

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, September 8, 2020
7:00 PM

ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, September 8, 2020, via Zoom. In attendance were:

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

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

Others in attendance included: Rhonda Demchak, Recording Secretary; Anne Burgevin, Ferguson Township Resident; Mr. Jonathan Dietz, Secretary, University Area Joint Authority Board; Corey Miller, Executive Director, University Area Joint Authority Board; Ms. Dorothy Blair, President, Nittany Valley Environmental Coalition; Dr. Catherine Herzog, Ferguson Township Resident; Wes Glebe, Ferguson Township Resident; Pam Steckler, Ferguson Township Resident; Marie Strickler, Ferguson Township Resident; Jeremie Thompson, Ferguson Township Resident; Jack Thomas, Ferguson Township Resident; Ed Cullen, Ferguson Township Resident; Dave Stone, Ferguson Township Resident; Walter Barker, Ferguson Township Resident; Mr. Mark Kunkle, Ferguson Township Resident; Tom Songer, Ferguson Township Resident; John Sepp. Penn Terra Engineering

I. CALL TO ORDER

Mr. Miller called the Tuesday, September 8, 2020, regular meeting to order at 7:00 p.m.

Mr. Miller noted that there was an Executive Session held on August 26, 2020, to discuss personnel and property acquisition.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised as a virtual meeting via Zoom. 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

Dr. Catherine Herzog, Ferguson Township Resident, an Epidemiologist and PhD graduate of PSU Center for Infectious Disease Dynamics, introduced herself and commented on her concern of Section 4.b of the Township's COVID-19 Safety Ordinance regarding the exemption of persons whose religious beliefs prevent them from wearing a face covering. Dr. Herzog stated that the Township should consider removing this section from the Ordinance because face masking is highly effective, and the Township should eliminate as many exemptions as possible. Mr. Mitra asked about masking efficiency for children. Dr. Herzog noted that the current CDC guidelines (including sources at bottom of page linked):

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/cloth-face-cover-guidance.html>

Masks should not be worn by:

- Children younger than 2 years old
- Anyone who has trouble breathing
- Anyone who is unconscious, incapacitated, or otherwise unable to remove the mask without assistance

III. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the Board of Supervisors Minutes of August 17, 2020. Mr. Mitra seconded the motion.

IV. SPECIAL REPORTS

1. COVID-19 (Coronavirus) Response Report

Mr. Pribulka noted that since his last report the Centre County Emergency Operations Center has reconstituted its Level 2 virtual activation status. Essentially it means that they are meeting weekly as a group to talk about and coordinate response efforts largely due to the return of PSU students. Regional updates since the Level 2 activation have been relatively nominal. With the decision of the State College Area School District (SCASD) to return to remote learning there have been some Township employees who have returned to virtual working from home due to childcare needs. The Township offices will remain open daily Monday thru Friday from 10:00 a.m. – 2:00 p.m. The public needs to wear masks when in the office and to respect social distancing. Mr. Pribulka received and accepted a position on the Town & Gown Taskforce on Coronavirus Response initiated by PSU, State College Borough, and the Chamber of Business and Industry. The Taskforce includes representatives from the Centre Region Municipalities, PSU, CBICC, Centre County Adventure Bureau, Mount Nittany Health System, the Downtown Improvement District, and several others. Mr. Pribulka thanked the staff for their patience as the Township recovers from the COVID crisis. Ms. Strickland noted her concerns with the number of cases of COVID-19 and the complexity of their meaning that were released today, September 8, 2020. Mr. Pribulka noted that the reporting from the Department of Health is delayed on the reporting. PSU has a dashboard that can be accessed. Mr. Pribulka noted that he is not aware of any other initiatives by the University to modify their reporting to better comprehend the numbers. Ms. Dininni noted that during the Public Safety meeting today, the topic of comprehending the numbers were also discussed. Ms. Strickland asked if COG reached out to the Township's liaison Gretchen Brandt at the SCASD to see if there are any ways that COG or any other municipalities could be of assistance. Ms. Dininni will invite Ms. Brandt to the next Public Safety meeting in October.

2. UNIVERSITY AREA JOINT AUTHORITY

Mr. Jonathan Dietz, Secretary, University Area Joint Authority Board, gave an update on the Authority. UAJA is continuing to operate effectively through the COVID-19 pandemic. Revenue is down a little, but they are not too concerned. Other activities, the Odor Management Project control has been completed and is up and running. The UAJA started the second phase of the Solar Panel Project. Construction will begin in October and will take about 6-9 months to complete. The Shiloh Road Pump Station construction will temporarily impact the bike path on Trout Road. The Beneficial Reuse Extension to Mountainview Golf Course has been permitted. The project is 50% complete and expected to be completed in the spring of 2021. The Greenbriar Sewer Project is connecting septic systems to UAJA and UAJA gets a nitrogen credit per house connected with existing systems. There were 86 out of 90 homeowners that have chosen to connect. 55 have already been connected. This

project will be completed in December. Ms. Dininni commented that the Board has been working hard on an Affordability Housing Act and inquired if UAJA would consider discussing a tapping fee. Mr. Dietz noted that he will place this topic on the next UAJA Board agenda, but it would take a special Board action to pass such a change to the existing tapping fees.

3. UNIVERSITY AREA JOINT AUTHORITY SOLAR PROJECT

Mr. Corey Miller, Executive Director, University Area Joint Authority Board, presented slides to the Board regarding the Residential Solar Pilot Program – Leveraging Renewable Energy for Long-Term Nutrient Capacity. The largest area of opportunity for expanding this is in Residential and Commercial properties. The biggest obstacle to install is the upfront capital cost. Mr. Miller described how the program works. The homeowner would be utilizing UAJA to finance their solar project over a period of time. The solar panels would be installed by local solar installers under contract with Solar Renewable Energy and over a period of time UAJA will pay Solar Renewable Energy for six years and then after that UAJA would own them. After UAJA takes ownership the resident would pay a quarterly fee for solar implementation. The UAJA gains Nutrient Offsets and Solar REC's along with supplemental revenue stream. The UAJA makes fixed payments to the developer until year 7 and then takes ownership of all facilities. At the end of the term (e.g. 20 years), the property owner has an option to take ownership of the solar system. The benefits from the Pilot Program 85,000 to 95,000 Nitrogen Offsets over the life of 20 years. There would be approximately 5-10% reduction in annual electric cost for participants, significant reduction in GHG Emissions, and eliminates capital constraint for wider implementation of renewable energy. The UAJA would like the municipalities to endorse the project before they proceed any further. The Board unanimously agreed to endorse the program.

4. FERGUSON TOWNSHIP SECOND QUARTER FINANCIAL REPORT

Mr. Eric Endresen, Director of Finance, gave the financial report that ended on June 30, 2020. Mr. Endresen went over the change in cash balances over the last four years; the general fund budget to actual and noted that the Township is on par; and tax revenues year to date. Notables year to date include tax revenues are meeting budget; 96.7% of real estate taxes have been collected; received \$662,000 in liquid fuels grant funding; received \$55,3324 in health insurance refunds from 2019; received \$231,366 in recycling equipment grants; received \$23,650 in equipment sales; and received \$80,000 in state roadway grants. Mr. Endresen indicated that the Township spent \$1.57 million on the public works YTD; spent \$84,600 on pavement markings; spent \$37,800 on asphalt roller; spent \$32,700 on administration building renovations; and spent \$9,800 on street trees.

5. FERGUSON TOWNSHIP PUBLIC WORKS MAINTENANCE FACILITY UPDATE AND VIRTUAL TOUR

Mr. Dave Modricker gave a presentation and update on the progress of the maintenance facility building. Fiore was granted the contract for general construction; Westmoreland Electric for electric; and Allied Mechanical & Electrical for Plumbing and HVAC. As of August, the project is 48% complete based on the schedule. The building went under construction on March 16, 2020. Due to COVID-19, the project was closed for 20 days, 6 for weather days, and 3 for holidays. The new completion date is November 26, 2020. Total expenses to date are at \$2.5 million and the total expected is \$7.76 million. Mr. Modricker shared slides of the ongoing project.

V. UNFINISHED BUSINESS

1. PUBLIC HEARING – TEMPORARY EMERGENCY ORDINANCE TO REDUCE TRANSMISSION OF COVID-19

Mr. Pribulka presented the ordinance that was provided with the agenda for a public hearing extending the local requirements on the wearing of face coverings to combat the spread of the COVID-19 pandemic. The ordinance as presented is substantively the same as the version enacted on August 17th; however, since hearing testimony from Dr. Herzog earlier in the evening and staff is recommending the removal of the religious exemption described in Section 4. The ordinance has been advertised without that provision. There is no requirement to provide this exemption, and a local epidemiologist has raised a concern about its inclusion. If adopted, the ordinance would expire with the rescinding of the emergency declarations of the Centre Region Council of Governments and the Pennsylvania Department of Health, or January 31, 2021, whichever is earlier. Staff is recommending adoption. During the public hearing the following people spoke:

Ms. Dorothy Blair, Harris Township Resident, and President, Nittany Valley Environmental Coalition, shared her concerns with the lack of language regarding gathering size in the current ordinance.

Mr. David Stone, Nittany Valley Environmental Coalition, also shared his concern with the lack of language regarding gathering size and suggest to the Board to mimic the Borough ordinance.

Mr. Wes Glebe, Ferguson Township Resident, - audio was unintelligible to note his comments.

Ms. Pam Strickler, Ferguson Township Resident, questioned why the gathering size was left out of the ordinance. Mr. Pribulka noted that it was left out to be in step with the PA Dept. of Health has placed in their guidance.

Jeremie Thompson, Ferguson Township Resident, commented on limitation in stores and pointed out that there have been people shopping in larger groups and asked the Board to take a look at this language.

Mr. David Stone noted that Ferguson has more authority than College and Patton due to being a Home Rule. The Township should have a clear limit on size. Mr. Stone noted that this could be a confidence building experience between the community and the police.

Mr. Jack Stone, Ferguson Township Resident, asked if a citizen's arrest could be done if they see someone not obeying the ordinance. Chief Albright noted that you can't make a citizen's arrest but to call the non-emergency telephone number at the police station.

Mr. Miller closed the public hearing and asked for a motion from the Board

Ms. Strickland moved that the Board of Supervisors **adopt** the temporary emergency ordinance requiring the wearing of face coverings and implementing additional regulations to reduce the risk of transmission of the COVID-19 virus. Ms. Dininni seconded the motion.

Mr. Miller noted that if the Board makes significant changes to the ordinance the Board would have to continue a public hearing and pass it at a later date.

Continued discussion among the Board ensued regarding size limitation and language to clarify size limitation and social distancing.

Ms. Dininni expressed concerns with the language of Section 3.D while participating in recreational physical activities, whether outdoor or indoor.

Mr. Mitra moved that the Board of Supervisors **amend** Section 3.D to add as long as there is a distance of at least 6 feet between individuals is being maintained. Ms. Dininni seconded the motion. The motion passed unanimously.

Ms. Dininni noted that Section 3.A is not clear and proposed additional language. Mr. Miller purposed using the word residence before the word private.

Ms. Dininni moved that the Board of Supervisors **amend** Section 3.A to add the word resident's before private dwelling. Mr. Mitra seconded the motion. The motion passed unanimously.

Mr. Mitra noted that he has received comments with respect to Section 4.A, wearing of face coverings shall not be required under the following circumstances: Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering; as described in Section 3 of the Order of the Secretary of Pennsylvania Department of Health Requiring Universal Face Coverings dated July 1, 2020. Mr. Mitra noted that this is another area where the Township diverged from the Borough Ordinance. Mr. Mitra suggested having the person obtain medical documentation exemption, but not list the illness. Mr. Miller noted that we should not go beyond what that PA Dept. Health states in their guidance and would not vote for an amendment. Ms. Dininni stated that she is on the fence with this suggestion because of people taking advantage of the situation. Ms. Strickland noted that she concurs with Ms. Dininni's comments.

With regards to language around size gatherings, Ms. Strickland suggested adding stronger restrictions. Mr. Pribulka noted that if the Board changes the gathering sizes that the ordinance would need to be re-advertised for September 21st with action this evening to expand the temporary emergency ordinance that expires at midnight tonight. Ms. Dininni stated that she is not interested in restricting indoor gatherings to any more than 25. Ms. Strickland agreed with 25. Mr. Mitra agreed with 25, but not with the outdoor number of 250. Ms. Dininni asked the Board if they felt comfortable with 50 people for outdoor gatherings with some exemptions. Mr. Mitra was comfortable with that number. Ms. Stephens was comfortable with that number too.

Mr. Mitra moved that the Board of Supervisors **add** language to the ordinance to limit the number of residential gatherings to no more than 25 and outdoor gathering of no more than 50 people. Mr. Mitra modified his motion that the Board of Supervisors add language to the ordinance to limit the number of residential gatherings to no more than 25 and outdoor gathering of no more than 50 people with exemptions for weddings, funerals, protests, park and rec, little league, demonstrations, public and private schools and religious functions.

Mr. Mitra removed his motion.

Mr. Mitra moved that the Board of Supervisors **limit** the number of residential gatherings to no more than 25 and outdoor gatherings of no more than 50 people with exceptions for weddings, funerals, protests, park and rec, little league, demonstrations, public and private schools and religious functions while maintaining social distancing. Ms. Strickland seconded the motion.

Continued discussion on exemptions ensued.

Mr. Mitra moved that the Board of Supervisors **add** a limitation on gathering size section which follows Ordinance 2145 as past by the State College Borough with amending the outdoor limits to 50 people. Striking off 5.F and amending 5.G to allow for religious functions specifically mentioning outdoor churches and allowing for private sports activities in outdoor settings and the Welch Pool. Ms. Stephens seconded the motion. The motion passed 4-1.

Mr. Mitra moved that the Board of Supervisors **amend** the exception for wearing of face coverings due to medical conditions and add that documentation must be presented from a licensed medical professional in order not to be cited. The motion did not pass.

Ms. Dininni moved that the Board of Supervisors **continue** the public hearing until the next meeting on September 21, 2020. Ms. Strickland seconded the motion. The motion passed unanimously.

Ms. Strickland moved that the Board of Supervisors **extend** the temporary ordinance until September 21, 2020. Ms. Dininni seconded the motion. The motion passed unanimously.

2. PUBLIC HEARING – RESOLUTION ADOPTING 2021-2025 CAPITAL IMPROVEMENT PROGRAM BUDGET

Mr. Pribulka presented the Capital Improvement Program Budget. On August 17th, the Board authorized advertisement of a public hearing on the 2021 – 2025 Capital Improvement Program Plan (CIP). The CIP has been presented by the Township Manager and reviewed by the Board of Supervisors at two public special meetings, as well as a virtual road tour where proposed street projects were reviewed. Changes that have been made by the Board at the special meetings and on August 17th have been incorporated in the document. Provided with the agenda is a copy of the resolution as advertised for public hearing. A link to the revised 2021-2025 CIP is provided on the Township's [website](#).

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution adopting the Capital Improvement Program Budget for the years 2021 through 2025. Ms. Stephens seconded the motion. The motion passed unanimously.

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

3. PUBLIC HEARING – RESOLUTION RECEIPT OF CARES ACT COUNTY BLOCK GRANT FUNDING

Mr. Pribulka presented the resolution. Provided with the agenda is a copy of a resolution advertised for public hearing authorizing the Chairman and Secretary to execute an agreement with Centre County for the receipt of \$183,158 in Federal CARES Act funding for a variety of eligible pandemic-related expenditures. The county has determined the allocation based on Census Data and describes stipulations in the agreement of eligible reimbursement expenses under the program. Staff have been tracking costs associated with the pandemic, and we are currently evaluating additional options for receipt of the funding prior to the December 31, 2020, deadline. However, the county would like to obtain reimbursement receipts by October 31, 2020. The agreement is appended to the resolution as an exhibit.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution approving an agreement with Centre County for the receipt of CARES Act County Relief Block Grant Funding. Ms. Stephens seconded the motion. The motion passed unanimously

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

4. STORMWATER UTILITY FEE ORDINANCE – AUTHORIZATION FOR PUBLIC HEARING

Mr. Modricker introduced the ordinance. Provided with the agenda is a copy of a draft ordinance for consideration for authorization for public hearing establishing a stormwater management utility fee beginning fiscal year 2021. The Board received a presentation from Elizabeth Treadway of

Wood at the August 17th regular meeting. The Board is being asked to schedule a public hearing for an agreeable date later in the month of September. A suggestion of Wednesday, September 23, 2020, at 6:00 p.m. has been provided in the recommended motion. While the draft ordinance suggests a billing unit be established based on 1,000 square feet of impervious area, the Board is asked to provide direction on whether this billing structure or an Equivalent Residential Unit (ERU) billing structure is more desirable. Additional outstanding items to be discussed this evening include the following:

- Should equipment be purchased in this fund or contracted out? This may be a case-by-case basis, but the Stormwater Advisory Committee was split on this issue. Staff's recommendation is that a sinking fund be established with the intent of purchasing equipment in the seventh year of the program.
- Should pipe lining continue to be funded through the Transportation Improvement Fund or should it transition to the Stormwater Management Utility Fund? Staff is recommending a transition over time, with the TIF being used to subsidize the project until the fund becomes more stable.
- Should there be a credit policy manual to accompany the program to off-set property owners' obligations under the fee? If so, what should the maximum eligible credit allowance be capped at? Staff is recommending that a credit policy manual be established and that the maximum credit allowance be limited to forty percent (40%) of the total fee per property.

Ms. Dininni noted that she has strong feelings regarding the ERU billing systems and does not want it. Ms. Dininni prefers it be tied to the actual square footage as close as possible and the credits be related to what happens in reality.

Mr. Miller noted he doesn't feel strongly one way or the other on the two systems.

Mr. Modricker reviewed a slide that explained the two billing units. Mr. Mitra noted that he would go with the Fixed Billing Unit.

Mr. Modricker reviewed examples of Agricultural Classified Parcel.

Mr. Mark Kunkle, Ferguson Township Resident, requested the Board to delay the ordinance. Mr. Kunkle noted that the residents are unaware of the financial impact and how much it will be each year. Mr. Kunkle stated that the Townhall meeting was poorly attended and that property owners are not engaged. Mr. Kunkle indicated that the ordinance is poor timing because of the COVID-19 pandemic and asked if the Board truly heard from the community on the matter.

Mr. Walter Barker, Ferguson Township Resident, asked that the Board to think hard on passing the ordinance and that the fee is just another long-term tax increase.

Mr. Tom Songer, Member of the Ferguson Township Stormwater Advisory Committee, noted that he owns non-residential property in the Township and was once a resident. Mr. Songer supports what the staff is doing for the future of the Township. Mr. Songer noted that the annual budget for the Stormwater fees average \$1,770,000 per year over eight years, 2021 thru 2028. The personnel cost average is over \$500,000 per year. The cost related to the maintenance and replacement of Storm Sewers, MS4 permits, and other things related to road maintenance could be paid for from the Transportation Improvement Fund which is how it is currently being paid. Mr. Songer stated that if the Township needs more money for improvements and can't afford the improvements

through the TIP budget, than Mr. Songer feels that the Township should increase taxes but noted that he doesn't want a separate tax or fee. Mr. Songer stated that he is not in favor of the ordinance.

Mr. Miller stated that the Board should move forward with a public hearing and feels the Board advertised this very well. Mr. Miller noted the fee is a better way to fund the project rather than taxes and feels the ERU would be a simpler way to manage. Ms. Dininni noted that she is still undecided and wants to ensure fairness. Ms. Dininni noted that if the Board makes this either a fee or a tax, more people will be interested and involved. Ms. Strickland noted that generally she is not supportive at this time whether it is a fee or tax for the residences. There are a lot of questions that Ms. Strickland has not been able to get answered sufficiently. Ms. Strickland is concerned because the assessment of what the actual costs are going to be is done after the fee is implemented and the Township can only give estimates right now. Ms. Strickland suggested that perhaps the Township do some temporary cost saving measures that could include, freezing new hires, delay equipment purchases, and delay road maintenance, etc. to fund this project. Ms. Strickland noted that she realizes stormwater is important but disagrees on how it is going to be funded. Mr. Mitra stated that he too wants to ensure fairness and wants the program to be revenue neutral. Mr. Mitra shared his concerns with not knowing what the actual fee will be and advised that we give the residence precise information. Mr. Pribulka commented on the revenue neutrality point because it has come up over the last three years. Part of the concern Mr. Pribulka shared was that while the revenue neutrality seems equitable it is actually creating more equity in some respects than addressing what is trying to be achieved, so that is not recommended. Mr. Pribulka noted that his role as the manager is to provide everyone with the best information so a decision can be made. Ms. Stephens noted that she is torn and has concerns with the cost to the residents, but also stated that it would be irresponsible to ignore the situation.

Ms. Dininni indicated that the Board should move forward with a public hearing because this might get more people engaged, but also stated she is in no hurry either. Mr. Pribulka suggested to schedule a public hearing for September 23rd, but this be a stand-alone agenda item. Staff will send a post card mailer to the residents of Ferguson Township to participate. Mr. Pribulka noted that it is critical that the ordinance has what the billing unit will look like.

Ms. Dininni moved that the Board of Supervisors **hold** a special meeting on Wednesday, September 23, 2020 at 6:00 p.m. and **authorize** advertisement of a public hearing on the proposed Stormwater Utility Fee for Monday, October 5, 2020 at 7:00 p.m. Ms. Stephens seconded the motion. The motion passed unanimously.

Mr. Pribulka noted that staff will mail out a postcard with both dates. The Board decided to have C-NET broadcast the special meeting on September 23, 2020. Mr. Miller encouraged all Board members to send Mr. Pribulka and/or staff any questions prior to the special meeting. The Consultant will attend the special meeting on September 23rd as well.

5. CONTINUED DISCUSSION – RECREATIONAL FIRE/SMOKER REGULATIONS

Ms. Dininni introduced the regulations and noted there have been complaints and concerns with regards to recreational fires, outdoor cooking units, and the effects to adjacent neighbors. Ms. Dininni prepared an extensive research document on how other municipalities handle these situations and recommendations. Ms. Dininni presented the following proposals:

- 1) Open burning, recreational fires and fireworks shall be prohibited for the duration of any drought watch, warning or emergency declaration as it is a safety concern and it requires the availability of water resources, which are meant to be conserved during these times.
- 2) Open burning shall be prohibited in all zoning districts within the regional growth boundary and in all residential districts (R1, R2, R3, R4) across the Township.

- 3) All open burns and smokers shall be at least 50 feet from adjacent property lines. Recreational fires 20 feet.
- 4) All permitted open burns shall have a clearing of 30 feet surrounding them.

If you live in a **wildland-urban interface** (where homes meet wildlands), create a 30-foot zone of fire-resistant space around your home and consider using fire-resistant plants and landscaping.

- 5) A recreational fire shall be defined as any outdoor fire with a fuel area no larger than 3' wide by 2' high, is not contained in an outdoor fireplace or BBQ grill and is used for pleasure, religious, ceremony, cooking, warmth, etc. This is the typical campfire or fire ring.
- 6) All recreational fires shall have a clearing of 10 feet surrounding them. If the recreational fire is on the ground (as opposed to in an approved fire vessel) the fire shall be in a pit 1 foot deep and surrounded by rocks or noncombustible material, such as concrete pavers.
- 7) Recreational fires are for recreation, not for burning yard waste or trash. Fuel should consist of cut and dried wood or untreated lumber. If you are burning yard waste, you will be asked to extinguish the fire and apply for an open burn permit. If your fire creates or adds to a hazardous condition you will be asked to put it out. We ask that you be sensitive to how smoke may affect your neighbors.
- 8) Grills, smokers and other outdoor cooking devices shall be attended at all times.
- 9) Burning of leaves is strictly prohibited across the Township.
- 10) Open burning shall be prohibited if winds are expected to gust at 20 mph or more.
<https://www.weather.gov/riw/agburning>
- 11) Multiple violations (3 in a calendar year) of fire safety regulations shall result in fines (warning, \$100, \$300) and a one-year suspension of open burn permitting.

The Board noted that the document Ms. Dininni prepared was well researched and was supportive. Chief Albright noted that they do not have maps that indicate the residential districts. Mr. Pribulka noted that it will likely be a two-step regulation process.

Ms. Dininni moved that the Board of Supervisors **direct** staff to draft an ordinance based on 11 suggestions made by Ms. Dininni regarding regulation of open burning, recreational fires, and outdoor cooking devices. Mr. Mitra seconded. The motion passed unanimously.

VI. NEW BUSINESS

1. CONSENT AGENDA

- a. Award 2020-C9, Pay App 1, Microsurfacing: \$334,429.68
- b. Award 2020-C9, Pay App 2, Microsurfacing: \$17,601.56
- c. Treasurer's Report for Acceptance – July 2020
- d. Board Member Request – HR 763 Support Resolution

Ms. Dininni moved that the Board of Supervisors **approve** the Consent Agenda. Ms. Strickland seconded the motion. The motion passed unanimously.

2. REQUEST FOR WAIVER – PARKVIEW SUBDIVISION

Ms. Wargo presented the waiver request. On August 24, 2020, Penn Terra Engineering, on behalf of their client, submitted an application for Consideration of a Modification/Waiver for the Parkview Subdivision located at 1401 Circleville Road (TP: 24-118-128 and 24-118-12A), for relief from §22-306—Minor Subdivision and Minor Alteration Plan. This section of the ordinance outlines a process and application requirements for a Minor Subdivision; however, what was left out of this chapter during the Subdivision and Land Development Ordinance update is what constitutes a minor

subdivision. Minor subdivision isn't defined in the Township's ordinances, nor in the Pennsylvania Municipalities Planning Code (PA MPC). Staff believes that there was intent to provide an expedited process for minor subdivisions and that the Parkview Subdivision is considered to be minor in nature. Included in the packet is a copy of the application submitted as well as the Parkview Subdivision Plan. Planning Commission reviewed the modification/waiver at their August 24, 2020 regular meeting and recommended approval of the application.

Ms. Dininni moved that the Board of Supervisors **grant** the waiver from §22-306—Minor Subdivision and Minor Alteration Plan for the Parkview Subdivision Plan. Mr. Mitra seconded the motion. The motion passed unanimously.

3. PARKVIEW SUBDIVISION PRLIMINARY/FINAL PLAN

Ms. Wargo presented the final plan. A subdivision/replot submitted by PennTerra Engineering, Inc., on behalf of their client, Alec J. Pringle and Jodie L. Green, owners of the two parcels located at 1401 Circleville Road and 1403 Circleville Road respectively. Tax parcel 24-118-128, referred to as Lot 3R on the subdivision plan is currently 0.786 acres. Tax parcel 24-118-128A, referred to as Lot 4 on the subdivision plan is currently 1.971 acres. This replot is proposed to add 0.505 acres to Lot 3R to create a 1.291-acre parcel (Lot 3RR). Lot 4 will be reduced to 1.387 acres (Lot 4R), with this replot. There is a shared access driveway to both parcels. The parcels are zoned Single-Family Residential (R1). Planning Commission reviewed this plan at their August 24, 2020, meeting and recommended approval. Included with the agenda is the Parkview Subdivision Plan as well as a memorandum from the Planning and Zoning Director dated September 2, 2020, listing outstanding staff comments.

Ms. Dininni moved that Board of Supervisors **approve** the Parkview Subdivision pending outstanding staff comments outlined in the Director of Planning and Zoning's memorandum dated September 2, 2020. Mr. Mitra seconded the motion. The motion passed unanimously.

4. REVIEW DRAFT CENTRE COUNTY LONG RANGE TRANSPORTATION PLAN 2050

Mr. Pribulka reviewed the transportation plan. A link to the [Centre County Metropolitan Planning Organization \(CCMPO\) DRAFT 2050 Long Range Transportation Plan \(LRTP\)](#) was provided with the agenda. This update is somewhat unique as noted on the CCMPO webpage: "The new LRTP 2050 is a transitional plan that includes several elements of the current plan but adds new information about the data-driven, performance-based transportation planning approach now required by federal regulations. However, because more data must be compiled and analyzed by the CCMPO, PennDOT, CATA, and the Centre County Office of Transportation to make the full transition to a performance-based plan, the CCMPO anticipates updating the LRTP again in the next 2-3 years, instead of the typical 4-5 year time-frame." The public comment period on the draft document opened on Friday, August 14th and concludes on Monday, September 14th. Ms. Strickland is the Township's representative on the CCMPO Coordinating Committee and Ron Seybert, Township Engineer, is the Township's representative on the CCMPO Technical Committee. Ms. Strickland noted that the realignment project at Rt. 26 & 45 in Pine Grove Mills is still on the plan for 2041. Ms. Strickland suggested to separate the traffic light from the realignment project so that it can get moved up on the plan as a safety project and request that the realignment project be removed. This might enable the traffic light project to be moved up on the transportation plan. Ms. Strickland noted that she feels the realignment project is unlikely to be done as it is on the plan for 2041. Ms. Dininni stated that she supports Ms. Strickland's idea. Mr. Pribulka indicated that there are a lot of concerns at the intersection due to a fatal accident in 2006 and then shortly after a near fatal accident where a car ran into the house. Mr. Pribulka stated that those safety concerns would not be addressed through signalization, but rather through the realignment project. Mr. Modricker had concerns over the lack of geographic improvements over what is in place there

now. Ms. Strickland stated that it is more than just a safety issue with cars but also for bikes and pedestrians. Ms. Dininni suggested writing a letter to include the options to be framed as we are willing to separate out the light because of bicycle and pedestrian safety improvements. The Board agreed having a letter written. Mr. Pribulka will draft a letter and share with the Board in the near future.

5. PROCLAMATION – CENTRE REGION FALL BIKE EVENTS AND ACTIVITIES PLAN

Ms. Martin presented the proclamation. Provided with the agenda is a proclamation to promote and support the fall 2020 Centre Region Bike Events and Activities. This Proclamation of Ferguson Township will designate September 21, 2020, to September 27, 2020, as "Bike-To-Work Week", September 22, 2020, as "Bike-To-Work Day" and September 25, 2020, as "Bike Anywhere Friday". The Township will partner with the Centre Regional Planning Agency to promote and publicize the bicycle-friendly events and activities sponsored by community partners CentreBike, Centre Region Parks and Recreation, Centre Moves, Penn State Transportation Services, and State College Borough. The Township will also coordinate with the Centre Region Planning agency with a virtual bike chat event. The date and time will be announced in the near future. The bike chat event will offer bike safety tips, destination fun spots, and a Q&A session.

Ms. Dininni moved that the Board of Supervisors **proclaim** September 21, 2020, to September 27, 2020, as "Bike-To-Work Week;" September 22, 2020, as "Bike-To-Work Day;" and September 25, 2020, as "Bike Anywhere Friday." Mr. Mitra seconded the motion. The motion passed unanimously.

6. REVIEW OF DRAFT GREEN INFRASTRUCTURE POLICY

The Board agreed to review the Draft Green Infrastructure Policy at a later date due to the lateness of the meeting and also, the importance of the review.

7. AWARD OF CONTRAT 2020—C3, CURED-IN-PLACE PIPE LINING

Mr. Modricker introduced the project. On August 12, 2020, bids were opened publicly and read aloud for contract 2020-C3. The bid was advertised in the Centre Daily Times and was sent out to potential bidders. The contract involves installing cured in place liners in storm water pipes. Provided with the agenda is a memorandum from the Assistant Township Engineer dated August 13, 2020, recommending award of the contract.

Ms. Strickland moved that the Board of Supervisors **award** Contract 2020-C3, Cured-in-Place Pipe Lining, to National Water Main Cleaning Company in accordance with their bid in the amount of \$425,979.00. Mr. Mitra seconded the motion. The motion passed unanimously.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Executive Committee – No report.
- b. Finance Committee – Ms. Strickland attended the meeting and they reviewed the COG Program Plan. The pumps at the pool will only be replaced in the event they are not working. The Parks and Rec. Activity Guide will likely do one summer printing next year.
- c. Human Resources Committee - Ms. Stephens noted that the report is in the packet and the only motion they made was on the passing of the employee relations budget which was approved.

- d. Public Safety Committee – Ms. Dininni noted they had their meeting today, September 8, 2020. Dan Murphy, Chair of the State College Borough Council recently resigned, so Ms. Dininni will move from Vice Chair to Chair. Ms. Dininni thanked Mr. Murphy for his service. They reviewed the Articles of Agreement for the Centre Region Building & Housing Code Board of Appeals and will be proceeding with the adoption. They discussed and moved forward with the sale of Fire Police Vehicles to the Bellefonte Borough. Reviewed a proposal for a part-time hire of a third Assistant Chief or a Captain, to be primarily focused on rescue related training and equipment; however, the Fire Director believed that establishing an additional career position prior to receiving the ESCI study is undesirable, as such a position may not compliment hiring that is likely to occur in 2022 (as recommended by the study). Subsequent discussions among the department's officers, and analyses of the department's volunteer and staff capacity, have yielded a short-term remedy for the present situation through 2021 which involves part-time hiring. It is proposed that COG authorize the hiring of one or more persons at a rate of \$20 per hour for a combined total of 832 hours in fiscal 2021. The total cost of this proposal is \$18,088 of which \$16,640 is direct wages. The program budget for 2021 is impacted by 1.4%. Reviewed the budget amendment for a tanker purchase. The Committee moved a motion that the Finance Committee as recommended by the Public Safety Committee authorize the issuance of a purchase order that will encumber up to \$463,163 as identified in the 2020 COG budget – Fire Operating and the 2020 to 2024 Capital Improvement Plan. Ms. Dininni noted that much of the meeting was dedicated to the staff updates. Walt Schneider put forward that he is considering an increase of fees on existing structure permits and new construction permits. After extensive dialogue the Committee had consensus to support the increases because the code reserve is rapidly depleting. It will be a small increase. The Fire Protection Study is completed and is in the final formatting process. Shawn Kauffman discussed COVID-19.

2. OTHER REGIONAL REPORTS

- a. Climate Action Adaptation Technical Advisory Group – Mr. Pribulka had a scheduling conflict and was unable to attend.
- b. Spring Creek Watershed Commission - Mr. Mitra noted that they discussed the funding for the one watershed and given the economical impact of COVID-19, the Commission is going to delay the project. In the meantime, they will concentrate on external sources of funding other than municipalities.

3. STAFF REPORTS

- a. Manager's Report - Mr. Pribulka noted that his report is in the agenda. The Homestead Park playground has been temporarily closed until the safety issues on the equipment can be addressed. Ms. Dininni suggested asking the Centre Region Park and Recreation to fund the equipment.
- b. Public Works – Mr. Modricker's report was included in the agenda.
- c. Planning and Zoning – Ms. Wargo's report was provided in the agenda. There will be more joint meetings with the Planning Commission and the Board.

VIII. COMMUNICATIONS TO THE BOARD

Ms. Dininni received communication from a resident about the construction by PSU behind the Houts property. The Storm Water Basins had water in them and the resident was concerned because they weren't draining and concerned about mosquitos. Mr. Modricker and Ms. Wargo will follow-up.

IX. CALENDAR ITEMS - SEPTEMBER

1. Monday, September 7th, Ferguson Township Administrative Offices are closed for Labor Day.
2. Tuesday, September 15th at 6:00 p.m., Board of Supervisors & Planning Commission Special Meeting on Zoning Map Amendments, Zoom virtual meeting information can be found at:
 - o [Zoning Map Amendments Special Meeting](#)
3. Wednesday, September 16th at 6:00 p.m., Board of Supervisors & Planning Commission Special Meeting on Workforce Housing Ordinance, Zoom virtual meeting information can be found at:
 - o [Chapter 19, Zoning, Section 716, Workforce Housing Special Meeting](#)

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 11:55 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 09-21-2020