

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, February 1, 2022

ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, February 1, 2022 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
	Hillary Caldwell		Dave Modricker, Director of Public Works
	Patty Stephens		Centrice Martin, Assistant Township Manager
	Tierra Williams		

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Ferguson Township Planning Commission; Peter Melan, Polity Inc.; Leah Welk, Ferguson Township Resident; Kelli Waldron, Ferguson Township Resident; Jessica Sheckells, Ferguson Township Resident; Stephen Nowroski, Ferguson Township Resident; Mark Garlicki, Ferguson Township Resident; Paul Tomkiel, Ferguson Township Resident; Charima Young, PSU; Jeremie Thompson, Ferguson Township Planning Commission; Joanne Tosti-Vasey, Chair of the Centre County Advisory Council to the PA Human Relations Commission.

I. CALL TO ORDER

Ms. Dininni called the Monday, February 1, 2022, regular meeting to order at 7:00 p.m. Ms. Dininni stated that it is Black History Month, and it is the Lunar New Year. Ms. Williams suggested that the Board have a speaker/program in the future during the month of February.

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 with space available in the Township main meeting room for any public members to participant. 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. Members of the public are to be muted during the meeting and must be acknowledged by the Chair. The chat feature has been turned off. C-NET is recording as well. Mr. Pribulka took Roll Call and there was a quorum.

Ms. Dininni noted that there was an Executive Session regarding land acquisition and a matter of personnel on January 27, 2022.

II. CITIZENS INPUT

Mr. Chili Allen, Ferguson Township Resident, noted that no one other than Mr. Pribulka has gotten back to him regarding his smoker. Mr. Pribulka stated that he did send Mr. Allen an email and noted he has a valid point. Mr. Pribulka noted that the definition of a smoker needs to be addressed and stated that the ordinance could be amended.

Mr. Paul Tomkiel, Ferguson Township Resident, noted that the Centre Region doesn't have a dog enforcement person and wanted to let the Township know.

III. APPROVAL OF MINUTES

There were no minutes to approve.

IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT

Mr. Pribulka stated that there are no reports because the ABC meetings start in February.

V. SPECIAL REPORTS

a. COVID-19 Local Response Report – David Pribulka, Township Manager

Mr. Pribulka reported that there has not been changes in the operational aspect of the Township from the last update. Centre County has 33,419 positive cases with 321 deaths. There have been 85,419 reported negative cases reported on the PA COVID-19 Dashboard for Centre County. Across the Commonwealth, the cases have reached 2,211,784 and there have been 40,836 deaths. Centre County full vaccination rate shows that 93,018 residents have been fully vaccinated with 14,039 having received one dose. The County vaccination rate is at 59.4% and 68.4% have been partially vaccinated. Mount Nittany Medical Center has 45 positive patients in their care ranging in ages from 32 to 97 years of age. 28 of the 45 hospitalized were unvaccinated with two patients on ventilators. Mr. Pribulka encouraged all Ferguson Township residents to receive the vaccine.

VI. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Executive Committee - Ms. Dininni noted that the report is in the agenda packet.
- b. Solar Power Purchasing Agreement Working Group - Ms. Dininni noted that the report is in the agenda packet.

2. OTHER COMMITTEE REPORTS

1. Spring Creek Watershed Commission – Mr. Mark Garlicki thanked the Board and Mr. Pribulka for the opportunity to serve on the Committee. Mr. Garlicki reviewed the report that was included in the agenda packet. Mr. Garlicki will share more information when it becomes available for the Groundwater Symposium and the Spring Creek Watershed Cleanup Day.

VII. STAFF REPORTS

1. Manger's Report – Mr. Pribulka noted that his report is in the agenda packet. Ms. Dininni asked if Parks and Rec will be providing the 2-years of historical data in the spring. Mr. Pribulka will reach back out to let them know that the Board wants the data.

VIII. UNFINISHED BUSINESS

1. Project Status on the Ferguson Township Strategic Plan Update

Mr. Peter Melen, Polity, Inc. reviewed the status of the strategic plan that was included in the agenda packet. Mr. Melen reopened the survey and will be adding the data to the finalized plan.

Ms. Williams noted that language around diversity is vague and suggested including more content. Mr. Melen will be contacting Ms. Williams to setup a time to discuss further.

Ms. Strickland suggested adding the number of attendees at the public meetings and the number of responses to the survey in the plan. Ms. Strickland also suggested having further discussions specifically around goals/narrative. Ms. Strickland had concerns with the Public Safety portion and how it fits within the Township.

Mr. Keough asked if the public will be able to review the plan before it is adopted. Mr. Melen stated that they are adding final content and will be finalized in March.

Ms. Caldwell suggested talking with Mr. Melen's about his feedback on parts of the plan. Mr. Melen will be contacting Ms. Caldwell.

Mr. Melen offered to have the draft completed before the next meeting on February 15th so that the Board can review and make comments.

Ms. Dininni requested having the leadership team add more narrative to the goals when they are completed. Mr. Pribulka concurred.

Ms. Dininni asked if Diversity, Equity, and Inclusion (DEI) should be a separate goal or should it be incorporated in the departments goal. Mr. Pribulka noted that there has been enough discussion and direction for Mr. Melen to include language into the goal to be presented to the Board. Mr. Stephen Nowroski, Polity Inc., expressed concerns having a separate DEI goal because it becomes something separate and interweaving them into the goals where applicable is better.

2. Cherry Lane and Martin Street Multi-Way Stop Study Summary and Recommendation

Mr. Modricker reported that as requested by the Board of Supervisors, a multi-way stop study for the intersection of Cherry Lane and Martin Street was performed for the intersection of Cherry Lane and Martin Street. The multi-way stop also aligns with one of the driveways to Radio Park Elementary School. This multi-way stop study was complete after signing and markings were installed for a crosswalk on the east side of the intersection to cross Cherry Lane at this same intersection. Provided with the agenda packet is a full copy of the engineering study and memo prepared by the Township Engineer Ron Seybert and Public Works Director David Modricker with a summary and recommendation on the multi-way stop study.

Mr. Modricker noted that a multi-way stop was not warranted.

Ms. Stephens noted there is pedestrian confusion with the intersection. Mr. Modricker stated that placards were placed to indicate that opposing traffic doesn't have a stop sign. A pedestrian crossing sign has been installed as well as ramps that were installed by the school district.

Ms. Strickland expressed disappointment with the results because it is in front of an elementary school and students need to cross the road because there are no sidewalks along Cherry Lane. Ms. Strickland noted that no one applied for the crossing guard position and asked if there are other options to be explored. Ms. Strickland also noted there is no school zone slow speed limit sign. Mr. Modricker stated that the elementary school is not considered a walking school and that any flashing signal light will need to be issued by PennDot. Mr. Modricker stated that he had no other suggestions, but a crossing guard is a good option. Ms. Dininni requested staff to actively advertise the crossing guard position again.

Ms. Williams suggested placing something temporary to direct traffic and perhaps speed bumps. Mr. Modricker noted that the Township has a rectangular yellow portable sign that has the notation, pedestrian crossing in the center. Also, Mr. Modricker would explore the option of speed bumps.

Ms. Strickland agrees with exploring speed bumps and the temporary signage. Ms. Strickland suggested working with the school district to advertise the crossing guard position.

Ms. Caldwell concurred with actively advertising of the position and suggested adding to the next Board agenda for a check in. Ms. Dininni suggested having it included in the manager's report.

Ms. Stephens would like to see more public input and agreed with advertising.

Ms. Dininni suggested following up regularly through the manager's report.

Mr. Pribulka noted that the Township can only offer this position through employment because management of volunteers is difficult.

3. Public Hearing– Resolution Approving Master Plan for Songbird Sanctuary Park

Ms. Centrice Martin presented and noted that provided with the agenda is a copy of a resolution advertised for public hearing approving a master plan for Songbird Sanctuary Park. On January 18th, the Board received the prefinal draft of the Songbird Sanctuary Park Master Plan describing the plan and the public involvement process. If approved, staff will plan to use the funds allocated in the 2022 Operating Budget to construct Songbird Sanctuary – Phase 1 and incorporate the improvements into the Capital Improvements into the Capital Improvement Program Budget for construction as funding is available. The Master Plan rendering will be made part of the resolution and is provided with the agenda.

Public Hearing – there were no comments.

Ms. Stephens asked about the water bowl amenity. Ms. Martin noted that it was proposed by the Committee and the bowl will collect nature water.

Ms. Stephens moved that the Board of Supervisors **adopt** the resolution approving a revised master plan for Songbird Sanctuary Park. Ms. Williams seconded the motion.

ROLL CALL: Ms. Dininni – Yes: Ms. Stephens – Yes: Ms. Strickland – Yes: Ms. Williams – Yes: Ms. Caldwell – Yes

4. Anti-Discrimination and Regional Human Relations Commission Ordinance Discussion

Mr. Pribulka noted that provided with the agenda is a proposed draft version of the Regional Discrimination Ordinance as well as a copy of a draft Memorandum of Understanding (MOU). State College Borough and Patton Township continue to work Ferguson Township to develop a regional Human Relations Commission (HRC) with an agreeable MOU signed by all parties. While Bellefonte Borough Council will no longer be a participate in this regional initiative, College Township and Millheim Borough are interested in partnering on this initiative. The ordinance, if adopted, would provide for a local adjudicatory body to review allegations of discrimination related to several protected classes on the basis of housing, employment, and public accommodations. The ordinance would provide for local relief to complainants in lieu of the Pennsylvania Human Relations Commission.

Items that remain to be resolved include consideration of protected classes particularly pertaining to support animals, and the dual filing with the Pennsylvania HRC. This item is for discussion only and is intended to update the Board and public on the current status of this draft ordinance. It is recommended that the Board provide feedback on the outstanding issues and staff will continue to develop an ordinance for advertisement for public hearing.

Mr. Pribulka noted that the process is described in the ordinance to file a complaint. Solicitors have reviewed the ordinance but will need another thorough review after addressing the outstanding items.

Ms. Caldwell suggested changing the following language:

- Section 201 J - Sex reassignment to gender affirming or gender confirming. Proposed adding nonbinary.
- Section 201 V – Remove and/or and include language for LGBTQIA

Ms. Dininni noted that this is a regional effort and is not going through the COG and would like the Board to finalize the effort. Ms. Dininni suggested the Board discuss tonight, adding to a future meeting to finalize, and then advertise for a public hearing.

Ms. Williams proposed meeting with Mr. Pribulka about a better description on discrimination.

Support Animals Discussion

Ms. Joanne Tosti-Vasey appears at the Board meeting as the Chair of the Centre County Advisory Council to the PA Human Relations Commission. Ms. Tosti-Vasey noted that an attorney from the PA Human Relations Commission held a training in January on support and service animals. Under federal law there is a distinction between both, but at the state level they are both covered. Support animals will need to be included if the Township is following the state guidelines. Ms. Tosti-Vasey left her documents from the PA Human Relations Commission for the Board to review.

Ms. Dininni stated that she would include support animals.

Ms. Williams expressed that she was undecided and questioned how short-term rentals would be affected.

Ms. Caldwell noted that there haven't been issues with her personal experiences.

Ms. Strickland had concerns with support animals who are close to people with allergies and asthma. Also, what type of animal would be allowed. Mr. Pribulka stated that there will be further legal reviews needed.

Ms. Williams asked if it could be adopted at a municipal level with the federal standards. Ms. Tosti-Vasey answered that it is not permissible. It can stay the same as the state has or make it stronger. Mr. Pribulka didn't doubt Ms. Tosti-Vasey answer but reiterated that legal counsel will need to review.

Mr. Bill Keough, Ferguson Township Resident, and member of the Planning Commission, expressed concerns with what would be allowed in the residential areas.

Ms. Stephens stated that she is in favor of support animals.

Ms. Caldwell stated that she is in favor of support animals.

Ms. Dininni stated that most of the Board is in favor of support animals.

Dual Filing Discussion

Ms. Dininni noted that she is not in favor of the preclusion of someone filing in a certain manner. Mr. Pribulka stated that is not the intent with the ordinance.

Ms. Tosti-Vasey commented that at the state level you have 180 days from the date of the last incident of alleged discrimination to file with the state. Ms. Tosti-Vasey read from the law that states, in order

to avoid duplication of efforts Section 12.1e of the PA Human Relations Act provides that notification shall be given by the Regional Human Relations Commission and to the individual members of the PAHRC when an individual files a complaint with either the Regional Human Relations Commission or one of its members.

Mr. Pribulka stated that the solicitors may have a different opinion and encouraged the Board to seek the solicitor's advice.

Ms. Stephens stated with the filing she was leaning toward the complainant filing but could go either way. As for the timing, still not exactly clear about the definition. Mr. Pribulka noted the 180 days from the alleged incident or reoccurring both timelines would run the same.

Ms. Dininni prefers that the agency files.

Ms. Caldwell is leaning towards for the complainant to file and as long as there is due process, would be fine with concurring filings.

IX. NEW BUSINESS

1. Consent Agenda

- a. Contract 2021-C15 Street Tree Pruning Final: \$58,480.00
- b. Voucher Report – December 2021

Ms. Stephens moved that the Board of Supervisors **approve** the Consent Agenda and the Voucher Report. Ms. Strickland seconded the motion. The motion passed unanimously.

2. Discussion on Council of Governments Finance Committee Priorities

Ms. Dininni noted at its January meeting, the Finance Committee (FC) received a listing of work tasks from staff with COG Office of Administration that was updated from the 2021 priorities to reflect items completed as well as additional work tasks identified during 2021. At the January meeting the Committee requested these tasks be ranked in terms of importance, on an "A,B,C" scale by each municipal representative and by COG staff. Provided with the agenda is the FC Prioritization – 2022 (Municipal) document that addressed that request. Also provided with the agenda is the FC Work Task Prioritization – 2021 which can be used as a resource to help in the completion of the FC Prioritization – 2022 (Municipal) spreadsheet if so desired.

Ms. Caldwell flagged the following that was provided in the [agenda packet](#):

- #3 on page 166 of the agenda packet (Climate Action and Adaptation Plan) – Ms. Caldwell suggested having the COG complete a fleet management plan and share the findings with the Finance Committee.
- #22 on page 166 of the agenda packet (Improve planning/communications) – Ms. Caldwell asked if there is a way to make that more efficient.

Ms. Strickland stated that priority should be on funding for the capital improvement projects (CIP) and environmental projects that are listed. Also, fund balance policies, long term planning, the use of CIP, and updating agreements.

Ms. Dininni will prepare the worksheet with the suggestions that were given. Ms. Dininni will send to COG and copy the Board.

3. Consideration of Establishing a Standing Monthly Worksession

Ms. Strickland reported that the Board has discussed the establishment of a standing monthly worksession in 2022. If approved, the Board could consider including all staff and special reports, including ABC reports, as well as major discussion items on the worksession agenda. The Board is asked to consider this request and, if authorized, schedule dates and times for the same. Pending the outcome of the discussion, the Agenda Order of Business Resolution adopted at the January 3rd meeting may need revision, as well, to accommodate any changes in format. This item is presented for discussion and consideration.

Ms. Stephens noted she is supportive and asked if it would be recorded on C-NET. Mr. Pribulka noted that is difficult for them to record during the day but will follow up with Cindy Hahn.

Ms. Williams asked what the purpose is for the third meeting and expressed concerns with the length of another potential meeting.

Ms. Strickland noted it might take away some bigger bulk agenda items from the regular meeting. Ms. Strickland stated that she would have moved the Strategic Plan agenda item into a worksession.

Ms. Dininni stated if a standing third meeting would be established it would cut down on staff time trying to find dates for meetings.

Ms. Caldwell stated that there is a need for the extra meeting but implement a strict time limit.

After further discussion, it was decided that the worksession meetings will be held the second Tuesday of the month at 2:00 p.m.

X. COMMUNICATIONS TO THE BOARD

There were none.

XI. CALENDAR ITEMS – FEBRUARY

a. Ferguson Township upcoming committee meetings:

1. Planning Commission, Monday, February 14, & 28
2. Parks and Recreation Committee, February 10 – Cancelled
3. Tree Commission, February 28
4. Pine Grove Mills Small Area Advisory Committee, February 24

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 10:05 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 03-01-2022