

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, April 20, 2020
7:00 PM

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, April 20, 2020, via Zoom. In attendance were:

Board:	Steve Miller, Chairman	Staff:	Dave Pribulka, Township Manager
	Laura Dininni		Centrice Martin, Assistant to the Manager
	Prasenjit Mitra		Dave Modricker, Public Works Director
	Patty Stephens		Jenna Wargo, Planning/Zoning Director
	Lisa Strickland		Chris Albright, Chief of Police
			Eric Endresen, Director of Finance
			Ron Seybert, Township Engineer

Others in attendance included: Rhonda Demchak, Recording Secretary; Mark Kunkle, Ferguson Township Resident; John Sepp, President, Penn Terra Engineering; Mark Torretti, Project Manager, Penn Terra Engineering; Brent Brubaker, Sheetz Corporation; Dan Harner, Ferguson Township Resident; Chris Harner, Ferguson Township Resident; Pat Hopkins, Ferguson Township Resident; Dennis Myer, Ferguson Township Resident; Doug Hill, Wooster & Associates; Jeremie Thompson, Chair, Planning Commission.

I. CALL TO ORDER

Mr. Miller called the Monday, April 20, 2020, regular meeting to order at 7:00 p.m.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised as a virtual meeting via Zoom. There is also an audio conference bridge that is accessible by accessing the Ferguson Township's main line at 814-238-4651 and then dialing extension 3799. Per the Sunshine Act, which allows during a time of disaster recovery to meet virtually, but it also requires that a Roll Call be taken and that elected officials verbally respond. Mr. Pribulka took Roll Call and there was a quorum.

II. CITIZENS INPUT

None.

III. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the Board of Supervisors Minutes of April 6, 2020. Ms. Stephens seconded the motion. The motion passed unanimously.

IV. SPECIAL REPORTS

Mr. Pribulka presented the COVID-19 (Coronavirus) Response Report. Ferguson Township staff continue to operate at reduce levels in response to the COVID-19 pandemic. Mr. Pribulka appreciates the local businesses in the Township for their patience and understanding as the Township works through the recovery. The Crisis Management Team has begun planning for the reconstitution and recovery of municipal operations. Staff will potentially report back to work on May 4, 2020, with rotating start times and shift assignments in order to maintain appropriate social distancing and follow the Centre for Disease Control and Department of Health protocols. These details are still being finalized. Although staff will report back to the work on May 4th, the office will remain closed to the public until further notice.

Mr. Pribulka noted that the next round of brush pickup is on May 4th and noted that it will take a little extra time because of the constraints that the staff must wear. Please be reminded burning leaves is prohibited by state law and burning brush beyond a recreational campfire requires a permit from the Centre Region Code Administration.

Mr. Pribulka noted that the construction of the Public Works Maintenance Facility resumed today following an exemption from Governor Wolf's order.

Mr. Pflumm, Chair Person, Ferguson Township Tree Commission, requested to postpone the Tree Commission Report until the next meeting of April 27, 2020.

V. UNFINISHED BUSINESS

1. REQUEST FOR MODIFICATION/WAIVER – SUBDIVISION OF TAX PARCEL 24-4-67 AND REPLOT OF TAX PARCEL 24-4-67C/STATE COLLEGE PA WHITEHALL ROAD SHEETZ LAND DEVELOPMENT PLAN

Ms. Wargo introduced the request for modification/waiver and presented slides. On April 19, 2019, Penn Terra Engineering submitted an application for consideration of a Modification/Waiver from §22-512.1.E-7., Sidewalks. The Planning Commission reviewed the application at their April 13, 2020, regular meeting and recommended approval pending additional conditions within the Lot 2 section above to read: "No sidewalks be required on the Harner Farm Subdivision Plan since there is no land development plan proposed for that lot at this time. Sidewalks will be proposed when a land development plan is submitted for Lot 2 or when 75% of Orchard View Subdivision develops, whichever comes first." Provided with the agenda is the memorandum from Ms. Wargo describing the requested modification.

Mr. Mitra moved that the Board of Supervisors **grant** the waiver of Chapter 22, Part 5, Section 512, Sidewalks to the applicant of the Harner View Subdivision of Tax Parcel 24-4-67 and Replot of Tax Parcel 24-4-67C and include the additional conditions within the Lot 2 section to read "No sidewalks be required on the Harner Farm Subdivision Plan since there is no land development plan proposed for that lot at this time. Sidewalks will be proposed when a land development plan is submitted for Lot 2 or when 50% of Orchard View Subdivision is developed, whichever comes first. Furthermore, the Board of Supervisors reserves its right under Chapter 21, Streets and Sidewalks; Part 2, Sidewalks; Section 21-201, Notice to Construct Sidewalk, to compel the adjacent property owner to construct the sidewalks at any time by duly adopted resolution of the Board of Supervisors" Ms. Stephens seconded the motion.

Discussion followed regarding the percentage of the sidewalks being developed before the connection is made between Sheetz and Orchard View. Mr. Pribulka noted that the Board would retain its authority under Chapter 21 Section 201 to obligate property owners to construct sidewalks when it deems.

Ms. Dininni made a motion to **amend** the original motion to clarify that the Board reserves the right at any time to require sidewalks. Ms. Strickland seconded the motion.

Continued discussion regarding the percentage perused. It was recommended that 50% would be appropriate instead of 75%.

Ms. Strickland moved to **amend** the percentage to 50%. Ms. Dininni seconded the motion. The motion passed unanimously.

2. SUBDIVISION OF TAX PARCEL 4-4-67 & REPLOT OF TAX PARCEL 24-4-67C – HARNER FARMS PLAN DATED MARCH 25, 2020

Ms. Wargo reviewed the Harner Farms Subdivision Plan. On April 22, 2019, revised March 25, 2020, Penn Terra Engineering submitted a 4-lot subdivision plan at the corner of West College Avenue and West Whitehall Road, on behalf of their client, Aspen Whitehall Partners, LLC. The subdivision includes two lots within the General Commercial (C) zoning district (Lot 1—5.6 acres and Lot 2—3.68 acres). One lot is located within the Rural Agricultural zoning district (replotted to tax parcel 24-004, 067C,0000- totaling 0.603 acres) and one lot within the Single-Family Residential zoning district (Lot 3—16.568 acres).

Ms. Strickland moved that the Board of Supervisors **approve** the Harner Farm Subdivision of Tax Parcel 24-4-67 and Replot of Tax Parcel 24-4-67C, subject to the conditions of the Community Planner memorandum dated April 13, 2020. Mr. Miller seconded the motion. The motion passed unanimously.

3. ORCHARD VIEW SUBDIVISION PLAN DATED MARCH 25, 2020

Ms. Wargo reviewed the Orchard View subdivision plan. On May 14, 2019, revised March 25, 2020, Penn Terra Engineering submitted a 36-lot subdivision plan on behalf of their client, Aspen Whitehall Partners, LLC. The subdivision includes thirty-six (36) lots within the Single-Family Residential (R1) zoning District with Corridor Overlay. The site is approximately 16.568 acres.

Ms. Strickland moved that the Board of Supervisors **approve** the Orchard View Subdivision Plan subject to the conditions of the Community Planner's memorandum dated April 13, 2020. The motion passed unanimously.

4. STATE COLLEGE PA WHITEHALL ROAD SHEETZ LAND DEVELOPMENT PLAN DATED MARCH 25, 2020

Ms. Wargo reviewed the Sheetz Land Development Plan. On April 22, 2019, revised March 25, 2020, Penn Terra Engineering submitted a land development plan at the corner of West College Avenue and West Whitehall Road, on behalf of their client, Aspen Whitehall Partners, LLC. The parcel is situated in the General Commercial (C) Zoning District, and the land development plan includes a 6,077 sq. ft. Sheetz convenience store and drive-thru with a 1,048 sq. ft. car cash. The gasoline dispensing station consists of six fuel pump islands. There will be 47 parking spaces provided on site, including three ADA-accessible spaces.

Ms. Stephens moved that the Board of Supervisors **approve** the State College, PA, Whitehall Road Sheetz Land Development Plan subject to the conditions of the Community Planner's memorandum dated April 13, 2020. Ms. Strickland seconded the motion. The motion passed unanimously.

Continued discussion regarding lighting, noise, stormwater basin, traffic improvements and vegetation. Mr. Torretti, Penn Terra, reviewed the plans to the Board.

5. EMPLOYER PAID SICK LEAVE POLICY DISCUSSION

Mr. Pribulka discussed the recommendation regarding paid sick leave. On March 2nd, the Board discussed the possibility of implementing a municipal wide sick leave ordinance similar to the city

of Pittsburgh. Mr. Pribulka reached out to Julie Aquino who is an attorney with the firm Campbell, Durrant, Beatty, Polombo & Miller. The Township typically engages them for human resources and personnel related issues. A memorandum from Ms. Aquino was provided with the agenda that described some of her concerns as well as a partner from her firm about the Township implementing a similar ordinance. In general, the suggestion from the firm is that there would be some significant challenges if the Township were to consider enacting a similar ordinance. The reason why the city of Pittsburgh was able to have this policy is because they have their own Board of Health and their own department that would manage the program for them. There is a caveat in the law that governs how those boards operate that permit them to enact these types of regulations, that is not the case in Ferguson Township. That would be one of the challenges, and then the second challenge that was identified is what they've called practical implications, or logistical implications because the Township doesn't have an agency that would be charged with enforcing the ordinance. It would be difficult for the Township to manage the program for reasons that Ms. Aquino sites in her memorandum. Mr. Pribulka recommends that there shouldn't be any further pursuit of this ordinance. Mr. Miller noted that there is no need to make a motion because this was introduced as a discussion. Mr. Mitra stated that he has further questions and will reach out to Mr. Pribulka and/or the law firm to discuss.

VI. NEW BUSINESS

1. CONSENT AGENDA

- a. Vouch Report – March 2020
- b. Acceptance of Treasurer's Report – February 2020

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

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING REQUIRMENTS LEED V4O+M EQ PREREQUISITE GREEN CLEANING POLICY OPTION 1.

Mr. Modricker briefly described the Green Cleaning Policy Option 1. The new Public Works Maintenance Facility has been designed and will be constructed in such a way that it meets the standards for a LEED Gold Certified facility.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution approving requirements LEED V4 O+M EQ Prerequisite Green Cleaning Policy Option 1. Mr. Mitra seconded the motion. The motion passed unanimously.

Ms. Dininni inquired if the Township wants to expand this to the entire campus? Mr. Pribulka advised that at this time there would not be an expansion until we develop and implement this policy, then the Township will look into expanding.

Roll Call: Mr. Miller – YES: Mr. Mitra – YES: Ms. Stephens – YES: Ms. Strickland – YES: Ms. Dininni - YES

3. A PUBLIC HEARING ON RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING THE ONGOING SUSTAINABLE PURCHASING AND SOLID WASTE MANAGEMENT POLICY

Mr. Modricker reviewed the ongoing sustainable purchasing and solid waste management policy. It would meet the requirements for an innovation credit that pertains to the way we purchase

consumable products such as paper, durable goods, building material, light fixtures, etc. The policy also pertains to the proper disposal of the above materials.

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution approving the ongoing sustainable purchasing and solid waste management policy. Mr. Mitra seconded the motion. The motion passed unanimously.

Roll Call: Mr. Mitra – YES: Ms. Stephens – YES: Ms. Strickland – YES: Ms. Dininni – Yes: Mr. Miller - YES

4. A PUBLIC HEARING ON RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE FERGUSON TOWNSHIP PERSONNEL POLICY MANUAL BY ESTABLISHING A TOBACCO CONTROL POLICY.

Mr. Modricker presented the Ferguson Township personnel policy manual by establishing a tobacco control policy. Mr. Modricker provided a site map that indicated smoking areas. There is signage to indicate where smoking is permitted and signage that prohibits smoking in the buildings or township vehicles. Mr. Modricker noted that this is a campus wide policy.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution amending the Ferguson Township Personnel Policy Manual by establishing a no smoking policy. Ms. Stephens seconded the motion. The motion passed unanimously.

Roll Call: Ms. Stephens – YES: Ms. Strickland – YES: Ms. Dininni – YES: Mr. Miller – Yes: Mr. Mitra: YES

5. A PUBLIC HEARING ON RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING AND SUPPLEMENTING THE FERGUSON TOWNSHIP TAX COLLECTION POLICY

Mr. Eric Endresen discussed the tax collection policy with regards to the recent outbreak of COVID-19. Since the county implemented a resolution to help taxpayers during this time, they also proposed that the municipalities do the same. It abates the 10% penalty for the township for a period of 3 months. The 2% discount period or amount has not been changed. The discount period still ends April 30th. The 10% penalty, however, is abated for three months to September 1st, from July 1st for 2020 only.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution amending and supplementing the Ferguson Township Tax Collection Policy. Mr. Mitra seconded the motion. The motion passed unanimously.

Roll Call: Ms. Strickland – YES: Ms. Dininni – YES: Mr. Miller – YES: Mr. Mitra – Yes: Ms. Stephens - YES

6. PROCLAMATION – WATERSHED CLEANUP WEEK IN FERGUSON TOWNSHIP

Mr. Pribulka presented on the Watershed Cleanup proclamation. Mr. Pribulka noted that typically this is the meeting each year where the board is asked to designate Watershed Clean-Up Day, which is an annual event that's hosted by ClearWater Conservancy and has been for the past 23 years. Unfortunately, due to the COVID-19 pandemic, this year's cleanup has been canceled. However, ClearWater is asking municipalities to designate a Watershed Clean Up Week, which they will sponsor. This will be a series of smaller scale events that will allow for appropriate social distancing. The township is not being asked to assist with refuse collection or gathering that will

be handled by the individuals, and residents who participate in the week's activities. The proclamation that's been used in prior years has been slightly modified to reflect the designation of the Watershed Cleanup Week.

Ms. Dininni moved that the Board of Supervisors **proclaim** the week of May 3rd to be Watershed Cleanup Week in Ferguson Township. Ms. Stephens seconded the motion. The motion passed unanimously.

Mr. Miller noted that ClearWater would like participates to go to their website to register for the event. This helps with their accreditation. Mr. Pribulka noted that the Township utilizes this event toward their public involvement participation program.

7. LETTER OF SUPPORT – NATIONAL FISH AND WILDLIFE FEDERATION GRANT SUBMISSION

Mr. Modricker reviewed three letters of support to the National Fish and Wildlife Federation. These grants will help stabilize the erosion of the Park Hills Drainageway. Ferguson Township will be applying for three grants:

1. PA Local Government Implementation - \$200,000
2. Small Watersheds Grant - \$50,000
3. National Fish and Wildlife Foundation Small Watershed Implementation Grant - \$500,00

Ms. Dininni moved that the Board of Supervisors **authorize** the submission of three grant applications to the National Fish and Wildlife Federation for improvements to the Park Hills Drainageway and authorize the Chairman to sign letters of support for each submission. Mr. Mitra seconded the motion. The motion passed unanimously.

8. AUTHORIZATION OF AN ORDINANCE FOR PUBLIC HEARING AMENDING CHAPTER 15, MOTOR VEHICLES AND TRAFFIC; PART 4, GENERAL PARKING REGULATIONS; SECTION 403, PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATION

Mr. Modricker reviewed the ordinance. The Township has received complaints at two different locations. The first complaint is that a resident is having difficulty pulling out of a driveway on East Pine Grove Road. Staff conducted a sight distance study and found a large vehicle blocking the sight distance. Staff is recommending some parking restrictions. The second complaint has more traffic, although a low volume road, the Township received complaints about difficulty seeing pulling out of Johnson Road when looking East onto Whitehall Road. There is a large tractor and trailer blocking the sight distance. Staff is recommending parking restrictions.

Ms. Dininni moved that the Board of Supervisors **authorize** the ordinance for public hearing on May 18, 2020. Mr. Mitra seconded the motion. The motion passed unanimously.

9. AUTHORIZATION OF AN ORDINANCE FOR PUBLIC HEARING AMENDING CHAPTER 15, MOTOR VEHICLES AND TRAFFIC; PART 2, TRAFFIC REGULATIONS; SECTION 215, STOP INTERSECTIONS ESTABLISHED

Mr. Modricker reported on a complaint about a near miss between a bicyclist and a vehicle that was traveling down Curtain Street. The bicyclist was traveling South on Curtain Street and crossed in front of the vehicle without stopping. The vehicle was on Clinton Avenue trying to make a left to go up Curtain Street. The bicyclist was heading for the McKee Street bike path. The Township Engineer completed a study to better establish the right of way at the intersection. It is

recommended that a stop sign should be installed with a supplemental plaque that states, except right turn.

Ms. Dininni moved that the Board of Supervisors **authorize** the ordinance for public hearing on May 18, 2020. Mr. Mitra seconded the motion. The motion passed unanimously.

10. AWARD OF CONTRACT 2020-C1 STREET IMPROVEMENT PROJECTS (NORTH)

Mr. Modricker reviewed the bids for street improvements. Bids were open for this contract on March 17th. The bid was advertised in the Centre Daily Times and invitations were sent to qualified contractors. The Township received four bids:

1. New Enterprise Stone and Lime Company - \$320,768
2. Glenn O. Hawbaker - \$337,648
3. Ameron - \$396,945.32
4. HRI, Inc. - \$468,112

The Engineers estimate for this contract is \$368,792.08. The budget included \$437,000 to complete the work.

Mr. Mitra moved that the Board of Supervisors **award** Contract 2020-C1 Street Improvement Projects (North) to New Enterprise Stone and Lime Co., Inc., in an amount of \$320,768.00 subject to the contractor submitting a COVID-19 safety plan for the job acceptable to the Township prior to starting work. Ms. Strickland seconded the motion. The motion passed unanimously.

11. AWARD OF CONTRACT 2020-C2 STREET IMPROVEMENT PROJECTS (WEST)

Mr. Modricker reviewed the bids for street improvements. Bids were open for this contract on March 17th. The bid was advertised in the Centre Daily Times and invitations were sent to qualified contractors. The Township received three bids:

1. New Enterprise Stone and Lime Company - \$524,596.75
2. Glenn O. Hawbaker - \$577,872
3. HRI, Inc. - \$619,653.70

The Engineers estimate for this contract is \$725,968. The budget included \$657,000 to complete the work.

Mr. Mitra moved that the Board of Supervisors **award** Contract 2020-C2 Street Improvement Projects (West) to New Enterprise Stone and Lime Co., Inc., in an amount of \$524,596.75 subject to the contractor submitting a COVID-19 safety plan for the job acceptable to the Township prior to starting work. Ms. Stephens seconded the motion. The motion passed unanimously.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Executive Committee. Mr. Miller noted that the Executive Committee is the only committee meeting. There was a Zoom meeting on April 7th. The meeting included routine business. An action item was authorized for Eric Nurnberg to sign checks. The Finance Committee had a work session and was informed that the loan refinance has been delayed due to the COVID-19 epidemic. Mr. Miller also noted that the Executive Committee will only be handling items that have to be dealt with, and they are not conducting any policy decisions.

2. STAFF REPORTS

- a. Township Manager. Mr. Pribulka reported on the actuarial report for the police pension fund for the year ending December 31, 2019. Mr. Pribulka noted that the fund is very strong. The plan was about 85% funded, which is a significant increase over the funding ratio from the prior year. As for the first and second quarters of 2020, the market is volatile now and there are not any updated numbers. Mr. Pribulka will provide those as they become available. The Parks and Recreation Committee met virtually on April 16th. The primary agenda item that was discussed was the plans for the undeveloped portion of Cecil Irvin Park, particularly the maintenance of the area. There is concerned citizens who live in the adjoining neighborhood that have complained about the lack of mowing on the undeveloped area. The Committee is going to incorporate mowing that area every couple week's during the growing season. Mr. Pribulka presented an idea to the Board regarding a budget appropriation to conduct a more detailed satellite fire station feasibility needs assessment. Ms. Martin and Mr. Pribulka received two proposals to the last requests for proposals. These were reviewed with Centre Region Fire Director, Steve Bair. Mr. Pribulka expressed glaring gaps in the proposals and does not feel confident in recommending an award to either. Since the Township is having a regional fire station comprehensive plan that's being done concurrently with our evaluation of these proposals, Mr. Pribulka suggested to defer this project until the 2021 program year. This will give the Township time to evaluate the results from the regional study that's being done. The Board was in agreement.
- b. Public Works Director. Mr. Modricker noted that his report was provided with the packet. Brush and leaf collection, roadside mowing, and street sweeping will be done on May 4th. Mr. Modricker noted that he has spoken with the Public Works employees regarding returning to work safely amid the COVID-19 pandemic. Depending on employee's particular situations, the Township may continue to work remotely. The Public Works Maintenance Facility started work back up on April 20th.
- c. Planning & Zoning Director. Ms. Wargo noted that the Planning Commission met on Monday, April 13th and that the report she conducted tonight was everything the Planning Commission completed. There are a lot of outstanding geotechnical reviews with Thistlewood Lot 19 and will be included on the agenda for the end of May. The Commission has been working on the tree preservation ordinance, affordable housing ordinance, and trying to update all Outreach materials on the website.
- d. Chief of Police. Chief Albright noted that his report is in the packet. He noted that the first two weeks of the stay-at-home order, the Township was quiet, but as the weeks progressed, there were a few notable incidents. An arrest was made on a 36-year-old female that assaulted her partner and held a gun to her head. The suspect was charged with a variety of crimes. There was a serious crash on Marengo Road involving an ATV that crashed into a telephone pole. The driver sustained numerous broken bones, was transferred to UPMC, and is now recovering at home. Chief Albright noted that he had two officers that were out sick. One officer has fully recovered and is back to work and the other officer will return soon.

VIII. COMMUNICATIONS TO THE BOARD – Mr. Mitra noted that he has had several citizens ask about the future of the Township with regards to finance and taxes. Mr. Pribulka noted that it is difficult to predict at this time how the COVID-19 pandemic will impact the Township. Further discussions will be held in the future.

IX. CALENDAR ITEMS – None.

X. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Strickland motioned to adjourn the meeting. The meeting adjourned at 9:35 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'D. Pribulka', with a stylized flourish at the end.

David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 05-04-2020