

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, November 1, 2021  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, November 1, 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		Dave Modricker, Director of Public Works
	Pam Steckler		Jenna Wargo, Director of Planning and Zoning

Others in attendance included: Rhonda Demchak, Recording Secretary; Jeremie Thompson, Chair, Ferguson Township Planning Commission; Herb McKinstry, Ferguson Township Resident; Matt Alvarez, Ferguson Township Resident; Joe Viglione, Finance Director, Centre Region Council of Governments, Mark Huncik, Ferguson Township Resident; Rodney Hopkins, Ferguson Township Resident; Rolan Ferris, Ferguson Township Resident; Ford Stryker, SC Borough Water Authority; David Stone, Nittany Valley ; Douglas Mason, Sierra Club; Eric Norenberg, Executive Director, Centre Region Council of Governments; Kim Cook, Ferguson Township Resident; Peter Heaney, Ferguson Township Resident; Barry Karchner, Ferguson Township Resident; Joan Bouchard, Ferguson Township Resident; Neil Hagen, Centre County Green Party

### I. CALL TO ORDER

Ms. Dininni called the Monday, November 1, 2021, regular meeting to order at 7:00 p.m.

Prior to the Board meeting, there was an Executive Session on matters of personnel.

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. CITIZENS INPUT

Ms. Pam Cook and Peter Heaney, Ferguson Township Residents, thanked Ms. Martin and Mr. Pribulka for providing them with the information on park equipment. Also, thanked Ms. Dininni for taking them to the park to discuss the size of the installation and the proposed location. Ms. Cook discussed their concerns with the proposed playground equipment installation with regards to the 2005 Master Plan which incorrectly depicts the physical layout of the park. The alternate location of the equipment being proposed will be in the free play area. Ms. Cook noted that they have collected 23 signatures from area residents in opposition of the installation. Ms. Cook suggested moving the equipment to the south parking lot or giving it to another park in the area. Ms. Cook requested that the Board notify the Parks & Rec. Committee of their petition.

Ms. Debbie Trudeau, Ferguson Township, noted that she signed the petition and requested that the Township listen to the resident's opposition. Ms. Trudeau discussed the following issues: no handicap access at the cul-de-sac street, standing water in the park, a couple of sink holes, an area that doesn't get mowed, and there is an overgrown thorned locust tree on a path. Ms. Trudeau stated that they don't need more park equipment and suggested placing it in a new development.

Mr. Tobi Short, Ferguson Township Resident, stated that the Township should have followed up on the survey since they only received seven responses and noted that it's not too late to think of a better way to use the equipment. Mr. Short suggested to reconvene with the Parks and Rec. Committee and the Board to review.

Ms. Dininni noted that the Board authorized the purchase of the equipment with next steps of accepting bids for the installation. There will be a cost involved if a change is made. Mr. Pribulka thanked the citizens for their feedback. Mr. Pribulka stated that the equipment is in route and if there is a change, there will be a restocking charge. Mr. Pribulka can investigate other alternatives. The Board agreed to have the Parks Committee look at other locations at their next meeting.

### **III. APPROVAL OF MINUTES**

Ms. Stephens moved that the Board of Supervisors **approve** the Regular meeting Minutes of October 18, 2021. Ms. Strickland seconded the motion. The motion passed unanimously.

### **IV. SPECIAL REPORTS**

#### **a. State College Borough Water Authority**

Mr. Ford Stryker reported there has been a lot of rain and there is plenty of water. Regarding the Ms. Dininni's request about reenforcing the parcel of land near the Whitehall Road Regional Park, the committee hasn't met yet, but they will discuss at their meeting this month.

#### **b. 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 collection will conclude for the year. 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 18,724 positive cases with 244 deaths. There have been 82,689 reported negative cases reported on the PA COVID-19 Dashboard for Centre County. Across the Commonwealth, the cases have reached 1,295,241 and there have been 31,454 deaths. Centre County full vaccination rate shows that 84,796 residents have been fully vaccinated with 7,054 having received one dose. The County vaccination rate is at 56.6% and 61.2% have been partially vaccinated. There are over 6.4 million people in PA fully vaccinated as of today. Mount Nittany Medical Center has 38 positive patients in their care ranging in age from 22 to 94 years of age. 26 of the 38 hospitalized were unvaccinated with two patients on a ventilator. Mr. Pribulka encouraged Ferguson Township residents to get the vaccine. The Centre for Disease Control is recommending a booster shot for those with compromised immune systems. The Pfizer Vaccine has been approved for children ages 5-11. Mr. Pribulka thanked the residences and business owners in Ferguson Township for their patience and understanding as the Township recovers.

Ms. Strickland noted that the bulk waste collection was changed and will be held the week of December 13<sup>th</sup>.

### **V. UNFINISHED BUSINESS**

#### **1. 2022 Centre Region Council of Governments Summary Budget**

Mr. Pribulka noted that the link to the budget can be found [here](#). Comments are due back to Eric Norenberg, COG Executive Director by November 18<sup>th</sup>. Mr. Norenberg stated that it is a long process, but the result is positive for the COG.

Ms. Dininni identified areas of the summary that note CRPA & CRPRA and asked for consistency. Mr. Viglione will update the index page.

Ms. Dininni asked if the food truck money was coming out of the pools capital and is all the concession revenue going into parks operating. Mr. Viglione stated that the food truck concessions has been pulled for a larger business plan and will bring forward at a later date. Mr. Viglione noted that aquatics concession revenue is going into the aquatics operational budget. Mr. Norenberg stated that concessions might be a standalone budget in the future as they develop the business plan.

Ms. Dininni requested more data such as revenue and services by municipality on parks. Mr. Viglione has not been requested to track programming or reservations by municipality, and the General Ledger Code is unable to track. Mr. Norenberg will find out what capabilities the system has and will follow-up.

Ms. Strickland commented that she appreciated the discussion about future planning and including known future expenses into the program plan. Ms. Dininni has a list of items that are coming up in the CIP. Mr. Norenberg requested the list to review. Ms. Strickland suggested adding staffing for future planning and to include a screen shot of what the big picture items that weren't included in the Township's CIP.

Mr. Miller that the Board of Supervisors direct the Township Manager to **forward** its comments on the draft 2022 COG Summary Budget to the Executive Director. Ms. Stephens seconded the motion. The motion passed unanimously.

## 2. Ferguson Township Parks Assessment Update

Ms. Centrice Martin presented and noted that at the Regular Meeting on December 7, 2020, the Board of Supervisors directed staff to research information and report back to the Board information related to the Township's participation in the Council of Government Centre Region Parks Recreation Program. Ms. Martin reviewed a PowerPoint presentation. A park assessment is prioritized as an actionable step to achieve [Goal 1: b](#) and [Goal 9: c&d](#) in the Ferguson Township Strategic Plan (2017). Interdepartmental staff have met throughout the year to examine resources invested to conduct the existing services and service levels currently facilitated by the Township as well as identify resources needed to provide any additional services. Additionally, the Assistant Township Manager met with the Centre Region Parks and Recreation Director to discuss existing services and service levels facilitated by their agency. A scenario-based approach is proposed to develop a cost-benefit analysis for the Board to compare the estimated cost of providing services inhouse versus being a participant in the Council of Government Centre Region Parks and Recreation (CRPR) Agency.

Most Park operations, maintenance, programming, and recreational public services and service levels require resources including personnel, equipment and storage that are currently managed and maintained by CRPR. Ferguson Township Administration, Public Works, and Planning & Zoning Departments work together to identify and budget for capital projects or initiatives, as well as assist CRPR when repairs are time-sensitive or involve a safety hazard that the Ferguson Township Public Works Crew are better equipped to address. This item is for information only and no action is being requested of the Board at this time. A worksession has been scheduled for November 30<sup>th</sup> to further discuss each scenario and evaluate projected costs associated with each. Provided with the agenda is a copy of the December 7, 2020, Board Member Request, and the Ferguson Township evaluation of participation in the CRPR Program.

Ms. Martin reviewed scenarios for Park Operations and Maintenance Add-on's for Ferguson Township and key considerations for cost-benefit-analysis. Next steps other than the worksession mentioned above, will be public engagement and the Board of Supervisors review and consideration.

Ms. Dininni thanked Ms. Martin for the presentation that was well prepared and delivered.

Ms. Strickland was interested in knowing if Ferguson Township percentage into the parks is the same as the other townships. Ms. Dininni discussed the upcoming COG Governance Committee meeting and how to approach the complicated process of municipal parks, regional facilities, and programs. Ms. Martin discussed the key considerations for cost analysis and noted that the second part of the process would be to put in numbers for items such as additional staffing or management software. Ms. Martin noted there will need to be a second conversation with the director of Centre Region Parks and Recreation.

Mr. Miller questioned what the goal is and if it is beyond the scope of getting value for our money, why are we asking more than what should be. Ms. Dininni noted that the trajectory of the conversation has changed, and the goal should be allowed to grow with the dialogue.

### 3. Review of Draft Zoning & Subdivision and Land Development Ordinance Amendments

Ms. Wargo noted that in November 2019, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the amendments, staff have been tracking errors and omissions while interpreting the ordinance and is recommending additional amendments to address these issues. The Board was provided with a draft during the August 2, 2021, regular meeting and referred the draft to Planning Commission to review and comment on the draft. Since that time, Planning Commission has reviewed the draft twice and provided additional comments and recommendations to staff. Provided with the agenda is an updated copy of the draft ordinance amendments for the Board to review and provide additional comments.

Ms. Wargo reviewed the following changes in red in the agenda packet; Land Development on page 39; the Planned Residential Development District (PRD) on page 52; Storage of Land Clearing Materials (this was not included in the agenda packet); Food Trucks on page 57; and added back in the Place of Assembly on page 60.

Ms. Dininni questioned parking associated with places of assembly that want to have outdoor events that aren't related to the occupancy within. Ms. Dininni noted it is not covered in the code. Ms. Wargo will explore.

Ms. Strickland asked what can be added to the MPC under the Minor Alteration Plan. Ms. Wargo stated it is open to the governing body. Ms. Strickland would be interested in finding out more information. Mr. Pribulka stated that it is up to the Board and their comfort level delegating the authority to staff with the understanding that staff doesn't have complete freedom for approvals with modifications.

Ms. Dininni stated that allowing dirt piles in residential districts is irresponsible. Ms. Dininni requested at the one fill site in the Township to have their entranced paved because there is a lot of debris on the road that causes hazards to bicyclist. Ms. Wargo noted that it could be addressed under conditional use to address the concerns.

Ms. Strickland asked if the required parking spaces for short term and long term are high enough and have, they increased. Ms. Wargo reviewed the Bicycle Parking Regulations on page 26 of the agenda packet and noted that the Township uses best practices being used across the nation. Ms.

Strickland asked if the fee payments and dispute of payment were resolved. Ms. Wargo will be working with the solicitor to have it updated in the ordinance.

Ms. Strickland and Ms. Dininni requested more time to review the Draft Zoning & Subdivision and Land Development Ordinance Amendments. Mr. Pribulka will add it as an agenda item to the December 7<sup>th</sup> agenda.

Ms. Dininni inquired about on street parking in the Village District to count for a land development plan. Ms. Wargo noted that it hasn't been changed and will place on the list to be considered.

Ms. Dininni commented that there still isn't incentives being included for "green" buildings.

## VI. NEW BUSINESS

### 1. Consent Agenda

- a. Contract 2021-C11 Sidewalk Repairs, Pay Application 1: \$5,139.70
- b. Board Member Request – Stormwater Fee Implementation Update

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

### 2. Public Hearing – Single Use Plastic Bag Regulation Commitment Resolution

Ms. Steckler introduced the resolution and noted that the essence of the resolution is to have the three municipalities, State College Borough, Patton Township, and Ferguson Township to work together to enact ordinances to regulate single use plastic bags and straws. Ms. Steckler reviewed the resolution that is included in the agenda and noted that it was created by herself and Mr. Jesse Barlow, SC. Borough Council Member.

Ms. Dininni stated that Ferguson Township is the first to introduce this type of resolution and that the Township is an environmental leader.

#### Public Hearing

Douglas Mason, Sierra Club, stated that the club members are overwhelming behind this resolution and thanked Ms. Steckler for her efforts.

Neil Hagan, Centre County Green Party, stated he is present to give full support to the resolution and thanked the Township and Ms. Steckler for their environmental efforts.

Dave Stone, Nittany Valley Environmental Coalition, stated that they too are giving full support and noted he was glad that Mr. Barlow is on board.

Ms. Dininni read emails from supporters that included Mr. Randy and Cindy Hudson, Ferguson Township Resident and Andy McKinnon Ferguson Township Resident.

#### Public Hearing Closed

Ms. Steckler moved that the Board of Supervisors **adopt** the resolution committing the Board of Supervisors to implementing regulations of single-use plastic bags and straws in Ferguson Township. Ms. Stephens seconded the motion.

Mr. Miller noted that the resolution doesn't commit the Board to anything and doesn't see a purpose of a resolution.

Ms. Strickland commented that the last sentence is vague about the fee and suggested changing.

Ms. Strickland moved that the Board of Supervisors **amend** the resolution to alter the last sentence to read “will work to create an ordinance to regulate single-use plastic bags and single-use plastic straws within businesses in the Township”. Mr. Miller seconded the motion. The motion passed unanimously.

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

### 3. Request for Variance – Team Rahal of State College Properties

Ms. Wargo and Mr. Pribulka discovered an error in the Townships zoning map. There was a zoning amendment that was completed in November 2016 that rezoned 24-004-79A; 24-004-80 to commercial and the other two are still in Rural Agriculture (RA). Provided with the agenda is a request for variance from Team Rahal of State College, Inc. The applicant is requesting a variance from §27-701.3.A.(2) which requires that these properties be subject to the floodplain conservation regulations and §27-701.3.C.(1) which prohibits new development and construction in all areas that contain Nolin soils. The proposed development area contains Nolin soils, it is not a floodway or floodplain and is not subject to inundation. Ms. Wargo reviewed the zoning map and Nolin Soil map by sharing her screen.

Ms. Dininni noted the area is adjacent to Slab Cabin Run and is not supportive of staying neutral due to water encroachment in the area.

Mr. Miller noted that Nolin Soils are sensitive soils and opposes the variance.

Mr. Miller moved that the Board of Supervisors **oppose** the request for variance for the Team Rahal of State College properties. Ms. Steckler seconded the motion. The motion passed unanimously.

Mr. Pribulka suggested sending the Township Solicitor and the Township Stormwater Engineer to represent the Board’s position in front of the Zoning Hearing Board due to the technical nature.

### 4. Request for Modification – 237 Northland Shopping Center

Ms. Wargo introduced the modification that was provided in the agenda for Limitless PCS, Inc. (DBA Metro by T-Mobile) is seeking a modification for property located at 237 Northland Center (24-004-067F), zoned General Commercial (C). The applicant is seeking relief from §22-306.2.D.—Minor Alteration Plan. The current ordinance limits the number of Minor Alterations Plans per property to one and Pet Supplies Plus completed a Minor Alteration Plan in October 2020.

Staff believes this was a result of an error during the Subdivision and Land Development Ordinance rewrite that occurred in November 2019. Historically, the Township has permitted an unlimited number of minor alterations where the change in use will not result in increased parking; and changes to the proposed/existing sign(s) on the property and landscaping changes. This has been noted by staff and is included in the draft amendments being considered by the Board.

The applicant is looking to open a retail space that was previously a business office use. The change in use is not requiring any additional parking to be provided and is considered a minor alteration. Planning Commission reviewed this request at the October 25th Regular Meeting and recommended approval of the modification. Township staff have reviewed the application and is not recommending any conditions to be included with the approval, if granted.

Mr. Miller moved that the Board of Supervisors **grant** the modification from §22- 306.2.D.—Minor Alteration Plan for property located at 237 Northland Center. Ms. Strickland seconded the motion. The motion passed unanimously.

5. Public Hearing Authorization – Turf Grass, Weeds, and Other Vegetation Ordinance Amendment

Mr. Pribulka noted that provided with the agenda is a redlined amended ordinance regulating the maintenance of turf grass, weeds, and other vegetation in Ferguson Township. The Board directed the draft be amended to incorporate elements of the Township's Green Infrastructure Policy for municipal parks, and to increase the maximum permitted height of managed turf grass from six inches to eight inches. The item was referred to the Planning Commission, and the Commission is recommending that the Board maintain the maximum permitted height to no more than six inches, as is the allowance in the current ordinance. Additionally, the Planning Commission is recommending adding "Grow Zones" as a subcategory of Green Infrastructure for consistency with the Township's park installations. The Board is asked to consider whether it will accept these recommendations or move forward with the amendment, and to authorize advertisement of a public hearing on the ordinance for December 6th.

Ms. Dininni noted that the "Grow Zones" definition shouldn't be removed but rather restructure how it appears. Mr. Pribulka stated that they use grow zones synonymous with green infrastructure.

Ms. Stephens stated that she was happy to see that grass growth went back to six inches and agreed with restructuring of the grow zones and the categories.

Mr. Miller noted that he would like to keep the grass length at eight inches.

Ms. Steckler concurred with Mr. Miller.

Ms. Stephens stated that with grass at eight inches, it will be harder for an electric mower to do the job.

Ms. Strickland noted she was fine with eight inches, but since the Planning Commission is recommending six, she is leaning towards six now. Also, there is a provision that can be applied to grow grass higher. Ms. Strickland agreed with the restructuring of the grow zones and the categories.

Ms. Strickland and Ms. Stephens is in favor of six inches, while Ms. Dininni, Ms. Steckler, and Mr. Miller favors eight inches.

Mr. Miller moved that the Board of Supervisors **authorize** the Turf Grass, Weeds, and Other Vegetation ordinance amendment for a public hearing on Monday, December 6th, 2021. Ms. Steckler seconded the motion. The motion passed unanimously.

6. Discussion of Single-Use Plastics Ordinance

Provided with the agenda is a copy of a draft ordinance prepared by Ms. Steckler establishing regulations applicable to single-use plastic bags and straws. The ordinance is modeled after the regulations in place in West Chester Borough in Chester County, a Philadelphia suburb. The Board discussed this item on September 20th and directed staff to consult with Dr. Lara Fowler of the Penn State College of Law to consider engagement of local businesses to supplement a 2019 study concerning these regulations. Dr. Fowler has indicated that the assessment could commence in the spring of 2022. The Board should discuss whether it wants to proceed with advertisement of an ordinance at this time or wait for the study to conclude. Also provided with the agenda and linked below are several supplemental documents requested to aid discussion this evening. Ms.

Steckler will introduce the item. Ms. Steckler reviewed staggering statistics and the effects to the environment.

[Environmental Health News – “Ocean Plastic Pollution”](#)

[Consumer Report – “The Big Problem with Plastic”](#)

[Tree Hugger – “Climate and Plastic Crises Are Interconnected and Must Be Fought Together”](#)

Mr. Pribulka followed up with Dr. Fowler and she will be teaching the same course in January. Mr. Pribulka suggested that the Board re-engage with the businesses.

Mr. Miller opposes including plastic straws in the ordinance.

Ms. Strickland supports engaging with Dr. Fowler and the class she teaches to update the survey.

Ms. Dininni inquired about a fee for the class. Mr. Pribulka noted that they will need to discuss with the Sustainability Institute. Ms. Dininni recommended getting fee information and ask if there will be new information.

Ms. Stephens supports the ordinance but would move the ban to a year. Ms. Stephens encouraged keeping the straws.

Mr. Pribulka asked who the enforcer would be and cautioned the Board with rushing into a ban.

Ms. Dininni noted that PS Invent is doing a paper straw project and it is in process. Ms. Dininni suggest having Mr. Pribulka reach out to Dr. Fowler on fee, new information, and timeline. Ms. Dininni also requested to receive the last report. Mr. Pribulka stated that Dr. Fowler will be forwarding the report.

Ms. Strickland suggested having more discussions especially around enforcement.

Ms. Steckler is not in favor of another survey because it will just prolong the use of plastics. Mr. Pribulka stated that the Board should do the process right otherwise an ordinance can easily be repealed.

Ms. Stephens suggested having Patton Township and SC Borough involved in the process.

#### 7. Award Contract 2021-C15, Street Tree Pruning

Mr. Modricker noted that On October 26, 2021, bids were opened publicly and read out loud for contract 2021-C15. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves trimming 974 street trees in Saybrook, Chestnut Ridge Manor, Foxpointe, the Landings, Shamrock Estates, and a section of Blue Course Drive.

Ms. Stephens moved that the Board of Supervisors **award** Contract 2021-C15 Street Tree Pruning to Dincher and Dincher Tree Surgeons, Inc. in the amount of \$58,480.00. Mr. Miller seconded the motion. The motion passed unanimously.

Ms. Dininni asked with regards to the spotted lanternfly if the maple trees in the development of Hillside/Westside Street trees are owned by the Township or are they property owner trees. Mr. Modricker noted that the entryway trees are the Township's and the further you go into the development, they are private. Ms. Dininni cautioned about the township trees and potential damage that could happen due to the spotted lanternfly.

## VII. STAFF AND COMMITTEE REPORTS

**1. COG COMMITTEE REPORTS**

a. Executive Committee

Ms. Dininni reported that they routinely work on other policy areas for COG. They are working on the Communication Policies to external stakeholders.

**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.

Mr. Pribulka noted that Shelly Tamang started today as the Township Receptionist and the staff is looking forward to working with her.

Ms. Strickland thanked the Township and the Police for the update and proceeding with Trick or Treat despite the robbery that occurred on Sunday.

Ms. Strickland stated that in response to the bike accident involving a car, it would be an appropriate time to look at deficiency, accommodations and access for pedestrians and bicyclist. Ms. Strickland suggested getting some items such as reflective items to give away. Mr. Pribulka will forward the request to Sgt. Hendrick.

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – OCTOBER/NOVEMBER**

a. Ferguson Township upcoming committee meetings:

1. The Winter Market at The Rivet, November 6, 12:00 p.m. – 6:00 p.m.
- 2..Planning Commission - Monday, November 8, 6 p.m.
3. Tree Commission – Monday, November 15, 5 p.m.
4. Parks & Recreation Committee - Thursday, November 18, 4:00 p.m.

**X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 11:03 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 12-06-2021