

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, July 6, 2021
7:00 PM

ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, July 6, 2021 as a hybrid meeting. In attendance were:

Board:	Laura Dininni, Chair	Staff:	David Pribulka, Township Manager
	Lisa Strickland, Vice Chair		Eric Endresen, Director of Finance
	Steve Miller		Jenna Wargo, Planning & Zoning Director
	Patty Stephens		

Others in attendance included: Rhonda Demchak, Recording Secretary; Marisa Vicere, President of the Jana Marie Foundation; Kayla Sipes, Ferguson Township Resident; Kevin Mullen, Ferguson Township Resident; Gerry Hamilton, Ferguson Township Resident; Ford Stryker, Ferguson Township Resident; Dianna Dunn, Ferguson Township Resident; John Spychalski, CATA Board member; Louwana Oliva, CATA Executive Director and CEO; Norris Lacy, Ferguson Township Resident

I. CALL TO ORDER

Ms. Dininni called the Tuesday, July 6, 2021, regular meeting to order at 7:00 p.m.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting, meaning that attendees can attend remotely via zoom or in person. Persons attending the zoom format as members of the public and wanted to participate were asked to identify themselves by their name, municipality, and topic. Persons attending in person will utilize the podium in the conference room. Mr. Pribulka noted that attendees will not be permitted to speak unless addressed by the Chair. C-NET is recording as well.

II. THE PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

Mr. Kevin Mullen, Ferguson and Patton Township owner, expressed frustration with UAJA Wastewater for over charging him the last 5 years and feels they are overbilling other businesses in the Township.

IV. APPROVAL OF MINUTES

Ms. Strickland moved that the Board of Supervisors **approve** the Regular meeting Minutes of June 21, 2021. Mr. Miller seconded the motion. The motion passed unanimously.

V. SPECIAL REPORTS

a) Centre Area Transportation Authority Report (CATA)

Mr. John Spychalski, CATA Board member, stated that the staff has been working hard to recover from the pandemic. There were public hearings recently to obtain public transportation's needs. Effective August 21, 2021, the F, A, and S Routes will be reinstated. More information regarding the upcoming changes can be found at [CATA](#). CATABUS service will not be operating on Labor Day, Thanksgiving, Christmas Eve through New Year's Day, and Memorial Day. CATARIDE paratransit service will continue to operate Saturday, December 26 through Friday, December 31.

Ms. Stephens asked if there have been issues hiring employees. Ms. Louwana Oliva, Executive Director and CEO, noted that prior to the pandemic they were having issues and since routes will be reinstated, they will be looking to hire soon.

Ms. Strickland asked if the service changes like the F Route wouldn't warrant a full route, how could that area be added to the CATAGO! Program. Ms. Oliva noted that the CATAGO! Program is a pilot and approximately 40 communities across the national have this program. Ms. Oliva stated that the only planned pilot is being held in Harris Township at the time.

VI. UNFINISHED BUSINESS

1. Public Hearing – Resolution Authorizing a Contribution Agreement with PennDOT

Mr. Pribulka noted that provided with the agenda is a copy of the resolution advertised for public hearing authorizing the Chair and the Secretary to execute a Contribution Agreement with the Pennsylvania Department of Transportation for the pedestrian accommodations associated with the traffic signal installation at the intersection of West College Avenue and Shingletown Road. The Board authorized a contribution to the project to install the pedestrian accommodations since the warrants were not met per PennDOT guidelines. The amount authorized is not to exceed \$28,075.83.

Public Hearing

Kayla Sipes, Ferguson Township Resident, asked why there is a crossing at the dangerous intersection. Mr. Pribulka noted that this project dates back several years and described the process. Mr. Pribulka noted that during the early planning process Secretary of PennDOT at the time created a new policy called, [PennDOT Connects](#). The policy is the get public involvement with state-wide projects. Ferguson Township held an open house regarding the intersection, and the public expressed interest with some type of pedestrian accommodation since PennDOT would not warrant the traffic signal installation.

Public Hearing Closed

Mr. Miller moved that the Board of Supervisors **adopt** the resolution authorizing the Chair and Secretary to execute a contribution agreement with PennDOT for pedestrian accommodations at the intersection of West College Avenue and Shingletown Road. Ms. Stephens seconded the motion.

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

VII. NEW BUISNESS

1. Consent Agenda

- a. 2018-PWGG General Pay Application 13: \$39,463.57
- b. 2018-PWGG General Pay Application 14: \$30,000.00
- c. 2021-C2 Devonshire Inlet Replacement Pay Application 1: \$36,231.25

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

2. Proclamation – 2021 Suicide Awareness and Prevention Month

Mr. Pribulka presented the resolution and noted that provided with the agenda is a copy of a proclamation designating September as Suicide Awareness and Prevention Month and September 10th as Suicide Awareness and Prevention Day in Ferguson Township. The proclamation has been adopted annually by the Board and has been part of a countywide effort of the Centre County Suicide Prevention Task Force and Marisa Vicere. President of the Jana Marie Foundation Ms. Vicere will be present to introduce the proclamation.

Ms. Marcia Vicere, President of the Jana Marie Foundation introduced the proclamation and thanked those for continued support. Ms. Vicere noted that she lost her sister 10 years ago and recently a cousin to suicide. The proclamation will designate September as Suicide Awareness and Prevention Month and September 10th as Suicide Awareness and Prevention Day in Ferguson Township. Ms. Vicere reviewed programs and services that will be held in September.

Ms. Strickland moved that the Board of Supervisors **adopt** the proclamation designating September as Suicide Awareness and Prevention Month and September 10th to be Suicide Awareness and Prevention Day. Mr. Miller seconded the motion.

Ms. Strickland and Ms. Dininni thanked Ms. Vicere for her work bringing awareness to the community.

The motion passed unanimously.

3. Public Hearing – Resolution Adopting 2021 Centre County Hazard Mitigation Plan

Mr. Pribulka noted that during the May 24, 2021 meeting of the Centre Region Council of Governments, the 2021 Centre County Hazard Mitigation Plan was referred to the Centre Region municipalities for review and adoption by resolution. The Hazard Mitigation Plan was developed in 2020 by the Centre County Office of Emergency Services and the Centre County Office of Planning & Community Development in conjunction with local municipal officials, institutional stakeholders, and residents of Centre County. Shawn Kauffman, the Centre Region Emergency Management Coordinator represented the regional municipalities during the development of the Hazard Mitigation Plan. Provided with the agenda is a [copy of the resolution](#) advertised for public hearing.

Public Hearing – No comments

Mr. Miller moved that the Board of Supervisors **adopt** the resolution adopting the 2021 Centre County Hazard Mitigation Plan. Ms. Stephens seconded the motion.

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

4. Citizen's Right to be Heard – Gypsy Moth Spraying in Greenbriar

Mr. Pribulka stated that in accordance with the Ferguson Township Home Rule Charter Section 2.20, Citizen's Right to be Heard, Ford Stryker of Deerfield Drive requested the Board consider options for evaluating and potentially mitigating the gypsy moth infestation that has been increasingly prevalent in the area. In 2007, funding was dedicated to management of the infestation and a Gypsy Moth Coordinator was temporarily assigned to the Centre County Office of Planning & Community Development. If the Board is interested in proceeding, the recommended motion is to direct the Township Manager to review options and explore opportunities for an egg mass assessment in the fall. The assessment will help determine the likelihood and magnitude of an infestation in 2022, and the Township, along with any potential partners, and can plan for

appropriate and safe mitigation. Provided with the agenda is a copy of the communication received from Mr. Stryker and a Forest Insect & Disease Leaflet concerning the gypsy moth published by the U.S. Department of Agriculture.

Public Comment

Mr. Ford Stryker, Ferguson Township Resident, noted that the gypsy moths in early 2000 was bad and if they go unchecked, they will kill trees. The Township entered into a spraying program that saved the trees at that time. Mr. Stryker stated there needs to be a plan in place early before damage is done to the trees.

Mr. Norris Lacy, Ferguson Township Resident, concurred with Mr. Stryker and noted they lost some large oak trees. Mr. Lacy stated he feels that spraying is crucial and hopes the Board will take action.

Board Discussion

Mr. Miller asked if the Township could undertake without the state or county involvement.

Mr. Pribulka will find out the answer but stated that the Township should attempt to do as much in line with DCNR. Mr. Miller suggested reaching out to the Game Commission as well.

Ms. Strickland supported the request and asked if the arborist would go to evaluate. Mr. Pribulka noted the assessment would be done in the fall by working with DCNR and an independent contractor because the arborist is part-time.

Ms. Dininni noted that parenting with regional/county in align with the state could be time consuming and complicated. Mr. Pribulka noted that they would reach out to other municipalities and at the county level to determine a potential partnership. Ms. Dininni expressed concerns with the type of material that will be used and noted that working with the state will give the Township less control. Also, Ms. Dininni asked about staff time and how much time it will take to assess the preliminary findings leading up to the CIP. Mr. Pribulka noted that himself, the Public Works Director, and the Township Arborist will take the lead with the preliminary options but expressed concerns with the time commitment if it leads into a bigger project.

Mr. Miller moved that the Board of Supervisors **direct** staff to evaluate options for aerial spraying in the Greenbriar development and other areas of concern for gypsy moths to be considered in the 2022 – 2026 Capital Improvement Program Budget. Ms. Stephens seconded the motion. The motion passed unanimously.

5. Zoning Appeals/Requests for Variances

a) 3795 West College Avenue, Scott Road Pump Station

Ms. Wargo presented the request and noted that the University Area Joint Authority—3859 Scott Road (24-004-096-0000, 24-004-079A0000, 24-004-081-0000, 24-004-080-0000, 24-004-082-0000, and 24-004-090-0000), zoned Rural Agricultural (RA), is requesting a variance from §27-701.3.C. Use Limitations and §27-209.1. Yard Requirements. The Zoning Ordinance prohibits new construction or development in a floodplain (Nolin Soils being subject to the floodplain regulations) (§27-701.3.C.). The Zoning Ordinance prohibits structures from being placed in the rear yard setback (50FT for RA) and the proposed pump station location was strategically chosen based on

a hydraulic analysis by the UAJA's consultant that allows for adequate space for the necessary wastewater pump station facilities (§27-209.1.).

Mr. Miller moved that the Board of Supervisors **support** the request for variance at 3795 West College Avenue. Ms. Stephens seconded the motion. The motion passed unanimously.

b) 3795 West College Avenue, Islamic Society of Central PA

Ms. Wargo noted that the Islamic Society of Central Pennsylvania—3765 West College Ave (24-004-078C-0000), zoned Rural Agricultural (RA)/Corridor Overlay District (COD), is requesting a variance from §27-205.1. Permitted Uses. The Zoning Ordinance permits a Place of Assembly, Community on lots greater than 50 acres. The property is currently 10.16 acres. This project has been in the planning stage for several years, including, two other variances granted by the Ferguson Township Zoning Hearing Board in 2010 and 2020.

Ms. Stephens moved that the Board of Supervisors remain **neutral** on the request for variance at 3765 West College Avenue. Mr. Miller seconded the motion.

Mr. Miller noted that a variance was granted in 2010 and asked how the current request differs from the 2010 variance. Ms. Wargo stated the variance in 2010 was for the religious place of assembly. In 2019 they received a variance for their driveway and language changed in the zoning ordinance that reduced the lot sizes.

Ms. Dininni expressed concerns and explained why she will be voting no. Ms. Dininni noted that it is a floodplain area of water body and used for cemetery use with large amounts of contamination.

The motion passed with Ms. Dininni opposing.

6. Request for Proposals – Ferguson Township Strategic Plan Update

Mr. Pribulka stated that the Ferguson Township Strategic Plan was last updated in 2017. Since then, the Board of Supervisors engaged the National Research Center to administer in National Community Survey in 2019 and evaluate the quality of life in the community across a range of variables. The Township received good insight. The intention was to work-in some of the responses from the survey into the strategic plan. An allocation has been included in the 2021 Operating Budget to engage a consultant to update the Strategic Plan to address the priorities of the Board and the needs identified in the 2019 Community Survey. Provided with the agenda is a copy of the draft Request for Proposals (RFP) to be issued to retain the services of a qualified consultant to assist the Board with this project. It is requested that the Board provide any input on the scope of work presented and, if satisfied with the contents of the document, authorize the Township Manager to issue the RFP to qualified firms. The RFP will also be made available on the website and other relevant publications.

Ms. Dininni favors an all-day retreat.

Mr. Miller favors an off-site retreat but doesn't feel fall is an effective time because of other special meetings. Mr. Pribulka noted that they could hold the retreat with the newly elected officials and the outgoing members, so that everyone is involved.

Ms. Strickland is in favor of the retreat at the Township Building and is neutral with the timing. Ms. Strickland stated that she would not be in favor of changing the mission, vision, and values statement at this time. Ms. Strickland expressed concerns with finding the right consultants.

Mr. Miller moved that the Board of Supervisors **authorize** the Township Manager to issue a Request for Proposals for consulting services to update the Ferguson Township Strategic Plan. Ms. Strickland seconded the motion. The motion passed unanimously.

7. Board Member Request – Short Term Rental Permits for Recreational Vehicles

Ms. Dininni made the request and noted that currently, the Centre Region Property Maintenance Code does not permit recreational vehicles to be issued rental housing permits. The Board should discuss the merits of allowing for this type of short-term rental and any constraints that should be placed on the permit. Ms. Dininni noted that the request came from a citizen and should proceed with caution.

*Note: This agenda item appears as requested by Ms. Dininni; however, since requested, a meeting with Walt Schneider, Centre Region Code Administration Agency Director, resulted in a modified course of action. The Ferguson Township Zoning Ordinance would only need to be amended, not the Centre Region Property Maintenance Code, in order to enable recreational vehicles to obtain short term rental permits.

Mr. Miller noted that the request is unclear and not sure how it would fit into any property code. Ms. Dininni stated that the request came from a citizen who has an RV on their property and asked if they could rent it out. Mr. Pribulka noted the scenario might be something the Board needs to investigate. Ms. Dininni would be in favor of looking at this through the zoning code if it were to be look at.

Ms. Strickland stated she is not opposed to looking into but doesn't want to commit a lot of time.

The Board agreed to have Staff do preliminary next steps.

8. Board Member Request – Fairbrook Park Grow Zone Map Amendment

Ms. Dininni made the request and noted that as the Township moves into the third season of implementation of the Low Mow (aka Grow Zone) Policy for Fairbrook Park, the policy map is being reviewed for clarity. Ms. Dininni reviewed the map that was included with the agenda.

An important part of Grow Zone management is the use of mowing strategies. Creating separations between high grass and other park amenities is essential to control the spread of invasive species and to allow access to all areas of the park. The focus of this map review is solely to examine whether it is a helpful visual guide for mowing staff to use to direct them where to create these essential separations.

Ms. Dininni moved that the Board of Supervisors **direct** staff to amend the map that was discussed this evening with the yellow strip of mowing to wrap around the wooded area and discuss the map with CRPR staff, with an emphasis on creating critical perimeters via mowing. Ms. Stephens seconded the motion. The motion passed unanimously.

VIII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Climate Action – The report is included in the agenda.

- b. Executive Committee – Ms. Dininni reported that the General Forum meeting was held as a hybrid meeting.
- c. CCMPO Coordinating Committee – Ms. Strickland noted the report is included in the agenda. Ms. Strickland reported there was an update from the Safety Subcommittee, and they are investigating dangerous intersections and roads.
- d. Facilities Committee – Ms. Stephens reported that the meeting occurred that morning and they discussed the Whitehall Road Regional Park project with regards to securing pricing for lighting and playground equipment; new a/v equipment at the General Forum Room, recharging station at the COG Building; and COG Building Lease.

2. STAFF REPORTS

- a. Manager's Report – Mr. Pribulka reported that the 2022 – 2026 Capital Improvement Program Budget draft is being finalized for distribution to the Board of Supervisors early next week. The annual CIP Road Tour is scheduled for Wednesday, July 14th beginning at 1:00 p.m., and two CIP Special Meetings are scheduled for July 20th and 21st, each beginning at 6:00 p.m. and will be open for attendance virtually or in person (excluding the Road Tour). Mr. Pribulka noted that Staff has narrowed down respondents to the Request for Proposals for the update to the Ferguson Township Recreation, Parks, and Open Space Plan. The finalists will be forwarded to the Parks and Recreation Committee for review and a recommendation to the Board of Supervisors for an award of a contract can be expected on the August 2nd Regular Meeting agenda. The Pine Grove Mills Small Area Plan Advisory Committee met on June 24th. The Committee discussed the proposed rezoning request for a segment of the Village; considered renderings for a logo for the Committee; discussed the placement of a banner sign over Pine Grove Road; and reviewed the implementation strategy for the Small Area Plan. Mr. Pribulka participated in a regional roundtable discussion regarding affordable housing strategies in the Centre Region. The Police Records Management System Consortium held a meeting on July 1st to discuss issues with the implementation of the Spillman RMS software.
- b. Public Works Director - Reports are included in the agenda packet.
- c. Planning and Zoning Director - Reports are included in the agenda packet.

IX. COMMUNICATIONS TO THE BOARD

Mr. Miller had a communication about the sewage rate at Accuweather.

X. CALENDAR ITEMS – MAY/JUNE

- a. Ferguson Township upcoming committee meetings:
 - 1. Pine Grove Mills Small Area Plan Advisory Board - Thursday, July 22, 4PM
 - 2. Planning Commission - Mondays, July 12 and 26, 6PM
 - 3. Parks & Recreation Committee - Thursday, July 15, 4PM
 - 4. Tree Commission - Monday, July 19, 5PM
- b. Coffee and Conversation, Naked Egg, Friday, July 9, 8AM

c. Summer Bike Anywhere Friday, July 23

XI. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 8:50 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 07-19-2021