

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, June 15, 2020  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, June 15, 2020, via Zoom. In attendance were:

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

*Others in attendance included:* Rhonda Demchak, Recording Secretary; Jonathan Dietz, Secretary, University Area Joint Authority (UAJA); Cindy Hahn, Executive Director, C-NET; Jeremie Thompson, Ferguson Township Resident; Bill Keough, Ferguson Township Resident; Wes Glebe, Ferguson Township Resident; Michael Twomley, Ferguson Township Resident

### I. CALL TO ORDER

Mr. Miller called the Monday, June 15, 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 and C-NET is recording as well. 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 June 1, 2020. Ms. Stephens seconded the motion.

Ms. Strickland requested that a correction be made to the minutes regarding language within the Transportation & Land Use Committee report to be changed from Warner Boulevard to reflect that the Shingletown Routes 26 and 45 improvements were discussed. Mr. Mitra requested that one prefix be changed for Ms. Strickland. The motion passed unanimously.

### IV. SPECIAL REPORTS

#### 1. COVID-19 (Coronavirus) Response Report

Mr. Pribulka reported that playgrounds in the Township and Centre Region have reopened. There is signage posted advising the public to use at their own risk because the equipment is not regularly

cleaned or sanitized. Anyone using the playground is being urged to read the advisory placards at each park for helpful guidelines on how to stay safe while using the playgrounds.

A public meeting was held this afternoon, June 15, 2020, by the Centre County Commissioners. The Commissioners introduced the \$14.7 million funding from the Federal CARES Act that was allocated to the County through the State Department of Community and Economic Development. Mr. Pribulka noted that he submitted a preliminary estimate of eligible expenditures by the Township in response to the COVID-19 pandemic, but the exact appropriation has yet to be determined. Eligible costs included the purchase of personal protective equipment and cleaning supplies and materials to sanitize the Municipal Building. Lost revenue as a result of the pandemic is not eligible. Another potential use of the funding is for public infrastructure improvements such as, streetscape enhancement design to provide pedestrians with facilities that will accommodate social distancing. Mr. Pribulka will further consider the application of funds to complete projects in the Pine Grove Mills area. A stipulation of receiving funds is that they need to be utilized by December 31, 2020.

Mr. Pribulka stated that revenue is looking better than anticipated. May's earned income tax collection was approximately \$700,000 and is on par with prior fiscal years. The real estate tax collection is also on pace to meet budget. The transfer tax in May did take an anticipated dip likely resulting from the pandemic. Overall collections for the fiscal year are strong. Mr. Pribulka stated that it is still too early to know if the Township is "out of the woods", but revenue collection is encouraging. Mr. Pribulka and the Finance Manager will continue to monitor the Township's financial position and will be prepared to make any adjustments.

Mr. Pribulka will be opening the Municipal Building by appointment only soon. Once the decision is made, there will be a notification sent out via social media and on the Township's website.

A virtual Town Hall meeting has been planned for Tuesday, June 30<sup>th</sup> at 4:00 p.m. Instructions to access the Town Hall meeting is posted on the Township's website. The event will include Township staff discussing local and regional matters in response to the COVID-19 pandemic. The Township staff is trying to schedule a representative from the Pennsylvania Department of Community and Economic Development to speak during the Town Hall meeting.

Mr. Pribulka again expressed his appreciation on behalf of the Township and staff for the continued patience and understanding as the Township recovers from the crisis.

## 2. University Area Joint Authority

Mr. Miller reported that the main issues happening at the UAJA that involve Ferguson Township is the 537 Special Study on the Scott Road Pump Station. The pump station was built in 2000 and upgraded in 2007. Currently the pumps are not big enough to handle the demand. Although there has not been a problem with the pumps, DEP would likely not allow more hookups. The UAJA explored numerous possibilities, but the most economical would be to upgrade the pumps and sewer lines. The study will be over the course of next year and construction starting fall 2021. Mr. Miller noted that the south side of Whitehall Road of the Harner Farms Development will not be able to tap into the sewer system until the upgrade is done to pump station. The UAJA is looking at several capital projects to combine water and energy, one of which will be a residential solar energy project. Mr. Dietz noted that UAJA is installing another 10-15 acres of solar panels on site and they are working with DEP about the nitrogen offsets. Discussion ensued regarding the Scott Road Pumping Station and how the process is completed for land development plans.

### 3. C-NET Annual Report

Ms. Cindy Hahn, Executive Director of C-NET presented the annual report. The report included highlights from 2019. There were 478 programs produced by C-NET. The franchise agreement between Comcast and the Centre Area Cable Consortium was finalized in November 2019. Ferguson Township sponsored 43 programs and 61 Bulletin Board Messages. Ms. Hahn noted that the funding formula is determined by a 5-year rolling average and programming in 2015-2019 will determine the Township's 2021 C-NET dues.

## V. UNFINISHED BUSINESS

### 1. DISCUSSION ON DRAFT ZONING ORDINANCE AMENDMENT – DOMESTIC KEEPING OF CHICKEN AND DUCKS

Ms. Wargo reported on the draft zoning ordinance amendment. On November 18, 2019, the Board of Supervisors discussed a request from a resident in Pine Grove Mills to allow for the domestic keeping of ducks in residential zoning districts. Provided with the agenda is the draft Backyard Chicken and Duck Ordinance for the Board to review and provide questions and comments to staff. Ms. Stephens noted that Standard 6 is not clear about the total number of chicken and ducks. Ms. Wargo noted that it is 6 in total and not 6 of each. Ms. Dininni had questions and comments regarding AR, RA or RR Zoning Districts. Ms. Wargo will work with Mr. Ressler to obtain clarification with the zoning districts. Ms. Strickland requested to have the staff examine the water requirement to ensure it is adequate and noted that Standard 6 was unclear.

Ms. Dininni moved that the Board of Supervisors **refer** the draft ordinance to the Planning Commission for review and comment. Ms. Strickland seconded the motion. The motion passed unanimously.

## VI. NEW BUSINESS

### 1. CONSENT AGENDA

- a. Award 2020-C19, 5-yr Detection Upgrade: \$10,828.00
- b. Special Events Permit – Stonebridge 4<sup>th</sup> of July Parade
- c. Voucher Report – April 2020
- d. Voucher Report – May 2020
- e. Board Member Request – Fairbrook Park Native Landscape Map Amendment
- f. Board Member Request – Resolution on Systemic Racism Related to Ethnicity and Skin Tone
- g. Board Member Request – Police Response Report
- h. Township Business Needs Survey

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

### 2. PROCLAMATION – SUPPORT FOR AWARENESS OF BIAS, DIVERSITY, AND EQUAL JUSTICE

Centrice Martin, Assistant to the Manager, drafted and introduced the proclamation that was provided with the agenda.

Ms. Strickland moved that the Board of Supervisors **adopt** proclamation condemning racism and promoting cultural diversity and inclusion. Mr. Mitra seconded the motion. The motion passed unanimously.

### 3. BOARD MEMBER REQUEST – PROCUREMENT POLICY AMENDMENT

Mr. Mitra submitted and introduced the request to amend Chapter 1, Administration and Government; Part 9, Fiscal Affairs; Section 906, Competitive Bidding System Rules and Regulations to establish that, for contracts whose values are below prevailing wage law requirements but above \$10,000, bidders certify that all employees involved with the contract will be paid a minimum of \$15 per hour. Mr. Pribulka discussed the highlighted language on page 63 of the agenda. Discussion continued regarding the number of contracts, prevailing wage rates, and the possible financial impact to the Township. Mr. Pribulka noted that there are no employees at the Township that are full-time making under \$15 per hour. Mr. Modricker explained prevailing wage contracts. Mr. Mitra expressed that he would like the ordinance to be based off data. The Board collectively agreed that there needs to be more data collected before the Board makes any decision. Mr. Modricker noted that he will contact contractors that the Township has built good relationships with to gather data such as range of contracts, wages, bidding, etc.

### 4. AWARD OF CONTRACT 2018-C26 – TRAFFIC SIGNAL PHASING CHANGES

Mr. Modricker reviewed the bids for the 2018-C26 Traffic Signal Phasing Changes Contract that was advertised in the Centre Daily Times and invitations were sent to qualified contractors. Bids were open for this contract on June 9, 2020.

Ms. Dininni moved that the Board of Supervisors **award** Contract 2018-C26, Traffic Signal Phasing Changes to M&B Services, LLC in accordance with their bid in the amount of \$29,961.32. Ms. Stephens seconded the motion. The motion passed unanimously.

### 5. DISCUSSION – FUTURE BOARD OF SUPERVISORS MEETING FORMAT

Mr. Pribulka noted that the Board of Supervisors and other Township Authorities, Boards, and Commissions have been meeting virtually since April 6, 2020. Since Centre County is now in the Green Phase, Mr. Pribulka asked the Board to discuss whether the meetings should continue via Zoom or to resume meeting in person with additional safety protocols. The Board discussed having hybrid meetings with the option of attending in person with a Zoom option. Mr. Pribulka noted that there is some difficulty having both C-NET and having Zoom capability but stated that they may have found a solution. The Board collectively decided to hold these meetings in person and with a Zoom option if capable on July 6, 2020.

## VII. STAFF AND COMMITTEE REPORTS

### 1. COG COMMITTEE REPORTS

- a. Ad Hoc Facilities Committee – The report was provided in the packet. Ms. Stephens reported that they met on June 2, 2020. The Committee discussed the Park Maintenance Facility because the lease is up in December. They also discussed the COG Building parking lot and how to extend the life of the lot. Ms. Stephens noted that the Millbrook Marsh had a difficult time obtaining their initial draft of an RFP because of rolling furloughs. The staining project at the Spring Creek Educational Building has been completed and came in under budget.
- b. Public Services & Environmental Committee – The report was provided in the packet. Mr. Mitra gave a summary on the Scott Road Pump Station and the Bristol Avenue Interceptor,

the UAJA Nutrient Capacity, and the Draft Climate Action Resolution. Mr. Mitra noted that through the Penn State's Sustainable Communities Collaborative, a graphic design class created a logo that would become recognizable for the sustainability/climate actions in the Centre Region.

- c. Public Safety Committee – The report was provided in the packet. Ms. Dininni reported that the committee met on June 9, 2020 via Zoom. They discussed the transfer of the Hazmat Program from PSU to COG. Ms. Dininni noted that there is a one-year quit notice so that in the event the Township wanted to drop out of the agreement, they could. The \$75,000 for the first and second year that PS will be giving to the program will cover the cost of the 3<sup>rd</sup> year. A motion was made and passed to send to the General Forum via the Executive Committee. The Committee discussed COVID-19 Safety Monitoring at Construction Sites.
- d. Finance Committee – The report was provided in the packet. Mr. Miller reported that the Committee met on June 11<sup>th</sup>. Mr. Miller noted that the Committee approved the loan application for the payroll protection program for the Schlow Library.

## **2. OTHER COMMITTEE REPORTS**

- a. CCMPO Technical Committee – The report was provided in the packet. Ms. Strickland noted that there will be a CCMPO Coordinating meeting on June 23, 2020. The Long Range Transportation Plan (LRTP) will be an agenda item. The Committee received information from Tom Zilla regarding the Route 26 & 45 flashing yellow light intersection and the status of it on the LRTP. Ms. Strickland noted that if there were any questions or comments to let her know and she will take it to the Committee. Ms. Strickland noted that funding doesn't look promising. Ms. Dininni would like to see the project modified before it is completely cut out.

## **3. STAFF REPORTS**

- a. Manager's Report - Mr. Pribulka reported on the implementation process of a new financial planning software module that was developed by PFM. The tool is called Synopsis and will help to apply different scenario based projections to the Township's overall financial picture due to COVID-19 pandemic. Once the program is implemented, Mr. Pribulka will present to the Board. There will be two virtual Town Hall meetings scheduled including one to discuss the proposed Stormwater Fee and another one regarding the pandemic response by local and regional agencies. The Stormwater Fee Town Hall is scheduled for 6:00 p.m. on Wednesday, June 24<sup>th</sup>. The Town Hall on the disaster recovery is scheduled for 4:00 p.m. on June 30<sup>th</sup>. More details will be forthcoming. Mr. Pribulka noted they recommenced with the salary survey consultant. The Board can expect a report by the consultant in the coming months.
- b. Public Works – Mr. Modricker reported on the COVID-19 Work Safety Plan for Public Works and noted that his report is in the packet. Staff has been working diligently on the 5-year Capital Improvement Plan. There will be future work sessions planned. Construction continues on the Public Works Building and is on time and within budget. Mr. Modricker noted that there will be a public education and outreach event on June 24<sup>th</sup> at 5:30 p.m. on the Stormwater Fee Study Phase 2.
- c. Planning and Zoning – The report was provided in the packet. Ms. Wargo reported that the Commission met with the Adventure Bureau to review the draft Sign Ordinance Amendments. Ms. Wargo and Mr. Pribulka met to discuss the rezoning process via Zoom. Next steps would be a joint Board and Planning Commission work session to present the Planning Commission's recommendations to the Board for map amendments.
- d. Chief of Police – Chief Albright reported that his report was provided in the packet and it is for the month of May. The report summarizes the departments activities. Crimes are down

for the year. There were several domestic violence arrests and one drug related incident. Starting next month, Chief Albright will start including a chart to track the use of force for the department.

#### **VIII. COMMUNICATIONS TO THE BOARD**

- a. Ms. Dininni reported that she received communication about the use of a device that was causing a lot of smoke in a back yard that was in close proximity to another house. Ms. Dininni noted this is not the first time this has been brought to the Board's attention and is concerned. Several residents have communicated to Ms. Dininni about a property not being maintained properly. Ms. Dininni will follow up with the residents to get more information. Another resident contacted Ms. Dininni about potentially putting forward another proclamation and wanted to know the process.
- b. Mr. Mitra reported that he received several emails from constituents related to the current situation with police brutality. Mr. Mitra is collecting information for the constituents.

#### **IX. CALENDAR ITEMS - JUNE**

- a. There will be a Virtual Coffee & Conversation on July 10<sup>th</sup> at 8:00 a.m. Zoom information is listed on the Township [website](#).

#### **X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 9:55 p.m.

Respectfully submitted,



David Pribulka, Township Manager  
For the Board of Supervisors

Date approved by the Board: 07-06-2020