

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, July 6, 2020
7:00 PM

ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, July 6, 2020, via Zoom. In attendance were:

Board:	Steve Miller, Chairman	Staff:	Dave Pribulka, Township Manager
	Laura Dininni		Jenna Wargo, Planning/Zoning Director
	Prasenjit Mitra		Chris Albright, Chief of Police
	Patty Stephens		
	Lisa Strickland		

Others in attendance included: Rhonda Demchak, Recording Secretary; Marcia Vicere, President of the Jana Marie Foundation; Ryan Gruhn, Owner of Central PA Mixed Martial Arts

I. CALL TO ORDER

Mr. Miller called the Monday, July 6, 2020, regular meeting to order at 7:00 p.m.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised as both a virtual meeting and an in-person meeting. 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.

Mr. Miller noted that the Board of Supervisors held an Executive Session today, July 6, 2020 on litigation.

II. CITIZENS INPUT

None.

III. APPROVAL OF MINUTES

Ms. Dininni moved that the Board of Supervisors **approve** the Board of Supervisors Minutes of June 15, 2020. Ms. Stephens seconded the motion.

IV. SPECIAL REPORTS

1. COVID-19 (Coronavirus) Response Report

Mr. Pribulka reported that operations at the Township are continuing as they have been over the last few weeks. Today, July 6, 2020 is the first day that all staff has reported back to work at the Township building. The Township building will remain closed to the public but will reevaluate in the coming week to determine if the building can safely reopen with either full hours or modified hours.

The Township hosted a virtual Town Hall last week and Mr. Pribulka thanked everyone who was able to attend. The questions that the Township received were mainly about reopening of public facilities such as parks, playgrounds, public restrooms, etc. It was a brief webinar.

The Township received the responses and closed the survey that was distributed to the Authorities Board and Commission members. It was designed to gauge any concerns and issues they have experienced while responding to the pandemic while hosting meetings virtually. The responses were mixed. Some people are comfortable engaging virtually, while others prefer in person meetings. Mr. Pribulka noted that the Township will continue to offer both virtual and in person meetings for the time being.

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

Ms. Strickland noted that the CARES Act Assistance for grant and mortgages opened today, July 6, 2020. Also, Ms. Strickland noted there are a few days left for the Small Business Assistance Program and asked if the links for the two programs could be placed on the Townships website. Ms. Strickland inquired about data collection regarding food, housing, and employment. Mr. Pribulka noted that the Mangers are still meeting weekly with the Centre Region Emergency Management Coordinator and the County Administrator. Mr. Pribulka will compile information and will provide to the Supervisors.

V. UNFINISHED BUSINESS

1. STAFF REPORT – PROCUREMENT CODE AMENDMENT

Mr. Pribulka reported on the Procurement Code Amendment that Mr. Mitra requested for consideration on June 15, 2020. The procurement code would stipulate that contractors providing bids on projects whose estimated value is above \$10,000 but below prevailing wage requirements must certify that they will pay their employees a minimum of \$15 per hour. Staff was directed to survey local contractors who have performed work on these projects in the past for the Township to determine whether the proposed regulations would be impactful and, if so, what effect it may have on the Township's contract pricing. Mr. David Modricker, Director of Public Works, prepared a matrix based on the informal survey he conducted, and it was included with the agenda. There was only one of the seven that indicated that there would be an affect on their contracted amount if they were required to pay the minimum of \$15 per hour. Of the contractors that were surveyed there might be a negligible impact on their ability to provide the services largely because all but one of them are already paying at or above the \$15 per hour threshold. Mr. Pribulka noted that there is a motion in the agenda that is based on the original recommended motion that was included in the June 15, 2020 agenda.

Mr. Pribulka noted that they would collect payroll certifying that employees were compensated \$15 per hour. This is already being done with prevailing wage contracts. They are submitted regularly, reviewed by the Township engineer, filed for spot checks that are conducted from time to time, and confirm that the employees have been receiving that level of compensation. The Township is also subject to an audit by the Department of Labor. Mr. Pribulka noted that the Township wouldn't be audited on anything that is not regulated by prevailing wage law, but given it is an ordinance of the Township there would be required continued certification. This is primarily to avoid any conflicts or allegations of impropriety in respect to rewarding of a Township contract. Mr. Pribulka noted that there would be additional administrative oversight on part of the Township due to collecting payrolls and confirming they are indeed meeting the bid specification.

Ms. Strickland had concerns about local companies being excluded because they don't pay \$15 per hour.

Mr. Pribulka noted that there are no employees at the Township that are full-time making under \$15 per hour.

Mr. Mitra noted that he gathered data from MIT Living Wage Calculator and presented a slide to the Board. The slide broke down the living wage, poverty wage, and minimum wage.

Ms. Dininni noted that she is not opposed but would like more formal information.

Discussion continued regarding specifications, regulations and clarifications on awarding contracts.

Mr. Miller expressed his concerns to not move forward because it might discourage some companies from placing bids due to providing documentation.

Ms. Dininni would like to obtain more information from COG's Human Resources Department to provide data on how many employees make the minimum of \$15 per hour. Ms. Stephens indicated that COG is overwhelmed at the moment but will ask when it is an appropriate time. Mr. Miller indicated that he will inform the Finance Committee on July 9, 2020.

VI. NEW BUSINESS

1. CONSENT AGENDA

- a. Board Member Request – Fire Code and Enforcement Discussion
- b. Board Member Request – Northland Area Pedestrian Safety Improvements
- c. Board Member Request – COVID-19 Masking Requirements
- d. Board Member Request – Resolution on Racial Justice, Equity, and Policing in Ferguson Township

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

2. PROCLAMATION – SUICIDE AWARENESS & PREVENTION MONTH

Ms. Marcia Vicere, President of the Jana Marie Foundation introduced the proclamation and thanked those for continued support. Ms. Vicere also serves as the Chairperson of the Centre County Suicide Prevention Task Force. The proclamation will designate September as Suicide Awareness and Prevention Month and September 10th as Suicide Awareness and Prevention Day in Ferguson Township. Ms. Vicere reviewed statistics and about programs and services throughout Centre County.

Ms. Dininni moved that the Board of Supervisors **adopt** the proclamation designating the month of September to be "Suicide Awareness and Prevention Month" and September 10th to be "Suicide Awareness and Prevention Day" in Ferguson Township.

Mr. Pribulka inquired if the agencies are seeing any increases due to the extended quarantine. Ms. Vicere noted that the Jana Marie Foundation addresses issues with middle and high school age students. The Foundation has seen huge increases in need of services especially with this certain age group, students being at home, and the disconnection from friends.

3. PUBLIC HEARING RESOLUTION – ESTABLISHING GUIDELINES FOR OUTDOOR SALES OF FOOD & MERCHANDISE DURING CORONOVIRUS PANDEMIC

Ms. Wargo presented the draft resolution. In order to meet new COVID-19 safety protocols for reopening, many businesses and schools are going to have to turn themselves inside-out if local businesses are to reopen in a way that provides for safer distancing between patrons. In an effort

to assist local businesses in responsibly reopening and resuming operations as they recover from the effects of COVID-19, Planning Staff discussed at the regular Ferguson Township Planning Commission meeting on June 22, 2020, restrictions within the Township Ordinance that may need to be temporarily eased to enable businesses to safely and effectively operate in conjunction with implementing the Governor's Office, PA Department of Health, and other agency and industry guidelines regarding social distancing, sanitation, and public health. The Governor's Office has developed rules and recommendations for a safe reopening of businesses, and the proposed resolution will support and supplement these directives. As noted in the resolution, the guidelines will remain flexible throughout the term of the program, which is slated to end thirty (30) days following the lifting of the Governor's capacity restrictions in areas and on properties where it might otherwise be prohibited. Ms. Wargo noted that the Township received requests from gyms, private schools, and restaurants. The draft resolution captures what the staff has received. Ryan Gruhn, owner of Central PA Mixed Martial Arts, noted that they requested to hold classes outside; however, they are on Penn State property and Penn State needs approval from Ferguson Township. Mr. Gruhn noted that 80% of the students do not want to have classes inside.

Mr. Mitra noted that his objective is to make sure masking and physical distancing be a requirement and inquired if #5 of the resolution is aiming towards that. Ms. Wargo noted that #5 is referencing the utilization of parking spaces for outdoor activities. Sower's Harvest Café took away three parking spaces for outside dining. Ms. Wargo noted that they will need to be in compliance with social distancing and masking. Mr. Mitra would like to see language added to the resolution about the Governor's Orders. Ms. Dininni noted that the resolution could be modified under the second WHEREAS to state " Pennsylvania Department of Health guidance for social distancing, masking and workplace safety." Ms. Wargo will make the modification.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution for Flexible Business Support Allowing Businesses to Implement COVID-19 Safety Protocols. Ms. Strickland seconded the motion. The motion passed unanimously.

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

4. PUBLIC HEARING RESOLUTION – EASEMENT AGREEMENT FOR PARCEL 24-006B-23

Mr. Pribulka noted that a copy of the resolution was included in the agenda that contains an easement agreement between Fairbrook United Methodist Church and Ferguson Township. The agreement would allow the Township to maintain and manage a stormwater drainage area on the property of the church at 4201 West Whitehall Road. The parties agreed in principle to a consideration of \$4,000 that would be paid for out of the Transportation Improvement Fund for the acquisition of the drainage easement. Mr. Pribulka noted that easements are most often conveyed through the Land Development process, but he is trying to standardize the process.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution authorizing the Chairman and Secretary to execute the easement agreement between Fairbrook United Methodist Church and the Township on tax parcel 24-006B-023 attached as Exhibit "A". Ms. Strickland seconded the motion. The motion passed unanimously.

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

5. BOARD MEMBER REQUEST – FAIRBROOK PARK NATIVE LANDSCAPE MAP AMENDMENT

Ms. Dininni noted that the Board previously drafted a map that was included in the agenda that would identify low mow areas of the park. Ms. Dininni requested to amend the map to create a visual guide for maintenance staff to use when mowing the park. The amendment would create separation between “high grass” areas and other amenities to control the spread of invasive species and allow access to all areas of the park. Ms. Dininni will work with Mr. Modricker to amend the map.

Ms. Dininni moved that the Board of Supervisors **amend** the Fairbrook Park low/no mow areas to reflect the conversation at the Board meeting on July 6, 2020 to allow access to amenities and separation between resident’s homes and amenities in no grow areas. Ms. Strickland seconded the motion. The motion passed unanimously.

6. BOARD MEMBER REQUEST – RESOLUTION ON SYSTEMIC RACISM RELATED TO ETHNICITY & SKIN TONE

Mr. Mitra received an email from a citizen to consider advertisement of a resolution or proclamation related to systemic discrimination based on ethnicity, skin tone, and other forms of discrimination. Mr. Mitra noted that included in the agenda is a resolution that Ferguson Township passed in 2017.

Mr. Mitra moved that the Board of Supervisors **direct** the staff reaffirm the 2017 resolution and to draft a resolution condemning and opposing systemic discrimination related to ethnicity and skin tone. Ms. Dininni seconded the motion. The motion passed unanimously.

7. BOARD MEMBER REQUEST – POLICE RESPONSE REPORT

Mr. Mitra introduced the request. Provided with the agenda is a copy of the request from Mr. Mitra for the Board to consider requesting a report from the Ferguson Township Police Department describing police response to calls for service categorized by use of force and types of responses (mental health, domestic violence, etc.); as well as statistics related to complaints received by residents of officers and training received. Chief Albright noted that there is some information that can not be released such as names, but overall will be able to get the information that is being requested. Chief Albright noted that most of the information will be rather easy to obtain. Mr. Pribulka noted that Board action will be required for this request to help clarify any questions. Also, given that conversations are happening at the local, regional, state, and national level, Mr. Pribulka noted that it is time for the Board to get a more in depth look into these questions. Ms. Strickland requested to see more information on mental health responses with regards to assistance from county services and their contracted companies.

Mr. Mitra moved that the Board of Supervisors **direct** staff to provide a report to the Board focusing on the items described in Mr. Mitra’s request and Ms. Strickland’s verbal request from the Board meeting tonight, July 6, 2020. Ms. Stephens seconded. The motion passed unanimously.

8. BOARD MEMBER REQUEST – TOWNSHIP BUSINESS NEEDS SURVEY

Mr. Pribulka presented Ms. Dininni’s request for the Board to consider directing staff to conduct a “Business Needs Survey”. The survey is similar to an initiative that was undertaken by the State College Borough to develop a better understanding of where the needs are of the Township businesses both as they respond to the current COVID-19 pandemic and a possible second wave. Mr. Pribulka noted that he typically doesn’t formulate recommendations but feels the survey would give valuable insight on the needs of our Township businesses and encourages the Board to move forward with the survey. Ms. Strickland asked to have included questions about layoff/furloughs, projection plan, questions about childcare needs of employees, and how the businesses were

impacted in the spring. Mr. Pribulka noted that he is interested on how local regulations may have impacted positively, negatively, or neutrally during the pandemic. Mr. Pribulka noted that the survey will be short enough so that people will respond.

Ms. Dininni moved that the Board of Supervisors **direct** staff to conduct a “Business Needs Survey” with a focus on short- and long-term recovery from the COVID-19 pandemic. Ms. Strickland seconded the motion. The motion passed unanimously.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Executive Committee – The report was provided in the packet. Ms. Dininni emphasized how valuable the hybrid model is to meet in person and have the option to meet virtually and would like to see COG move forward in the future with this option. Mr. Miller noted that he would bring this to the Executive Committee’s attention but did state that there are rules with regards to a quorum. Mr. Miller will get this information for Ms. Dininni.
- b. Human Resources Committee – The report was provided in the packet. Ms. Stephens noted that they discussed the job description for the Director of the Schlow Library and how staff are feeling stress from disgruntled patrons due to the COVID-19 pandemic.
- c. Public Services & Environment Committee – The report was provided in the packet. Mr. Mitra noted that there are citizens that want the fees reimbursed for the April suspension of curbside recycling. The refund would be approximately \$5.39 per person. Advanced Disposal was contacted, and discussions continue. Also, the Committee is obtaining information from Advanced Disposal about their cart program. Pam Adams presented on the Climate Vulnerability Assessment

2. STAFF REPORTS

- a. Manager’s Report - Mr. Pribulka noted that the report was included in the agenda. The regional Solar Power Purchasing Agreement (PPA) Working Group met on Wednesday, July 1, 2020. Eric Endresen, Director of Finance, was the Township’s representative. The Working Group approved the cost sharing agreement for the consultant to prepare the Request for Proposals (RFP) that would solicit firms interested in bidding on the proposed public/private partnership for the Solar PPA. The draft of the RFP was also approved, and action was taken to defer the release of the RFP until September due to the potential financial impacts of the pandemic. Mr. Pribulka noted that the 2019 Comprehensive Annual Financial Report has been completed and was delivered today, July 6, 2020. However, the binding on the reports were subpar and they will be rebound for distribution to the Board later in the week. The 2021-2025 Capital Improvement Program Budget meetings were conducted last week. Public Special Meetings have been scheduled for July 21 and 22 to review the draft document. The Board can expect to receive a copy next week with an agenda for the Special Meetings. The Non-Uniformed Pension Advisory Committee that was established a year ago met on June 30, 2020, and the purpose of the meeting was to discuss strategy to review responses to the Request for Proposals issued for pension administration services for the Township’s 457 Deferred Compensation Plan as well as the 401(a) pension plans. In total, eight responses were received ranging from our current provider as well as several other firms. The Committee will review the responses and make a recommendation to the Board of Supervisors by the end of the month. The Board can tentatively expect a recommendation at an upcoming Regular Meeting in August. Mr. Pribulka noted that all of the responses had reduce their fees to the planned participants. The Ferguson Township Parks and Recreation Meeting met on June 18th . The primary

agenda item was a review of the draft 2021 – 2025 Capital Improvement Program Budget for parks. The parks tour that is typically scheduled each year with the Committee will be self-directed this year. Ms. Dininni expressed her concern with the giardia at Tudek Park. Mr. Pribulka noted that he has had email exchanges with Pamela Salokangas, Director of Centre Region Parks & Recreation. Ms. Salokangas noted via email that the staff at CRPR are taking steps to sanitize and clean the material that is provided at the dog park. Mr. Pribulka noted that work stills needs to continue on the issue, but it is possible that the disease was introduced from a private water dish. Mr. Pribulka noted that there have been no other cases that he has been made aware of but will follow up regards to testing.

- b. Public Works – Mr. Modricker's report was included in the agenda. Mr. Pribulka noted that the Public Works Building is on time and very fortunate that there have been very few delays due to rain. The Budget is being monitored to ensure it is on track.
- c. Planning and Zoning – The report was provided in the packet. Mr. Pribulka noted that the 3rd round of mediation occurred for the Pine Hall Land Use Appeal. The Chicken and Duck Ordinance was reviewed and edited. Ms. Dininni inquired if the Chicken and Duck Ordinance will be going to the Planning Commission or to the Board of Supervisors. Mr. Pribulka will follow up with Ms. Wargo. Ms. Dininni asked about where the Chicken and Duck Ordinance applies and where it doesn't. Ms. Dininni inquired about the status of the Sign Ordinance. Mr. Pribulka will follow up with Ms. Wargo and let the Board know the status of the Sign Ordinance.

VIII. COMMUNICATIONS TO THE BOARD

- a. Ms. Dininni reported that she received communication about another smoke issue.

IX. CALENDAR ITEMS - JUNE

- a. There will be a Virtual Coffee & Conversation on July 10th 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 9:20 p.m.

Respectfully submitted,



David Pribulka, Township Manager
For the Board of Supervisors

Date approved by the Board: 07-20-2020