer asked Mr. Burke to plant bigger 4 inch diameter trees instead of 2 inch diameter trees as shown on the plan. Mr. King stated that he met with David Pribulka, Ferguson Township Manager and Mr. Doug Erickson, Patton Township Manager regarding a memorandum of understanding to allow Mr. King to provide limited

arborist services to Patton Township. Patton Township has drafted an oak wilt ordinance. Mr. King stated that they still allow pruning in the summer if they paint the wounds. Mr. King stated they are not allowing contractors to spike trees. .

Mr. McDill stated that this is a positive improvement.

X. COMMUNICATION TO COMMISSION MEMBERS

Nothing to report.

XI. FUTURE AGENDA ITEMS

Preservation ordinance, outreach and education, final bare root order. Mr. McDill stated that he would like to start out the New Year meeting with an organizational/planning session. Mr. McDill suggested that the Commission discuss outreach and education in January and then discuss the tree preservation ordinance in February.

XII. OTHER

XIII. ADJOURNMENT

The November 18, 2019 Tree Commission meeting adjourned at 8:30 pm.

RESPECTFULLY SUBMITTED,

David Modricker, Director of Public Works
For the Tree Commission



Township of

FERGUSON

TREE COMMISSION

Pennsylvania

2020 MEETING DATES



**THE TREE COMMISSION MEETS MONTHLY IN CONFERENCE ROOM 2
AT THE FERGUSON TOWNSHIP MUNICIPAL BUILDING,
AT 5:30 PM ON MONDAYS, UNLESS OTHERWISE NOTED.
FOLLOW OUR EVENTS CALENDAR FOR MEETING AGENDAS**

JANUARY 20

TUESDAY, FEBRUARY 18

MARCH 16

APRIL 20

MAY 18

JUNE 15

TREE TOUR AT 5:00PM

JULY 13

CONFERENCE ROOM 1

AUGUST 17

SEPTEMBER 21

PUBLIC HEARING OCTOBER 19

NOVEMBER 16

RESOLUTION NO. 2017-15

**A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA
REPEALING RESOLUTION 2014-08 AND ADOPTING A NEW FERGUSON TOWNSHIP
EMAIL UTILIZATION POLICY FOR AUTHORITIES, BOARDS, AND COMMISSIONS.**

WHEREAS, it is recognized that email is a vital communication tool for many of the Township's Authorities, Boards, and Commissions; and

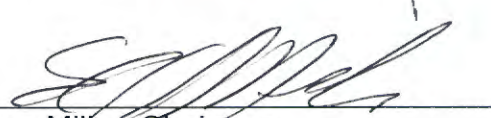
WHEREAS, the Board of Supervisors recognizes that it is important for holders of Township email accounts to abide by certain standards of conduct and to be compliant with governing local, state, and federal statutes; and

WHEREAS, the Ferguson Township Email Utilization Policy for Authorities, Boards, and Commissions is attached hereto as Exhibit "A".

NOW THEREFORE the Ferguson Township Board of Supervisors adopts the Ferguson Township Email Utilization Policy for Authorities, Boards, and Commissions.

RESOLVED this 3rd Day of July 2017

**TOWNSHIP OF FERGUSON
BOARD OF SUPEVISORS**

By: 
Steve Miller, Chairman

[S E A L]

ATTEST:

By: 
David Pribulka, Secretary

Exhibit "A"

Ferguson Township Email Utilization Policy

Purpose

This policy applies to all elected and appointed officials of Ferguson Township to which Ferguson Township email addresses are issued including, but which may not be limited to, the Board of Supervisors, Planning Commission, Tree Commission, and Zoning Hearing Board, hereafter referred to as "ABCs." The purpose of this policy is to establish expectations of conduct by which email users shall abide when utilizing Township email accounts, as well as to ensure compliance with governing statutes including the PA Sunshine Act, PA Right to Know Law, and other applicable local, state, and federal law.

Policy

It is recognized that email is an important form of business communication for the Township's ABCs. All communications sent from or received by Township email accounts should be presumed to be Township property, subject to discovery, retention and disposition under applicable statute. All communications should be professional in nature. The use of Township email accounts for defamatory, obscene, sexually explicit, illegal, offensive, threatening or other inappropriate communications is strictly prohibited.

It shall be incumbent upon the Township ABC member to regularly check their Township email account for agendas and other communications relative to their position on an ABC. Ferguson Township staff shall not send duplicate emails to Township ABC members' personal email accounts.

Usage

All business relative to the Township's ABCs shall be done on Township email accounts. ABC members shall refrain from conducting Township business from any personal email account. Furthermore, ABC members are prohibited from configuring Township email accounts to automatically forward received messages to personal email accounts. Synchronizing a Township email account with the email application of a personal device or smartphone is generally permitted. Township email accounts shall always be presumed to be subject to public review under the Pennsylvania Right to Know Law.

Applicability of The Pennsylvania Sunshine Act

It is recognized that any prearranged gathering of an agency which is attended or participated in by a quorum of the members of an agency held for the purpose of deliberating agency business or taking official action must be done with prior notice and provide an opportunity for the public to attend, participate, and comment before any official action is taken. Furthermore, it is recognized that the engagement of deliberation of agency business or taking official action by email constitutes a meeting under the definition provided in the PA Sunshine Act. Finally, because it is not possible for such meetings by email to be compliant with the provisions of the PA Sunshine Act, such interactions must be avoided.

Applicability of the Pennsylvania Right to Know Law

It is recognized that all ABC emails which contain information that is a matter of public record as defined by the Pennsylvania Right to Know Law could be subject to discovery under said law and subpoena by a court of law. A policy shall be applied to all ABC email accounts which automatically purges all sent email after a period of ninety (90) days. In any event in which a Right to Know request is approved by the

Township's Right to Know Officers that would require the discovery of ABC emails, the Township Right to Know Officer shall provide applicable ABC members with notice. The Township's email system is configured in a manner that all sent and received emails can be retrieved by the Township's designated Information Technology Administrator.

Applicability of Other Established Policies

In addition to governing statute, Township email accounts shall also be subject to regulation by other established policy, such as the Board of Supervisors Procedures Manual, Ferguson Township Administrative Code, and other covenants and regulations applicable to Township ABCs.

Training

Township staff shall provide this policy and training to all members of Township ABCs on the proper handling and utilization of email. Questions on this policy or handling of Township email shall be directed to the appropriate staff liaison of the ABC. The following are examples of emails that generally constitute public records:

- Email created or received by municipal employees in connection with municipal business;
- Email that facilitates action, such as initiating, authorizing, or completing a transaction in connection with municipal business.

The following are examples of emails that generally do not constitute public records:

- Personal email messages and announcements not related to municipal; business;
- Copies or extracts of documents emailed for convenience or reference;
- Internal emails created by employees on work-related topics which do not facilitate action;
- Emails containing drafts, notes, or inter-office memoranda that are not retained by the municipality in the ordinary course of business.

Limited Personal Use Permitted

Personal use is permissible within reasonable limits and if consistent with restrictions defined in this policy. Examples of permissible personal use of Township email accounts includes, but may not necessarily be limited to scheduling of appointments; communications relative to social events such as retirement functions, birthdays, notice of community events to be provided as information or invitation to other Township email account holders; and other limited uses that do not interfere with the ABC members' responsibilities or conflict with other provisions of this policy.

No Expectation of Privacy

It is recognized that, since all Township email is considered property of the Township, the Township Manager or his/her designee may monitor these communications compliance with this policy and to protect the Township from liability. There is no expectation of privacy of emails sent from a Township email account.

Permanency of Communications

Deleting email messages does not guarantee that they are erased from the email system. ABC members should not believe that privacy of email messages is created by deleting incoming or outgoing messages.

In addition, in the event of litigation or court subpoena, technology may exist to restore deleted email. ABC members should be prepared to defend in court and under oath the content of anything communicated in an email.

No Harassment

No email messages should be created or sent which might constitute intimidating, hostile or offensive material on the basis of sex, race, color, religion, national origin, age, sexual orientation, or disability. Harassment is broadly defined as anything that has improper (e.g. sexual) content and is both unwelcome and offensive to a reasonable person. The display of any kind of sexually explicit image or document in the Township's email system is prohibited. In addition, sexually explicit material may not be archived, stored, or distributed via Township email accounts. Please refer to the Township's policy against sexual harassment in the Ferguson Township Personnel Manual for further description.

Consequences of Misuse

Any violation of this policy may constitute the forfeiture of a user's access to a Township email account. Further civil or criminal liability as may be necessary and justified under applicable statute may also apply.

Waiver

Township ABC members assigned access to a Township email account agree to sign an acknowledgement that states the member understands and shall abide by this policy. This acknowledgement establishes that the ABC member understands that the communications covered by this policy are subject to review to determine compliance with this policy.

Ferguson Township Email Utilization Policy

Acknowledgement

I, _____, hereby acknowledge that I have read and understand the Ferguson Township Email Utilization Policy and agree to abide by the provisions established therein.

Date: _____ Signature: _____