

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, September 21, 2020  
7:00 PM

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, September 21, 2020, via Zoom. In attendance were:

**Board:** Steve Miller, Chairman  
Laura Dininni, Vice Chair  
Prasenjit Mitra  
Patty Stephens  
Lisa Strickland

**Staff:** Dave Pribulka, Township Manager  
Chris Albright, Chief of Police  
Centrice Martin, Assistant to the Manager  
Dave Modricker, Director of Public Works

Others in attendance included: Rhonda Demchak, Recording Secretary; Ms. Dorothy Blair, President, Nittany Valley Environmental Collision; Wes Glebe, Ferguson Township Resident; Jeremie Thompson, Ferguson Township Resident; Dave Stone, Ferguson Township Resident; Tracy Small, Coordinator of the Centre County Crisis Intervention Team; Linda Westrick, Ferguson Township Resident

### I. CALL TO ORDER

Mr. Miller called the Monday, September 21, 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. 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

### III. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **amend** Section 3A on page 5 to add the word residence's before private dwelling. Ms. Dininni moved that the Board of Supervisors **approve** the Minutes of September 8, 2020. Ms. Stephens seconded the motion.

### IV. SPECIAL REPORTS

#### a) COVID-19 (Coronavirus) Response Report

Mr. Pribulka noted that there have been several developments both regionally and statewide over the last two weeks. State College has been reported as the second fastest growing hot spots for COVID-19 in the country. In response, the PA Department of Health announced they will have a pop-up testing site at the Nittany Mall. The site will be open on September 25, 26, 29, 30 and October 1- 3 between 7:00 a.m. – 7:00 p.m. Persons don't need to be experiencing symptoms to be tested and no insurance is required. A Strike Team has been assembled by the PA Department of Health that will report through

the county. The team consist of staff from the PA Department of Health, PA Emergency Management Agency, PA Department of Education, Centre County, Penn State, and other stakeholders. The team is being charged to localize mitigation and containment strategies to reduce the spread of the virus. Penn State continues to maintain regular updates on their COVID-19 Dashboard. As of September 17, 2020, they are 1,182 positive student cases from their on-demand test site and 424 waiting for test results. There were an additional 189 positive cases that were identified by random testing and 471 waiting for test results. Mr. Pribulka noted that it is important to understand that the figures can vary from the PA Department of Health due to a delay in reporting. Penn State and the PA Department of Health is working together to ensure consistency in reporting. The Big 10 has elected to begin the football season on October 24, 2020. Local municipalities are working with Penn State to identify strategies to discourage large on and off campus congregating and tailgating. Mr. Pribulka stated that there has been a great deal of concern about the rising cases since the return of Penn State students, but it's important to note that the University has an aggressive protocol of testing and contact tracing. Mr. Pribulka is concerned with the recent spike in cases but is encouraged of the Township's proactive measures that are in place. Mr. Pribulka encouraged the residents to watch the dashboard published by Penn State and to follow the Centre Region Ready Facebook page for regular updates. Operations locally have been unchanged as the road crews are gearing up for fall and winter. The Township Office is open between 10:00 a.m. – 2:00 p.m., Monday – Friday and visitors are asked to observe masking and social distancing as well as using the temporal thermometer located at the right side when entering the building. Mr. Pribulka and Chief Albright met with Commissioner Mike Pipe last week to identify a site for a ballot drop off box for the upcoming election. The box will be located outside of the municipal building and will be in place early October. The handling of mail-in ballots is carefully defined by the Commissioners and the County's Election Office. The box will be safe and secure. The Business Needs Survey recently closed, and Mr. Pribulka expressed appreciation to those who participated. The results will be presented to the Board on October 5, 2020, and staff will address concerns that were expressed in the survey.

Ms. Strickland inquired about the Strike Team and when will a report be issued. Mr. Pribulka noted that they will be working directly with the County and will not be represented on the EOC. The updates will be coming from the County but ensured that staff will be inquiring for the information to be shared. Ms. Strickland requested that a Penn State representative be invited to the next General Forum meeting to discuss and answer questions about football. Mr. Pribulka indicated that he has not been a part of any dialogue with the University. Mr. Pribulka will talk with the Office of Government and Community Relations regarding the invitation to attend the next General Forum meeting. Ms. Strickland indicated that the first Penn State home football game is being held on October 31, 2020, which was identified as trick-or-treating night and wanted to know if it will still be held. Chief Albright asked the Board for their opinions. Ms. Strickland noted that she supports trick-or-treating, and that Thursday and Friday could be an option. Mr. Miller doesn't have any objection to move it but stated that traffic should be lighter this year due to no fans at the football game. Mr. Pribulka noted that even though there are no fans at the football game, there will still be gatherings/parties and the Township needs to keep the safety of the community as its top priority. Ms. Dininni stated that she feels there will be a lot of people in town for the game and a lot of partying. Chief Albright stated that not knowing what time the football game will be, makes it difficult to decide. Also, there have been discussions of holding trick-or-treating on Friday but then there could be a State College High School football game. Chief Albright noted that he is not in favor of Sunday, but Thursday would be preferred or leave as is. Ms. Strickland concurred with Chief Albright. Chief Albright will recommend Thursday to the other Chief's. Mr. Miller indicated that if Board members have any more comments or concerns trick-or-treating, to send those to Chief Albright. With regards to having a representative from Penn State attend the General Forum meeting, there was a consensus with the Board to proceed. Mr. Miller will submit this request at the Executive Meeting on September 22, 2020.

Ms. Dininni expressed interest in numbers of COVID-19 cases at Penn State with regards to isolation and quarantine. Mr. Pribulka will follow up with Penn State.

## b) CRISIS INTERVENTION TRAINING REPORT

Ms. Tracy Small, Coordinator of the Centre County Crisis Intervention Team (CIT) presented her report via PowerPoint. The Mental Health Procedures Act was established in 1976. Ms. Small indicated that it can become complicated for law enforcement to serve a warrant to an individual who doesn't want a psychiatric intervention. CIT was started in 1988 by the Memphis Police Department and was established due to an increase in the number of mental health-related calls they were receiving. Ms. Small noted that 1 in 5 people have a mental health diagnosis. CIT Training schedule is flexible and determined based on the needs of the community and Core Elements set in the CIT Memphis Model Curriculum. CIT is a community partnership of mental health professionals, law enforcement officers, first responders, individuals living with mental illness, family members, and advocates. Ms. Small stated that the overall goal is to help officers understand and treat mental illness as a disease and not a crime. Just like Memphis, Centre County has had increased number of mental health-related crisis calls dispatched to the police. The Ferguson Township Police Department was trained by CIT. The next CIT training is tentatively being planned for January 2021. The training is 40 hours long. Mr. Pribulka and Chief Albright completed the training successfully. The Ferguson Township Police Department referred 1,021 cases from January 1, 2011 to June 30, 2020.

## V. UNFINISHED BUSINESS

### 1. PUBLIC HEARING – ORDINANCE ON TEMPORARY COVID-19 SAFETY REGULATIONS

Mr. Pribulka presented the ordinance that was provided with the agenda. The temporary emergency ordinance was advertised for public hearing prescribing additional regulations and restrictions relative to the enforcement of public health and safety protocol in response to the COVID-19 pandemic. The Board reviewed a draft ordinance on Tuesday, September 8, 2020, and elected to continue the public hearing to reflect some revisions that were offered by the Board and the public. Additional provisions added to the amendment included restrictions on indoor and outdoor gathering sizes and associated exemptions. There is a five-day time delay that has been worked into the ordinance to allow for any gatherings or community events to be able to reschedule or modify their plans. If adopted the ordinance would be effective on Saturday, September 26, 2020.

Ms. Dorothy Blair, President, Nittany Valley Environmental Collision, thanked the Board for including gathering limits. Ms. Blair read a text from Pam Strickler. Ms. Strickler is fearful of the situation and feels that the gathering sizes in the draft ordinance are still too many. Ms. Strickler suggested changing to 10 people indoors and 20 people outdoors.

Mr. David Stone, Nittany Valley Environmental Collision, also shared his concern regarding gathering sizes.

Mr. Pribulka noted that he was contacted by a resident from the Overlook Heights Neighborhood who requested that the Board consider implementing additional restrictions on occupancy limits in restaurants. The resident suggested to limit the occupancy to 25%.

Ms. Dininni moved that the Board of Supervisors **adopt** the temporary emergency ordinance requiring the wearing of face coverings and implementing additional regulations to reduce the risk of transmission of the COVID-19 virus. Mr. Mitra seconded the motion. The motion passed unanimously.

Ms. Dininni noted that the State College Borough's Ordinance has different language than what the Ferguson Township Ordinance has listed. The Borough has percentage's listed for occupancy and

not a number. Mr. Pribulka has concerns with using percentages. Ms. Dininni stated that she liked the Hosting Clause that was included in the Borough's Ordinance that would deal with situations much like the recent wrestling tournament that took place. Ms. Dininni noted that she would be in favor of adding language about the clause into the draft ordinance. Mr. Mitra indicated that he supports the clause but is hesitant to extend the current ordinance another two weeks. Mr. Mitra noted he would pass the current ordinance with minor edits and work on amending to include the hosting clause. Mr. Mitra is in support of reducing the gathering size to 10 indoors and 25 outdoors. Mr. Pribulka asked the Board to consider the conditions that College Township was working to address and whether they are applicable to Ferguson Township. Mr. Pribulka noted that Ferguson Township doesn't have a venue large enough to host a lot of people. Mr. Mitra suggested changing 3A that states, "In personal private vehicles and resident private dwellings", to "residents in their own private dwellings". Ms. Dininni noted that the word resident should be resident's.

Mr. Mitra moved that the Board of Supervisors **amend** 3A to add, In personal private vehicles and resident's while in their own private dwellings. Ms. Dininni seconded the motion. The motion passed unanimously.

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

Ms. Stephens moved that the Board of Supervisors **extend** the current ordinance to 12:01 a.m. on September 26, 2020. Ms. Strickland seconded the motion. The motion passed unanimously.

## 2. PA LIQUOR CONTROL BOARD NOISE EXEMPTION PROCESS DISCUSSION

Mr. Pribulka presented the noise exemption. The Board adopted the resolution on August 3, 2020, to support the exemption request submitted by the owner of Pine Grove Hall, Elizabeth Grove. The exemption is to replace the section of the Pennsylvania Liquor Control Board (PLCB) code relative to audible noise at the property line. Ferguson Township has a Noise Ordinance that is also restrictive but do allow some measure of audible noise at the property line. Mr. Pribulka noted that there is a process that the PLCB has that when a municipality makes a request. In-lieu of enforcement of the provision of the liquor code, the municipalities noise ordinance is preempted. Mr. Pribulka indicated that he was given misinformation that was the premises of the resolution that was discussed on August 3, 2020. Mr. Pribulka followed up with Council from the PLCB and got further clarification with the process. The correction is that the municipality would be asking the Liquor Control Board to enforce its own Noise Ordinance in-lieu of the PA Liquor Code. There are several items that needs to be done for the petition to be submitted. First and most importantly, a public hearing to be held by the PLCB within the exempted area which would be Pine Grove Hall. Mr. Pribulka stated that the PLCB is requiring in-person public hearings during the pandemic and limiting the attendance to 25. Mr. Pribulka recommended to the Board to apply for the exemption as Township-wide because there might be other establishments that have indoor music that could have audible sound at the property line. There could be confusion if the Police Department were to be put in a position to enforce the Liquor Code over the Township's Ordinance. Mr. Pribulka stated that it would be easier if the Township enacts and enforces their own regulations in-lieu of the Liquor Code. Staff will need to provide maps of the geographical area, advertise in the newspaper, and work with the Liquor Control Board to identify a date. Board members are not required to attend the public hearing because the PLCB is facilitating. Mr. Pribulka, staff and encouraged the Township Solicitor to attend. Mr. Pribulka asked the Board if they were interested in moving forward with either just Pine Grove Hall, a broader area, or the entire municipality.

Ms. Dininni moved that the Board of Supervisors **authorize** advertisement of a public hearing on a Township-wide noise exemption for licensed establishments under the Pennsylvania Liquor Code. Ms. Stephens seconded the motion. The motion passed unanimously.

### 3. REVIEW DRAFT GREEN INFRASTRUCTURE POLICY

Ms. Martin introduced the policy. The Township receives requests by residents, staff, and the Board to convert passive areas within parks to low-no/mow areas. Examples within the Township include Cecil Irvin Park, Fairbrook Park, Tudek Park and Haymarket Park. For each example provided, a different process has been facilitated by staff for the conversion based on the nature of the situation and because there is no policy that exists to inform on how to process requests and manage a maintenance plan for approved low-no/mow areas within Township Parks. Attached with the Agenda is a drafted Green Infrastructure Policy prepared by staff and reviewed by the Parks and Recreation Committee. Ms. Martin and Mr. Pribulka met with the Centre Region Parks and Recreation staff to review the drafted policy for CRPR to ask questions and to provide input on how to improve and expand on the proposed policy. Also provided with the agenda are the comments reviewed by the Parks and Recreation Committee. Ms. Martin noted that the definitions and park classifications were discussed at both meetings and will be a helpful tool for staff, the parks committee, and CRPR. Ms. Martin noted that funding and community engagement was left blank on the policy intentionally because of the comprehensive recreation parks and open space plans. Staff from CRPR and Ferguson Township discussed moving forward with an addition that would include a more collaborative process between CRPR and staff to review and determine requests because of the involvement from CRPR as it relates to maintenance of the Green Infrastructure. Ms. Dininni suggested changing of mowing the low-mow planted meadow to a 1/3 every year rather than once every three years. Ms. Dininni suggested to separate the regional and community parks in the policy because the Township doesn't have anything to do with regional parks. Mr. Miller suggested removing regional parks.

## VI. NEW BUSINESS

### 1. CONSENT AGENDA

- a. Award 2020-C1, Pay App 2, Street Improvements-North: \$40,948.69
- b. Award 2020-C2, Pay App 2, Street Improvements-West: \$59,480.81
- c. Award 2020-C8, Pay App 4, Pavement Markings: \$942.35
- d. Award 2018-C26, Final, Traffic Signal Phasing Changes: \$29,994.57
- e. Award 2018-PWGGd, Pay App 5-Electrical: \$15,488.80
- f. Award 2018-PWGGb, Pay App 3-Plumbing: \$24,405.50
- g. Award 2018-PWGGa, Pay App 5-General: \$209,304.00
- h. Board Member Request – Whitehall Road Regional Park Project

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

### 2. BOARD MEMBER REQUEST – HR 763 SUPPORT RESOLUTION

Ms. Dininni introduced the resolution that was included in the agenda to consider passing and support the Carbon Dividend Act. Linda Westrick requested the resolution and was in attendance. Ms. Dininni noted her support of the resolution.

Ms. Dininni moved that the Board of Supervisors **authorize** advertisement of a public hearing on a resolution in support of House Resolution 763, the Energy Innovation and Carbon Dividend Act. Mr. Mitra seconded the motion. The motion passed unanimously.

### 3. ESTABLISHMENT OF VACANCY PERIOD FOR TOWNSHIP, AUTHORITIES, BOARDS, AND COMMISSIONS

Mr. Pribulka noted that provided with the agenda is a list of upcoming vacancies as of December 31, 2020 on the Township's Authorities, Boards, and Commissions. Mr. Pribulka asked the Board to authorize an application period beginning October 1, 2020, and ending on November 1, 2020, for interested applicants to submit on upcoming vacancies. Mr. Pribulka noted there was a date error with Mr. Bill Keough's term, and it should state December 31, 2020. Mr. Miller indicated he is a member of UAJA and not an alternate.

Mr. Mitra moved that Board of Supervisors **authorize** the Township Manager to open an application period for vacancies on Township Authorities, Boards, and Commissions from October 1, 2020 through November 1, 2020. Ms. Dininni seconded the motion. The motion passed unanimously.

## VII. STAFF AND COMMITTEE REPORTS

### 1. COG COMMITTEE REPORTS

- a. Finance Committee – Mr. Miller stated that the Finance Committee met on September 10, 2020. COG had an audit. There was an update on the Pension Plan. The Committee approved to hire a part-time Assistant Chief or Captain. There was a sale of two Fire Police Vehicles to the Bellefonte Borough. The Committee approved to purchase a tanker. Mr. Miller invited all to attend the Budget Review in two weeks.
- b. Transportation & Land Use Committee - Ms. Strickland noted that the Committee met on September 14, 2020, and CATA gave a presentation on their status. Mr. Neil Sullivan from Penn State gave a presentation on building projects. There were 13 projects presented and the estimated timeline for completion was between 2021-2026. Ms. Dininni would like to have someone at Penn State give a presentation on the West Campus Plan. Mr. Pribulka will reach out to Neil Sullivan or Steve Watson to invite them to a future Board meeting.

### 2. OTHER COMMITTEE REPORTS

- a. Spring Creek Watershed Commission – Mr. Mitra noted that the Commission had a meeting on September 15, 2020. The Commission had an educational presentation from Dr. Heather Preisendanz, Associate Professor of Agricultural and Biological Engineering about Emerging Contaminants. Dr. Preisendanz and her team took samples of the wastewater to determine what was in it, such as chemicals that come from medicine.

### 3. STAFF REPORTS

- a. Manager's Report - Mr. Pribulka noted that his report is in the agenda. There was a meeting on September 16, 2020, on the PennPRIME Worker's Compensation and Liability Insurance Trust. The annual budget was set, talked about rate structures; etc. Preparation for the 2021 Annual Operating Budget are underway and the schedule is attached to Mr. Pribulka's report.

Ms. Dininni asked if the signs at Toll's Construction site are in violation of the Township's ordinance, and if so, when will they be removed. Mr. Pribulka stated that some are in violation over their size. The sign that advertises to lease an apartment is in violation because the Township has a provision in the Sign Ordinance that prohibits such signs. The Zoning Officer has provided the property owner with a notice of violation and they have 30 days to correct or file an appeal. Mr. Pribulka noted that a fine would be issued after the 30-day window.

Ms. Strickland indicated that she had a comment from an ABC member that they were having computer issues and wanted to know if others were too. Also, Ms. Strickland inquired if new members are aware that the meetings are virtual. Mr. Pribulka noted that a survey was sent out to ABC members a few months ago. The response from the survey was overwhelmingly good. Members are comfortable and able to engage and participate in the virtual environment. There were only 1 or 2 people who expressed concerns with technology. Mr. Pribulka indicated that if it were only a couple of members that would need to use a computer, the Township has a few extra, and they could use the computer at the Municipal Building. Mr. Pribulka noted that they will make aware to new applicants the expectations of having a computer and high-speed internet. Ms. Strickland asked if computers or hardware were needed, would the CARES Act assist with funds to purchase. Mr. Pribulka indicated that he believes that it would be covered from the reimbursement through the CARES Act but the Township's IT provider who would need to set up the machines would probably not be.

- b. Public Works – Mr. Modricker's report was included in the agenda. The Tree Commission met tonight, September 21, 2020, and the topic of discussion was the proposed Preservation Tree Ordinance. A work session was set for October 1, 2020, to continue the dialogue. The roof of the Public Works Building is being installed and the blocks/bricks are being placed. Post cards were mailed to advertise the Board of Supervisors Work Session on September 23, 2020 for the proposed Storm Water Fee. Mr. Modricker noted that the Township has received several inquiries.
- c. Planning and Zoning – Mr. Pribulka noted that Ms. Wargo's report was provided in the agenda. The Planning Commission met on September 14, 2020, and the Commission reviewed the State College Borough Water Authority Land Development Plan. There was a joint meeting held to provide recommendations on the Zoning Map amendments. There was also a joint meeting to discuss the Workforce Housing amendment. A list and schedule of land development plans was listed in the agenda. Mr. Pribulka noted that there is an upcoming Request for Variance to be scheduled out at West Gatesburg Road.
- d. Chief of Police – Chief Albright's report for August was included in the agenda. Crimes and calls for service continue to be down. There were three heroin arrests and one heroin overdose. Mr. Albright noted that a jury convicted a 25-year-old male for rape and aggravated assault. The man was breaking into apartments and filming women as they slept and in one case sexually assaulted one woman. There are additional charges pending and the arrest occurred in 2018.

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

Ms. Dininni, Ms. Strickland, and Mr. Mitra stated that they received several communications regarding the Storm Water Fee.

## **IX. CALENDAR ITEMS - SEPTEMBER/OCTOBER**

1. Tuesday, September 22, 2020, Virtual Bike Chat from 3:00 p.m. – 4:00 p.m.
2. Thursday, September 24, 2020, Second Meeting of the Pine Grove Mills Small Area Plan Advisory Board at 4:00 p.m.
3. Saturday, October 3, 2020, Virtual Coffee and Conversation

**X. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Dininni motioned to adjourn the meeting. The meeting adjourned at 9:30 p.m.

Respectfully submitted,



David Pribulka, Township Manager

Date approved by the Board: 10-05-2020