

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, July 20, 2020  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, July 20, 2020, via Zoom. In attendance were:

**Board:** Steve Miller, Chairman  
Laura Dininni  
Prasenjit Mitra  
Patty Stephens  
Lisa Strickland

**Staff:** Dave Pribulka, Township Manager  
Jenna Wargo, Planning/Zoning Director  
Chris Albright, Chief of Police  
Dave Modricker, Public Works Director  
Centrice Martin, Assistant to the Manager  
Eric Endresen, Finance Director

*Others in attendance included:* Faith Norris, Recording Secretary; John Spychalski, CATA; Louwana Oliva, CATA; Bill Keough, Parks & Recreation Authority Representative; Anthony Frucht, PennTerra; Charles Suhr, Stephens & Lee; Jeremie Thompson, Resident; Eric Reischer, Resident; Dwight Ferguson, Resident; Jennifer Moeny, Resident.

### I. CALL TO ORDER

Mr. Miller called the Monday, July 20, 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 C-NET 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 July 6, 2020. Mr. Mitra seconded the motion. The motion passed unanimously.

### IV. SPECIAL REPORTS

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

Mr. Pribulka reported the new health directive from the Governor for indoor and outdoor limitations. A reminder that the Township remains closed to the public. Per the Board's request, an update was given on Centre County United Way needs.

Mr. Pribulka again expressed his appreciation on behalf of the Township and staff for the continued patience and understanding as the Township recovers from the crisis.

The Board members discussed needs and concerns along with expressed interest in Governor Wolf's Phased Color-Coded Reopening Plan by region and how that will affect Centre County.

Mr. Pribulka noted regulations are dependent on the current situation, testing and contract tracing. Centre County municipalities are in concert with making decisions in excess of the governor's order for needs. Another discussion was on virtual meetings vs. the option for attending in-person and advertisement of virtual meetings.

## 2. Centre Area Transportation Authority

Mr. Spychalski reported immediate impacts that included some layoffs and then rehire of some workforce to accommodate the drop in ridership. Most of the administrative personnel are teleworking. Other changes include the Customer Service Center being closed temporarily and reopened with hours from 7:30 a.m. through 5:30 p.m., Monday – Friday; fares will increase about 20 cents for CATABUS and CATAGO. CATA is currently working on a fall service plan with students starting back to classes. To prepare the buses for customers, curtains and hand sanitizers are being installed and disposable masks will be provided to drivers and customers. Disposable gloves, masks and face shields will be provided to drivers. Drivers will be required to wear the masks and face shields when in close contact with wheelchair enabled customers. An educational campaign is in the works titled “Good Health is Riding on You”. Articulated buses will be in service soon that will handle a large capacity of passengers. Please check the CATA website for updates.

Ms. Olivia confirmed that lost and found is still being done the same way. However, the only difference is that items will be placed in bags. Ms. Olivia stated CATA appreciates the Township's support.

## 3. Centre Region Parks and Recreation Authority

Mr. Keough reported the Authority is up and running and using a modified program. Physical opening of the Active Adult Center is on hold until a cooperative agency guidance decision is made. Currently interviewing applicants for the recent vacant position of Recreation Services Manager. Geocaching is underway and funded by the Happy Valley Adventure Bureau. Summer leagues have started back up with regulations in effect at tournament sites; pools are open with COVID-19 restrictions on maximum number of people allowed. The Authority has scheduled two worksessions: July 27<sup>th</sup> from 1:00 p.m. to 3:p.m., Spring Creek Park, Pavilion 2 to discuss recommendations for the Comp Study Acton Plan; and July 28<sup>th</sup> from 2:30 p.m. to 4:30 p.m., Tudek Park, Pavilion 2 to discuss Whitehall Road Regional Park issues. A C-NET representative for the Authority has indicated he is stepping down and the Authority will then start looking for a new Board representative who does not necessarily need to be a Board member. For those interested in the position, please contact Bill Keough to forward the information to the Authority.

Ms. Dininni asked for clarification on whether residents and others could attend the worksessions remotely for safety reasons. Mr. Keough was unsure and said to contact the office for further information.

# V. UNFINISHED BUSINESS

## 1. REVIEW DRAFT WORKFORCE HOUSING ORDINANCE AMENDMENT

Ms. Wargo reviewed the regulations and history of the amendment as provided with the agenda packet. This can meet the needs of residents. Discussion followed on moving forward with the ordinance. Ms. Stephens asked how receiving the policy and procedure manual was going to be tracked. Noted change to Borough reference, change to Township in the document. Mr.

Mitra asked about benchmarking, i.e., compare with other similar municipalities and what they are doing. Discussion followed on approaches done in workforce housing and how the Borough is proceeding with their extensive knowledge; history of the ordinance; legacy language and development requirements. Ms. Strickland asked about distribution size of units within the development vs. off-site designation. Zoning discussion followed. Ms. Dininni noted she is open to the relief but the one year timeline is too short and would like it bumped up to three years. Phasing development process was discussed and clarification on what mechanisms are available to the Board were requested. Following the detailed discussions, Mr. Suhr said the comments will be provided to staff to incorporate enhancements and flexibility for the workforce housing program.

Ms. Dininni moved that the Board of Supervisors **refer** the draft Workforce Housing Ordinance to the Planning Commission for review and comment. Ms. Strickland seconded the motion. Mr. Pribulka confirmed a joint worksession between the Board and Planning Commission and will provide available dates. The motion passed unanimously.

## 2. REVIEW DRAFT SIGN ORDINANCE AMENDMENT

Ms. Wargo reviewed the item as provided with the agenda. The last update to the sign ordinance was in 2017. Review was done in May and July and the changes made reflect comments from the Planning Commission. Ms. Dininni had a discussion on signs in athletic fields on internal exemptions and field fences. Following the discussion, Ms. Dininni withdrew her proposed change. Ms. Wargo noted an update can be made for exempt signs on farms to account for two roadways in reference to Ms. Dininni's comment on page 18, #13. Ms. Dininni asked for clarification on commercial uses in regards to village zoning, and wall sign consistencies for height restrictions. Ms. Strickland noted a comparison model can be done with the TTD and TSD.

Ms. Dininni moved that the Board of Supervisors **change** the height restrictions on wall signs to the eaveline or no greater than twenty-five (25) feet. Ms. Strickland seconded the motion. The amended motion passed unanimously.

Ms. Dininni discussed the Nonconforming Signs definition in regards to businesses changing hands. She noted another Township's definition to use for more friendly language when a business transitions. Following the discussion, Mr. Miller noted this request does not require a motion, just a rewording of the definition.

Ms. Dininni moved that the Board of Supervisors **authorize** advertisement of a public hearing on an ordinance amending Chapter 19, Signs and Billboards for August 17, 2020. Mr. Mitra seconded the motion. Mr. Pribulka clarified the motion is authorization for public hearing on August 17<sup>th</sup> due to the date not initially being read in the motion. The motion passed unanimously.

Mr. Miller called for a five minute recess.

## 3. REVIEW DRAFT DOMESTIC KEEPING OF DUCKS ORDINANCE

Ms. Wargo reviewed the item as provided with the agenda. Mr. Mitra asked for more specifics on Avian Flu guidelines. Discussion followed on guidelines and dynamics of chickens and ducks living together and number of ducks allowed in one yard.

Ms. Dininni moved that the Board of Supervisors **change** the maximum to four ducks. Ms. Strickland seconded the motion. The amended motion passed unanimously.

Mr. Mitra moved that the Board of Supervisors **authorize** advertisement of a public hearing on an ordinance amending Chapter 27, Section 720, Domestic Chickens for August 17, 2020. Ms. Dininni seconded the motion. The motion passed unanimously.

## VI. NEW BUSINESS

### 1. CONSENT AGENDA

- a. 2020-C1-Street Improvement-North, Pay Application #1: \$321,293.62
- b. 2020-C2-Street Improvement-West, Pay Application #1: \$46,474.89
- c. 2020-C6-Curb/Ramp Upgrades, Pay Application #1: \$64,330.42
- d. 2020-C6-Curb/Ramp Upgrades, Pay Application #2: \$7,147.83
- e. Voucher Report – June 2020
- f. Treasurer's Report – May 2020 for acceptance

Mr. Miller pulled item A off the Consent Agenda for discussion under New Business.

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

### 2. REQUESTS FOR VARIANCE

- a. 1278 Longfellow Lane

Mr. Pribulka introduced the variance request as provided with the agenda.

Ms. Dininni moved that the Board of Supervisors **remain neutral** on the request for variance for 1278 Longfellow Lane. Ms. Strickland seconded the motion. The motion passed unanimously.

### 3. PUBLIC HEARING RESOLUTION TO EXECUTE A WINTER MAINTENANCE AGREEMENT WITH PADOT FOR A PORTION OF STATE ROUTE 3018 – WHITEHALL ROAD

Mr. Modricker presented the history and proposed resolution. It is a five-year agreement extension.

No public comments were noted.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute a winter maintenance agreement with the Pennsylvania Department of Transportation for a portion of State Route 3018 (Whitehall Road). Ms. Strickland seconded the motion.

Roll Call vote on Resolution 2020-21: Mr. Mitra-YES; Ms. Stephens-YES; Ms. Strickland-YES; Ms. Dininni-YES; Mr. Miller-YES.

### 4. PUBLIC HEARING RESOLUTION TO EXECUTE A GRANT OF EASEMENT TO UAJA FOR SANITARY SEWER

Mr. Pribulka reviewed the resolution and agreement as provided with the agenda.

No public comments were noted.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute a grant of easement to the University Area Joint Authority for sanitary sewer. Mr. Mitra seconded the motion.

Roll Call vote on Resolution 2020-22: Ms. Stephens-YES; Ms. Strickland-YES; Ms. Dininni-YES; Mr. Miller-YES; Mr. Mitra-YES.

5. PUBLIC HEARING RESOLUTION CONDEMNING SYSTEMIC RACISM RELATED TO ETHNICITY AND SKIN TONE.

Mr. Pribulka presented the draft resolution as provided with the agenda.

No public comments were noted.

Mr. Mitra moved that the Board of Supervisors **adopt** the resolution condemning systemic racism related to ethnicity and skin tone. Ms. Dininni seconded the motion.

Roll call vote on Resolution 2020-23: Ms. Strickland-YES; Ms. Dininni-YES; Mr. Miller-YES; Ms. Stephens-YES.

6. REQUEST FOR MODIFICATION / WAIVER – THISTLEWOOD LOT 19

Ms. Wargo reviewed the modification as provided with the agenda. Mr. Fruchtl reported on the highlights of the plan. Board discussion followed on the hold harmless clause, slope steepness, intent of waiver, and stormwater requirements.

Mr. Miller moved that the Board of Supervisors **approve** the modification as recommended in the Community Planner's memorandum dated June 22, 2020. Ms. Dininni seconded the motion. The motion passed unanimously.

7. PRELIMINARY LAND DEVELOPMENT PALN – THISTLEWOOD LOT 19

Ms. Wargo reviewed the plan as provided with the agenda. Discussion followed on structures in the conservation easement.

Mr. Mitra moved that the Board of Supervisors **approve** the preliminary land development plan as recommended in the Planning & Zoning Director's memorandum dated July 15, 2020, for Thistlewood Lot 19. Clarification was made that the modification will be included on the final plan. The motion passed unanimously.

8. BOARD MEMBER REQUEST – FIRE CODE AND ENFORCEMENT DISCUSSION

Ms. Dininni reviewed the request as provided with the agenda. A request was made for a report from Centre General Code and Ferguson Township Police Department for the existing regulatory framework to help in possibly making changes to the policy to easily understand. Mr. Pribulka will reach out to the Code office to put together a report. Regulations within zoning districts were discussed.

## 9. BOARD MEMBER REQUEST – UNIVERSAL MASKING RESOLUTION

Ms. Strickland introduced the item for discussion. This would be in support of local businesses, public spaces and to promote education in the Township. Discussion followed on pursuing an ordinance vs. a resolution and how to get the data out to businesses. Chief Albright discussed statutes on the state law.

Jennifer Moeny commented on some inconsistencies for guidance. Specifically, when at a bus stop alone waiting for a bus. How would the masking be enforced? Mr. Pribulka described the differences of a resolution vs. an ordinance, which would have more ability on how regulations apply to enforcement. Mr. Pribulka reviewed how the advertisement would go out to the public for comment.

Ms. Strickland moved that the Board of Supervisors **direct** staff to draft a resolution affirming and endorsing the Governor's masking and social distancing recommendations to prevent the spread of COVID-19. Ms. Stephens seconded the motion. The motion passed unanimously.

Ms. Strickland moved the Board of Supervisors direct staff to research and draft an ordinance that can be used to enforce the governor's masking social distancing recommendations to prevent the spread of COVID-19. Mr. Mitra seconded the motion. The passed unanimously.

## 10. BOARD MEMBER REQUEST – NORTHLAND AREA PEDESTRAIN SAFETY IMPROVEMENTS

Ms. Dininni reviewed the previous Northland Area Mobility Study. Discussion followed on what improvements need done. Staff will follow-up. Discussion followed on possibly adding a sidewalk for pedestrian safety.

## VII. STAFF AND COMMITTEE REPORTS

### 1. COG COMMITTEE REPORTS

- a. Ad Hoc Facilities Committee – Ms. Dininni reported that the committee met at Millbrook Marsh for a tour. Proposed updates were discussed to better utilize the existing building. Reviewed draft missions statement; talked about goals to assess for COG facilities improvements; asked about remote options to attend meetings.
- b. Finance Committee – Mr. Miller reported the 2021 Program Plan was received and will be distributed at the next General Forum Meeting. Pool and Parks loans will be consolidated and refinanced to save money in the long term; fund balances are in good shape for the year; FEMA update on reimbursement; and Schlow Library received the PPP loan.

### 2. OTHER COMMITTEE REPORTS

- a. Joint Parks Capital-CRPRA Meeting – A reorganizational meeting was held for the new chair; Comp Study update; upcoming worksessions and extended an invitation to attend meetings; Whitehall Road Regional Park update; Millbrook Marsh Phase II update and looking for grants.

- b. CCMPO Technical Committee – Mr. Mitra reported that he was not able to attend but watched some of the meeting on C-NET. Arboretum presentation that asked for activities and partnerships to do with the Township and to contact them; virtual activities have started unique talks; standards on One Water Report. For any stories related to water, please send to Mr. Mitra or chair and it will be publicized. Discussion on action plans.

### **3. STAFF REPORTS**

- a. Manager's Report - Mr. Pribulka touched on some items in his report. Closed on an agricultural easement; Coffee and Conversation virtual event was held this month with local officials in attendance via Zoom; meeting with County Planning on countywide action plan regarding discharge to water sheds; and business needs survey.
- b. Public Works – The report was provided in the packet. Mr. Modricker reported on paving projects; Tree Commission will meet on August 17<sup>th</sup> at 5:30 p.m.; Stormwater Advisory Committee Meeting was postponed until July 29<sup>th</sup> to allow staff to make corrections to impervious coverage determinations, etc...; and report on paving projects and microsurfacing. Discussion followed on the PGM light project per a Board member's inquiry.
- c. Planning and Zoning – The report was provided in the packet. Ms. Wargo highlighted that we have been receiving applications for the COVID-19 flex business resolution that was passed recently and receiving good feedback from businesses in the Township.
- d. Chief of Police – Chief Albright reported on the department's activities for the month of June. Overall, minor and significant crimes are slightly up; overall crimes are down for the year; update on incidents of note; May site accreditation status was passed onsite and have formal acceptance; update on current investigations; and provided use of force summary for June and year-to-date.

### **VIII. COMMUNICATIONS TO THE BOARD - None**

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

- a. Ferguson Township CIP Special Meetings via Zoom, 6:00 p.m., July 21 and 22, 2020.

### **X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 10:42 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 08-03-2020