

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, June 7, 2021  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, June 7, 2021 via Zoom. In attendance were:

<b>Board:</b>	Laura Dininni, Chair	<b>Staff:</b>	Centrice Martin, Assistant Township Manager
	Lisa Strickland, Vice Chair		Eric Endresen, Director of Finance
	Steve Miller		Dave Modricker, Director of Public Works
	Prasenjit Mitra		Jenna Wargo, Planning & Zoning Director
	Patty Stephens		

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Sharp, Member, Spring Creek Watershed Commission; Paul Takac, Vice Chair, Spring Creek Watershed Commission; Charima Young, PSU; Roshni Patel, Ferguson Township Resident; Stephen Hilton, Property Manager, The Heights; Jeremie Thompson, Chair, Ferguson Township Planning Committee; Josh Hittie, PSU Student; Sasha Walls, PSU Student; Steve Seltzer, Project Coordinator, BTJM Orchard View LLC

### I. CALL TO ORDER

Ms. Dininni called the Monday, June 7, 2021, regular meeting to order at 7:00 p.m.

Ms. Martin noted that the Board of Supervisors meeting had been advertised in accordance with the PA Sunshine Act as a virtual meeting via Zoom. 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. Ms. Martin noted that attendees will not be permitted to speak unless addressed by the Chair. Ms. Martin 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. Ms. Martin took Roll Call and there was a quorum.

### II. THE PLEDGE OF ALLEGIANCE

### III. CITIZENS INPUT

There were no comments.

### IV. APPROVAL OF MINUTES

Mr. Mitra moved that the Board of Supervisors **approve** the Regular meeting Minutes of May 17, 2021, and the Special meeting Minutes of May 24, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

### V. SPECIAL REPORTS

#### a) COVID-19 (Coronavirus) Response Report

Ms. Martin 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](#).

Ms. Martin noted that on May 28, 2021, the Center for Disease Control released a public health recommendation for fully vaccinated people. Fully vaccinated people can resume activities without wearing a mask or physically distancing except where required by federal, state, local laws, rules, and regulations, including local businesses and workplace guidance. Fully vaccinated people with COVID-19 symptoms should isolate themselves from others and be clinically evaluated for COVID-19.

The Center for Disease Control prevention measures continue to apply to all travelers, including those who are vaccinated. All travelers are required to wear a mask on all planes, buses, trains, and other forms of public transportation. Guidelines enacted by the Ferguson Township Board of Supervisors Ordinance that was adopted on January 18, 2021, remain in effect until modified by the Board of Supervisors. Ms. Martin noted that it is important that the public be familiar with local regulations that are in place even when traveling nearby.

There have been 16,875 confirmed cases county-wide, which represents an increase of 188 from Mr. Pribulka's report on May 17, 2021. There have been 68,8749 negative cases in Centre County. There have been 224 deaths attributed to the virus in Centre County. There have been 1,010,186 reported cases in Pennsylvania. There have been 27,354 deaths.

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

b) C-NET Annual Report

Ms. Cindy Hahn, C-NET Director gave a presentation on the 2020 annual report that included highlights such as virtual meetings became the norm; 451 programs produced which was only a decrease of 6% from 2019; a franchise agreement was signed between Comcast and the Centre Area Cable Consortium; the website was updated with a fresh new look; total programs recorded for Ferguson Township was 42.25; and the Township sponsored 9.5% of all programming by C-NET members in 2020.

Ms. Strickland inquired about future meetings with hybrid capabilities. Ms. Hahn noted that in early 2020 C-NET was able to experiment with both in person attendees and zoom attendees. Ms. Hahn stated that it will be up to the Township what they would like and then C-NET will investigate how best to cover the meetings.

## **VI. UNFINISHED BUSINESS**

1. Public Hearing – Amending or Repealing the COVID-19 Temporary Emergency Ordinance

Ms. Martin noted that provided with the agenda is a copy of the clean and redlined ordinance advertised for public hearing amending the temporary emergency ordinance implementing COVID-19 safety protocol. The Board reviewed the draft at the Regular Meeting on May 17th, and authorized advertisement of an amended ordinance to modify the masking requirements to reflect the Department of Health guidelines. Also, the amendment reflects an increase in the maximum permitted outdoor gathering sizes from fifty (50) persons to one hundred (100) persons. Since the Board last reviewed the draft on May 17th, the Department of Health announced that Governor Wolf will rescind all COVID-19 restrictions for vaccinated and unvaccinated individuals on June 28th, or when the Commonwealth reaches a seventy percent (70%) vaccination rate. Given this announcement and the recent decisions of Patton and College Townships to repeal their ordinances, staff is recommending, and has advertised accordingly, that the Board of Supervisors repeal the ordinance in lieu of the amendments. Both motions are provided below depending on the direction the Board wishes to pursue.

Public Hearing

There were no comments.

Mr. Miller moved that the Board of Supervisors **repeal** 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 effective immediately. Ms. Stephens seconded the motion. The motion passed unanimously.

#### Board Discussion

Mr. Miller noted that it would not be in the Board's interest to have an ordinance because the State's ordinance is going to expire soon.

Ms. Strickland asked about the special accommodations that were given to restaurants and asked what ordinance it was tied to. Ms. Wargo stated that it was the emergency declaration. Ms. Strickland recommends looking into the special accommodations soon.

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

The motion passed unanimously.

#### 2. Conditional Use Application – 1518 W. College Ave., Centre Animal Hospital

Ms. Wargo noted that provided with the agenda is an application for a conditional use permit for the use of property located at 1518 West College Avenue as a Veterinarian Clinic has been filed with the Township by the property owner, Tussey Tracks, LLC. The applicant proposes to consolidate two lots (1518 West College Ave. and 1512 West College Ave.), raze the building on 1512 West College Ave., and renovate the existing Centre Animal Hospital Building (1518 West College Ave.). The Township's Zoning Ordinance and the Municipalities Planning Code require a public hearing on the application, and the Board must take action to approve or deny the application within 45 days following the hearing. The Board held a public hearing on May 17, 2021 and received testimony from Township staff and the applicant's representative. The Township Manager has prepared a draft decision based on the record from the May 17, 2021, public hearing. No additional testimony will be taken at tonight's meeting. The Board is asked to review and discuss the draft decision and take final action to approve or deny the conditional use permit.

Mr. Miller moved that the Board of Supervisors **approve** the conditional use permit for 1518 West College Avenue subject to the conditions described in the decision written by the Township Manager. Ms. Stephens seconded the motion.

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

## VII. NEW BUISNESS

#### 1. Consent Agenda

- a. Special Events Permit – Cranksgiving
- b. Special Events Permit - Glimcher Keystone Country Ride
- c. Special Events Permit - Cycling Classic
- d. April Voucher Report
- e. Appointment of Johnathan P. Peno, P.E. to the Centre Region Building and Housing Board of Appeals (Two-year term, June 1, 2021 – March 30, 2023)

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

2. Public Hearing – Conditional Use Hearing – 179 Apple View Drive

Ms. Wargo noted that the Board will conduct a public hearing on the application for a conditional use permit for 179 Apple View Drive. Chair Dininni will preside over the hearing. This evening, the Board is asked to direct the Director of Planning and Zoning to prepare a draft written decision for review and approval at the June 21, 2021 Regular Meeting. An application for a Conditional Use Permit for the use of property located at 179 Apple View Drive (24-004-067G-0000), submitted to the Planning and Zoning Department on May 6, 2021. The applicant is requesting Conditional Use approval for the use of the property as a Model Home in accordance with Chapter 27-502.24. The Township's Zoning Ordinance and Municipalities Planning Code require a public hearing on the application, and the Board must take action to approve or deny the application within 45 days following the hearing. As part of an approval, the Board may attach reasonable conditions and safeguards related to the conditional use standards detailed in the zoning ordinance. Provided with the agenda is a copy of a memorandum from the Director of Planning & Zoning describing the Findings of Fact and recommended conditions from staff and Planning Commission reviews.

Public Hearing - There were no comments.

Mr. Mitra moved that the Board of Supervisors **close** the public hearing and direct the Township Manager to present Findings of Fact and a written decision to the Board for consideration at the June 21, 2021 Regular Meeting. Mr. Miller seconded the motion.

Mr. Miller requested changing the wording of the first bullet under staff recommendations from whichever is less to whichever occurs first. Ms. Martin will make note of the change.

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

3. Public Hearing – Spring Creek Watershed Commission “One Water Plan” Resolution

Mr. Mitra noted that the Spring Creek Watershed Commission has been developing the Phase II Report of its One Water Plan and is now seeking non-monetary support from the participating municipalities in its pursuit of Phase III, which includes the development of the “One Water Plan” and its implementation. Provided with the agenda is a copy of the resolution as advertised for public hearing expressing support for Phase II and the development of Phase III. As provided in the resolution, Phase II emphasizes the critical need and multiple benefits of a systematic, watershed-wide, science-based approach to watershed management (a “One Water Plan”) that is driven by the participating local governments, along with state and federal agencies, water utilities, planning commissions, Penn State University, citizens, businesses, and industry. The Phase III “One Water Plan” includes the goals of 1) protecting, enhancing, and sustaining a healthy and resilient cold-water stream ecosystem; 2) maintaining and improving water quality and quantity to sustainably meet the needs of the human community, now and in the future; and 3) integrating and coordinating management for sustainability, economic growth, recreation, and quality of life.

Paul Takac, Vice Chair, Spring Creek Watershed Commission presented the resolution via PowerPoint. Mr. Takac stated that the Spring Creek Watershed covers 175 square miles and has a total population of 130,000 people. The Commission was founded in 1996 with the mission of Leadership, Vision, and Planning. In 2003, the Phase 1 final report looked at the challenges and the direction for the future. Phase II was from 2017-2019 and highlighted key issues such as population growth and land development; no comprehensive plan available; complex regulatory and jurisdictional environment; and need collaboration, communication, and cooperation. [Phase II](#)

was approved in December 2019. Next steps for Phase III are consensus from Spring Creek Watershed Commission member municipalities to move forward; and establish a working group.

Public Hearing - There were no comments.

#### Board Discussion

Mr. Miller asked if consultants or experts will be hired to assist with development of Phase III and how will that be funded. Mr. Takac noted that there are left over funds as well as funds from outside organizations that would enable them to hire a project director or additional staff.

Ms. Stephens noted that the farming community would like to be engaged with the process. Mr. Takac agreed with including anyone that would like to be involved. Mr. Sharp noted that anyone is invited to participate, and it is strictly a collaborative group.

Ms. Dininni expressed concerns with committing funds because the Township is already committed to big projects that preserve and improve water quality already. Mr. Takac stated that the Commission's bylaws/article of agreements do not obligate any municipality to commit more funds other than the per capita agreement. Mr. Sharp noted it might cost \$35,000-\$45,000 for a few years and does not feel it will be the estimated \$300,000 - \$500,000 that was given. Mr. Sharp stated that the ordinance that was passed clearly states the limits of the Commission. The Commission can only recommend. Ms. Dininni is leery at this point but would support a consortium of municipalities to strengthen grant funding capabilities.

Ms. Strickland concurs with Ms. Dininni about the many projects the Township is already committed to, to improve water quality. Ms. Strickland is supportive and thanked Mr. Takac and Mr. Sharp for the presentation.

Mr. Mitra moved that the Board of Supervisors **adopt** the resolution supporting the Spring Creek Watershed Commission "One Water Plan." Ms. Strickland seconded the motion.

Mr. Mitra noted that \$500,000 seems small when completing a comprehensive plan and feels the plan can be done at a reasonable price. Mr. Sharp reiterated that at this time they don't know what everything will entail and stated that this doesn't need a lot of organizations to be involved; however, it needs to be collaborative.

Mr. Takac stated that the Commission has no authority board involved, there are no existing loans, or obligations, and no formal agreements. The Commission is asking for the ability to move forward to make proposals on how to work better together with all the municipalities.

Ms. Dininni reiterated that she is going to support this with a caveat that she is not interested with contributing funds to an effort that will be a non-binding plan, because Ferguson Township is already doing the work that will be in the Commission's plan.

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

#### 4. Traffic Calming Petition – Havershire Blvd., Circleville Road., and Rushcliffe Street

Mr. Modricker noted that provided with the agenda is a petition for a traffic calming study from Roshni Patel, Ferguson Township resident, signed by at least ten residents. The request comes after a vehicle accident where an errant vehicle crashed into the resident's garage. Communications with staff have not resolved the resident's concerns. Also provided with the agenda is a copy of the Ferguson Township Traffic Calming Policy as established by Resolution 2015-05. The Board may move to a) deny the request, or b) forward the request to the Public

Works Director for action. Should the Board move the latter, the Public Works Director and Township Engineer will begin data collection and analysis to determine whether warrants for traffic calming are met.

Ms. Strickland moved that the Board of Supervisors **forward** the traffic study request to the Public Works Director in accordance with the Ferguson Township Traffic Calming Policy. Mr. Miller seconded the motion.

Mr. Miller noted that years ago the Board spent a lot of time developing the process due to the number of requests and feels the residents deserve to have the traffic study done.

Ms. Dininni concurred with Mr. Miller and noted that the process entails more than just the traffic study.

#### Public Comment

Mr. Stephen Hilton, Property Manager, The Heights, noted they branch off the location and has had ongoing concerns with speeding.

The motion passed unanimously.

#### 5. Proclamation – Ferguson Township Parks and Recreation Month

Ms. Martin noted that since 1985, America has celebrated July as Park and Recreation month. A program of the National Recreation and Park Association (NRPA). The goal is to raise awareness of the vital impact that parks and recreation has on communities across the U.S. This July, Ferguson Township plans to release articles and short interview videos and invite residents to tag Ferguson Township on social media posts that promote local outdoor parks and recreational activity. Additionally, residents are invited to submit a story or illustration that features their favorite local park or memory at a local park to be entered to win a prize on the Township's website. All month long, the Township will be celebrating with various activities that encourage outdoor local opportunities for health, fitness, and recreational fun for residents of all ages and abilities. Issuing this proclamation will remind Ferguson Township residents of the importance of our parks, recreational facilities, and programs while encouraging everyone to embrace active lifestyles and improve their overall health through outdoor recreational fun. More information will be available on the Township's website in the coming weeks.

Ms. Dininni noted that she likes the video's and is looking forward to them. Ms. Martin thanked the Township Communications Coordinator for his talents and a job well done.

Mr. Mitra moved that the Board of Supervisors **adopt** the proclamation designating July as Parks and Recreation Month in Ferguson Township. Mrs. Stephens seconded the motion. The motion passed unanimously.

#### 6. Authorization for Variance Application – Park Hills Drainageway Improvement Project

Ms. Martin noted that the township staff and consultant, NTM Engineering have been finalizing the design and permitting associated with the streambank stabilization and improvement project at the Park Hills Drainageway. §27-7013.H of the Ferguson Township Code of Ordinances provides that "no activity, land development, structure, building or obstruction shall be permitted within an identified floodway portion of the floodplain district." The subject project will improve the quality of the floodplain and ensure its protection from encroachment on surrounding residential properties. However, the Township should still secure a variance to permit the earth disturbance needed to construct the improvements.

Mr. Miller moved that the Board of Supervisors **authorize** a variance application for the Park Hills Drainageway Improvement Project. Ms. Stephens seconded the motion. The motion passed unanimously.

#### 7. Pedestrian Accommodations at Shingletown Road and West College Avenue

Mr. Modricker noted that PennDOT District 2 is finalizing the design and permitting to realign and signalize the intersection of PA Route 26 (West College Avenue) and PA Route 45 (Shingletown Road). The Board may recall that this project was fully funded on the Transportation Improvement Program, and includes design and construction being finalized in 2022. Since this project underwent the PennDOT “Connects” Policy process, it has been evident that pedestrian accommodations are highly desirable at the intersection to address both current and future conditions. Despite this concern, PennDOT Assistant District Executive Dean Ball issued a letter to Ron Seybert, Township Engineer in April notifying the Township that the “Pedestrian Accommodation at Intersection Checklist” did not support the installation of crosswalks, pedestrian pushbuttons, or other accommodations. Mr. Modricker stated that they could not convince PennDot the need for pedestrian accommodations; however, PennDot communicated that it would include the accommodations in the bid package provided the Township agreed to fund their construction. Mr. Modricker recommends that the Board of Supervisors appropriate funding not to exceed \$28,075.83 from the Township’s Transportation Improvement Fund.

Mr. Mitra noted he doesn’t see a lot of people walking on the little sidewalk that is there now and asked if foot traffic will increase in the future. Mr. Modricker noted that it will be a much-needed safety improvement. (inaudible)

Mr. Mitra moved that the Board of Supervisors **appropriate** funding in an amount not to exceed \$28,075.83 from the Transportation Improvement Fund to construct pedestrian accommodations at the intersection of PA Route 26 (West College Avenue) and PA Route 45 (Shingletown Road). Ms. Strickland seconded the motion.

Ms. Dininni asked what the accommodations would be. Mr. Modricker stated it is several signs, stub poles, cables to connect to travel signal, and LED pedestrian signal heads.

Ms. Strickland asked what type of signage is to be included. Mr. Modricker noted that they would be the typical pedestrian push button signs with directions. Ms. Strickland feels that pedestrian traffic will increase due to new homes, commercial businesses, and the park. Ms. Strickland stated that if it doesn’t warrant a full signal that perhaps the Township could look at performing pedestrian accommodations.

Mr. Mitra clarified that he supports having pedestrian crossing accommodations.

The motion passed unanimously.

### VIII. STAFF AND COMMITTEE REPORTS

#### 1. COG COMMITTEE REPORTS

- a. Executive Committee – The report is included in the agenda.
- b. Facilities Committee – Ms. Stephens reported that the Committee is trying to establish a baseline for the COG Facilities and discussed the equipment of the pools. The Committee also discussed the proposals that were received for the Millbrook Marsh Boardwalk. The proposals were very high. There was a discussion on who can utilize the General Forum Room. The Committee was in favor of letting outside groups be able to use. A generous gift was given

for the Millbrook Marsh to the Centre Region Parks and Recreation. The Committee also voted to hold in person meetings.

- c. Centre County Metropolitan Planning Organization Special Coordinating Committee – Ms. Strickland reported it was a special meeting for the Coordinating Committee to discuss comments for the MPO to send into PennDot on their Pell Study and proposed action plan regarding potential ways to increase revenue.
- d. Human Resources Committee – Ms. Dininni reported that the Committee discussed in person meetings versus remote meetings. Also discussed were two administration positions, Finance and HR Assistants, for the COG.
- e. Joint Public Services and Environmental and Transportation and Land Use Committees – Ms. Strickland reported that the Committees discussed in person meetings versus remote meetings. Ms. Strickland requested feedback from the Board on the Utility-Scale Solar Study that was included in the agenda. Ms. Dininni asked if the scale of solar is allowed on preserved farms or would the designation be lost. Ms. Strickland noted that it is not allowed. Also, Ms. Strickland would like feedback on the merger of the committee from the Board.

## 2. **OTHER COMMITTEE REPORTS**

- a. Spring Creek Watershed Commission – Mr. Mitra reported that they discussed the One Water Report and invoicing the municipalities for membership in 2022.

## 3. **STAFF REPORTS**

- a. Public Works Director - Reports are included in the agenda.
- b. Planning and Zoning Director - Reports are included in the agenda.

## IX. **COMMUNICATIONS TO THE BOARD**

Ms. Dininni received a comment regarding the use of the O.W. Houtz property.

## X. **ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Mitra motioned to adjourn the meeting. The meeting adjourned at 9:20 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 06-21-2021