

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, April 19, 2021
7:00 PM

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, April 19, 2021, via Zoom in a webinar format. In attendance were:

Board:	Laura Dininni, Chair	Staff:	Dave Pribulka, Township Manager
	Lisa Strickland, Vice Chair		Dave Modricker, Director of Public Works
	Steve Miller		Chris Albright, Chief of Police
	Prasenjit Mitra		
	Patty Stephens		

Others in attendance included: Rhonda Demchak, Recording Secretary; Mr. Bill Keough, Ferguson Township Resident and Planning Commission member; Tracy Small, Centre County CIT Coordinator; Ann Bergevin, Ferguson Township Resident; John Simbeck, Ferguson Township Resident; Dr. Nalini Krishnankutty, Governor's Commission on Asian Pacific American Affairs and a resident of State College; Don Hahn, Governor's Commission on Asian Pacific American Affairs and a resident of State College; Pastor Paul Tomkiel, Ferguson Township Resident; Liz Grove, Ferguson Township Resident; Ms. Pam Steckler, Ferguson Township Resident; Robert Zeigler, President, Millheim Borough Council

I. CALL TO ORDER

Ms. Strickland called the Monday, April 19, 2021, 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. Mr. Pribulka noted that attendees will not be permitted to speak unless addressed by the Chair. Mr. Pribulka will share more information on how attendees can interact with the Board at the appropriate time of the meeting. C-NET is recording as well. Mr. Pribulka took Roll Call and there was a quorum.

II. THE PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

None.

IV. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the Regular meeting Minutes of April 5, 2021; Special Meeting – Whitehall Road Regional Park meeting minutes on March 29, 2021; and the Work Session meeting minutes on March 31, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

V. SPECIAL REPORTS

a) COVID-19 (Coronavirus) Response Report

Mr. Pribulka noted that local or 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 website](#).

Pennsylvania has moved into Phase 2 of the vaccine rollout plan that allows anyone 16 and up to receive. More information can be found at the [Pennsylvania Department of Health](#) or by calling 1-877-724-3258. Effective April 4, 2021, restaurants were able to resume bar service; alcohol service is allowed without the purchase of food; the curfew for removing alcoholic drinks from tables was lifted; and indoor dining capacity is raised to 75 percent for those restaurants that are currently self-certified. The governor also announced revised maximum occupancy limits for indoor events to allow for 25% of maximum occupancy, regardless of venue size, and maximum occupancy limits for outdoor events to allow for 50% of maximum occupancy, regardless of venue size. Maximum occupancy is permitted only if attendees and workers are able to comply with the 6-foot physical distancing requirement. Mr. Pribulka noted that all of the restrictions are still in place for the Township under the January 2021 reauthorized ordinance.

The Pennsylvania Emergency Management Agency and the Department of Health reopened the regional vaccination clinic at the Bryce Jordan Center since it was closed due to side effects with the Johnson & Johnson vaccine. The Moderna Vaccine will be the vaccine given by appointment only by calling 1-844-545-3450. The PA National Guard and the AMI Expeditionary Healthcare will be administering the doses at the Bryce Jordan Center.

There have been 15,744 confirmed cases county-wide, which is over 2,169 from Mr. Pribulka's report on April 5, 2021. There have been 66,724 negative cases in the State College. There have been 215 deaths attributed to the virus in Centre County. There have been 937,515 reported cases in Pennsylvania and an additional 171,706 probable cases. There have been 25,688 deaths.

Mr. Pribulka thanked the residences and business owners in Ferguson Township for their patience and understanding as the Township recovers.

b) Mental Health Taskforce Report

Chief Albright and Traci Small, Centre County CIT Coordinator presented the report that was included in the agenda packet. Chief Albright noted that in 2019 the State College Borough created the taskforce and more information can be found at their [website](#). In January 2021, Centre County received a grant from Substance Abuse and Mental Health Services Administration. The grant will provide technical assistance by analyzing strengths and identifying ways to enhance the crisis system.

Ms. Small offered insight and recommendations by the Taskforce. The grant is called the Building a Confidence Crisis Care System at Intercepts 01 and noted that the Intercepts 01 is when the calls come into the 911 center and then the police and first responders are sent. Ms. Small noted that the grant is being used to address some of the issues brought forth by the Mental Health Taskforce. The Taskforce is focusing on the following three goals:

1. Develop a co-responder model to assist law enforcement with crisis responses.
2. Develop data collection and sharing system.
3. Standardize consistent communication process across all agencies and departments.

Ms. Small noted that there was a virtual meeting in March that included the eight areas across the country that were awarded the grants. There will be a series of one-hour webinars called Asked the Expert in April/May 2021. Ms. Small stated that Huntingdon, Mifflin, and Juniata tri-county mental health providers were awarded a one-year grant through the PA Commission on Crime and Delinquency to start a co-responder program. The providers stated they are already seeing changes because the people in crisis are utilizing the program that is in place.

Ms. Dininni asked if the funding would be coming from the County. Ms. Small commented they are looking into where the funding will be coming from due to the size of each police department.

Ms. Strickland stated that she is pleased that Ferguson Township has a representative taking a part and is supportive of the initiative.

Chief Albright noted that on the Ferguson Township's Police Department website there is a link for [Resources for Mental Health](#).

VI. PROCLAMATIONS

a) May 2021 Asian Heritage Month Proclamation

Mr. Mitra presented the proclamation that was included in the agenda and noted that there are approximately 11% of Asian Americans living in Ferguson Township.

Mr. Mitra moved that Board of Supervisors **adopt** the proclamation designating May 2021 as Asian Heritage Month in Ferguson Township. Ms. Dininni seconded the motion. The motion passed unanimously.

VII. UNFINISHED BUSINESS

1. Public Hearing – Recreation Fire Open Burn Ordinance

Chief Albright noted that provided with the agenda is a copy of an ordinance that was advertised for public hearing establishing additional fire code and safety regulations within Ferguson Township. The Board of Supervisors reviewed this draft ordinance during their March 15, 2021, regular meeting and authorized staff to advertise the ordinance for public hearing. The new regulations prohibit burning certain materials; and creates safety setbacks and prohibits burning during dry weather conditions.

Ms. Ann Bergevin, Ferguson Township Resident, expressed appreciation to everyone for their hard work regarding the ordinance change. Ms. Bergevin inquired why the prohibition of all-night smokers were not included in the ordinance. Mr. Pribulka stated that it was not included due to the difficulty of enforcing but the safety zone for smokers was included in the ordinance.

Mr. John Simbeck, Ferguson Township Resident, asked the Township to consider the size of the properties that are utilizing smokers, grills, etc. Mr. Simbeck stated that cooking in a smoker has been around for a very long time.

Ms. Dininni moved that the Board of Supervisors **adopt** the ordinance amending Chapter 10, Health and Safety by establishing additional fire code and safety regulations within Ferguson Township. Mr. Miller seconded the motion.

Ms. Strickland stated that the Board tried to strike a balance and if improvements or changes need to be made in the future, the Board will address. Ms. Dininni noted that the enforcement of the ordinance will be driven by residential complaints

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

2. Public Hearing – Resolution Condemning Violence Against Asian American Community

Mr. Mitra introduced the ordinance and noted that provided with the agenda is a copy of the resolution advertised for public hearing condemning acts of hatred, bias, and exclusionary behavior against the AAPI Community. This resolution was adopted in similar form by the Centre Region Council of Governments at the March 22, 2021 General Forum meeting. Judge Don Hahn and Dr. Nalini Krishnankutty are in attendance as representatives of the Governor's Commission on Asian Pacific American Affairs and are residents of the State College area.

Public Hearing

Dr. Krishnankutty thank the Board for considering adopting the resolution which condemns the acts of hatred, bias, and exclusionary behavior against persons of color especially against Asian Americans and Pacific Islanders. Dr. Krishnankutty stated that Ferguson Township is approximately 15.5% Asian American which is the largest minority in the Township, and they have been impacted with the hatred over the last year. Due to bullying, some parents are homeschooling their children in Pennsylvania. Dr. Krishnankutty stated that there is hope in the local region that the community and government are standing up against the hate and violence. Dr. Krishnankutty thanked the Board for the earlier proclamation designating May 2021 Asian Heritage Month. The celebration this year will be more vital since it's conception in 1992 and encouraged other institutions to organize events to celebrate Asian Heritage Month in May.

Judge Don Hahn thanked the Board and the Township for taking a stand against hate. Judge Hahn indicated that he is State College native and has always felt safe in the community, but not welcomed at times. Judge Hahn noted that by adopting the resolution Ferguson Township is sending a message to others that the Township is a welcoming community.

Mr. Mitra moved that the Board of Supervisors **adopt** the resolution condemning acts of hatred, bias, and exclusionary behavior against the AAPI Community. Ms. Dininni seconded the motion.

Ms. Stephens thanked the Board for the proclamation especially in light of the recent graffiti at the MLK Plaza in downtown State College and it is important to condemn this behavior.

Mr. Miller indicated there was a similar resolution four-years ago on hate and noted that he is discouraged that it needed to be amended. Mr. Miller noted that the resolution recognizes that the Township has a significant population of Asian and Asian Americans that contribute to the community and supports the community. Ms. Dininni read the resolution into the record and closed the public hearing.

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

3. Public Hearing – Resolution Establishing Green Infrastructure Policy

Mr. Pribulka noted that the policy has been reviewed by the Board in September 2020 as well as the Parks and Recreation Committee and Centre Region Parks and Recreation. Most of the comments received as part of the discussions were incorporated into resolution. The copy of the resolution is provided in the agenda. Mr. Pribulka gave examples that included Cecil Irvin Park, Fairbrook Park, Tudek Park and Haymarket Park.

Public Hearing – There were no comments.

Ms. Dininni recommended removing the word “opinion” from vi.3 on page 3 of the policy. Ms. Dininni inquired about process and how to make a request. Mr. Pribulka noted the form has not

been developed but will create one for citizens requests. Mr. Pribulka stated it wouldn't be necessary for the Board to have a request form. Ms. Dininni inquired about interpretation of the operations and maintenance portion of the policy and the budget. Mr. Pribulka noted that in Fairbrook Park and Homestead Park CRPR does the maintenance, but in some areas such as the native garden in Cecil Irvin Park there needs to be more effort and expertise that the Township can provide. Mr. Pribulka noted that as for budgeting there shouldn't be a lot, but it will depend on labor and material.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution establishing a Green Infrastructure Policy as described in Exhibit "A" of the resolution. Mr. Stephens seconded the motion.

Mr. Miller stated that the policy is a great idea because he has been observing Haymarket Park evolve. Ms. Strickland also stated that the policy is great idea.

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

VIII. NEW BUSINESS

1. Consent Agenda

- a. Contract 2020-C3, Pay App #4: \$19,693.48
- b. Special Events Permit – Overlook Heights Block Parties
- c. Special Events Permit – Glimcher Keystone Country Ride

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

2. Public Hearing – Resolution Authorizing Tourism Grant Application for Agritourism Event

Mr. Pribulka introduced the resolution and noted that provided with the agenda is a copy of the resolution advertised for public hearing authorizing the submission and matching funds for a grant application to the Happy Valley Adventure Bureau for a special event focused on agritourism in concert with Millheim Borough. If successful, the event would connect Millheim Borough and Ferguson Township establishments including 814 Cider Works and Pine Grove Hall. The resolution also authorizes a local match up to \$4,500 that would come from the Township's Economic Development account.

Pastor Paul Tomkiel gave a PowerPoint presentation on Route 45 Getaways. The project will create an auto trail event for tourists that will connect them with businesses and encourage them to stay overnight. The customers would be hometown tourists and people from nearby metropolitan areas. Ten miles will be used to define the distance for the Route 45 corridor. For tourists the event would provide information on destinations and deals along the trail; especially during 2021 and the pandemic it will give confidence to tourists; assist tourists craft an adventure that they will be remembered. As for business, advertising to wider audiences; vouch for the quality to tourists; and organize events that will help them thrive. The advertising strategy for the first year will be devoted 60% locally and 40% regionally and plan to use a range of media from postcards and stickers to targeted online ads. To launch the project, there will be two weekends of music events, one in Millheim and one in Pine Grove Mills. The key partners are Pine Grove Hall, 814 Cidery, Elk Creek Café, and Pisano Winery. The fixed costs include creating the logo, a map, website, and banners with variable costs for advertising, but since it is the main activity it is the largest projected expense. For 2021, the budget is \$19,503 and seeking a tourism grant through the Happy Valley Adventure Bureau and asking \$4,500 from Ferguson Township as a match. Pastor Tomkiel noted that the kind of event is one that fits well with the Pine Grove Mills – Small Area Plan and will nurture

local businesses; increase awareness for tourists; and creates an event to build the village's identity.

Mr. Mitra inquired about the budget. Ms. Grove noted that if they were awarded it can be used over two-years and specifically for advertising the event for all of the entities. Mr. Mitra expressed concerns with the event not being successful due to lack of backup information. Ms. Dininni stated that the idea of a route as a regional destination has been done in Pennsylvania and have been done successfully. Ms. Dininni noted that they are starting small, but the vision is to be larger across the three counties to be based on agriculture, local food, and outdoor recreation.

Ms. Strickland stated that this year is particularly inviting due to the lack of traditional summer events due to the pandemic. It also diversifies the economy and creates different tourism options not connected to Penn State.

Ms. Stephens stated that she too also likes the idea and asked if the match funding can come from more than one source. Mr. Pribulka stated that it could.

Ms. Pam Steckler, Ferguson Township Resident, noted there are a lot of artist along Route 45 and asked if anyone has reached out to have open houses during the two weekend events. Ms. Dininni noted the more the better and asked Ms. Steckler if she would be willing to contact people. Ms. Steckler agreed to reach out to a few artists along Route 45 about participating in the events.

Mr. Robert Zeigler, President, Millheim Borough Council, noted that Millheim is much smaller with 900 residents and they do not have the resources to take the lead. Mr. Zeigler stated that partnerships are a good way to apply and receive grants. Ms. Dininni noted that Millheim Borough although not giving funds, they are contributing by in-kind organization of events on the first part of the event. Pastor Tomkiel mentioned it would be great to see Route 45 recognized as a scenic road by the Commonwealth of Pennsylvania.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Township Manager to submit a Tourism Grant application to the Happy Valley Adventure Bureau for an agritourism event with Millheim Borough. Mr. Miller seconded the motion.

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

3. Board Member Request – Terraced Streetscape District Ordinance Amendment

Ms. Strickland made the request and introduced the resolution that was included in the agenda. Ms. Strickland would like to have a discussion with the Board and then send the ordinance to the Planning Commission to deliberate on some of the issues that have arisen. Ms. Strickland is hopeful that there will be a consultant in place next year to evaluate.

Board Discussion

Ms. Dininni stated that she is seeing how well the ordinance matches with the intent of the district and how could it be better aligned. Ms. Dininni would like to review parking since it is in the SALDO and how it is being tied to the square footage instead of the use. Ms. Dininni inquired about district boundary change with preserving the neighborhood and allowing for the narrow corridor to be developed in a more robust way. Mr. Pribulka presented a map of the TSD.

Mr. Miller stated that the Township has two different types of areas. Buckhout to Corl Street has certain uses versus Corl to Blue Course. Mr. Miller asked if the TSD should be extended passed Corl Street.

With regards to incentives, Ms. Strickland would like the Planning Commission to evaluate heights of the buildings, parking, workforce housing, impervious surface, etc.

Public Comment

Ms. Steckler, Ferguson Township Resident, stated that she was very involved with the TSD. Originally the TSD was to be blended in with the existing neighborhood; however, that request was not included. Ms. Steckler asked to take in consideration the character of the neighborhood and try to blend within.

Mr. Bill Keough, Ferguson Township Resident, noted there were several issues when the Planning Commission reviewed. The issues were the incentives, Calder Alley, vehicle and pedestrian circulation; density; loading and unloading zone; and the Penn State property College Avenue. Mr. Keough expressed disappointed that the Township didn't move forward with guidance from an outside professional.

Ms. Dininni moved that the Board of Supervisors **refer** its comments on the Terraced Streetscape District to the Planning Commission for review and comment. Ms. Stephens seconded the motion. The motion passed unanimously.

4. Contract 2021-C9, Microsurfacing

Mr. Modricker noted that on Tuesday, March 9, 2021, bids were opened and read aloud for Contract 2021-C9 Microsurfacing for select streets in Ferguson and Harris Townships. This is a co-operative contract that is administered by Ferguson Township. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves the application of a slurry seal to the roads for pavement preservation. Mr. Modricker recommends that the contract be awarded to Asphalt Paving Systems, Inc. in the amount of \$435,839.52.

Ms. Dininni moved that that Board of Supervisors **award** Contract 2021-C9, Microsurfacing to Asphalt Paving Systems, Inc., in an amount of \$435,839.52. Mr. Mitra seconded the motion. The motion passed unanimously.

5. Contract 2021-C7a, Fuel

Ms. Dininni moved that the Board of Supervisors **award** Contract 2021-C7a, Fuel to Nittany Oil Company in an amount of \$59,239.50. Ms. Stephens seconded the motion. The motion passed unanimously.

6. Contract 2021-C7c, Asphalt and Aggregate

Mr. Mitra moved that the Board of Supervisors **award** Contract 2021-C7c, Asphalt & Aggregate as described in Public Works Director memo dated April 13 for items 1 through 4 (aggregate) to Glenn O. Hawbaker, Inc., in the amount of \$17,800.00 and items 5 through 8 (asphalt) to HRI in the amount of \$64,800.00. Ms. Stephens seconded the motion. The motion passed 4-1 with Ms. Dininni opposing.

IX. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Human Resources Committee – Mr. Mitra attended the meeting for Ms. Stephens. The Committee discussed the COG Wage Survey and the hiring of the Administrative Services Manager. Ms. Dininni inquired about the survey and the timeline. Mr. Mitra stated it will be completed this year.

- b. Finance Committee – Mr. Miller reported that the Committee met on April 8, 2021 and discussed the loan application; repurposing the budget documents to make it easier to read; and a brief discussion on the COG formulas. Ms. Dininni asked for clarification regarding the Whitehall loan. Mr. Miller noted that the proposal is to consider approving Option #4 with a condition that initially only authorizing the \$7.8 million from Option 1B and any additional borrowing up to \$9 million would have to be by unanimous approval by the municipalities. Mr. Miller stated that there will be more information at the upcoming COG Finance meeting.
- c. Climate Action & Sustainability Committee – Mr. Mitra reported that the Committee discussed the Community Forum on Climate Planning; Solar Power Purchase Agreement update; Technical Advisory Committee for CAAP Implementation; and the Draft Mission Statement for the COG Climate Action and Sustainability Committee.
- d. Public Safety Committee – Ms. Strickland attended the meeting for Ms. Dininni. There were two presentations given by Mr. Steve Bair that was on Fire Department Organization and Fire Department Strategic Planning.

2. STAFF REPORTS

- a. Manager's Report – Mr. Pribulka noted report is included in the agenda. Ms. Strickland asked if there were any other communication regarding the PA Route 26 and 45 with regards to pedestrian accommodations. Mr. Pribulka spoke with the Design Project Manager for District 2 and he noted that it didn't meet any warrants to provide accommodations. Mr. Pribulka asked to have the issue revisited. Mr. Pribulka is hopeful but not optimistic and feels it is a bad idea not to include the accommodations.
- b. Public Works Director - Mr. Pribulka noted that the report is included in the agenda.
- c. Planning and Zoning Director - Mr. Pribulka noted that the report is included in the agenda. Ms. Dininni noted that she attended the Park Authority meeting and from her perception they didn't address the letter the Township sent. Mr. Pribulka stated that they didn't receive acknowledgment of the letter. Mr. Pribulka noted that he met with representatives regarding the land development plan and discussed any proposed changes that may have an impact. Mr. Pribulka commented there wasn't a lot of information to be shared. Mr. Keough stated that there were three different options forwarded to Stahl Schaffer Engineering and the authority has not made a decision.
- d. Chief of Police Report – Mr. Pribulka noted that the report is included in the agenda.

X. COMMUNICATIONS TO THE BOARD

Ms. Strickland received a communication supporting the Planning Commission of reviewing and discussing the TSD.

Ms. Strickland noted that she attended the Climate Action Forum and it was very well done. Ms. Strickland also attended the Strategies for Justice Symposium on Conscious Law Enforcement & Inclusive Practices.

XI. CALENDAR ITEMS – APRIL

- a. Ferguson Township upcoming committee meetings:
 - 1. Pine Grove Mills SAP Advisory Committee, Thursdays, April 22 and May 27, 4PM
 - 2. Planning Commission, Monday, April 26, 6PM
 - 3. Board of Supervisors, Mondays, May 3 and May 17, 7PM
 - 4. Planning Commission, Mondays, May 10 and May 24, 6PM
 - 5. Tree Commission, Monday, May 17, 4PM

- 6. Parks & Recreation Committee, Thursday, May 20, 4PM
- b. Watershed Cleanup Day, Saturday, April 24, 8AM – 12PM
- c. Ferguson Township Virtual Bike Chat, Thursday, May 20, 12:30PM

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Mr. Mitra motioned to adjourn the meeting. The meeting adjourned at 10:25 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 05-03-2021