

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, December 14, 2020
7:00 PM

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, December 14, 2020, via Zoom in a webinar format. In attendance were:

Board:	Steve Miller, Chairman	Staff:	Dave Pribulka, Township Manager
	Laura Dininni, Vice Chair		Dave Modricker, Director of Public Works
	Prasenjit Mitra		Jenna Wargo, Director, Planning and Zoning
	Patty Stephens		Eric Endresen, Director of Finance
	Lisa Strickland		Chris Albright, Chief of Police
			Centrice Martin, Assistant to the Township Manager

Others in attendance included: Rhonda Demchak, Recording Secretary; Wes Glebe, Ferguson Township Resident; Christine Bailey, Ferguson Township Resident; Bill Keough, Ferguson Township Resident; Deb and Ron Strouse, Ferguson Township Residents; Pastor Paul Tomkiel, Ferguson Township Resident; Vern Squire, President & CEO of Centre County Chamber of Business & Industry (CBICC); Dana Price, Director of Corporate Services, CBICC; Irene Miller, Vice President, Membership Engagement, CBICC; Jeremie Thompson, Ferguson Township Resident

I. CALL TO ORDER

Mr. Miller called the Monday, December 14, 2020, regular meeting to order at 7:00 p.m.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised in accordance to the PA Sunshine Act as a virtual meeting via Zoom in a webinar format. There was also an audio conference bridge that was accessible by dialing the Ferguson Township's main line at 814-238-4651 and then dialing extension 3799. Persons attending the webinar as members of the public and wanted to participate were asked to enter their name, municipality, and topic by utilizing the Q&A bubble at the bottom of the screen. C-NET is recording as well. Mr. Pribulka took Roll Call and there was a quorum.

II. CITIZENS INPUT

Mr. Kevin Mullen, Ferguson Township Resident, stated that the University Area Joint Authority (UAJA) over charges him and has for 21 years. Mr. Mullen's [website](#) details the issues he has been dealing with. Mr. Mullen inquired if the Township appointed the representative to the UAJA and if he is not chosen, would like to set up a public meeting to discuss his concerns with the new person. Mr. Miller noted the selection will be made on January 4, 2021.

Ms. Christine Bailey, Ferguson Township Resident, expressed concerns with the proposed plan of a Brew Pub and Restaurant that is being placed in the building at 1004 West College Avenue. Ms. Bailey noted that since the proposal is a minor alteration, the Board and the Planning Commission don't review the plan. Ms. Bailey stated that some ordinances are applied, and others are ignored and asked why. Ms. Bailey stated that on the drawings there is an alley that has a 20-foot right-of-way, but it is only 16 feet wide. The proposed plan for the Brew Pub and Restaurant has 98 seats and 14 seats at the bar. Ms. Bailey noted that there is an additional permit under review for a large fenced in area and asked if a traffic study should be completed. Ms. Bailey reviewed her list of concerns.

Mr. Miller asked Staff to explain the difference between minor alterations and a new land development plan. Mr. Pribulka noted that the definition of a minor alteration plan is established under [Chapter 27](#)

[of Zoning](#) and reviewed. Ms. Wargo reviewed the minor alteration plan and noted it is for internal rehabilitation of a commercial building.

Ms. Strickland asked about the timeline of the current application and suggested placing under a Consent Agenda. Mr. Pribulka noted that the Zoning Officer is still reviewing the application, but there would not be an opportunity for the Board to review because it is a minor alteration plan. Mr. Pribulka stated that if the Board would like to discuss future applications and how it relates to the Terrace Streetscape District (TSD), this can be an agenda item at a future meeting.

III. SPECIAL REPORTS

a) PINE GROVE MILLS FARMER'S MARKET ANNUAL BUDGET

Mr. Ron Strouse, Treasurer of the Pine Grove Mills Farmer's Market Steering Committee reviewed a summary of the annual budget. Mr. Strouse noted that Bill Keough and Pastor Paul Tomkiel were in attendance as well from the committee. There were 233 cars at the first market event this year and there were no problems with traffic or parking. A total of 2,675 cars were counted for the year and it was a 27% increase from 2019. It is a 72% increase since the market started in 2018. The committee estimated 2 patrons per car. The Market Manager had an on-line survey to assist with planning future markets. Mr. Strouse reviewed the survey. Average spending was \$10-\$20 per person. Due to COVID-19, the Committee had to limit the number of vendors, but there was an average of 14 vendors. Mr. Strouse stated that the 2020 Market was successful and thanked the Township for the sponsorship.

b) COVID-19 (Coronavirus) Response Report

Mr. Pribulka noted that regional updates can be found on the Centre Region Ready [Facebook page](#) or the [COG website page](#). Also, information can be found on the [Township website](#) and [State College Borough](#). The Municipal Building remains closed to the general public until further notice. Staff is shifting between in person and working remotely to limit interaction in order to provide a safe environment. The Drop Off Box is available and is checked daily. The Police lobby remains open to the public during normal business hours Monday-Friday. The Public is encouraged to make appointments with Staff virtually. Mr. Pribulka reviewed Governor Wolf's new COVID-19 [restrictions](#). There have been 7,344 confirmed positive COVID-19 cases in Centre County. Reported on the State College Borough dashboard, there have been 50,200 negative cases and 106 deaths. Mr. Pribulka thanked residents and business owners for their patience and understanding as the Township recovers and encouraged all residents to stay safe during the holiday season.

Mr. Mitra expressed concerns with police officers being exposed to the public because the Police lobby remains open. Chief Albright noted that the department is busy with walk-ins and the officers are masking and washing their hands. Mr. Pribulka stated that the lobby is segregated from the rest of the building but will monitor.

c) CENTRE COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP REPORT

Mr. Vern Squire, President & CEO of Centre County Chamber of Business & Industry presented the report via PowerPoint. Mr. Squire gave an overview of the response strategy by the CBICC and noted several businesses. Communications with all news and grant information is catalogued and updated on the CBICC website, [CBICC COVID Resource & Response Center](#). Communication topics had a broad range such as Masks Required, Stay Safe, Bingo 4 Biz, CARES Act, etc. The staff at CBICC created a one-pager regarding the CARES Act and was released digitally on March 30, 2020 and mailed later that week. There were several events that took place virtually Yellow Phase, Guidelines for Business; Member Call, Using Your HVAC System to Fight COVID-19, etc. [Centre Strong](#) was launched in July as the community's attention turned toward

how to reintegrate Penn State Students for the Fall semester. To increase communication and collaboration in the community, the Town & Gown COVID-19 Taskforce was created. Mr. Squire thanked Ferguson Township for participating in several taskforce meetings. Mr. Squire reviewed the Remember to Stay Safe This Holiday Season flyer that was sent to members. The CBICC by the numbers for 2020 was reviewed and Centre County received at least \$171M in grant/loan programs which impacted more than 2,300 businesses and 20,000 jobs. The Long Range Transportation Plan was reviewed that centers around the final part of Route 322 improvements. Mr. Squire reviewed the Happy Valley [Agventures](#).

Mr. Mitra asked if the Centre County Economic Development Partnership budget is available on-line. Mr. Squier noted that they do not have a separate budget. Mr. Mitra expressed concerns with the lack of transparency. Mr. Squire noted that they are a 501 C (6) organization and do not have to release financial information.

Mr. Miller moved that the Board of Supervisors **authorize** an appropriation of \$25,000 to the Centre County Economic Development Partnership. The motion failed.

IV. UNFINISHED BUSINESS

1. PUBLIC HEARING – RESOLUTION ADOPTING 2021 ANNUAL OPERATING BUDGET

Mr. Pribulka introduced the 2021 Annual Operating Budget for adoption. Provided with the agenda was a [link](#) to the final Operating Budget. The Board adopted the proposed budget at a public hearing on December 7, 2020. All changes made by the Board to the proposed budget have been incorporated into the final budget presented for adoption.

Public Hearing – No Comments were made.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution approving the Operating Budget for fiscal year 2021, beginning January 1, 2021 and ending December 31, 2021. Ms. Stephens seconded the motion.

Ms. Strickland asked for clarity regarding the Stormwater Fund and if the Stormwater Fee is not adopted, what would be the changes to the Stormwater Fund. Mr. Pribulka noted that if the Board doesn't adopt the Stormwater Fee, there wouldn't be a need to manage a separate Stormwater Fund. Ms. Strickland expressed concerns with the structure and inclusion of the fund that is incorporated in the budget. Discussion continued regarding language in the narrative. Mr. Pribulka will change the language slightly to convey both possibilities of the fee.

Mr. Mitra expressed concerns with the deficit in the General Fund and suggested having a subcommittee next year to review.

Ms. Dininni shared her concerns on spending and also the cuts that were made to the budget.

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

2. PUBLIC HEARING – RESOLUTION ESTABLISHING TOWNSHIP SCHEDULE OF FEES

Ms. Martin introduced the resolution and noted that provided with the agenda is a copy of the resolution advertised for public hearing establishing a new 2021 Ferguson Township Schedule of Fees. The Board reviewed the draft schedule at the Regular Meeting on December 7, 2020. Substantive changes in the 2021 Fee Schedule include the establishment of fees for Workforce Unit Fee-In-Lieu as well as revised fees for solid waste services determined by Centre County

Recycling and Refuse Authority, health inspection services for eating and drinking establishments determined by the State College Borough Health Department, and 1 and 2 family residential for new industrial housing only, non-1 and 2 family residential, fire safety permits, rental housing permits, and plan review fees determined by Centre Region Code Administration Office. Ms. Martin noted that Staff is recommending the removal of the Workforce Housing Unit Fee-In-Lieu from the adopted 2021 fee schedule with the intent to amend the 2021 fee schedule after the Workforce Housing Ordinance is approved and enacted. Staff is also recommending the removal of the fees for the Land Development Review because staff needs more time to review the ordinance.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2019-30 and establishing a new Ferguson Township Schedule of Fees for 2021. Mr. Mitra seconded the motion.

Ms. Dininni moved that the Board of Supervisors **amend** the Schedule of Fees Resolution by removing the Workforce Housing Unit Fee-In-Lieu and the Land Development Fees. Mr. Mitra seconded the motion.

Mr. Miller called a voice vote for the amendment. The motion passed unanimously.

Public Hearing – No Comments were made.

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

V. NEW BUSINESS

1. CONSENT AGENDA

- a. Contract 2018-PWGG, Pay App 8: \$248,865.25
- b. Contract 2020-C4, Pay App 6: \$10,482.40
- c. Voucher Report – November
- d. 2021 FT Planning Commission Schedule
- e. 2021 FT Planning Commission Work Program
- f. The Landings PRD Revised Phasing Schedule
- g. Foxpointe PRD Revised Phasing Schedule
- h. Turnberry TTD Revised Phasing Schedule

Ms. Strickland requested to pull the 2021 FT Planning Commission Work Program from the Consent Agenda.

Mr. Mitra moved that the Board of Supervisors **approve** the Consent Agenda. Ms. Stephens seconded the motion. The motion passed unanimously.

2. ZONING/VARIANCE – 3795 WEST COLLEGE AVENUE

Mr. Pribulka and noted that provided with the agenda is a copy of the application for the variance that was submitted by the State College Borough Water Authority—3795 W College Avenue (24-004-096-0000), zoned Rural Agricultural (RA), is requesting a variance from §27-701.3.C.—Floodplain Conservation, Use Limitations; §27-701.3.H.—Floodplain Conservation, Floodways; and §27-701.3.I.—Floodplain Conservation, Use Buffer to replace an existing bridge on SR 0026 (W. College Ave.) near the intersection of SR 0026 and SR 0045 (Shingletown Road). The bridge replacement is being performed in concurrence with a widening project to allow for enhanced traffic circulation at the intersection of these two roadways. The proposed bridge replacement and roadway widening improvements will require SCBWA to relocate an existing 12” watermain through

existing wetlands and the main channel of Slab Cabin Run. Staff is recommending that the Board remain neutral.

Ms. Dininni moved that the Board of Supervisors remain neutral on the request for variance at 3795 West College Avenue. Ms. Stephens seconded the motion.

Ms. Dininni ask if the Board requested the widening of the bridge to enhance bicycle mobility. Mr. Pribulka noted that it was not officially requested but it was a topic of discussion when PennDot was going through the connect process. Mr. Miller stated that he would normally object placing a structure in a floodplain, but since this is not a structure, Mr. Miller would not object.

The motion passed unanimously.

3. PUBLIC HEARING – RESOLUTION LEVYING 2021 TAXES AND ASSESSMENTS

Mr. Pribulka presented the resolution and noted that provided with the agenda is a copy of the resolution advertised for public hearing establishing taxes and assessments for fiscal year 2021 beginning January 1, 2021 and ending December 31, 2021. Real Estate Tax remains at 2.422 mills. Real Estate Transfer Tax remains at 1.25% of the consideration, or value of transfer. Earned Income Tax remains at 1.4%. Local Services Tax remains at fifty-two dollars (\$52.00) per person, \$5 of which is remitted to the State College Area School District. The changes in assessments is an increase in the Fire Hydrant Assessment from \$.15 per lineal foot to \$.25 per lineal foot and an increase in the Street Light Assessment from \$.27 per lineal foot to \$.29 per lineal foot. These increases are required to keep the funds balanced.

Public Hearing – No Comments were made.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution levying taxes and assessments for the fiscal year beginning January 1, 2021 and ending December 31, 2021. Mr. Mitra seconded the motion.

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

4. PUBLIC HEARING – RESOLUTION ADOPTING REVISED COMP PLAN FOR NON-UNIFORMED EMPLOYEES

Mr. Pribulka presented the resolution and noted that provided with the agenda is a copy of the resolution advertised for public hearing along with an attachment illustrating the non-uniformed employee pay grades and ranges. For 2021, the Board authorized a 1.5% cost-of-living adjustment for non-uniformed employees. A revised compensation plan and salary schedule reflects the 1.5% increase in the cost-of-living allowance. As in prior years, employees will move through their respective pay ranges by achieving merit increases through successful performance evaluations.

Public Hearing – No Comments were made.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution repealing resolution 2019-32 and adopting a revised compensation plan for non-uniformed employees with an effective date of January 1, 2021. Ms. Strickland seconded the motion.

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

5. PUBLIC HEARING – RESOLUTION ESTABLISHING CONTRIBUTIONS TO POLICE PENSION FUND

Mr. Pribulka noted that this is an annual exercise requested by the Board of Supervisors and is in accordance of PA Act 205. The Board of Supervisors is required to establish annually a contribution rate, if any, by members of the Police Pension Plan. Provided with the agenda is a copy of the resolution advertised for public hearing. Based on the Minimum Municipal Obligation Certification provided to the Board on August 17, 2020, members of the Police Pension Plan will be required to contribute 5% of their base salary to the Police Pension Fund in 2021. This contribution rate is the maximum authorized under Pennsylvania Act 600 and is required due to actuarial-determined funding requirements. These member contributions will be added to the municipal contributions in order to keep the plan actuarially sound.

Public Hearing – No Comments were made.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution establishing contributions to the Police Pension Fund by its members. Ms. Strickland seconded the motion.

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

6. PUBLIC HEARING – RESOLUTION ESTABLISHING NEW TREE SPECIES LIST

Mr. Modricker introduced the resolution and noted that provided in the agenda is the revised tree list. The Street Tree List was updated by the Township Arborist to remove certain non-native trees such as but not limited to the Goldenrain Tree, Colorado Blue Spruce, and Hedge Maple. No new trees were added. The Ferguson Township Tree Commission reviewed this item and recommends the update. The list is for street trees and a guide for park tree planting.

Public Hearing – No Comments were made.

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution, repealing Resolution 2015- 29 and establishing a new approved list of tree species, cultivars, and hybrids for street and park planting. Mr. Mitra seconded the motion.

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

7. PUBLIC HEARING – RESOLUTION AMENDING PLANT LIST

Mr. Modricker introduced the resolution and noted that provided in the agenda is the official Township plant list. The official Township plant list is used for the selection of plants and trees when preparing land development landscaping plans for approval. Staff, consultants, and developers will review when preparing and submitting a land development plan. The list is used and was updated by the Ferguson Township Tree Commission in coordination with the Township Arborist to remove certain non-native trees such as but not limited to the Goldenrain Tree, Colorado Blue Spruce, and Hedge Maple, to remove invasive trees and shrubs and ground cover such as but not limited to the Tatarian Maple, Koreanspice Viburnum, and Bugleweed. Some new native trees, shrubs, and ground cover were added.

Public Hearing – No Comments were made.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution amending Resolution 2000-22, the Official Township Plant List, as described in Exhibit “A”. Mr. Mitra seconded the motion.

Ms. Dininni thanked Mr. Modricker and others for their hard work with the list. Ms. Dininni inquired why the Pussy Willow (*Salix discolor*) was not included in the plant list and could it be added. Mr. Modricker will ask the Arborist and the Tree Commission. Mr. Pribulka noted that if it is added, the resolution will not need advertised, but will need to amend the resolution.

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

8. PUBLIC HEARING – RESOLUTION EXECUTING AGREEMENT WITH JOHNSON FARM ASSOCIATES FOR MAINTENANCE OF HAYMARKET PARK DETENTION BASIN

Mr. Modricker introduced the resolution and noted that there was a desire to investigate planting trees in stormwater basins, but there is resistance from a technical aspect from the stormwater engineer. However, with the Board's approval the Township desires to plant trees as a pilot project in the stormwater basin in Haymarket Park. While the Township owns the basin, certain maintenance is to be performed by another party, Johnson Farm Associates. The new agreement revises certain maintenance responsibilities due to the planting of trees. Ferguson Township Public Works will assume the responsibility for tree maintenance and picking up tree debris. In the spring, seedling trees will be planted by the U.S. Fish and Wildlife Service in cooperation with the Township Arborist. The basin bottom was previously re-seeded with a pollinator mix by the same group in 2019.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute an Instrument for the Declaration of Restrictions and Covenants with Johnson Farm Associates for the maintenance of the Haymarket Park Detention Basin. Ms. Strickland seconded the motion.

Mr. Miller stated that he was glad that this is occurring because it will make the area look more natural.

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

9. CONSENT AGENDA - 2021 FT PLANNING COMMISSION WORK PROGRAM

Ms. Strickland asked if the Planning Commission discussed the TSD since it has been removed and could the Planning Commission review. Ms. Wargo noted that the majority of conversation was Item 12, Alley and Private Street Study. Ms. Strickland asked if the Planning Commission could review the ordinance in anticipation of the consultant reviewing. Ms. Wargo indicated that they could review.

Ms. Dininni is interested in the boundaries of the TSD.

Ms. Dininni moved that the Board of Supervisors **accept** the 2021 FT Planning Commission Work Program. Ms. Strickland seconded the motion. The motion passed unanimously.

VI. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Finance Committee – Mr. Miller reported that they reviewed the prioritization schedule and that it was bumped to the Executive Committee. The schedule is located on the Finance page under the December agenda on the [COG Website](#).

2. OTHER COMMITTEE REPORTS

- a. SPPA Working Group – The report is attached to the agenda.

3. STAFF REPORTS

- a. Planning and Zoning – Ms. Wargo noted that there are two additional sub-division and land development plans. The Zoning Hearing Board will meet in January 2021 to review the variance for 3795 West College Avenue.
- b. Chief of Police - Chief Albright noted that the report is included in the agenda. Officers issued several citations at a Halloween party that had approximately 150 guests. Officers responded to a domestic dispute Halloween weekend at a local motel, but before the officers arrived the suspect broke out the second-floor window and threw furniture out of the window. The suspect was intoxicated and has mental health issues. The suspect barricaded himself in the motel room with a handgun. Officers evacuated guests and was able to communicate with the suspect and resolved the incident without injuries. The suspect was taken to the hospital for evaluation and was arranged on charges of criminal mischief and disorderly conduct. The damage to the motel room was approximately \$8,000. Officers found an abandon car with a caged gecko. The animal was still alive, and the gecko was rehomed. A victim was scammed out of \$7,000. The scammer contacted the victim and reported his credentials were stolen and was used overseas. The victim paid the scammer a fee to fix the problem. There was an international student that was a victim of an extortion crime. The scammer contacted the student and claimed that they intercepted a package full of fake passports. The scammer asked the student for \$59,000 to fix the problem. The student did wire \$59,000 to the scammer. There was a heroin overdose death; several sexual assaults, and child abuse investigations. Chief Albright noted that it is the third year of No Shave November and officers raised over \$1,600 for Toys For Tots, Angel Tree, and Food Bank.

I. COMMUNICATIONS TO THE BOARD

Mr. Mitra noted that he received serval emails from residents requesting a special meeting with the Board regarding the Stormwater Fee prior to the February 1, 2021 meeting and would like to be able to view who is attending the meeting. Ms. Dininni noted there will be a work session and it will be open to the public. Mr. Pribulka expressed concerns with a Zoom meeting because it is difficult to manage attendees and feels the format is not conducive for dialogue by the Board, staff and the consultant. The Webinar format is much easier to manage. Mr. Pribulka will request attendees to list their names in the chat several times throughout the meeting, so attendees know who is in attendance.

II. CALENDAR ITEMS - DECEMBER/JANUARY

III. ADJOURNMENT

With no further business to come before the Board of Supervisors, the meeting adjourned at 9:55 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 01-04-2021