

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**  
**Regular Meeting Agenda**  
**Monday, January 18, 2020, 7:00 PM**

*Join Zoom Meeting:*  
<https://us02web.zoom.us/j/87979180673>  
Meeting ID: 879 7918 0673  
[Zoom Access Instructions](#)

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. APPROVAL OF MINUTES**

1. January 4, 2021, Board of Supervisors Reorganizational Meeting Minutes
2. January 4, 2021, Board of Supervisors Regular Meeting Minutes

**IV. SPECIAL REPORTS**

- a. COVID-19 (Coronavirus) Response Report

**V. UNFINISHED BUSINESS**

1. Public Hearing – Heritage and Significant Trees Ordinance
2. Public Hearing – Extension of Emergency COVID-19 Ordinance
3. Continued Discussion – Stormwater Management Utility Fee
4. Continued Discussion – Whitehall Road Regional Park Phase I Development

**VI. NEW BUSINESS**

1. Consent Agenda
2. Resolution – 2021-2022 CATA Local Match
3. Consideration of Local Regulations of Personal Delivery Devices (PDDs)

**VII. REPORTS**

1. COG Committee Reports
2. Other Regional Reports
3. Staff Reports

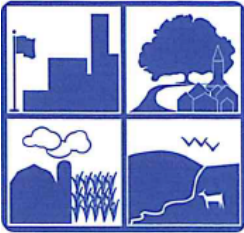
**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – JANUARY/FEBRUARY**

**X. ADJOURNMENT**



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# TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-238-3454  
www.twp.ferguson.pa.us

**Board of Supervisors  
Regular Meeting Agenda  
Monday, January 18, 2021  
7:00 P.M.**

- I. **CALL TO ORDER**
- II. **CITIZEN'S INPUT**
- III. **APPROVAL OF MINUTES**
  - 1. January 4, 2021, Board of Supervisors Reorganizational Meeting Minutes
  - 2. January 4, 2021, Board of Supervisors Regular Meeting Minutes
- IV. **SPECIAL REPORTS** 10 minutes
  - 1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
- V. **UNFINISHED BUSINESS**
  - 1. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING CHAPTER 25, TREES BY ESTABLISHING A NEW PART IV, HERITAGE AND SIGNIFICANT TREES.** 10 minutes

## **Narrative**

Provided with the agenda is a draft of the Heritage and Significant Tree Ordinance as advertised for Public Hearing. Planning and Public Works staff with input from the Ferguson Township Tree Commission drafted an amendment to Chapter 25, Trees, to include a new part, Heritage and Significant Trees. The intent of the new part is to recognize the voluntary protection of landmark and important trees, establish a process to nominate these trees, distinguish between Heritage and Significant Trees, and establish maintenance responsibilities for the preserved trees.

The Board of Supervisors reviewed this draft ordinance during the December 7, 2020, regular meeting and authorized staff to advertise for a public hearing to amend Chapter 25—Trees for this evening.

*Recommended Motion: That the Board of Supervisors adopt the ordinance amending Chapter 25, Trees by establishing a new Part IV, Heritage and Significant Trees.*

## **Staff Recommendation**

That the Board of Supervisors **adopt** the ordinance.

**2. A PUBLIC HEARING ON AN EXTENSION OF AN EMERGENCY COVID ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REQUIRING THE WEARING OF FACE COVERINGS AND IMPLEMENTING ADDITIONAL REGULATIONS TO REDUCE THE RISK OF TRANSMISSION OF THE COVID-19 VIRUS.** 10 minutes

**Narrative**

Provided with the agenda is a copy of an ordinance advertised for public hearing extending the temporary emergency regulations established to reduce the transmission of the COVID-19 virus. The emergency ordinance was adopted by the Board on September 21, 2020, and is set to expire on January 31, 2021. The ordinance that is presented this evening extends those restrictions through June 30, 2021, or at the expiration of the emergency declarations of the Centre Region Council of Governments and the Pennsylvania Department of Health. The public hearing held on January 4<sup>th</sup> was continued to this evening to reflect the changes that have been incorporated in the draft ordinance.

*Recommended Motion: That the Board of Supervisors adopt the ordinance extending the effective date of the temporary emergency COVID Ordinance through June 30, 2021, or the expiration of the emergency declarations passed by the Centre Region Council of Governments and the Pennsylvania Department of Health, whichever is earlier.*

**Staff Recommendation**

That the Board of Supervisors **adopt** the ordinance.

**3. CONTINUED DISCUSSION – STORMWATER MANAGEMENT UTILITY FEE ORDINANCE** 30 minutes

**Narrative**

Concluding the Stormwater Management Utility Fee public worksession held on Tuesday, January 12, 2021, the Board requested a discussion on this evening's agenda to review any outstanding items prior to the public hearing scheduled for Monday, February 1, 2021.

**Staff Recommendation**

That the Board of Supervisors **discuss** the proposed ordinance.

**4. CONTINUED DISCUSSION – WHITEHALL ROAD REGIONAL PARK** 20 minutes

**Narrative**

At the Regular Meeting on Wednesday, October 7, 2020, the Board of Supervisors reviewed some questions forwarded by the COG General Forum on September 29, 2020, related to the development of Phase I of Whitehall Road Regional Park. At the conclusion of the meeting, it was determined insufficient information was provided for the Board to reach consensus on the questions, and additional clarification was requested of the COG by several municipalities to further guide their discussion. Provided with the agenda is a matrix of the responses provided to each of those questions. Also provided with the agenda is the original comment guide provided by the Centre Region Parks and Recreation Authority, and the presentation that was provided to the COG General Forum on September 29<sup>th</sup>. The Board is requested to continue their discussion from the October 7 Regular

Meeting and provide any responses to the COG Executive Director and Centre Region Parks and Recreation Authority Director.

**Staff Recommendation**

That the Board of Supervisors *discuss* the Phase I development of Whitehall Road Regional Park

**VI. NEW BUSINESS**

**1. CONSENT AGENDA**

5 minutes

- a. Contract 2018-PWGG HVAC, Pay App 3: \$228,522.01
- b. Contract 2018-PWGG HVAC, Plumbing, Pay App 5: \$134,187.50
- c. Contract 2018-PWGG General, Pay App 9: \$301,809.26
- d. Contract 2020-C3, Pipe Lining, Pay App 2: \$309,095.44
- e. Adopt-A-Road Application – Old Gatesburg Road
- f. Treasurer’s Report – October 2020 for acceptance

**2. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CERTIFYING PROVISION OF LOCAL MATCH FOR STATE OPERATING AND CAPITAL FINANCIAL ASSISTANCE TO THE CENTRE AREA TRANSPORTATION AUTHORITY FOR FISCAL YEAR 2021 – 2022.**

5 minutes

**Narrative**

Provided with the agenda is a copy of the resolution establishing the Township’s contribution to the Centre Area Transportation Authority (CATA) for operating funds in an amount of \$123,786.00 and capital funding in an amount of \$17,620.00 for the CATA fiscal year beginning July 1, 2021, and ending June 30, 2022. Contributions for the 2020 – 2021 CATA fiscal year totaled \$117,981.00 for operating funds and \$17,619.00 for capital funding. Also provided with the agenda is a copy of a memorandum from Louwana Oliva, CATA Executive Director, received by the Board in November 2020, describing the proposed increase to local match requests for Fiscal Year 2021 – 2022.

*Recommended motion: That the Board of Supervisors adopt the resolution certifying provision of Local Match for State Operating and Capital Financial Assistance to the Centre Area Transportation Authority for fiscal year 2021 – 2022.*

**Staff Recommendation**

That the Board of Supervisors *adopt* the resolution.

**3. CONSIDERATION OF LOCAL REGULATIONS OF PERSONAL DELIVERY DEVICES (PDDs)**

20 minutes

**Narrative**

On November 1, 2020, Pennsylvania Senate Bill 1199 (Personal Delivery Devices) was enacted. Act 106 will go into effect on January 30, 2021. A Personal Delivery Device is a ground-based delivery device that is designed for the transporting of goods and is operated by a driving system that allows for autonomous or remote operations. PDD’s in the vehicle code are classified as pedestrians and are granted the same rights with a few exceptions.

PDD's can operate in any pedestrian area and shoulder/berm of roadways posted at 25 mph or less.

PDD's will operate in two phases. Phase 1 will operate autonomously with a PDD operator within 30 feet of the PDD and must maintain line of sight of the PDD. After 180 days, the device will transition into Phase 2. In Phase 2, the PDD will be operated through an autonomous system while being monitored remotely so control can be overridden if necessary.

PennDOT is responsible for developing policies governing operations of PDD's and the application process to grant authorization. It will be the responsibility of municipalities to develop a resolution or ordinance as to where to permit the use or restrict the use of PDDs on roadways where the posted speed limit is greater than 25 miles per hour and not greater than 35 miles per hour; determine what hazards would limit the use of the PDD, such as weather; enforcement of any law, rule or regulation as it relates to the operation of the PDD.

Planning Commission reviewed the information provided at the January 11, 2020, regular meeting and voiced concerns about how PDDs would operate with severe weather conditions (snow, ice, etc.) and questioned if the devices would have continuous audible and visible warning that would pass ADA requirements. Ron Seybert, Township Engineer, and Chris Albright, Chief of Police, also reviewed Act 106.

Provided with the agenda packet is an informational flyer, a draft Policy Application as well as comments provided by the Centre County MPO that will be sent to PennDOT on January 22, 2021. The link to Act 106 is provided below. PennDOT has also schedule a PDD webinar for January 20, 2021, at 2:00 PM and questions/comments can be submitted to [pdd@pa.gov](mailto:pdd@pa.gov) prior to the webinar to have questions/comments addressed. The Director of Planning & Zoning will send out the webinar link to the Board as well as Planning Commission.

[PA 2020 Act 106](#)

**Staff Recommendation**

That the Board of Supervisors *discuss* local regulations of Personal Delivery Devices.

**VII. STAFF AND COMMITTEE REPORTS**

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|--|---------------|
| <b>1. COG COMMITTEE REPORTS</b>              | 35 minutes    |
| a. Transportation Land Use Committee         |               |
| b. Public Safety Committee                   |               |
| c. Climate Action & Sustainability Committee |               |
| d. Human Resources Committee                 |               |
| e. Finance Committee                         |               |
| f. Joint Parks Capital Committee and CRPRA   |               |
| g. Public Services & Environmental Committee |               |
| <br><b>2. OTHER COMMITTEE REPORTS</b>        | <br>5 minutes |

**3. STAFF REPORTS**

20 minutes

- a. Manager's Report
- b. Public Works Director – *No written report.*
- c. Planning and Zoning Director
- d. Chief of Police

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – JANUARY/FEBRUARY**

**X. ADJOURNMENT**