

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, May 18, 2020  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, May 18, 2020, via Zoom. In attendance were:

<b>Board:</b>	Steve Miller, Chairman	<b>Staff:</b>	Dave Pribulka, Township Manager
	Laura Dininni		Jenna Wargo, Planning/Zoning Director
	Prasenjit Mitra		Chris Albright, Chief of Police
	Patty Stephens		Dave Modricker, Public Works Director
	Lisa Strickland		

*Others in attendance included:* Rhonda Demchak, Recording Secretary; Jeremie Thompson, Chair, Planning Commission; Mark Toretti, Penn Terra; Bill Keough, Centre Region Parks and Recreation Authority; Paul Tomkiel, Ferguson Township Resident; Ron Strouse, Treasurer, Pine Grove Mills Farmer's Market Steering Committee; Jim May, Planning Director, CRCOG

### I. CALL TO ORDER

Mr. Miller called the Monday, May 18, 2020, regular meeting to order at 7:00 p.m.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised as a virtual meeting via Zoom and CNET is recording as well. There is also an audio conference bridge that is accessible by accessing the Ferguson Township's main line at 814-238-4651 and then dialing extension 3799. Per the Sunshine Act, which allows during a time of disaster recovery to meet virtually, but it also requires that a Roll Call be taken and that elected officials verbally respond. Mr. Pribulka took Roll Call and there was a quorum.

### II. CITIZENS INPUT

None.

### III. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the Board of Supervisors Minutes of May 4, 20, 2020. Ms. Strickland seconded the motion.

### IV. SPECIAL REPORTS

Mr. Pribulka reported that Municipal operations continue at full strength again this week. The second round of the Township's monthly brush and leaf collection began today, May 18<sup>th</sup>. It'll take about two weeks to complete. The road crew picked up 148 tons of brush from the first collection that was held earlier this month, which was significantly higher. Residents are asked to follow the normal protocol when placing brush and leaves curbside. All material is to be placed at the curb but not in the street. This week is also bulk waste collection in the Centre Region. Please note that guidelines apply to bulk waste collection. More information can be found on the Township's and COG's website.

The level 2 virtual activation of the Regional Emergency Operation Center continues. This week's meetings have been held with less frequency because of the lack of developments. Mr. Pribulka noted that there have been questions relative to the enforcement of additional safety protocol that are in place for residential and commercial construction activity by the Centre Region Code Administration.

Mr. Pribulka stated that the Code Office will be coordinating and scheduling a webinar for local and regional contractors to attend and to have their questions addressed. Details for the webinar will be forthcoming.

The Ferguson Township Police Department has partnered with the administrators of the Ferguson Township Elementary School to facilitate a teacher's parade on Thursday, June 4, from 1:00 p.m. - 3:00 p.m. The parade will be led by Christina Claire and Carol Green who are two faculty members of Ferguson Township Elementary that will be retiring at the end of the school year. Fifth grade students have been asked to meet with their families at Fairbrook Park and remain in their vehicles to celebrate as the parade proceeds on Tadpole Road to celebrate their commencement to Middle School. The route will proceed from the elementary school through Pine Grove Mills then progress through Autumn Wood and Fox Point before returning West on Whitehall Road.

A short survey is available on the Township's website to assess the interest of the Township hosting a virtual town hall meeting. The meeting will provide information and respond to any questions from the public about local and regional responses to the COVID-19 pandemic. As of May 18<sup>th</sup>, 40 individuals completed the survey, with approximately half expressing interest in attending a virtual town hall meeting. Centrice Martin, Assistant to the Borough Manager will be working out the details.

Mr. Pribulka expressed appreciation for the patience and understanding exhibited by our community through these challenging times. The Municipal Offices remain closed to the public but are fully staffed to be able to respond to questions or concerns. Please submit by phone or email as the Township moves further into the recovery phases of the pandemic. The Crisis Management Team and the Borough will continue to monitor conditions.

## **V. UNFINISHED BUSINESS**

### **1. PUBLIC HEARING – ORDINANCE, PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS**

Mr. Modricker introduced the ordinance. Staff received several complaints about block sight distance at two different locations. One was at 151 East Pine Grove Mills and the other was at Johnson Road. Engineering staff conducted a sight distance study and found a large vehicle with a trailer blocking the sight distance. On Johnson Road, staff received a complaint about blocked sight distance from a resident when pulling out of Johnson Road onto White Hall Road. Again, Engineering staff conducted a sight distance study and found a large vehicle with a trailer blocking the sight distance. Staff recommended advertising a public hearing for an ordinance to restrict parking on a section of East Pine Grove Road near 151 East Pine Grove Road, and an ordinance to restrict parking on a section of Whitehall Road near Johnson Road. Mr. Modricker presented an aerial view of the intersection and recommends that the Board of Supervisors adopt the ordinance. Mr. Matt Heller, resident of 151 East Pine Grove Mills, thanked the Engineering staff for conducting the study.

Ms. Strickland moved that the Board of adopt the ordinance amending the Code of Ordinances Chapter 15, Motor Vehicles and Traffic; Part 4, General Parking Regulations; Section 403, Parking Prohibited At All Times In Certain Locations. Mr. Mitra seconded the motion. The motion passed unanimously.

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

2. PUBLIC HEARING – ORDINANCE, STOP INTERSECTIONS ESTABLISHED

Mr. Modricker introduced the ordinance. A complaint was received following a “near miss” between a bicycle and a motor vehicle. Mr. Seybert, Township Engineer, completed an intersection study and recommends that a stop sign be installed to better establish the right-of-way at this intersection, the southbound Curtin Street approach should be signed with a “STOP” sign and a supplemental “Except Right Turn” placard.

Ms. Strickland moved that the Board of Supervisors adopt the ordinance amending the Code of Ordinances Chapter 15, Motor Vehicles and Traffic; Part 2, Traffic Regulations; Section 215, Stop Intersections Established. Mr. Mitra seconded the motion. The motion passed unanimously.

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

3. AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A CONDITIONAL USE APPLICATION – ORCHARD VIEW SUBDIVISION

Mr. Pribulka and Ms. Wargo introduced the Conditional Use Application. Mr. Pribulka described the process for the Conditional Use Application. On April 20, 2020, there was approval of several subdivision and development plans related to the subdivision of Harner Farms. There were four lots in the subdivision that was divided into four smaller pieces and will be the future phase of the Orchard View Subdivision. There is a remaining phase that will become a Sheetz Gas Station and there is another lot immediately adjacent to it. Also, there is the Orchard View Subdivision which is a 36-lot single family residential subdivision located at the southwestern part of the overall development. In the southwestern corner of the development there is a stormwater facility that is set on its own subdivided lot. The storm water basin is described as landlocked, meaning that there's no frontage. One condition of approval of the Orchard View Subdivision plan is that there needs to be access granted, so that maintenance work can be done on the basin. Mr. Pribulka shared an aerial view to the Board and noted that the applicant requested to develop a Flag Lot. The Flag Lot would provide for an access route for vehicles or maintenance equipment to be able to get to the basin and bring it into compliance with the Township's ordinances. Mr. Pribulka noted that conditional use is a little bit different than a use by right which is found on the approved tables and zoning ordinances. It is a specific process in the municipalities planning code that describes how a municipality can go about regulating its conditional uses.

Ms. Wargo continued the introduction of the Conditional Use Application. A Conditional Use is appropriate for public health, safety and welfare for the zoning district it's permitted in, but it's subject to specific standards and more detailed. Ms. Wargo noted that it's permissible and it's a legitimate use within the zoning district, but they require a closer examination by the governing body granting the approval. They are typically reserved for land uses with significant impact on the zoning districts. A good example of this is landfills or warehouses, distribution facilities, and there are safeguards that are specific standards that are listed in the zoning ordinance for these uses. Within the agenda of the memorandum from the zoning administrator lists the standards for a Flag Lot and the applicant for conditional use must demonstrate compliance with those standards that are stated in the zoning ordinance. Ms. Wargo noted that part of this process, the governing body may attach reasonable conditions and safeguards for granting conditional use. The power to

impose those conditions must be reasonably related to a valid public interest to establish in the record of the application. So, if a condition is imposed and the developer contest or appeal from that condition, they are bound by it and it should be clearly stated for the record. Ms. Wargo stated that the Planning Commission reviewed the Conditional Use Application on May 11<sup>th</sup> and they recommend approval to the Board pending the conditions listed in the memorandum. Also, the Planning Commission recommend more clarity on the plan about the entity responsible for the maintenance of the Flag Lot and the installation and maintenance of the sidewalks.

Mr. Pribulka noted the reason why Flag Lots fall under the Conditional Use category of the Township, is because we need to be sure that the lot is not subject to further subdivision, to ensure a sufficient area existed to construct a road to Township standards, which requires a certain amount of right-of-way. It would be the width of the flagpole base. The applicant is requesting to be permitted to construct a narrower flagpole base that would allow access but would not be wide enough for the Township to construct a road. Since this is a storm water basin and must remain one, it would not be under threat of future subdivision or any additional use of the land beyond what is permitted to be as a Stormwater Management Facility.

Mr. Mark Toretti, Penn Terra Engineering was present and noted that this Conditional Use is basically to get access back to the storm water basin and that a section of fence will be installed on both sides with some landscaping around it. The Board and Staff had a lengthy discussion about access, more clarity of who will be maintaining the storm water basin, maintenance of sidewalks, design, and landscaping.

Ms. Strickland moved that the Board of Supervisors authorize advertisement of a public hearing on the conditional use application for the Orchard View Subdivision for June 1, 2020. Mr. Mitra seconded the motion. The motion passed unanimously.

## **VI. NEW BUSINESS**

### **1. CONSENT AGENDA**

- a. Acceptance of the March 2020 Treasurer's Report

Ms. Dininni moved that the Board of Supervisors accept the March 2020 Treasurer's Report. Mr. Mitra seconded the motion. The motion passed unanimously.

### **2. PUBLIC HEARING – RESOLUTION AUTHORIZING SUBMITTAL OF A DUI ENFORCEMENT GRANT APPLICATION**

Mr. Albright presented the resolution and the grant application. The grant encompasses funding for DUI enforcement aggressive driving, occupant protection, industry and safety initiatives for State College. The grant will provide funding for enforcement activities in Ferguson Township, Patton Township, Spring Township, State College Borough and help with the Centre County Sheriff's Office. Mr. Albright noted that there are two major changes with the grant this year. In the past each municipality received their money, then would report them to their individual contact at PennDot. Under the new centralized Grant Management System, all that information comes to us and we forward it to one person at PennDOT. Ferguson Township Police Department has been managing a DUI Grant for 26 years, so the department has been selected as one of the test pilots

for this program. The other major change is that the amount has been reduced significantly from previous years. The Department went from receiving \$84,000 in funding to \$42,000.

Ms. Dininni moved that the Board of Supervisors adopt the resolution authorizing the submission of an application for a grant from the Pennsylvania Department of Transportation for the 2021-2022 Centre County Sobriety Checkpoint and Expanded DUI Enforcement Program; and authorizing the Township Manager to sign all documents related to the grant on behalf of the Township. Mr. Mitra seconded the motion. The motion passed.

ROLL CALL: Mr. Mitra – YES: Ms. Stephens – YES: Ms. Strickland – YES: Ms. Dininni – YES: Mr. Miller - No

3. PROCLAMATION – CONGRATULATING THE STATE COLLEGE AREA SCHOOL DISTRICT CLASS OF 2020

Ms. Strickland introduced the proclamation recognizing and honoring the achievements of the State College Area School District Class of 2020. Mr. Pribulka noted that they will post a message on an electronic signage board in the Township.

Ms. Strickland moved that the Board of Supervisors adopt the proclamation congratulating the State College Area School District Class of 2020 and other area graduates on an exemplary academic career. Ms. Dininni seconded the motion. The motion passed unanimously.

4. REQUEST FOR ECONOMIC DEVELOPMENT FUNDING – PINE GROVE MILLS FARMERS MARKET

Mr. Pribulka introduced the funding request for the Pine Grove Mills Farmers Market. The Board did appropriate funding in the 2020 operating budget to support Local and Regional Economic Development Initiatives. Over the last two years, the Township has been providing financial assistance to the Pine Grove Mills Farmers Market, which sits in the parking lot of St. Paul Lutheran Church in Pine Grove Mills this year. The Market Steering Committee is requesting \$3,000 from our Economic Development Fund to assist in offsetting some of their operational expenses for the upcoming Farmers Market season. Ms. Strickland and Ms. Dininni both recused themselves from discussion, due to their involvement with the Market.

Mr. Strouse, Treasurer, Pine Grove Mills Farmer's Market Steering Committee, noted that there will be a Farmer's Market this year and it will be held at 277 West Pine Grove Road on the west end of Pine Grove Mills. The Market will be held every Thursday starting on June 11<sup>th</sup> and running through September 24<sup>th</sup> from 3:00 p.m. to 7:00 p.m. Mr. Strouse reported that last year the Market saw an average of 132 cars per week. There was space for 22 vendors, but the weather did not cooperate. Mr. Strouse noted that they had great volunteer coordination, good community involvement, and good entertainment. The income expense summary from last year is going to be about the same for 2020. Due to the COVID-19 pandemic this year, the Market spaces will have to be increased by six feet. Mr. Strouse noted that vendor space is limited and had to be cut from 22 to 16 this year. There will be no entertainment, no on-site dining, but there will be take-out provided. Mr. Strouse presented the site plan. There will be one entrance and exit so that the number of customers can be controlled. There will be an ice cream truck and the committee are currently searching for a food truck. The Board awarded the Market an extra \$500 for contingency funding which was used last year for a wi-fi system to cover the parking lot. There will be new safety signage this year due to COVID-19. Mr. Strouse noted that the Farmer's Market is

requesting \$3,000 of Economic Development Funds and \$500 of the funding would be added to the contingency fund.

Mr. Mitra moved that the Board of Supervisors authorize the appropriation of \$3,000.00 from the Township's Economic Development account to the Pine Grove Mills Farmer's Market. Ms. Stephens seconded the motion. The motion passed unanimously.

#### 5. DISCUSSION – COG GREENHOUSE GAS EMISSIONS REDUCTION RESOLUTION

Mr. Pribulka introduced the draft resolution that was compiled by Ms. Pam Adams, Centre Region Sustainability Coordinator, and with the assistance from the Technical Advisory Group. Unfortunately, Ms. Adams was unable to present as she was at another meeting, but Jim May, Planning Director, Centre Region Planning Agency, was present to answer and to expand on the resolution. Mr. Pribulka noted that the purpose is to guide the creation of a climate action and adaptation plan that will be developed and implemented by member municipalities. Ferguson Township adopted a similar resolution, although slightly modified from the language, and the Regional Draft Resolution 2017-14, which effectively commits the Township to establish and develop a strategy to achieve net zero greenhouse gas emissions no later than 2050 in a manner that is fair, transparent and economically feasible. The Public Services and Environmental Committee of the COG is requesting feedback from member municipalities prior to their meeting on June 2, 2020.

Mr. Mitra asked if there is a shorthand guide on how this resolution differs from our previous resolution. Mr. Pribulka indicated that the biggest divergence is the achievement levels that are set for greenhouse gas emissions reductions goals. Mr. Pribulka noted that the Township would begin to develop a plan to achieve an 80% reduction in greenhouse gas emissions by 2050 based on 2010 levels. The Township's resolution commits to a net zero or maybe not a 100% reduction but a 100% offset of greenhouse gas emissions no later than 2050. Mr. Pribulka indicated that the resolution would go in front of the General Forum for approval after a recommendation from Public Services and Environment.

The Board is in support of the resolution, and there was continued discussion with regards to the net zero goal.

#### 6. DISCUSSION – COG COMMITTEE ON CLIMATE ACTION AND COMPREHENSIVE REVIEW OF COG COMMITTEES

Mr. Miller introduced the COG Committee on Climate Action and Comprehensive Review of COG Committees. Mr. Miller indicated that this topic came from the Executive Committee. The Executive Committee preferred to send this to the Township for comment so individual members could comment before it is an established committee on behalf of the General Forum.

Mr. May gave an outline of the two-phase approach. Mr. Miller asked if the Executive Committee should start to establish the Climate Action Committee. Also, should staff start the process of reviewing existing committees by making a recommendation of any changes of the overall committees? Mr. Miller noted that Mr. Pribulka does not need to write a memo and that he would be able to take the Board's feedback to the Executive Committee. After further discussion, the Board agreed that any action should wait until the General Forum meetings are taking place whether via Zoom or in person and not to be an Executive Committee decision. The Climate Action Sustainability should be part of that discussion, rather than forming another committee.

## **VII. STAFF AND COMMITTEE REPORTS**

### **1. COG COMMITTEE REPORTS**

- a. Ad-Hoc Facilities Committee – Ms. Stephens reported that the agenda included in the Board packet covered most of what was discussed. There was a conversation about placing a charging station at the Patton Township Fire Department and who would be responsible for it.
- b. Human Resources Committee – Ms. Stephens reported that the agenda included with the Board packet covered what was discussed. There was a discussion regarding policies with regards to working from home and getting language crafted for the policies.
- c. Public Services & Environmental Committee – Ms. Dininni reported that they discussed the greenhouse gas emissions and the UAJA Beneficial Reuse Service Area Designation Study. Ms. Dininni noted that it was a lengthy conversation trying to understand the goal of the study.
- d. Finance Committee – Mr. Miller reported that they received feedback from Mr. Chris Gibbons about the park loan. Mr. Gibbons was unable to negotiate a lower rate but did receive an extension that included a fixed term loan for two additional years before the rate would become variable. Mr. Gibbons did not charge the Township a fee for his service because he was unable to save the Township any money. Mr. Miller noted that the budget process will not include a full program plan due to staff working remotely. The staff will update the previous program plan this year. Mr. Miller noted that the Finance Committee is looking into doing the program plan every other year because of the major undertaking of it every year. Mr. Miller reported that they received an update on the FEMA reimbursement to COG and the Municipalities. Information will be distributed in the near future.
- e. Public Safety Committee – Ms. Dininni reported that they discussed the transfer of the Hazmat program responsibility to the COG from Penn State and reviewed draft documents between Penn State, COG, and Centre County. The Committee affirmed the desire to move forward with the project. The operations are covered in Hazmat by the fees that's paid back from incidents. The Hazmat truck is owned by Penn State but can be utilized by the COG for responses. Ms. Dininni noted that the committee was presented with the Emergency Medical Services Responders Report. Services are down due to COVID-19. Centre LifeLink is looking for a station to serve Ferguson and Patton Township's. Centre LifeLink is currently looking because their current rent is too high.

### **3. STAFF REPORTS**

- a. Manager's Report - Mr. Pribulka reported that there was a meeting of the Economic Recovery Leadership Group that was created by the Chamber of Business and Industry of Centre County on Wednesday, May 6<sup>th</sup>. It included representatives from the Municipal Managers Committee, some leadership from Penn State University and the Business Community as well. Mr. Pribulka noted that some of the agenda topics included a discussion about community needs and strategies to help revitalize the economic development initiatives in Centre County in the wake of the pandemic response. There was a meeting to discuss framework for a policy on park maintenance and undeveloped areas. A draft of the policy is almost ready to be presented to the Parks and Recreation Committee for their review and input. It will then be forwarded to the Board of Supervisors for review. Regional stakeholders met virtually with Penn State Athletics and some parking staff to discuss a modified parking plan for the 2020 football season (assuming there is one.) Mr. Pribulka reported that the modifications this year will include a heightened focus on egress from football events, access for ride sharing services, and better coordination with Mount Nittany Medical Center for hospital patients to be able to access those facilities during peak traffic hours. There really is no impact for Ferguson Township roads. Mr. Pribulka noted preparations are underway to begin kick-starting the Stormwater Fee Feasibility Study and need to strategize on the Township's public outreach and education given that

congregations of more than 25 people remain prohibited. Mr. Pribulka has had preliminary discussions with CNET about possibly hosting a town hall meeting. It would be a live event both streamed on YouTube and on CNET where people could watch and participate electronically either by submitting questions in advance or by dialing into the Township. Mr. Pribulka extended a word of appreciation from some of the road crew staff for the Board's support by being able to provide them with a paycheck during the COVID-19 pandemic recently. Mr. Pribulka expressed the appreciation by the road crew staff that they were able to stay at home with their families and did not have to worry about the disruption that might have come from being laid off or not having a steady paycheck.

- b. Public Works – Mr. Modricker reported that the staff attended a remote meeting with the consultant regarding the Stormwater Fee Study and discussed the revised level of service, proposed fee and rate structure, credit structure. Mr. Modricker noted that there will be a June and July meeting via Zoom.
- c. Planning and Zoning - Ms. Wargo reported that the Planning Commission met on May 11, 2020 and reviewed the Orchard View Subdivision Conditional Use Application and Chapter 19 Signs and Billboards Amendment. The Planning Commission left the Signs and Billboards Amendment open for any comments. Ms. Wargo reached out to the Planners in Lewisburg with regards to banner placement above roadways. Ms. Wargo grew up in the area and knows that Lewisburg Planners allow for banner placement above roadways. This will likely be a resolution from Borough Council but must be submitted to PennDot first. Staff is working on the Domestic Fowl Ordinance, Tree Preservation Ordinance, and the Workforce Housing Ordinance Amendment. Ms. Wargo noted that there could possibly be a Zoning Hearing Board meeting in June.
- d. Chief of Police – Mr. Albright reported that the Police Department's service calls were down for the month of April. This enabled officers a little extra time off to recoup both mentally and physically. Mr. Albright reported that Officer Ryan Plunkett and Officer Lauren Neeley responded to a call involving a 27-year-old female that was experiencing a heroin overdose. They administered two doses of Narcan and revived the woman. She was transported to the hospital for evaluation and survived. Officers also responded to a report of a man acting strangely and at one point the man jumped up on the hood of a parked cruiser and crashed through the windshield. The suspect resisted arrest and kicked the officers. An officer was treated for minor injuries and exposure to the suspect's blood. The suspect was under the influence of meth and LSD. Mr. Albright noted that they responded to 23 calls involving COVID Guidance. The calls ranged anywhere from kids playing basketball to businesses operating under violation of the Governor's Order. Mr. Albright noted that some of the calls they didn't take any action and others against the business owners, the officers took the time to educate them about the Order.

## **VIII. COMMUNICATIONS TO THE BOARD**

- a. Ms. Dininni recently had a local farmer share his concern because the farmer had seen another farmer not ceasing the spraying of herbicide when a pedestrian was walking by. Ms. Dininni noted to the farmer that she didn't have anything to offer but would approach the Board. Mr. Pribulka suggested checking the safety data sheet if they can identify what chemical the pedestrian was exposed to. Mr. Pribulka noted that the Township does not have any purview on this application.

## **IX. CALENDAR ITEMS – MAY/JUNE**

- 1. CATA Public Hearing Proposed Fare Increase and Service Changes



- a. The CATA Public Hearing will be held on Tuesday, May 26<sup>th</sup> from 5:30 p.m. – 7:00 p.m. The meeting will be a WebEx Virtual meeting to receive comments on the proposed .20 increase to the CATA bus fare.

**X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 9:30 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 06-01-2020