

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, September 20, 2021  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, September 20, 2021 as a virtual zoom meeting. In attendance were:

<b>Board:</b>	Laura Dininni, Chair	<b>Staff:</b>	David Pribulka, Township Manager
	Lisa Strickland, Vice Chair		Eric Endresen, Director of Finance
	Steve Miller		Centrice Martin, Assistant Township Manager
	Patty Stephens		Kristina Bassett, Community Planner
	Pam Steckler		

Others in attendance included: Rhonda Demchak, Recording Secretary; Rhonda Stern, Ferguson Township Resident; Charima Young, PSU; Dane Noe, Ferguson Township Resident; Jason Beale, Ferguson Township Resident; Jeremie Thompson, Chair, Ferguson Township Planning Commission; Kenneth Johnson, Ferguson Township Resident; Michael Pipe, Centre County Commissioner; Louwanna Oliva, Executive Director, CATA; John Spsychalski, Chair, Board of Directors, CATA; Peter Melan, Chief Consultant, Polity

### I. CALL TO ORDER

Ms. Dininni called the Monday, September 20, 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 virtual meeting via Zoom. Mr. Pribulka took Roll Call and there was a quorum.

### II. THE PLEDGE OF ALLEGIANCE

### III. CITIZENS INPUT

Ms. Rhonda Stern suggested having a vision for the Terrace Streetscape District (TSD) by having the public give input through a questionnaire. With regarding to parking around the old O.W. Houts building, Ms. Stern would like to meet with someone from the Township at the site about safety and parking.

Ms. Dininni stated that she would be interested doing a site visit. Mr. Pribulka asked Ms. Stern to contact his office with the specifics.

### IV. APPROVAL OF MINUTES

Mr. Miller moved that the Board of Supervisors **approve** the Regular meeting Minutes of September 7, 2021. Ms. Stephens seconded the motion. Mr. Miller moved that that Board of Supervisors approve the Ward II Supervisor Vacancy Special Meeting Minutes of August 31, 2021. Ms. Stephens seconded the motion. The motion passed 4-0 with Ms. Steckler abstaining from both motions.

### V. SPECIAL REPORTS

#### a) Centre Area Transportation Authority

Mr. John Spsychalski presented the report and noted CATA is experiencing staffing shortages especially bus drivers. There have been service changes due to the shortage that include temporary service suspension of the F, G, S Routes. The changes can be found at [CATA](#). The

changes do not affect existing CATAGO! and CATARIDE services. The changes are intended to be temporary. The mask mandate will stay in effect until January 18, 2022. The mandate not only includes masks while on the bus, but also cueing up to get onto the bus. CATA will be embarking on a System Reimagine Study on October 4-8<sup>th</sup>. There will be consultants riding all the routes talking with passengers to obtain information to better their system. There will also be a public forum as well. More details can be found on their [website](#).

Ms. Stephens asked if the little card holders that include the times/routes will be reinstated. Ms. Oliva, Executive Director, CATA, noted that since COVID-19 they removed them due to route changes and cancellations, but there should be something at each stop that list links. Ms. Oliva will get the information sheet for Ms. Stephens route.

Ms. Strickland inquired about the staffing shortages in more detail. Ms. Oliva noted that up to 65% of their staff was laid off during the pandemic. 109 bus operators were to come back in the fall, but only 89 operators did. This was due to retirements, job changes, illnesses, etc. Ms. Strickland asked how public input can be done with the System Reimagine Study for riders not able to participate. Ms. Strickland asked about the potential of having a CATAGO! in Ferguson Township and if at the next report this could be discussed.

Ms. Dininni thanked Mr. Spychalski and Ms. Oliva for their report.

#### b) COVID-19 Local Response Report

Mr. Pribulka reported that Centre County has 17,028 positive cases with 233 deaths. There have been 78,154 reported negative cases reported on the PA COVID-19 Dashboard for Centre County. Across the Commonwealth the cases have reached 1,148,775 and 28,864 deaths. Centre County full vaccination rate is at 52.5% and 61.1% partially vaccinated. There are over 6.1 million people in PA fully vaccinated. As of September 17<sup>th</sup>, Mount Nittany Medical Center had 42 positive patients in their care ranging in age from 18-92 years of age. Administrators are worried because the numbers have double in two weeks. The hospital has cancelled and rescheduled procedures in light of the uptick in cases and also no visitors are allowed. The Township facilities remain open to the public with some staff working a hybrid schedule. Staff and Public are to be masked at all times in the building. Mr. Pribulka thanked the residences and business owners in Ferguson Township for their patience and understanding as the Township recovers.

Ms. Dininni encouraged everyone to get the vaccine.

## VI. UNFINISHED BUSINESS

### 1. Conditional Use Permit Application – 1350 Greenwood Circle

Ms. Bassett noted that an application for a conditional use permit for property located at 1350 Greenwood Circle to subdivide a flag lot has been filed with the Township by SAS Geospatial on behalf of the property owners, Jessica Gracie-Griffin and Corey Griffin. The applicant is requesting to subdivide the lot and create a flag lot for a proposed new home. The Township's Zoning Ordinance and the Municipalities Planning Code (MPC) 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 September 7, 2021, and received testimony from Township staff.

Ms. Strickland moved that the Board of Supervisors **approve** the conditional use permit application for 1350 Greenwood Circle subject to the conditions described in the Township Manager's written decision dated September 20, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

2. Award of Contract 2021-C18, Homestead Park Play Equipment

Ms. Martin noted that provided with the agenda is a copy of the estimate to construct new play equipment on Homestead Park. Several alternative designs were reviewed by the Parks & Recreation Committee and the piece of equipment proposed is consistent with the Committee's recommendation. The cost of the equipment is \$35,515.00, and the remainder would be available for installation awarded as a separate engagement.

Ms. Steckler moved that the Board of Supervisors **award** Contract 2021-C18, Homestead Park Play Equipment to George Ely Associates, Inc. in an amount of \$35,515.00. Ms. Stephens seconded the motion. The motion passed unanimously.

**VII. NEW BUISNESS**

1. Consent Agenda

- a. Contract 2018-PWGG General, Pay App 15: \$40,000.00
- b. Contract 2020-4, Suburban Park, Pay App 11: \$20,511.60
- c. Voucher Report – August 2021

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

2. Authorization to Engage Policy, Inc. to Facilitate an Update to the Ferguson Township Strategic Plan

Mr. Pribulka noted that provided with the agenda is a copy of the proposal received from Polity, Inc., to provide consulting services for the Ferguson Township Strategic Plan update. The engagement proposes to commence in the fall and conclude in March 2022. It includes a substantial community engagement initiative to supplement the results of the 2019 Community Survey. The proposed deliverables and timeline can be found on page ten of the attachment.

Ms. Steckler moved that the Board of Supervisors **authorize** the Township Manager to execute an agreement to engage Polity, Inc., to facilitate an update to the Ferguson Township Strategic Plan. Ms. Stephens seconded the motion. The motion passed unanimously.

3. University Park Airport Air Service Expansion – Request for Support

Centre County Commissioner, Michael Pipe presented the request for support and noted in the agenda is a summary of the request. The amount requested is \$10,000 and may be an eligible use of American Rescue Plan Act (ARPA) funds. Ms. Dininni asked what the commitment would be to continue the flights. Mr. Pipe noted that the minimum would be no fewer than 12 flights per week and will probably be a commitment anywhere from 18 months to 36 months. Mr. Miller noted that since losing the HUB in Pittsburgh it has been a hassle to travel from State College.

Mr. Pribulka asked if the County is going to administer the agreement on behalf of all the partners or will it be done through another agency. Commissioner Pipe noted that it will be a partnership between the Airport Authority, Penn State, and the county.

Ms. Strickland moved that the Board of Supervisors **authorize** an appropriation of \$10,000 to supplement an incentive package for American Airlines to provide direct service from University Park Airport to Charlotte, NC. Mr. Miller seconded the motion.

Ms. Dininni expressed concerns with climate change with air travel but will support the request. Ms. Stephens concurred with Ms. Dininni and suggested having a train line to State College. Ms. Steckler also has concerns with climate change.

The motion passed unanimously.

#### 4. Award of Contract 2016-C-11 – Automated Traffic Signal Performance Metrics

Mr. Pribulka noted that on September 9, 2021, bids were opened publicly and read out loud for contract 2016- C11. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves constructing a broad band communications network between all 21 traffic signals and the Township Building. The system will allow the Township to better manage traffic signal timing by analyzing data collected from each signal at a central location. There is also an option for future enhancements. It is a grant funded project with a budget amount of just under \$600,000; however, the bid came in over budget at \$20,000. The Township will be able to revise the scope of work to bring it below budget.

Ms. Stephens asked if Mr. Seybert will have the appropriate equipment. Mr. Pribulka noted there will be some software updates that need to be done and training. Mr. Pribulka doesn't foresee any issues for Mr. Seybert.

Mr. Miller noted that \$20,000 is only 3% of the entire project and would something be cut that is worth keeping getting below \$600,000. Mr. Pribulka stated that there is nothing that will be cut that will jeopardize the performance of the software.

Mr. Miller moved that the Board of Supervisors **award** Contract 2016-C11 Automated Traffic Signal Performance Metrics to Wyoming Electric & Signal, Inc., in accordance with their bid in the amount of \$619,276.00 with the change that was describe the Manager. Ms. Stephens seconded the motion. The motion passed unanimously

#### 5. Fairbrook Park "Grow Zone" Map Amendment

Ms. Martin noted that the Board of Supervisors directed staff in July 2021 at a regular meeting to develop an amendment to the Grow Zone map for Fairbrook Park to improve the maintenance schedule and reduce the spread of invasive species and ticks. Provided with the agenda is the amended Fairbrook Park Grow Zone map with a yellow strip marked in the southeast of the park to indicate mowing along between the wooded area and the road for separation between the woods and the grassland.

Ms. Steckler asked if mowing will be the major way to get rid of invasive species and ticks without the use of pesticides and herbicides. Mr. Pribulka stated that is correct; however, there are some certified applications applied by the Centre Region Parks and the Township for roadside mowing needs.

Ms. Strickland moved that the Board of Supervisors **approve** the amendment to the Fairbrook Park "Grow Zone" Map. Ms. Stephens seconded the motion.

Ms. Steckler encouraged the Township to limit the use of pesticides and herbicides as little as possible. Ms. Steckler suggested having local groups come together to pull weeds in the parks.

Ms. Dininni noted that in Fairbrook Park the paths are compressed gravel and there are pesticides used heavily and noted that paving the paths would eliminate the use of pesticides. Ms. Steckler asked if a path could be mowed in Songbird Sanctuary Park so that people can enter. Ms. Dininni noted that the Park and Recreation Committee of Ferguson Township started discussing the master plan of the park. Ms. Martin stated that the Committee did meet to review and discuss the narrative

that was done by staff. It is a work in progress due to the pandemic, but the narrative, map, and the master plan went before the Parks and Recreation Committee for final comment and review. Once the Board of Supervisors approve, implementation of the recommendations can start.

The motion passed unanimously.

6. Authorization to Amend Chapter 27, Zoning; Section 710, Wireless Communication Facilities Ordinance

Mr. Pribulka reported that PA Act 50 was signed into law on June 30, 2021 and was drafted in unison with the Pennsylvania Municipal League and telecommunications providers. The legislation is heralded as one of the most collaborative and government-friendly set of regulations for small cell service providers in the nation. It provides for fair and equitable treatment of small wireless facilities and comprehensive protections for the municipality to ensure proper maintenance of public rights-of-way. These are installed by third party providers that will install the small cell towers. They will be leased to AT&T, Verizon, etc. The Act stipulates that local ordinances must be updated to reflect the provisions of Act 50, or local regulations will otherwise be preempted on October 28th. Staff has reviewed the provisions of the Act and is confident the amendment can be completed in-house. Mr. Pribulka stated that he doesn't think they will be done by October 28<sup>th</sup>.

Mr. Miller moved that the Board of Supervisors **authorize** staff to prepare an amendment to the Wireless Communications Facilities ordinance. Ms. Steckler seconded the motion. The motion passed unanimously.

7. Authorization to Submit a Variant Application for the Installation of Solar Arrays on the Ferguson Township Public Works Maintenance Facility

Mr. Pribulka noted that provided with the agenda is copy of a draft application for variance prepared by the Township Manager requesting relief from the Ferguson Township ordinance requirement that rooftop solar arrays not be visible from the ground level on public right-of-way. The Basis of Design for the LEED Gold Public Works Maintenance Facility included the installation of rooftop-mounted solar photovoltaics to provide electricity to the building. The Board awarded a contract to Envinty to complete the work; however, the regulation was developed after the land development plan was submitted and approved. As a result, the provision requiring screening from public view was not incorporated in the design and would substantially change the approved plan if it were required. The Board is asked to authorize a variance application for the September 28th Zoning Hearing Board meeting to seek a de minimis variance that would enable the installation as designed.

Ms. Steckler moved that the Board of Supervisors **authorize** the submission of a variance application to the Zoning Hearing Board for relief from Section 27-713(8)(B.) of the Township Zoning Ordinance. Ms. Stephens seconded the motion.

Ms. Steckler was shocked that solar panels shouldn't be seen, and it should be encouraged to be seen to convince others to install solar panels. Ms. Steckler suggested removing from the ordinance. Ms. Dininni concurred with Ms. Steckler.

The motion passed unanimously.

8. Centre Region Parks and Recreation Governance Discussion

Ms. Dininni noted that provided with the agenda is a copy of a communication from College Township Council member Rich Francke that was presented to the COG Executive Committee in July. The communication suggests a task force to be formed to provide an assessment and recommendations on any changes in the governance model between the Centre Region Parks and

Recreation Authority and the Centre Region Council of Governments. Ms. Dininni stated it is a complicated issue. Ms. Stephens noted that she wished the Township had more of a voice in who would be our Township representative. Ms. Dininni expressed concerns with the level of municipal representation because there is a lot from the municipalities that need to be conveyed. Ms. Strickland stated she supports Mr. Francke's presentation and concurred with Ms. Stephens. Ms. Strickland suggested having one representative from each municipality. Ms. Steckler agreed with Ms. Strickland and suggested having a taskforce of 12 instead of 7. Mr. Miller noted that a representative from each municipality should be included for it to be functional.

Ms. Dininni strongly agrees with having one representative from each municipality and discussed a better structure. Ms. Dininni will put forward at the Executive Committee to review the recommendations that were made and have them be apart of the scope of the Ad Hoc Committee. Ms. Dininni suggested having regular Board check-ins with the committee.

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

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

- a. CCMPO – Mr. Pribulka noted that the report was included in the agenda.
- b. Finance Committee – Mr. Miller reported that the budget review will begin on September 23<sup>rd</sup>. They received an update on the benefit pension plan; COG Audit; discussed Fire Department space needs; parks maintenance lease; and discussed the 2022 COG Program Plan.

Ms. Dininni asked Mr. Miller if he would discuss to remove the food truck business as government versus allowing business to incentive it.

Ms. Stephens agreed and noted that it would be another position to fill. Ms. Steckler stated she agreed to remove. Ms. Strickland noted that there are too many questions to move forward this year and noted the staffing issues as well. Mr. Miller agreed with the comments.

- c. Climate Action & Sustainability Committee – Ms. Steckler reviewed her report that was included in the agenda. Ms. Adams presented the Climate Action and Adaptation Plan; the Solar United Neighbors (SUN) was launched, and Ms. Steckler joined as a member. Ms. Steckler asked if the Township joined the Centre County Solar and EV Charger Co-op. Mr. Pribulka stated they have not joined but there was an endorsement. It will be on the Board's agenda for October 4, 2021. Ms. Steckler asked why the Ferguson Township's Climate Action Committee is an ad-hoc. Mr. Pribulka stated that it was set up for a specific purpose and most often convened by staff. It was established in 2017 and meetings are not open to the public.
- d. Public Safety Committee – Ms. Dininni reported they had a brief meeting and discussed the annual Joint Public Safety and Public Services and Environmental Committees. They also saw a presentation from Pam Adams on the Climate Action and Adaptation Plan.
- e. Human Resources Committee – Ms. Stephens noted that the last meeting was a special meeting regarding the General Forum motion that was made about mandating the COVID-19 vaccine. Ms. Stephen stated that 80% of COG staff is vaccinated.
- f. Park Capital and Authority Joint Committee - Ms. Dininni attended and they discussed the MG2V project and access question. The Committee decided to send Penn State a letter requesting to solidify public access. Ms. Charima Young, Director of Local Government and Community Relations at PSU, gave good feedback and Ms. Dininni is cautiously optimistic.

### **2. OTHER COMMITTEE REPORTS**

- a. Spring Creek Watershed Commission – Ms. Steckler reported that the recording in on C-NET. Lara Flower, PSU Law School, presented on Understanding and Stewarding Water Quality, a Legal Perspective. Ms. Steckler reviewed old business; and Dave Roberts reported on PFAS contamination of Spring Creek and Bald Eagle Creek.

### **3. STAFF REPORTS**

Mr. Pribulka noted that all staff reports are included in the agenda.

Ms. Dininni asked about Mr. Modricker's report regarding the overhead lightening with regards to the intersection of Cherry Lane and Martin Street. Mr. Pribulka noted that PennDot standards recommends all crosswalks to be illuminated. There has been no work done yet and more discussions need to be done.

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

Ms. Stephens had a communication from a parent at Radio Park following up on the crosswalk and the traffic study. Had questions about cutting down the overgrowth. Ms. Stephens also had a communication about the location of the stop sign at that intersection.

Ms. Dininni had communication with opposition of the airport funding; masking ordinance similar to the Borough and if Ferguson Township will be participating. A citizen is very concern with the election citizen data request and a citizen communicated that they would like to be involved more with the Cicil Irvin Park next phase.

## **X. CALENDAR ITEMS – SEPTEMBER/OCTOBER**

- a. Ferguson Township upcoming committee meetings:

1. Pine Grove Mills Small Area Plan Advisory Committee – Thursdays, September 23<sup>rd</sup> & October 28, 4 p.m.
2. Planning Commission - Mondays, September 27, October 11, and 25, 6 p.m.
3. Tree Commission – Monday October 18, 5 p.m.
4. Parks & Recreation Committee - Thursday, October 21, 4:00 p.m.

- b. Coffee & Conversation, Saturday, October 9, 8:00 a.m., Dunkin Donuts

## **XI. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 10:00 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 10-04-2021