

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, June 1, 2020  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, June 1, 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; Mark Toretti, Penn Terra Engineering; Justin Mandel, Aspen Whitehall Partners; Lewis Steinberg, Schlow Library Trustee; and Eric Norenberg, Executive Director, Centre Region Council of Governments

### I. CALL TO ORDER

Mr. Miller called the Monday, June 1, 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.

Mr. Miller noted that the Board of Supervisors held an Executive Session today, June 1, 2020 on litigation.

### II. CITIZENS INPUT

None.

### III. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the Board of Supervisors Minutes of May 18, 2020. Mr. Mitra seconded the motion.

### IV. SPECIAL REPORTS

#### 1. COVID-19 (Coronavirus) Response Report

Mr. Pribulka reported that under the Governor's plan to open the Commonwealth, Ferguson Township has transitioned into the Green Phase. The Green Phase eases restrictions on social and recreational gatherings as well as businesses, hospitality and retail establishments, but imposes new guidelines for the safety of patrons and workers. Under the Green Phase for example, restaurants and bars are permitted to offer both indoor and outdoor seating space but must maintain 6 feet apart. Also, no more

than four customers that have a common relationship may be seated at a bar together. Hair salons and barbers can reopen but only by appointment. Large group events of more than 250 people remain prohibited. To review the Governor's Order regarding the Green Phase, the link is located on the Ferguson Township page at <https://www.governor.pa.gov/process-to-reopen-pennsylvania/>

Municipal operations have presumed entirely with employees working revised shifts and remote work being done where able. On June 1, 2020, the Crisis Management Team recommended that the office building remain closed to the public and Mr. Pribulka concurs with that recommendation. It will be reevaluated on June 15, 2020 and Mr. Pribulka will work with Chief Albright about opening the police station to the public prior to June 15<sup>th</sup>. In the meantime, the public can utilize the phone inside the vestibule entrance.

Mr. Pribulka noted that per Louwana Oliva, Executive Director and CEO of CATA, that CATA will begin a reduced schedule for certain routes beginning on June 8, 2020. The RP and the NP routes will be removed and, in its place, will be the N, R, and V routes will return at 40 minutes intervals. This will also return frequency to HM, and W routes. CATA will now extend weekday service to its normal end of service times in the evening. CATA service start time will be at 6:00 a.m. CATA will be operating the above routes on Saturday, but not on Sunday at this time.

Companies are being asked to continue with telecommuting for office workers in the Green Phase. CATA is not yet reinstating commuter routes A, V, C, F, G and S, but is asking riders to contact them if they are unable to get to work. They will then investigate returning service. At this time, fares have not been reinstated and the number of passengers is limited. More information can be found on CATA and Ferguson Township websites.

Mr. Pribulka noted that the community has a strong interest in opening public playgrounds. A meeting will be held this week with the Municipal Managers and Centre Region Council of Governments and the Centre Region Park and Recreation Department (CRPR). A decision will be communicated from CRPR and other media outlets in the coming days.

Ferguson Township Municipal building will be open tomorrow, June 2, 2020 for the primary election. Additional protocols will be in place for voters and poll workers. Voters will be asked to follow the posted signage when entering the building. The Township is encouraging anyone that can wear a mask to please do so.

Mr. Pribulka again expressed his appreciation on behalf of the Township and staff for the continued patience and understanding exhibited by our community through these challenging times.

Ms. Dininni inquired what the rules are for wearing a mask in restaurants because she has been getting feedback from community members that they have observed patrons not wearing them. Mr. Pribulka and Chief Albright will get Ms. Dininni and the rest of the Board accurate information.

## 2. Schlow Centre Region Library Report

Mr. Lewis Steinberg, Schlow Board of Trustees, noted that this will be his last year on the Board. Mr. Steinberg gave a status of opening the library due to the COVID-19 pandemic. Starting on May 18<sup>th</sup> during the Yellow Phase, the library started to accept items at the drop off boxes. There were 30,000 items that were checked out prior to the closure of the library. This is not an easy process to retrieve the items due to the pandemic. Each item must be sterilized, quarantined, and then shelved. On June 8, 2020, the library will start allowing items to be checkout online. Library patrons can come to

the library parking lot, and then call the front desk to have the item delivered to them. The library will start opening 38 hours a week starting on June 8<sup>th</sup>. It will be open every day but Sunday.

Mr. Steinberg reported on the finances of the library. As of April 30, 2020, the revenue-to-date is at 31% of the budget and the expenses are at 32% of the budget. A five-month budget was passed last week by the legislators. Due to budget concerns during the COVID-19 pandemic, the library staff is taking two weeks of rolling furloughs to assist with cost savings. The staff will not be paid, but they will maintain their benefits. In doing so, the library will save \$50,000. It has been a record year through Centre Gives. There were 723 individual gifts received versus last year. The library received \$64,400 in gifts. The library is applying for a forgivable loan through the Payroll Protection Program that was part of the CARES Act. The library could receive up to \$120,000 to be used towards payroll that will not need to be paid back. Once the Centre Region Council of Governments General Forum approves of the loan, the library will submit the application.

## V. UNFINISHED BUSINESS

### 1. PUBLIC HEARING – CONDITIONAL USE, ORCHARD VIEW SUBDIVISION

Ms. Wargo reported on the Conditional Use Application Request for the Orchard View Subdivision Plan that was included in the packet. The Orchard View Subdivision Plan consists of 37 lots—36 single family residential and one lot dedicated as a stormwater basin. The application is to request a flag lot parcel for Lot #37—dedicated stormwater basin lot. Ms. Wargo noted that Orchard View is Zoned R-1 with a minimum required lot width at street line is 50 feet. The applicants propose that Lot #37 have a lot width at street line of 20 feet.

Ms. Strickland moved that the Board of Supervisors **approve** the conditional use application submitted by Aspen Whitehall Partners, LLC & Aspen Route 26 Partners, LLC for the Orchard View Subdivision subject to the conditions described in the Planning & Zoning Director memorandum dated May 12, 2020. Mr. Mitra seconded the motion. The motion passed.

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

### 2. APPOINTMENTS TO THE PINE GROVE MILLS SMALL AREA PLAN ADISORY BOARD

Mr. Pribulka noted that on March 16, 2020, an ordinance was enacted to establish the Pine Grove Mills Small Area Advisory Board. The Township received five applicants and per the ordinance, appointees will serve staggered four-year terms and shall have the responsibility of advising the Township Manager and the Board of Supervisors on matters pertaining to the implementation of the Pine Grove Mills Small Area Plan. The applicants and the resolution to establish a policy for the appointment of representatives on local and regional authorities, boards, and commission were included in the packet. Mr. Pribulka noted that typically the next step is to have a working session to appoint applicants; however, that part of the process can be waived if there is a unanimous vote.

Ms. Dininni made a motion that the Board of Supervisors **waive** the interview process for the appointments. Ms. Stephens seconded the motion. The motion passed unanimously.

Mr. Miller noted that the five applicants are Matt Heller, Jordan Robb, Liz Grove, Shannon Holliday, and Rev. Paul Tomkiel.

Ms. Dininni moved that the Board of Supervisors **appoint** the applicants to the Pine Grove Mills Small Area Plan Advisory Board in accordance with the terms recommended

in the Township Manager memorandum dated May 27, 2020. Ms. Stephens seconded the motion. The motion passed unanimously.

### 3. PLASTIC BAG BAN ORDINANCE – CONTINUED DISCUSSION

Mr. Miller pulled this discussion from the agenda. Mr. Pribulka noted that there was activity relative to the legislation that was being considered by members of the General Assembly. The legislation would extend the state preemption on enacting regulations on the ban of single use plastic bag and other kinds of material. PA Act 23 was signed into law by Gov. Wolf on May 29, 2020, which is the identical language as in H.B.1083. Mr. Pribulka noted that there is a link on the agenda from Rep. Hershey that describes the proposed legislation that would extend it indefinitely. Ms. Dininni noted that she would be interested in writing a letter when the time is appropriate in opposition of state preemption. Mr. Pribulka will contact the PA Municipal League and Senator Corman's office regarding the Bill and update the Board. Mr. Miller noted that they will revisit the ordinance in the future.

## VI. NEW BUSINESS

### 1. CONSENT AGENDA

- a. Acceptance of the April 2020 Treasurer's Report
- b. Voucher Report – April 2020
- c. Board Member Request – Procurement Policy Amendment

Mr. Mitra moved that the Board of Supervisors **approve** the Consent Agenda with Item C being removed and adding a proclamation opposing racism and bias, as well as accepting the April 2020 Treasurer's Report. Ms. Strickland seconded the motion. The motion passed unanimously.

### 2. ZONING APPEALS/REQUEST FOR VARIANCE

- a. 250 Banyan Drive

Mr. Pribulka shared slides of 250 Banyan Drive to the Board. Provided with the agenda is a copy of the application provided by Mr. Neilson. Mr. Neilson is requesting relief from the setback requirements applicable to the zoning district to permit the installation of a paved basketball court within the setback area. Mr. Miller noted that the Board typically remains neutral or makes a recommendation.

Ms. Strickland moved that the Board of Supervisors remain **neutral** on the request for variance for property located at 250 Banyan Drive. Ms. Dininni seconded the motion. The motion passed unanimously.

- b. 3961 West Whitehall Road

Mr. Pribulka noted that provided with the agenda is a copy of an application for request for variance at 3961 West Whitehall Road, Kocher Wellfield. They are requesting to construct two new outbuildings. The property sits in an established floodplain, the zoning ordinance would require a Letter of Map Revision from the Federal Emergency Management Authority to amend the floodplain boundaries prior to construction and after the completion of the hydrologic and hydraulic analysis. The applicant has prepared a detailed hydrologic and hydraulic analysis to determine that it will meet the ordinance requirements.

Ms. Dininni moved that the Board of Supervisors remain **neutral** on the request for variance for property located at 3961 West Whitehall Road. Ms. Strickland seconded the motion. The motion passed unanimously.

### 3. REZONING REQUEST – HILLSIDE FARM ESTATES

Ms. Wargo introduced the rezoning request. Mr. Armen D. Sahakian submitted a Rezoning Application Request for three parcels at his Hillside Farm Estates Development. The properties are currently zoned as Single Family Residential (R1) and the applicant is requesting Townhouse Residential (R3). The total acreage to be rezoned is 71.62 acres. Most of the property is currently undeveloped. The applicant would like to build one and two story detached, semi-attached and attached dwelling on the parcels. All three parcels are located within the Regional Growth Boundary/Sewer Service Area. Ms. Wargo included in the agenda several maps and the current design for the single-family residential lots that are located northwest of Sheldon Drive. With the recently adopted Zoning Ordinance, the Township has codified the rezoning application and request process, which requires a substantial investment on behalf of the applicant. If the Board is interested in considering the request, staff is recommending that the applicant be directed to complete an impact analysis and refer the request to the Planning Commission for review and comment.

Mr. Sahakian discussed at length the reason why he is requesting the change in zoning and shared the original plan that was developed in the early 2000's. Mr. Sahakian noted he would like to have a mix of houses rather than having them all look alike with the same price. He noted that there are only four homes in State College under \$285,000 and would like to develop affordable duplexes, townhouses, and continue to develop single family homes. He noted that Ferguson Township hasn't been zoned R3 in 20 years. Slides were presented to give the Board an idea of what he would like to build.

Mr. Pribulka noted that the processes are quite lengthy given the magnitude of the request from Mr. Sahakian but wanted to bring this request forward to the Board.

There was continued discussion regarding affordable housing and the differences between R1, R2, and R3.

Mr. Pribulka recommended to the Board that the applicant should formally submit a request to rezone the properties.

Ms. Dininni would like to move the request to the Pine Grove Small Area Plan Advisory Committee without any guarantee of moving it forward past there. Ms. Dininni noted that there needs to be input from the community. Ms. Strickland also noted she too would support this going to the Pine Grove Mills Small Area Plan Advisory Committee; however, noted that she probably is not in favor of rezoning the lots from R1. Ms. Stephens, Mr. Mitra, and Mr. Miller agree with having the Pine Grove Area Plan Advisory Committee review the request.

### 4. COG MANAGEMENT OF CENTRE COUNTY HAZMAT TEAM

Mr. Pribulka noted that several years ago the COG Staff, the Alpha Fire Company and the State College Fireman's Relief Association started having discussions with Penn State University about the transfer of the HAZMAT Team to COG. Mr. Pribulka noted that after considerable discussions, several reports, a HAZMAT Learning Lunch event, and multiple presentations, the consensus with

the plan is to move forward. Included in the agenda is several agreements that would formalize the transfer of responsibility from PSU to COG for the management of the county hazmat team. There is a drafted memorandum of agreements between COG and Penn State; an agreement between the COG and Centre County; and an agreement between COG, Alpha Fire Company and the State College Firemen's Relief Association. The Public Safety Committee reviewed the draft agreements on May 12, 2020 and decided to forward the agreements to the member municipalities for their comments and then to the COG Executive Committee for approval. The agreements have been reviewed by the municipal managers, and the Centre Region Fire Director, Mr. Steve Bair. Mr. Pribulka noted that PSU will fund, maintain, and replace the equipment for two years. Mr. Nornberg noted that there is a Facilities Use Agreement in its final stages that is being negotiated with PSU for the continued storage of the equipment after July 1, 2020. Once the equipment needs to be moved, it will be housed in the fire facilities. There were questions and concerns with regards to the financial implications, the execution of the agreements, and staffing. Mr. Pribulka will obtain more information and report back to the Board.

#### 5. COMMENTS ON THE DRAFT 2020/2021 CATA BUDGET

Mr. Pribulka introduced the draft CATA Budget. The Budget was approved in draft form at the April 27, 2020 meeting of the COG Board of Directors and a public comment period was initiated. A link was provided in the agenda. Mr. Pribulka noted that the Board of Supervisors has approved the local match for FY 2020/2021 in late 2019. Highlights of the proposed budget is that there will be a .20 cent increase in bus fare and several route changes. The Board doesn't have approval authority with the CATA Budget but is given the opportunity to provide comments. Board members were questioning the increases in fares and routes that were reduced. Mr. Pribulka will discuss these questions with Louwana Oliva, Executive Director and CEO of CATA, and report back to the Board.

#### 6. COMMENTS ON THE DRAFT 2021-2024 TRANSPORTATION IMPROVEMENT PROGRAM AND AIR QUALITY CONFORMITY REPORT

Mr. Pribulka noted that provided with the agenda is a link to relevant documents for the Board to consider and make comments on the Centre County Transportation Improvement Program (TIP) and Air Quality Conformity Report. The Air Quality Conformity Report is prepared to ensure that the projects on the TIP do not result in vehicle emissions that exceed the established budget for Centre County relative to the 1997 8-hour Ozone National Ambient Air Quality Standards. Mr. Pribulka noted that Ms. Strickland is the Township's representative on the Centre County Metropolitan Planning Organization (CCMPO) Coordinating Committee and Ron Seybert, Township Engineer, represents the Township on the CCMPO Technical Committee and if any Board members have comments on the draft TIP please contact the representatives on the committees. Mr. Pribulka noted that there is one project on the TIP that is in Ferguson Township and that is the Shingletown Road, PA Route 26 Intersection Signalization Project. It is fully funded within the scope of the five-year TIP. The Board should expect that if the TIP is approved in the current draft form, the project will be completed. Mr. Seybert whom was unable to be at the Board meeting relayed to Mr. Pribulka and Mr. Modricker that he has no comments or concerns with the draft. Ms. Dininni noted that they are trying to get a signal placed at the blinking light intersection in Pine Grove Mills and noted that it will be funded as an individual municipality. Ms. Dininni asked if the TIP could put it on a plan so that the region might consider contributing to and moving it up on the priority list? Mr. Pribulka noted that Board decided to fund the signal warrant study and then it would go to PennDot for approval. Mr. Pribulka noted the various steps that would need to happen. Mr. Modricker noted that in years past the four-year TIP is the first four years of the Long Range Transportation Plan (LRTP). He noted that there are times when the Township will ask for an updated list of potential projects and then the projects will be ranked by the Tech Committee,

then it comes in front of the MPO. Ms. Strickland noted that the LRTP will be on the CCMPO Coordinating Committee agenda next month and will discuss with Mr. Seybert.

## 7. BOARD MEMBER REQUEST – PROCUREMENT POLICY AMENDMENT

Mr. Mitra described the Procurement Policy Amendment that was pulled from the agenda and will be included on the June 15, 2020 agenda. The objective is to ensure that vendors selected for projects contracted out by the Township pay their employees a minimum of \$15 per hour.

Ms. Dininni moved that the Board of Supervisors **add** the Procurement Policy Amendment to the agenda on June 15, 2020. Mr. Mitra seconded the motion. The motion passed unanimously.

## VII. STAFF AND COMMITTEE REPORTS

### 1. COG COMMITTEE REPORTS

- a. Executive Committee – Mr. Miller reported that they met on May 19, 2020. The Executive Committee authorized the extension of the Executive Committee without a General Forum meeting through June 16, 2020. It will be either extended again or have a General Forum meeting on June 22, 2020. Mr. Nornberg is trying to find a larger room to practice social distancing; however, having a difficult time finding a venue. There have been conversations of having a Zoom meeting in the event a venue is not found. They discussed the Park Loan Agreement which the Executive Committee approved.
- b. Transportation & Land Use Committee – Ms. Strickland reported that they are going to continue meeting via Zoom. The Committee received an update on the Bicycle Friendly Community renewal application. The Centre Region is currently at bronze status, and that will need to be renewed. The Shingletown Routes 26 and 45 improvements were discussed. There will be bike and pedestrian safety improvements. The road and bridge will be wider, but no separate lanes due to environmental reasons. The Committee had an update on the Land Consumption Study. The CCMP will be meeting on June 23, 2020 and will discuss the LRTP and TIP.

### 2. OTHER COMMITTEE REPORTS

- a. Spring Creek Watershed Commission – Mr. Mitra reported that there was a meeting on May 20, 2020. Andrew Warner from Penn State's Water Center for Excellence presented on watersheds and creeks in the area. There will be a viewing of the "One Water Report" at a special meeting on June 18, 2020. A photo contest was announced. The photo must consist of a watershed.

### 3. STAFF REPORTS

- a. Manager's Report - Mr. Pribulka reported that there is a memorandum from the Finance Director detailing the schedule for the 2021-2025 Capital Improvement Program Budget preparation process. Once Mr. Pribulka and Mr. Endresen review the request from each department, a draft will be proposed to the Board, and will hold a couple work sessions. Prior to work sessions, it is customary for the Board to do a road tour with the Public Works Director, the Township Manager, and the Finance Director to review the proposed road projects that are in the scope of the CIP. Mr. Pribulka noted that due to COVID-19, the Board will not be able to do the tour as in past years, so Mr. Pribulka asked for feedback on conducting the tours

individually then bring comments back to the staff and to the entire Board. The Board agreed to conducting the road tour individually.

Mr. Pribulka noted that there were questions being asked about the Townships contribution to the Central PA 4<sup>th</sup> Fest. The event was cancelled because of the COVID-19 pandemic; however, they are planning a display, but the location has not been publicly released. Mr. Pribulka noted that the display will be held in Ferguson Township on private property. Chief Albright and Mr. Pribulka have been working with the Executive Director of 4<sup>th</sup> Fest, Frank Savino as well as the Centre Region Fire Director, Steve Bair to ensure all the appropriate permissions are secured and that the fire company has the assurance of a safe display. Mr. Pribulka asked the Board if the \$2,500 contribution that was given should be returned to the Township, or should the Board roll it over to be used in 2021? Ms. Dininni expressed her concerns with fire hazards and parking. The Board agreed to roll the contribution over to 2021.

- b. Public Works – Mr. Modricker noted that his report is in the packet. The Public Works Building is under construction with continued site work. The new fuel tanks have been installed, excavation has begun on the footers and structures, and the Sewer Authority installed the sewer lateral. The project is on schedule and within budget. The next Stormwater Advisory Committee meeting will be held via Zoom on June 17, 2020 at 12:00 p.m. There will be a Public Education and Outreach meeting on June 24, 2020 at 5:30 p.m. via Zoom. Mr. Modricker encouraged the Board to attend these meeting to obtain a better understanding of the study.
- c. Planning and Zoning - Ms. Wargo reported that there will be a Zoning Hearing Board meeting on June 23, 2020 and will review three Request for Variances. Ms. Wargo noted that they are working on edits that were submitted back to the Zoning Administrator for the Chicken and Duck Ordinance, working on the Affordable Housing Ordinance, and Ms. Wargo submitted the Tree Preservation Ordinance on June 1, 2020.

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

- a. Ms. Strickland noted that she received comments regarding the Procurement Amendment but will share at the next Board meeting. Ms. Dininni noted that she received questions regarding the Scott Road Pump Station. Will the station serve Orchard View and Sheetz? Mr. Pribulka will answer the inquiries.

#### **IX. CALENDAR ITEMS - JUNE**

- a. Ferguson Township Elementary School Teachers' Parade will be held on June 4, 2020 at 1:00 p.m.

#### **X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 11:00 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 06-15-2020