

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, October 18, 2021
7:00 PM

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, October 18, 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		Dave Modricker, Director of Public Works
	Patty Stephens		
	Pam Steckler		

Others in attendance included: Rhonda Demchak, Recording Secretary; Jeremie Thompson, Chair, Ferguson Township Planning Commission; Mark Torretti, PennTerra; Wes Glebe, Ferguson Township Resident; Rhonda Stern, Ferguson Township Resident; Dave Gibbons, Centre WISP, Jason Mandel, Aspen Whitehall Partners; Bill Keough, Member, Ferguson Township Planning Committee

I. CALL TO ORDER

Ms. Dininni called the Monday, October 18, 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. 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.

II. THE PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

Mr. Wes Glebe reported that the alley is blocked at the Yocum property and asked about concerns with the egress and ingress for fire trucks.

Ms. Rhonda Stern expressed concerns again with the Gap Theory that was presented as the reason why it was ok to have people making turns off Buckhout onto the alley. Ms. Stern noted there is a potential catastrophe waiting to happen. Mr. Glebe suggested placing plastic bollards to separate the two lanes.

IV. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the Regular meeting Minutes of October 4, 2021. Ms. Strickland seconded the motion. The motion passed unanimously.

V. SPECIAL REPORTS

a. Schlow Centre Region Library Report

Ms. Susan Werner, Trustee Representative, reported that they continue to make changes to their in-person services as they return to the Schlow You Know. The increased hours on the weekend have been very popular. Toys have been reintroduced to the children visiting the library and rotate the toys out for cleaning. In person programming is expanding and can be found on their [website](#).

The inter-loan program started up again. The library by mail service is available to any homebound patron. The fall fundraising mailing went out this month and it is the biggest fundraiser for the library. The budget was presented at the COG meeting.

b. Strategic Plan Update

Mr. Peter Melan, Polity, Inc. gave an update on the plan that included the following:

- Testing the validation logic for survey
- Finalizing the location for stakeholder meetings
- Compiling notes

Next steps will be to confirm a schedule, implementing the survey questions, and then communicate to residents and stakeholders.

Ms. Steckler asked where the survey could be found. Mr. Melan noted that it is a two-step process. The first step is to validate they are a Ferguson Township resident, once that is validated, they will receive the survey link. Mr. Pribulka stated they are refining the outreach effort.

Ms. Dininni asked if some of the questions from the last survey will be incorporated. Mr. Melan stated that there are some questions from the last survey included in the new survey.

c. COVID-19 Local Response Report

Mr. Pribulka reported that there has not been changes in the operational aspect of the Township from the last update. The Road Crew is collecting leaves and brush on schedule and some staff is reporting to the office on a rotating basis. Township meeting space is still unavailable to the public. In-person meetings with staff are by appointment only and will offer virtual meeting opportunities. Staff and Public are to be masked at all times in the building regardless of vaccination status. There are masks available in the lobby. Mr. Pribulka didn't have an update on the bulk waste collection. Centre County has 18,276 positive cases with 241 deaths. There have been 81,460 reported negative cases reported on the PA COVID-19 Dashboard for Centre County. Across the Commonwealth, the cases have reached 1,254,696 and there have been 30,523 deaths. Centre County full vaccination rate shows that 84,176 residents have been fully vaccinated with 6,667 having received one dose. The County vaccination rate is at 56.2% and 60.6% have been partially vaccinated. There are over 6.3 million people in PA fully vaccinated as of today. Mount Nittany Medical Center has 38 positive patients in their care ranging in age from under 1 year old to 94 years of age. 27 of the 38 hospitalized were unvaccinated with one patient on a ventilator. Mr. Pribulka encouraged Ferguson Township residence to get the vaccine. The Centre for Disease Control is recommending a booster shot for those with compromised immune systems. Mr. Pribulka thanked the residences and business owners in Ferguson Township for their patience and understanding as the Township recovers.

VI. NEW BUSINESS

1. Consent Agenda

- a. Contract 2018-PWGG, Pay Application 6: \$70,564.48
- b. Contract 2018-PWGG, Pay Application 8: \$34,014.36
- c. Sheetz at Harner Farms Surety Reduction #2: \$78,254.87
- d. Treasurer's Report – August 2021 for acceptance
- e. Board Member Request – Plastic Bag Regulation Resolution

Ms. Dininni pulled the following from the consent agenda:

- Foxpointe/Hunter's Chase Planned Residential Development – Phasing Schedule
- The Landings Planned Residential Development – Phasing Schedule

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

2. Public Hearing –Sidewalk Snow Removal Map Resolution

Mr. Pribulka reported that Pursuant to Chapter 21, Section 207 of the Ferguson Township Code of Ordinances, the Board of Supervisors adopts a sidewalk snow removal map annually identifying the sections of public sidewalk that fall under the provision of the ordinance requiring sidewalks be kept clear of snow and ice.

Ms. Stephens commented that at Champs on Atherton Street, they pile up the snow next to Panera Bread and Panera Bread does the same thing on their side. The sidewalk then gets blocked. Ms. Stephens suggested meeting with both businesses to discuss the issue.

Public Hearing – There were no comments.

Mr. Miller moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2020-31 and adopting a revised sidewalk snow removal map. Ms. Strickland seconded the motion.

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

3. Public Hearing – Centre WISP Internet Agreement Resolution

Mr. Pribulka noted that provided with the agenda is a resolution advertised for public hearing authorizing the Township Manager to execute an agreement with Centre WISP for the provision of highspeed Internet service to the Ferguson Township Municipal Buildings.

Ms. Stephens asked for clarification on what exactly is fiber optics. Mr. Gibbons noted that fiber optics refers how the data reaches the property and it is a very thin piece of glass that a laser is shot down on. Some portions are buried while others are not.

Public Hearing – There were no comments.

Ms. Steckler asked if the municipalities officially signed on. Mr. Pribulka noted that they are considering. Mr. Pribulka stated that it is approximately \$1,600 with four entities and if we get more than four, the price will decrease.

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution authorizing the Township Manager to execute an agreement with Centre WISP for the provision of Internet Service to the Ferguson Township Municipal Buildings. Ms. Steckler seconded the motion.

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

4. Request for Variance – Turnberry TTD

Mr. Pribulka noted that provided with the agenda is a copy of an application submitted by New Cingular Wireless for property located at the intersection of Havershire Boulevard and Blue Course Drive (TP 24-4-200B). The applicant is submitting on behalf of the property owner to permit the company to construct a tower-based wireless communications facility in the Turnberry Traditional

Town Development ("TTD"). The use is not permitted in the TTD Zoning District, so the applicant is requesting a variance to permit the use. Other variances related to setbacks and landscape buffering are also being requested by the applicant. Use variances by definition must meet a more rigorous standard to be granted by the Zoning Hearing Board. Staff is recommending the Board of Supervisors remain neutral on all requested variances.

Ms. Dininni asked why it is not permitted. Mr. Pribulka noted that the poles are extremely big, noticeable and doesn't have the traditional town feel.

Mr. Miller moved the Board of Supervisors remain **neutral** on the request for variance for property located at 24-4-200B. Ms. Stephens seconded the motion. The motion passed unanimously.

5. Orchard Square Preliminary Land Development Plan

Mr. Pribulka shared his screen and noted that on August 15, 2021, Penn Terra Engineering, Inc. submitted, on behalf of their client, the Orchard Square Preliminary Land Development Plan. The plan proposes to construct a 19,856 square foot commercial shopping center with associated parking and utilities. As proposed, there will be three commercial spaces with 116 parking spaces. This lot (24-004-067F-0000) is 3.69 acres and is located in the General Commercial (C) zoning district and within the Corridor Overlay (CO) district.

The Board discussed concerns about parking and landscaping with the applicant.

Mr. Miller moved that the Board of Supervisors **approve** the Orchard Square Preliminary Land Development Plan subject to the conditions described in the Community Planner's memorandum dated October 12, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

6. Authorization of a Grant Application to the Centre County Liquid Fuels Program

Mr. Modricker noted that each year the Township submits an application to the Centre County Commissioners for funding assistance through the liquid fuels program administered at the County level. Last year funding was requested, yet not awarded, for improvements to the Science Park Road and Sandy Drive intersection by installing a traffic signal. The project is expected to be bid and constructed in 2022. The total project cost estimate is \$551,000. The requested amount from the Liquid Fuels Grant is \$50,000.

Ms. Dininni noted that before COVID-19, she was ready to move forward, but now when she travels through there, there doesn't seem to be the same congestion.

Ms. Stephens noted that Centre Volunteers in Medicine is moving to the location and that will bring in more traffic.

Mr. Miller noted that once COVID is done, traffic will pick back up.

Ms. Strickland noted that the subdivision plan for Farmstead could impact traffic as well. Ms. Strickland inquired about outside grant money for this expense. Mr. Modricker will look into other funding.

Ms. Stephens moved that the Board of Supervisors **authorize** the submission of a Centre County Liquid Fuels Program Grant Application. Ms. Steckler seconded the motion. The motion passed unanimously.

7. Certification of 2022 Minimum Municipal Obligation

Mr. Pribulka noted in accordance with PA Act 205, provided with the agenda is a memorandum from the Township Manager dated October 6, 2021, describing the anticipated Minimum Municipal Obligation for Police and Non-Uniformed Pension Plans for 2020. Act 205 requires the Chief Administrative Officer for the pension plans to provide the governing body with the MMO for the upcoming year. The total municipal pension cost is estimated to be \$306,547 for the Police Pension Plan and \$270,600 for the NonUniformed Pension Plan. The State Aid Unit Value has not been provided at the time of this discussion so the net cost to the Township, represented by the total municipal pension cost minus the State Aid Unit Value multiplied by the number of participants in each plan, cannot presently be determined. This item is for information only and no action is required by the Board.

8. Discussion - Annual Appointments to Ferguson Township Authorities, Boards, and Commissions

Mr. Pribulka noted that provided with the agenda is a list of upcoming vacancies as of December 31, 2021, on the Township's Authorities, Boards, and Commissions. Additionally, the Board's policy on ABC Appointments is also attached to the agenda. The Board should discuss reserving a date and time for interviews of applicants. Otherwise, this item is for discussion only and no formal action is required. The application period is October 1st through November 1st and is being advertised on the Township's website.

9. Foxpointe/Hunter's Chase Planned Residential Development – Phasing Schedule
The Landings Planned Residential Development – Phasing Schedule

Ms. Dininni noted that nothing has changed this year and asked why it's coming to the Board. Mr. Pribulka noted that under the provisions in the Municipalities Planning Code there is a specific sub section that pertains to how ordinances change impact phased land development plans. Mr. Pribulka reviewed [Section 508 of the MPC](#).

Ms. Dininni thanked Mr. Pribulka for the explanation and asked if they are exempt from any new ordinances such as the Stormwater Ordinance. Mr. Pribulka stated that stormwater must meet today's standards. Mr. Pribulka's professional opinion is that other than the zoning and the SALDO all the new standards would apply.

With regards to the Landings Development, Ms. Strickland asked if it includes the commercial portion on Bristol. Mr. Pribulka noted that it is identified as phase 8. Ms. Strickland inquired about the dirt pile and if permits were required. Ms. Dininni expressed disappointment with the dirt pile. Mr. Pribulka will check into permitting and let the Board know his outcomes.

Ms. Stephens moved that the Board of Supervisors approve the schedule submissions by the developer. Ms. Strickland seconded the motion. The motion passed unanimously.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

a. Centre Region Parks and Authority Report

Mr. Bill Keough noted that since the fall was warm with steady rain the grass continues to grow. The Park Maintenance staff has been busy mowing. The pools are closed for the season. The attendance rebounded to pre-pandemic numbers. Fall programming is underway and the youth sports program there are cross country runs in partnership with the Nittany Valley Running Club. There are also programs in soccer, basketball, and tennis. Adult sports consist of the wooden bat league, sand volleyball, regular volleyball, flag football, and pickleball. They are moving forward with rebuilding the Millbrook Marsh walk-ways. The Millbrook Marsh programs include, the puddle jumpers, pollinator programs, back yard chicken class, nature walks, and a nature classroom for the homeschooler program. Mr. Keough noted that the biggest challenge

is with the Active Adult Center at the Nittany Mall due to the spread of COVID because they are the most vulnerable. They had to curtail the program significantly over the last 2 years, but they are back in full swing. The Halloween Parade is back for it's 75th year on October 26th at 6:30 p.m. in partnership with the State College Lion's Foundation. Mr. Keough reviewed the Whitehall Road Regional Park and noted that only two bids were awarded for playground fencing and playground installation. The lower bidder failed to complete the contract process for the fencing so it will need to be re-bid. The remaining bid packages for Phase I of the Whitehall Road Regional Park will be approved for advertisement on October 21st. With regards to Mobile Concession, Mr. Keough noted that he requested to have a discussion with the Authority regarding feedback they received. There have been ongoing discussions regarding Authority Governance and the Executive Committee of COG is proposing a task force to be created to discuss governance processes.

Ms. Strickland was happy to hear about the progress with the boardwalk and asked who would own the boardwalk. Mr. Keough recorded the question and will get an answer. Ms. Strickland gave her thoughts on the park's food truck plan and noted that she would look at pools differently than tournaments, because the needs are different. Mr. Keough stated that on a national level there is a component that included food concession.

Ms. Dininni spoke on benchmarking and noted that at a COG Budget meeting the Park & Rec. director gave a presentation of all the acres that are maintained by the Parks & Rec. Ms. Dininni noticed that included in the acres is the Ferguson Township "preserve" which is old water authority land in Pine Grove Mills of 80 acres. Ms. Dininni noted that the numbers need to be corrected so that benchmarking is accurate. Ms. Dininni would like an understanding from the Authority on the Regional Parks Comp. Plan. The Comp. Plan has 10-pages of action items and Ms. Dininni noted that the responsibility falls mostly on the municipalities and not the Authority. Ms. Dininni stated it should be a shared plan and suggested having conversations together to develop the process. Ms. Dininni noted that the Board is interested in the reduced parking option for the Whitehall Road Regional Park and inquired about the bid process. Ms. Dininni suggested having Mr. Lou Brungard, Facilities Coordinator, COG, answer the questions. Mr. Keough will investigate the acreage.

- b. Human Resources – Ms. Stephens noted that the report is in the agenda.
- c. Joint PSE-TLU CRPC Committee – Ms. Strickland reported that the county is performing an affordable housing study. Discussed the Comprehensive Plan. Ms. Steckler noted that there are different words used for affordable housing. Ms. Strickland stated that it's a problem because everyone is using the term interchangeably and some aren't interchangeable.
- d. Climate Action & Sustainability Committee – Ms. Steckler reported that Pam Adams presented the Draft Resolution for Adoption of Centre Region Climate and Adaptation Plan. There was a long discussion about the postponing of the bulk waste collection.
- e. Finance Committee – Mr. Miller reported that they reviewed the budget and noted it didn't change much. The committee discussed the food trucks. There was not an approval for a consultant for the park's governance.

Ms. Dininni noted that the library is hoping to expand the size of the book drop at the Giant on North Atherton. The Refuse and Recycling Program will be setting up the recycling at the Whitehall Road Regional Park and it will cost additional \$14,000.

2. 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.
- d. Chief of Police - Mr. Pribulka noted that the report is included in the agenda.

Ms. Strickland attended a session at the PML Conference that is in relation to where the Township is upgrading to audio for the pedestrian accommodations on Bristol Avenue at College Avenue. Ms. Strickland stated that in the session they noted a lagging pedestrian accommodation may be safer. Mr. Pribulka will pass the information along to Mr. Modricker.

VIII. COMMUNICATIONS TO THE BOARD

Ms. Strickland had a communication to include/update bios for all ABC members. Ms. Strickland also had a communication about the CATA Bus Service cuts.

Ms. Steckler had a communication about the hiring process of the Arborist position.

Ms. Dininni had a few communications about a noise complaint at Baileyville Community Hall auctions.

IX. CALENDAR ITEMS – OCTOBER/NOVEMBER

- a. Ferguson Township upcoming committee meetings:
 - 1. Pine Grove Mills Small Area Plan Advisory Committee – Thursday, October 28, 4 p.m.
 - 2. Planning Commission - Mondays, October 11, and 25, 6 p.m.
- b. Cranksgiving, October 30th (see details under Events Calendar)

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 10:18 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 11-01-2021