

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, August 16, 2021  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, August 16, 2021 as a hybrid meeting. In attendance were:

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

**Staff:** David Pribulka, Township Manager  
Eric Endresen, Director of Finance  
Jenna Wargo, Planning & Zoning Director  
Dave Modricker, Director of Public Works  
Centrice Martin, Assistant Township Manager

Others in attendance included: Rhonda Demchak, Recording Secretary; Mark Kissling Ferguson Township Resident; Jyoti Gulati Balachandran; Ferguson Township Resident; Chloe House, Ferguson Township Resident; Neil Sullivan, University Planner, PSU; Eric Norenberg, Executive Director, Centre Region Council of Governments; Ford Stryker, State College Borough Water Authority Representative; Corey Rilk, Senior Planner, Centre Region Council of Governments; Joe Viglione, Finance Director, Centre Region Council of Governments; Mary Ann and Bob Frankenberg, Ferguson Township Residents; Lou Brungard, Facilities Coordinator, Centre Region Council of Governments

### I. CALL TO ORDER

Ms. Dininni called the Monday, August 16, 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. Mr. Pribulka took roll call and there was a quorum.

Ms. Dininni reported that there was an Executive Session prior to the meeting with regards to personnel and litigation issues.

### II. THE PLEDGE OF ALLEGIANCE

### III. CITIZENS INPUT

There were no comments.

### IV. APPROVAL OF MINUTES

Ms. Mitra moved that the Board of Supervisors **approve** the Regular meeting Minutes of August 2, 2021, and the July 20 and 21, 2021 Capital Improvement Program Special Meeting Minutes. Ms. Stephens seconded the motion. The motion passed unanimously.

### V. SPECIAL REPORTS

a) State College Borough Water Authority Report

Mr. Ford Stryker presented the report and noted that the board continues to meet via zoom once a month. The Authority is using E-Billing as a payment option and is encouraging people to utilize that method. They are working on the Solar Power Purchase Agreement. The Nixon-Kocher Plant is making good progress and should be online by March 2022. Working to relocate the water lines at the 26&45 intersection. Mr. Stryker noted that Mr. Brian Heiser, Executive Director, State College Borough Water Authority, has concerns with a grading plan that has been submitted for a farm field at the North Nixon Road and Gatesburg Road. The Authority is working to understand the impact of the Stormwater Fee on their property because they thought they were exempt.

Ms. Dininni noted that the Board is aware of the grading plan and making sure everything is compliant.

Ms. Dininni asked if the Authority would be interested in having a bigger conversation on recharge, native planting, and pollinators at the property adjacent to Whitehall Road Regional Park. Mr. Stryker will pass on Ms. Dininni's idea to the Authority.

## **VI. UNFINISHED BUSINESS**

### **1. Review Drafts of 2022-2026 COG Program Plan and 2022-2022 Capital Improvement Plan**

Mr. Pribulka noted that at the General Forum meeting of the Centre Region Council of Governments on Monday, July 26th, the 2022 COG Program Plan and 2022 – 2026 Capital Improvement Program were forwarded to the Centre Region municipalities for review and comment. COG staff provided a Comment Guide to assist the member municipalities in their discussions, and responses on both documents were due back to the COG Executive Director by 8:00 a.m. on Thursday, August 19th. The COG Executive Director, Eric Norenberg, Finance Director Joe Viglione, and Lou Brungard, Facilities Coordinator were in attendance to respond to any questions the Board may have. Links to each document can be found below. On August 2nd, the Board reviewed the Comment Guide and forwarded several questions to the COG Executive Director for consideration and response. Provided with the agenda is a copy of the Comment Guide including responses from the COG Executive Director. Mr. Pribulka provided a blank Comment Guide with the agenda.

[2022 Centre Region COG Program Plan DRAFT](#)

[2022 – 2026 Centre Region COG Capital Improvement Plan](#)

Ms. Dininni welcomed the representative from COG and thanked them for their work.

Ms. Dininni reviewed the sections of the Comment Guide where there were questions.

General Non-Fund Specific Comment (page 18 of the agenda), there were questions regarding Cost of Living Adjustment. Mr. Viglione noted that the last time the COLA was changed was a General Forum Action and not a Finance Committee action. Mr. Norenberg stated that the COG was in the middle with regards to merit and COLA and will be tracking.

Office of Administration Budget (page 18 of the agenda), there were questions regarding hiring a Finance Administrator and HR Administrator. Mr. Miller recommended going with the HR Committee recommendations. Ms. Dininni expressed concerns with the cost of staffing not only with salary, but office space. Ms. Strickland asked what the factors were when considering the new positions. Mr. Norenberg noted that since starting at the COG and working at other municipalities, administration staffing is usually behind trying to play catch up with other agencies. Mr. Viglione noted that in 2014 it was discussed to hire two or three staff at the beginning with the possibility of hiring a third when Mr. Viglione thought it was time. Mr. Viglione stated that it is time to hire a new position. Ms. Dininni inquired if the COG wide staffing study will identify if a communication staffer will be needed in each department. Mr. Norenberg explained the different positions throughout COG that do various

communication duties. Ms. Dininni asked if there will be a COG wide staffing study. Ms. Stephens expressed concerns with the expense of another study. Ms. Strickland asked if staff positions were included in previous CIP's. Mr. Viglione noted they were not included in the CIP and any staffing comes through on a study. The Board agreed to suggest adding staffing to the COG CIP.

With regards to the original question "should COG hire a Human Resources and Finance Administrators", the Board agreed of the hiring of both positions with a strong recommendation to integrate staffing into the CIP.

Office of Administration Budget (page 18 of the agenda), questions were asked about budgeting \$45,000 for the first COG-wide classification and compensation study. There were no comments made. Board agreed to budget.

Office of Administration Budget (page 18 of the agenda), the Board agreed to budget \$10,000 to implement the initial recommendations of the IT Study.

COG Building Capital Budget the (page 19 of the agenda), the Board agreed to budget \$15,000 to complete the final phase of improvements to the General Forum Room; \$40,000 to improve Administrative Offices; and \$17,500 to re-lamp the COG Building and parking lot. Ms. Dininni had questions and concerns regarding the casting of light. Mr. Brungard noted that they will ensure no light migration and will be doing a lighting study.

Office of Administration – Insurance Reserve Fund Budget (page 20 of the agenda), the Board agreed to improve the air quality at both locations.

Centre Region Code Administration – Overall Program Budget (page 32 of the agenda), the Board agreed to proceed with plans to move to electronic equipment in the field.

Centre Region Code Administration – Capital Budget (page 34 of the agenda) the Board agreed for the CRCA to proceed with plans to move to an electric fleet.

Schlow Centre Region Library Operating Budget (page 36 of the agenda) the Board agreed that the library material budget should be increased and agreed to invest in remote library material pickup lockers.

Centre Regional Planning Agency (page 37 of the agenda) regarding a half-time hire of a Communications Manager, Ms. Dininni stated she is not in favor of the hire. Ms. Stephens suggested cross training. Mr. Miller noted that he is not in favor. Ms. Strickland expressed concerns with filling a professional part-time position and the scope needs to be redefined. Mr. Mitra concurred with Ms. Strickland.

Centre Regional Planning Agency (page 37 of the agenda) regarding the hiring of a consultant. Mr. Miller noted that he would not be in favor because there is not enough of a plan to implement. Ms. Dininni expressed a small amount of support but if it were more focused then her support would be greater. Ms. Strickland noted that there is some confusion related to the responsibility and would not be opposed of the consultant if it were the next step. Mr. Norenberg liked the feedback and stated the consultant is designed to bolster what the staff has capabilities to do and provide technical capabilities beyond what is in place now. Ms. Dininni, Ms. Stephens, and Mr. Miller are not in support of hiring the consultant now. Ms. Strickland and Mr. Mitra voted in support.

Regional Fire Protection Program (page 39 of the agenda) regarding the hiring of a part-time Administrative Assistant the Board agreed to the hire.

Regional Fire Protection Program Capital Budget (page 39 of the agenda) with regards to replacing Engine 5-3, purchase of a UTV, and restriking the block and brick at the Borough Fire Station the Board agreed to all.

Aquatics – Capital Budget (page 42 of the agenda) regarding the water slide and pool feature slated for Park Forest Pool and Welch pool, the concrete slab repairs, parking lot at Park Forest Pool, and interior finish upgrades within the restrooms at both pools be completed, the Board agreed to all. With regards to the purchase and retrofit of a concession truck, Ms. Dininni expressed concerns with another box truck and suggested investing in the facilities. The Board is not in support of the concession truck and recommends working with existing vendors. Regarding the \$10,000 annually to cover unplanned capital replacements, the Board had concerns but agreed to the unplanned capital replacements.

Millbrook Marsh Nature Center – Capital Budget (page 43 of the agenda) lighting for the parking area and walkways, the Board recommends exploring all possible options to reduce the impact of the lights.

Ms. Dininni noted that she is in favor of refreshing of the park master plans.

Ms. Dininni thanked Mr. Norenberg, Mr. Viglione, and Mr. Brungard for their attendance and assistance at the meeting.

## VII. NEW BUISNESS

### 1. Consent Agenda

- a. 2021-C4, Wetland Delineation: \$2,645.40
- b. 2021-C8, Parking Stalls, Pay Application 3: \$21,704.10
- c. Treasures Report – May 2021 for Acceptance
- d. Board Member Request – Noise Ordinance Amendment

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

### 2. Public Hearing – Conditional Use Application, 1445 West College Avenue

Ms. Wargo noted that in Included in the agenda is a Conditional Use application from Penn State University for property located at 1445 West College Avenue (24-4-51C). The applicant is requesting to continue the conditional uses currently operating at the site in accordance with Chapter 27- 304.2.E.(1) and (2). There are two existing conditional uses on the property: One dated November 7, 2011, for the use of the property as a golf course maintenance facility (8,500SQFT) and one dated August 26, 2014, for the use of the property as a Mixed Martial Art studio (7,800SQFT). Both agreements expire December 31, 2021. The property is located in the Terraced Streetscape (TS) Zoning District and both uses are not permitted uses (§27-304.2.E.(1)), nor prohibited (§27-304.2.E.(2)). Given that both uses are continuing at the site and the Township is rewriting the Terraced Streetscape Ordinance, staff is recommending an addendum to these agreements to permit the uses to operate for another five years at this location. All conditions included in the original agreement will remain, including the surety posted for the improvements.

Public Hearing – There were no comments.

Mr. Miller stated he would extend the conditional use with the knowledge that the zoning district may change.

Mr. Mitra concurred with Mr. Miller.

Ms. Strickland is in favor of extending but suggested shortening the term to three years. Ms. Strickland had an inquiring from a resident regarding the gravel road behind the mixed martial arts facility and asked if it is part of the conditional use. Mr. Neil Sullivan stated the gravel road is on the PS Golf Course property. Mr. Sullivan will look up the history regarding the gravel road and send to Ms. Wargo.

Ms. Stephens asked when the consultant will be hired for the rewrite. Mr. Pribulka stated that the intention is to look for a consultant in the first quarter of 2022 and will likely be a year process. Mr. Pribulka noted that a three-year permit is reasonable and to expect amendments to the TSD and that when the conditional use extension expires, the owner will need to comply with the standards.

Ms. Dininni stated she is in favor of extending for three years. The Board agreed to change from five years to three years.

Ms. Miller 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 September 7th Regular Meeting. Ms. Stephens seconded the motion. The motion passed unanimously.

### 3. Public Hearing – Resolution Adopting Act 537 Sewage Facilities Plan Update

Mr. Pribulka noted that provided with the agenda is copy of the resolution advertised for public hearing approving an amendment to the Centre Region Act 537 Sewage Facilities Plan. The University Area Joint Authority intends to upgrade its composting facility, which has been in operation for nearly 28 years, by constructing an Anaerobic Digestion and Sludge Drying Facility to produce Class A Biosolid product in place of composting. As noted in the resolution, the Township and all other municipalities in the Sewer Service Area must approve any revisions to the Act 537 Plan. Below is a link to the Special Study. Corey Rilk, Senior Planner with the Centre Regional Planning Agency, was present to report on the study and respond to any questions the Board may have.

Ms. Dininni asked if compost will be produced at UAJA. Mr. Rilk noted that there will be smaller amount produced with no additional waste produced.

Public Hearing – There were no comments.

[Centre Region Act 537 Special Study for Biosolids Upgrade Facility](#)

Mr. Miller moved that the Board of Supervisors **adopt** the resolution adopting an Act 537 Sewage Facilities Plan Update. Mr. Mitra seconded the motion.

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

### 4. Request for Variance – 1609 North Atherton Street

Ms. Wargo reported that on July 6, 2021, Mike Patel submitted an application for zoning variance to the Planning and Zoning Department. Rita's Italian Ice — 1609 N. Atherton Street (24-010-017-0000), zoned General Commercial (C), is requesting a variance from §27-209.1. and E. Yard Requirements. The applicant is proposing to have an awning projecting beyond the front and side yard setbacks in order to provide more coverage for their patrons during bad weather and protect their employees from the sun while working.

Ms. Dininni suggested supporting the variance because it seems to be minimal impact but asked others for their opinion.

Mr. Miller noted that the Board usually stays neutral because it is a Zoning Hearing Board decision.

Ms. Strickland is not personally opposed but will remain neutral because it is an encroachment to the setback.

Ms. Dininni moved that the Board of Supervisors remain **neutral** on the request for variance at 1609 North Atherton Street. Ms. Strickland seconded the motion. The motion passed unanimously.

5. Request for Variance – 1609 North Atherton Street

Ms. Wargo reported that included in the agenda is an Application for Consideration of a Modification/Waiver from Sue and John Campbell submitted to the Planning & Zoning Department. The Campbell's own the property located at 400 Plainfield Road (24-007-004-0000). Farmers Way is a private driveway on the northern portion of TP 24-007-004-0000. The applicant proposes to build a third single family home on the northern portion of the parcels and is requesting a modification/waiver from the Subdivision and Land Development Ordinance (§22- 104.1.B.) requirement to complete a land development plan. There are two existing homes on the 181.3 acre property. The property is zoned Rural Agriculture (RA). Staff has reviewed the application and waiver and is recommending as a condition of approval that the applicants comply with all State regulations.

Ms. Strickland moved that the Board of Supervisors **grant** the waiver from §22-104.B. subject to the condition that the applicants comply with all state regulations. Mr. Miller seconded the motion. The motion passed unanimously.

6. Heritage Tree Designation – 210 Deibler Road

Mr. Modricker reported that at the January 18<sup>th</sup> Regular Meeting of the Board of Supervisors, the Board adopted Ordinance 1062 amending Chapter 25, Trees by establishing a new Part IV, Heritage and Significant Trees. The intent of the new part is to recognize the voluntary protection of landmark and important trees, establish a process to nominate these trees, distinguish between Heritage and Significant Trees, and establish maintenance responsibilities for the preserved trees. Provided with the agenda is a request from the Baileyville Community Hall Board for the Oak tree at 210 Deibler Road, Pennsylvania Furnace, PA. Mr. Modricker showed the tree in question and stated that this is the Township's first designation. The Township Arborist estimated the tree to be 300-350 years old.

Ms. Strickland moved that the Board of Supervisors, upon finding the old oak tree at 210 Deibler Road to be of landmark importance, **approve** the designation of Heritage Tree subject to receipt of an executed tree easement document from the property owner. Ms. Stephens seconded the motion.

Mr. Pribulka suggested having a certificate accompany the designation.

The motion passed unanimously.

7. DRAFT Position Letter – Mandatory COVID-19 Vaccinations for PSU Students, Faculty, and Staff

Ms. Dininni noted that provided with the agenda is a copy of a draft letter from herself urging Penn State University to require COVID-19 vaccinations for all eligible students, faculty, and staff in advance of the commencement of the 2021 fall semester and academic year. A similar letter has been sent by State College Borough Council President Jesse Barlow. The COG Executive

Committee will be conducting a Special Meeting on August 10<sup>th</sup> to consider endorsing a letter, as well. Ms. Dininni noted that the country is seeing a surge with the Delta Variant.

Mr. Mitra stated he is in full support of a letter.

Mr. Miller stated that he is in favor of the letter because of the number of people coming in that would not be vaccinated. Mr. Miller expressed concerns with the number of people that the Grange Fair and football games will bring to the area.

Ms. Stephens stated she is in favor but is inclined to support more if there are real numbers as opposed to percentages.

Ms. Strickland stated she is in favor of sending and the emergency authorization is inclusive enough.

After further discussion, the Board agreed to add a sentence with estimated numbers and percentages.

Ms. Strickland moved that the Board of Supervisors **authorize** the Chair to endorse the letter to Penn State University officials urging the University to require COVID-19 vaccinations for all non-exempt students, faculty, and staff prior to the commencement of the 2021 – 2022 academic year. Mr. Miller seconded the motion. The motion passed unanimously.

#### 8. Board Member Request – Radio Park Elementary School Crossing Guard

Ms. Strickland noted that provided with the agenda is a copy of the Board member-requested item concerning the hiring of a part-time crossing guard at Radio Park Elementary School. Ms. Strickland explained the intersection, the safety concerns, and noted that there will be a traffic study.

Ms. Stephens stated that she received a communication from a resident about cutting back the vegetation in the empty field. Mr. Pribulka noted that the field is privately owned, but if there is a sight problem the Township can investigate.

#### Public Comment

Ms. Chole House, Ferguson Township Resident, thanked the Township for the crosswalk and advocated for a crossing guard.

Ms. Jyoti Gulati Balachandran, Ferguson Township Resident, thanked the Township and especially Ms. Strickland and Ms. Stephens for their efforts. Ms. Balachandran stated that her family has had two near misses while biking and walking.

Mr. Mark Kissling, Ferguson Township Resident, thanked the Board for the upcoming traffic study. Mr. Kissling also thanked Ms. Strickland and Ms. Stephens for walking the route with him. Mr. Kissling encouraged the hire of a crossing guard prior to the traffic study.

Mr. Pribulka reviewed the safety measures that were put in place. Mr. Pribulka stated that the study will not take long to complete, and it should be completed soon.

Ms. Balachandran noted that Cherry Lane is difficult because there are no sidewalks.

Ms. Dininni asked when a crossing guard could start. Mr. Pribulka stated it could be up to a month depending on the application poll and process.

Mr. Miller stated that reluctance in hiring a crossing guard is not due to the financial commitment or disregard of safety but rather it's difficult to find a person to hire for this position.

Mr. Mitra asked if stop signs were to be installed would there still be a need for a crossing guard.

Ms. Strickland suggested a year long position so the Board could reassess.

Mr. Mitra is in full support of the crossing guard.

Ms. Stephens is also in favor of the crossing guard even if stop signs were to be installed.

Mr. Miller indicated his support of the crossing guard.

Ms. Dininni is in support and the reevaluation in a year.

Mr. Mitra moved that the Board of Supervisors **authorize** the hiring of a part-time crossing guard for Radio Park Elementary School. Ms. Strickland seconded the motion. The motion passed unanimously.

## **VIII. STAFF AND COMMITTEE REPORTS**

### **1. COG COMMITTEE REPORTS**

- a. Human Resources Committee – The report is listed in the agenda.
- b. Joint Public Services & Environmental and Transportation & Land Use Committees – Ms. Strickland reported that they discussed the draft resolution forming the Land Use and Community Infrastructure Committee, there was an update on the Accessory Scale Solar Project, and affordable housing.
- c. Climate Action and Sustainability Committee – Ms. Dininni reported that they discussed the Climate Action Plan.
- d. Special Executive Committee – Ms. Dininni reported that they discussed the COG position statement to PSU on COVID-19.
- e. Public Safety Committee – Ms. Dininni reported that they discussed municipal police reporting, funding of the EMS Legislative meeting, and regional fire protection space evaluation.

### **2. STAFF REPORTS**

- a. Manager's Report – The report is included in the agenda.
- b. Public Works Director – The report is included in the agenda.
- c. Planning and Zoning Director – The report is included in the agenda.
- d. Chief of Police - The report is included in the agenda.

Ms. Dininni asked if the Ferguson Township Climate Action Committee is meeting independently from the COG Climate Action Committee. Mr. Pribulka reported that they are, and they meet the first Monday of the month.

Mr. Pribulka reported that the Request for Proposals for updating the Township's Strategic Plan were due last Friday. The next step is for a subcommittee to conduct interviews the week of



August 23<sup>rd</sup>. Mr. Pribulka suggested having two members of the Board to serve on the subcommittee. Ms. Dininni and Mr. Miller volunteered to be on the subcommittee.

**IX. COMMUNICATIONS TO THE BOARD**

Ms. Dininni noted that Ms. Strickland had a communication regarding the gravel road that was mentioned earlier in the agenda. Ms. Dininni asked staff to investigate the matter.

**X. CALENDAR ITEMS – AUGUST/SEPTEMBER**

a. Ferguson Township upcoming committee meetings:

1. Stormwater Fee Workshop - Tuesday, August 17, 6:30 p.m.
2. Parks & Recreation Committee - Thursdays, August 19 and September 16, 4:00 p.m.
3. Planning Commission - Mondays, August 23, September 13, and September 27, 6 p.m.
4. Pine Grove Mills Small Area Plan Advisory Committee - Thursdays, August 26 and September 23, 4 p.m.
5. Tree Commission – Monday, September 20, 5 p.m.

Ms. Dininni thanked Mr. Mitra for his service to the Board.

**XI. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 10:33 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 09-07-2021