

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 4, 2021
7:00 PM

ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, October 4, 2021 as a virtual zoom meeting. In attendance were:

Board:	Laura Dininni, Chair	Staff:	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		Chris Albright, Chief of Police

Others in attendance included: Rhonda Demchak, Recording Secretary; Emil Cunningham, PSU, Charima Young, PSU; Jeremie Thompson, Chair, Ferguson Township Planning Commission; Margie Swoboda, Ferguson Township Resident; Hillary Caldwell; Ferguson Township Resident; Nancy Stewart, Ferguson Township Resident; Ron Porter, Ferguson Township; David Stone, Nittany Valley Environmental Coalition; Pam Adams, Sustainability Planner; and Rosalie Brooks, Fran Nuhfer, and Thelma Homan, Ferguson Township Garden Club

I. CALL TO ORDER

Ms. Dininni called the Monday, October 4, 2021, regular meeting to order at 7:00 p.m.

Ms. Dininni moved that the Board of Supervisors **move** the COG Climate Action and Adaptation Plan Presentation from Special Reports to Unfinished Business. Mr. Miller seconded the motion. The motion passed unanimously.

Ms. Dininni moved that the Board of Supervisors **move** the Board Member Request – Plastic Bag Impact Fee Ordinance from the Consent Agenda to Unfinished Business for further discussion. Ms. Steckler seconded the motion. The motion passed unanimously.

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. Persons attending the meeting 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. Also, Board member were asked to identify themselves when making a motion or seconding a motion. C-NET is recording as well. Mr. Pribulka took Roll Call and there was a quorum.

Ms. Dininni noted that the Board of Supervisors held an Executive Session on September 21, 2021 regarding personnel matters.

II. THE PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

There were none made.

IV. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the Regular meeting Minutes of September 20, 2021. Ms. Strickland seconded the motion. The motion passed unanimously.

V. PROCLAMATION

a) Ferguson Township Garden Club Recognition

Ms. Dininni noted that the Ferguson Township Garden Club has maintained the median garden at the intersection of Shingletown Road (PA Route 45) and West College Avenue (PA Route 26) since 2007, and was originally established in 1964. The Township provides assistance with material and equipment to prepare the site each year. As the intersection is scheduled to be realigned and signalized in 2022, this will be the last year the garden exists in its current location. The Pennsylvania Department of Transportation has accommodated space on the side of the road for a future garden. To commemorate and recognize the garden and the efforts of the Ferguson Township Garden Club, the Board is asked to consider the proclamation provided with the agenda. Additionally, a framed photo of the garden this year will be permanently displayed in the lobby of the Township building. Members of the Garden Club including Rosalie Brooks, Fran Nuhfer, and Thelma Homan, a founding member of the Club over fifty years ago, were in attendance to accept the recognition.

Ms. Dininni read the proclamation that was included in the agenda packet. Mr. Miller, Ms. Steckler, and Ms. Strickland thanked the Garden Club for all their efforts, and it is appreciated. Ms. Dininni also thanked the Garden Club.

Ms. Strickland moved that the Board of Supervisors **adopt** the proclamation recognizing and honoring the service of the Ferguson Township Garden Club in beautifying the community and welcoming travelers with the garden at the intersection of Route 45 and Route 26. Ms. Stephens seconded the motion.

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

VI. SPECIAL REPORTS

a. Policing and Communities of Color Taskforce Report

Dr. Emil Cunningham, PSU, Taskforce Chair presented the report and reviewed the charge, building bridges, working sub-groups, and recommendations. Dr. Cunningham reviewed the 3–5-year arrest data for Bellefonte, Ferguson, Patton, Spring, State College, and University Park reflecting potential racial/ethnic disparities due to the overrepresentation of Black/African-American community members in arrest records and/or use of force data.

Dr. Cunningham reviewed next steps of the taskforce.

b. Ferguson Township Greenhouse Gas Emissions Reduction Strategy Report

Ms. Brandi Robinson, Chair, Ferguson Township Climate Action Committee presented the report and gave an overview of how it all began. The goals outlined were net zero by 2050; lead by example, and engage peer governments, non-government organization, businesses, and universities to raise awareness and identify courses of action. Ms. Robinson reviewed the plan to get to net zero. The reduction by 2030 is 45%. Ms. Robinson noted that Ferguson Township is already leading by example. Ferguson Township emissions is 37% of the COG total. The next steps over the next 6-months include focus on energy efficiency with transportation and to build/strengthen partnership in the community for education and outreach. Ms. Robinson stated that during the pandemic emissions were reduced by 9%. Priorities for a future standing committee included the implementation of the initial 3–5-year reduction strategy; monitor and track realized reductions from adopted strategies; follow up on the spring Community Resilience Building Workshop; and draft the next 3–5-year reduction strategy (2028-2033). Ms. Robinson noted that she would like the ad hoc committee to be a standing committee.

Ms. Steckler concurred with Ms. Robinson about making it a standing committee. Ms. Stephens also stated that it should be a standing committee. Ms. Dininni shared her thoughts on having a standing committee and noted that the standing committee will need to reside in the township. Ms. Dininni expressed concerns with obtaining members and staffing of the committee. Ms. Dininni suggested focusing on doing this as a regional effort.

c. COVID-19 Local Response Report

Mr. Pribulka reported on the status of COVID-19 in Centre County and the local response in Ferguson Township.

VII. UNFINISHED BUSINESS

1. COG Climate Action and Adaptation Plan Presentation (CAAP)

Ms. Pam Adams, COG's Centre Regional Planning Agency Sustainability Planner, presented the plan that includes State College Borough, and townships of College, Ferguson, Halfmoon, and Patton. The report plan that Ms. Adams gave can be found [here](#). The April 2021 Climate Impact Forum Report can be viewed [here](#).

Ms. Stephens asked where the residential information regarding the lack of energy efficiencies came from. Ms. Adams noted they get the information from West Penn Power and Columbia Gas.

Ms. Steckler noted that the renewable energy to transition fossil sources to renewables of 10% for homes and 5% for businesses seems low and suggested adding the expected date of 2030. Ms. Steckler asked what happened to the organic compostable collection for Ferguson Township. Ms. Adams noted it is a complicated process and they are looking at different models. Ms. Steckler asked if COG is considering the Material Recovery and Biological Treatment Method. Ms. Adams noted that it is being considered.

Ms. Dininni asked the Board if they are interested in figuring out a way on how the Township can collect the organic compostable collection. Mr. Miller stated that he supports but noted that there was a significant greater environmental negative impact than positive impact for implementation. Ms. Dininni stated that most of the Board is interested.

Ms. Strickland suggested adding more focus on CATA, 1st mile last mile, promoting safe routes to schools, and bicycle/pedestrian accommodations in the plan.

Ms. Dininni suggested replacing Municipal Operations with COG Operations. Ms. Adams will change. Ms. Dininni asked if the expectation is for all the other municipalities to create their own action committees or is everyone participating regionally. Mr. Miller noted that the question can be asked to COG but doesn't feel it will be answered.

2. COVID-19 Masking Ordinance Discussion

Mr. Pribulka noted that on September 15th, the Borough of State College reenacted an ordinance requiring the wearing of face coverings in many settings for all persons, regardless of vaccination status, and over two years old. The ordinance, which has been provided with the agenda, provides for very limited exceptions and is in effect through Monday, November 22, 2021. Additionally, all businesses are required to post entrances advising the public of the requirement to wear face coverings indoors. The Board has requested an opportunity to review the State College Borough ordinance and consider whether to enact similar regulations in Ferguson Township. Currently, State College Borough is the only Centre Region municipality with this requirement in effect. All

employees and members of the public are required to wear a mask when inside any Ferguson Township property or when inside a municipal vehicle occupied by more than one passenger, regardless of vaccination status. If the Board is interested in moving forward, an appropriate next step would be to direct staff to draft an ordinance for authorization for advertisement for a public hearing.

Mr. Miller noted that he spoke to several business owners in the Borough, and they aren't in favor of enforcing a municipal ordinance. Mr. Miller is not supportive of the ordinance. There was no motion made.

3. Board Member Request – Plastic Bag Impact Fee Ordinance

Ms. Steckler introduced and reviewed the ordinance that was included in the agenda packet. Ms. Steckler stated that the timeline would include the passing of the ordinance, 4-6 months of education, and then implementation with a fee of 15 cents.

Ms. Dininni noted that the ordinance that was included in the packet was an ordinance that was previously being considered by the Board. Ms. Steckler noted that 10 cents of the fee would go to the store and the other 5 cents would go to the municipality. Both store and municipality would be required to use the fee for environmental education purposes.

Mr. Miller supports the fee for the bags, but not sure he would support the banning of all bags. Mr. Miller stated he would not be in support of including straws. Mr. Miller noted that the fee should go to the store because it would be complicated to split.

Mr. Pribulka noted that giving the fee to the store owner would be the easiest way to handle it. Due to it being an impact fee, there would need to be accountability to combat the problem. Ms. Stephens stated that is why some of the ordinances have the fee going strictly to the store. The store would use the fee to purchase post-consumer recyclables such as brown paper bags to meet the accountability.

Ms. Strickland expressed concerns placing an additional burden on local businesses. Ms. Strickland supports a fee of 10 cents to go to the business, but not a total ban. Ms. Strickland supports a one-year timeline to impose and asked about staff commitment.

Ms. Dininni reviewed what was discussed that included the agreement to move forward with the ordinance and to include having a fee. With regards to a complete ban of bags and straws, there was not a consensus. Mr. Miller supports just to include bags in the ordinance and not to broaden to other items. Ms. Strickland supports focusing on bags only. Ms. Stephens is not opposed to broadening along with Ms. Dininni and Ms. Steckler.

Ms. Dininni noted the Board had consensus for the fee going to the business. Ms. Steckler stated the fee should be used for lower income people and educational material. Ms. Dininni requested staff to research the timeline with other similar ordinances regarding bags. Mr. Pribulka urged the Board to consider re-engaging with the business community in the post COVID-19 environment. Mr. Pribulka noted that the CDC is still urging caution with reusable bags.

Ms. Dininni suggested having staff incorporate the discussion items but noted that the Board is not in a hurry. Also, Ms. Dininni suggested having staff reach out to Laura Fowler, PS Law, regarding a repeat engagement. The Board agreed.

VIII. NEW BUSINESS

1. Consent Agenda

- a. Request for Donation – First Night 2022
- b. Treasurer's Report – July, for acceptance
- c. Contract 2021-C4-Wetland Delineation, Final: \$26.48

Mr. Miller moved that the Board of Supervisors **approve** the Consent Agenda and the July Treasurer's Report. Ms. Stephens seconded the motion. The motion passed unanimously.

2. Resolution – Grant of Easement to University Area Joint Authority (UAJA)

Mr. Modricker reported that the UAJA is upgrading the Scott Road pump station and associated force main. An easement for a sewer force main already exists on Township property along the frontage of 3147 Research Drive. The new force main will run parallel to the existing force main on Research Drive, however it will cross Whitehall Road at a slightly different location requiring an additional easement on the southwest corner of this property. UAJA has committed to restoring the property to existing condition including the bioswale and not damaging the Township tree and Township building signage. Mr. Modricker shared his screen and reviewed the plan.

Public Hearing – There we no comments.

Ms. Stephens moved that the Board of Supervisors **adopt** the resolution authorizing the Chair and Secretary to execute a grant of easement to the University Area Joint Authority for sanitary sewer construction. Ms. Strickland seconded the motion.

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

3. Resolution – Opposing Pennsylvania Election Audit

Mr. Miller introduced the resolution and noted that provided with the agenda is a copy of the resolution advertised for public hearing opposing the forensic audit of the 2020 election results underway in the Pennsylvania State Senate. The Borough of State College adopted a similar resolution in September.

Public Hearing – There we no comments.

Mr. Miller moved that the Board of Supervisors **adopt** the resolution opposing the proposed audit of the 2020 election in Pennsylvania. Ms. Stephens seconded the motion.

Ms. Dininni suggested rewording the language in the first paragraph.

Mr. Miller moved that the Board of Supervisors **amend** the resolution to read that Jake Corman announced that a committee has been tasked with performing a forensic audit. Ms. Dininni seconded the motion. The motion passed unanimously.

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

4. Resolution – Collective Bargaining Agreement Ratification

Mr. Pribulka noted that provided with the agenda is a copy of a resolution advertised for public hearing ratifying a collective bargaining agreement (CBA) between Ferguson Township and the Ferguson Township Police Association. The Township and the Association have conducted good faith negotiations under Pennsylvania Act 111, and the ratification of the tentative agreement by both parties will formally conclude the process. The term of the contract is two years ending

December 31, 2023. Also provided with the agenda is a copy of the tentative agreement, which includes the terms to be incorporated into the CBA pending adoption of the resolution.

Public Hearing – There we no comments.

Mr. Miller moved that the Board of Supervisors **adopt** the resolution ratifying a collective bargaining agreement with the Ferguson Township Police Association. Ms. Stephens seconded the motion.

Mr. Miller stated that it was a very productive bargaining session this year during the Executive Sessions and complimented the staff and association.

Ms. Steckler asked about the vaccination rate with officers. Mr. Pribulka noted they are at 50%.

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

Mr. Pribulka thanked the Board for their participation.

5. Requests for Modification – Rogan/Sycamore Drive Preliminary Subdivision Plan

a. Rogan/Sycamore Drive Subdivision §22-306—Minor Subdivision

Ms. Wargo reported that Penn Terra Engineering, Inc., on behalf of their client, has requested a modification from §22-306—Minor Subdivision. Planning Commission reviewed this application at the September 27th meeting and recommended approval of the modification. Ms. Wargo reviewed the plan via screen sharing.

Mr. Miller moved that the Board of Supervisors **grant** the modification from §22- 306.— Minor Subdivision. Ms. Steckler seconded the motion.

Ms. Dininni requested that Penn Terra drop the word man from Chairman from all documents. Penn Terra agreed with the suggestion.

The motion passed unanimously.

b. Rogan/Sycamore Drive Subdivision §22-512.1E—Sidewalks

Ms. Wargo reported that Penn Terra Engineering, Inc., on behalf of their client, has requested a waiver from §22- 512.1.E.—Sidewalks. Staff has reviewed the application and is not recommending any conditions to be included with the request. Planning Commission reviewed this application at the September 27th meeting and recommended approval of the waiver.

Ms. Stephens moved that the Board of Supervisors **grant** the waiver from §22.512.1.E.— Sidewalks. Mr. Miller seconded the motion. The motion passed unanimously.

c. Rogan/Sycamore Drive Subdivision §22-506.1.B.&G – Water Supply

Ms. Wargo reported that Penn Terra Engineering, Inc., on behalf of their client, has requested a modification from §22-506.1.B. & G.—Water Supply. Staff has reviewed the application and is not recommending additional conditions to be included with the request. Planning Commission reviewed this application at the September 27th meeting and recommended approval of the modification.

Mr. Miller moved that the Board of Supervisors **grant** the modification from §22- 506.1.B. & G. with the condition that the proposed home(s) built on these lots install a National Fire Protection Association (NFPA) 13D Sprinkler System. Ms. Stephens seconded the motion. The motion passed unanimously.

d. Rogan/Sycamore Drive Subdivision §22-301 – General

Ms. Wargo reported that the applicant is proposing to construct a residential home on a lot with steep slopes (25% or greater) and is required to submit a land development plan for the proposed home (§27- 702.1.D.—Slope Controls). Penn Terra Engineering, Inc., on behalf of their client, has requested a modification from §22-301.—General. Staff has reviewed the application and is not recommending any conditions to be included with the request. Planning Commission reviewed this application at the September 27th meeting and recommended approval of the modification.

Mr. Stephens moved that the Board of Supervisors **grant** the modification from §22- 301.—General. Mr. Miller seconded the motion.

Ms. Dininni asked for assurance that the Township would not be held accountable for any potential problems in the future for building on a sloped land. Ms. Wargo noted that Ms. Dininni is correct.

The motion passed unanimously.

6. Preliminary Subdivision Plan – Rogan /Sycamore Drive

Ms. Wargo noted that on March 12, 2021, Penn Terra Engineering, Inc., submitted, on behalf of their client, the Rogan/Sycamore Drive Subdivision Plan. The Rogan/Sycamore Drive Subdivision is a 10.152-acre lot located on Sycamore Drive. The applicant is proposing to subdivide Tax Parcel 24-009A-254-0000 into two lots, Lot 1A—2.586 acres and Lot 1R—7.566 acres. Planning Commission reviewed the Preliminary Subdivision Plan at the September 27, 2021, Regular Meeting and recommended approval to the Board of Supervisors, subject to the outstanding staff comments. Provided with the agenda is the Rogan/Sycamore Subdivision Plan and a memorandum from Jenna Wargo, Director of Planning & Zoning that provides an overview of the outstanding staff review comments.

Mr. Miller moved that the Board of Supervisors **approve** the Rogan/Sycamore Preliminary Subdivision Plan subject to the conditions described in the Planning Director's memorandum dated September 28, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

7. Solar United Neighbors Co-op Endorsement

Mr. Pribulka noted that provided with the agenda is a letter from the Ferguson Township Climate Action Committee requesting the Board partner with Solar United Neighbors in the Centre County Solar and Electric Vehicle Charger Co-op. The goal of the co-op is to achieve an economy of scale for new solar installations and EV charging stations that could be made available to its membership. Below is a link to the website with additional details about the co-op model. There is no cost to join the co-op, and the Township could partner in marketing the organization to homeowners in the Township who may be interested in its benefits. Current partners include Centre Region COG, Bellefonte Borough, College Township, Patton Township, and others.

[Centre County Solar and Electric Vehicle Co-op](#)

Ms. Strickland moved that the Board of Supervisors **partner** with the Solar United Neighbors Centre County Solar and Electric Vehicle Charger Co-Op. Ms. Steckler seconded the motion. The motion passed unanimously.

8. Contract 2021-C5, Storm Sewer Video Assessment – Reject Bids

Mr. Modricker reported that on September 14, 2021, bids were opened publicly and read out loud for Contract 2021- C5. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves conducting a video assessment of storm sewer pipes and associated pipe cleaning needed to conduct the video assessment. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer summarizing the bids received. All bids were significantly over budget. A review of the bids with the contractors and a review of unit pricing reveals that unit costs were nearly twice historical unit costs due primarily to PaDEP requirements for disposal of the pipe cleaning water. Staff suggests rebidding the project with a smaller quantity of pipe to include only pipes associated with next year's capital projects. In addition, staff will review the project specifications with PaDEP and determine ways to reduce future unit costs while still complying with PaDEP requirements.

Mr. Miller moved that the Board of Supervisor reject all bids for Contract 2021-C5 Storm Sewer Video Assessment and direct staff to rebid the project with a reduced scope of work. Ms. Steckler seconded the motion. The motion passed unanimously.

IX. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Executive Committee – Ms. Dininni reported that they discussed communications procedures to outside entities. The COG Parks Capital Committee unanimously put forward a letter to Penn State asking for a commitment for public access to the connector trail. The letter was not sent because Penn State staff has requested the opportunity to present an update on the project to General Forum on October 27th.
- b. CCMPO Coordinating Committee – Ms. Strickland reviewed the highlights of the meeting that included: Transportation Alternatives Set-Aside Program; PA Interstate Management Program; and the Transportation Improvement Program. Ms. Strickland requested during the meeting to move up the traffic signal at Pine Grove Mills; however, the project needs to be ready to proceed. They discussed the State College Area Connector Project and Ms. Strickland noted that there isn't a good route.

2. OTHER COMMITTEE REPORTS

- a. Ms. Dininni noted that when the COG CIP is made that there is never an opportunity for changes and perhaps the Township would like to give input on a better way that would involve regional collaboration.

3. STAFF REPORTS

- a. Manager's Report – Mr. Pribulka noted that the report is included in the agenda.
- b. Public Works Director – Mr. Pribulka noted that the report is included in the agenda.
- c. Planning and Zoning Director – Mr. Pribulka noted that the report is included in the agenda.

Ms. Dininni asked if the Planning Commission reviewed the zoning amendments twice and asked about the process. Mr. Pribulka stated that they have reviewed twice, and the amendments will come back to the Board.

Ms. Dininni asked if the CATA Reimagine Survey and the Pine Grove Mills Mobility Study could be promoted on social media.

Ms. Dininni suggested educating the township residents on the spotted lanternfly. Mr. Pribulka will look into that endeavor. Also, Ms. Dininni suggested having the CRPC promote Township events.

X. COMMUNICATIONS TO THE BOARD

Ms. Steckler received a communication from Randy Hudson thanking the Board for the bioswale.

XI. CALENDAR ITEMS – OCTOBER

a. Ferguson Township upcoming committee meetings:

1. Pine Grove Mills Small Area Plan Advisory Committee – Thursday, October 28, 4 p.m.
2. Pine Grove Mills Mobility Study – Thursday, October 14, 6:00 p.m.
3. Planning Commission - Mondays, October 11, and 25, 6 p.m.
4. Tree Commission – Monday October 18, 5 p.m.
5. Parks & Recreation Committee - Thursday, October 21, 4:00 p.m.

b. Coffee & Conversation, Saturday, October 9, 8:00 a.m., Dunkin Donuts (North Atherton Street)

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 11:15 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 10-18-2021