

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, March 15, 2022

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, March 15, 2022 as a virtual zoom meeting. In attendance were:

Board:	Laura Dininni, Chair	Staff:	Centrice Martin, Acting Township Manager
	Lisa Strickland, Vice Chair		Eric Endresen, Finance Director
	Hilary Caldwell		Dave Modricker, Director of Public Works
	Patty Stephens		Jenna Wargo, Director of Planning and Zoning
	Tierra Williams		Chris Albright, Chief of Police
			Brian Greene, Police Officer
			Cherese Greene, Police Officer

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Ferguson Township Planning Commission; Charima Young, Ferguson Township Resident; Ford Stryker, University Area Joint Authority; Chris Rogan, Ferguson Township Resident; Peter Melan, Chief Consultant at Polity

I. CALL TO ORDER

Ms. Dininni called the Tuesday, March 15, 2022, regular meeting to order at 7:00 p.m.

Ms. Martin welcomed everyone to the meeting and noted that the Board of Supervisors meeting had been advertised in accordance with the PA Sunshine Act as a virtual meeting via Zoom with space available in the Township main meeting room for any public members to participant. Persons attending the meeting as members of the public and wanted to participate were asked to state their name, municipality, and topic. Members of the public are to be muted during the meeting and must be acknowledged by the Chair. The chat feature has been turned off. C-NET is recording as well. Ms. Martin took Roll Call and there was a quorum.

Due to technical difficulties, Vice Chair Strickland temporarily took over the meeting.

II. CITIZENS INPUT

There were no comments.

III. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the February 8, 2022 Board of Supervisors Worksession and the March 1, 2022, Board of Supervisors Regular Meeting Minutes. Ms. Caldwell seconded the motion. The motion passed unanimously.

IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT

a. University Area Joint Authority Report

Mr. Mark Kunkle, UAJA Board representative noted that the report is provided in the agenda packet.

Ms. Strickland reported that she is the other member of the UAJA and reviewed the Meeks Lane Act 537 Plan Special Study. Ms. Strickland stated that the study will come back to the Land Use

and Community Infrastructure Committee in April. If any Board member has comments/feedback, please contact Ms. Strickland.

Ms. Dininni stated that she has no preference at this time for the UAJA plan.

V. SPECIAL REPORTS

a. COVID-19 Local Response Report – Centrice Martin, Interim Township Manager

Ms. Martin reported that there has not been changes in the operational aspect of the Township from the last update. Ms. Martin noted that the [CDC](#) released an interactive map to track the cases and Centre County is in the low category. Residents can order free home COVID-19 tests through the Federal Government. Centre County has 31,026 positive cases with approximately 341 deaths. There have been 86,551 reported negative cases reported on the PA COVID-19 Dashboard for Centre County. Across the Commonwealth, the cases have reached 2,297,484 and there have been 43,909 deaths. Centre County full vaccination rate shows that 94,460 residents have been fully vaccinated with approximately 14,139 having received one dose. The County vaccination rate is at 69.5%. Mount Nittany Medical Center has 3 positive patients in their care ranging in ages from 58 to 89 years of age. 2 of the 3 hospitalized were unvaccinated. Ms. Martin thanked the community for their patience and understanding as we recover from the pandemic.

b. Diversity, Equity, and Inclusionary Initiatives – No Report.

c. Township and Fiscal Responsibility – Welcome Officer Greene and Officer Greene, Update on the Emergency Management Services Legislative Breakfast

Chief Albright introduced the two new Ferguson Township Police Officers. Chief Albright noted it is a unique situation because the two officers are siblings. Chief Albright noted that Brian Greene received his bachelor's degree in Criminal Justice from Lock Haven University and honorably served in the Air National Guard. Officer Brian Greene was a police officer at Lock Haven City Police Department. Officer Cherese Green earned a Bachelor of Science in Social Services from Lock Haven University and has held several positions in social services including a mental health case worker for Centre County. The officers will start their 14-week field training.

Ms. Dininni thanked the officers for their willingness to serve the community.

Ms. Stephens updated the Board on the Emergency Management Services Legislative Breakfast and noted the EMS is in crisis due to funding and personnel issues.

Ms. Williams was in attendance and suggested more education to the public regarding the differences between the paramedics, the EMS, and the Quick Response System. Ms. Williams noted that they are all funded differently.

Ms. Dininni noted in the Finance Committee it was discussed that some of the municipalities contributed to Centre Life Link from their budgets and suggested to meet on a regional level for coordinated support. Ms. Stephens reported that the message was received by the state and county level.

d. Community And Economic Development – No Report

e. Environment – Snetsinger Butterfly Garden (SBG) – No Report

Ms. Dininni reported that there was an Executive Session on March 8th on matters of personnel.

VI. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

All reports are included in the agenda packet.

a. Land Use and Community Infrastructure Committee

Ms. Strickland highlighted the Broadband Internet Study; Bike Plan; Bike Month; Meeks Lane Pump Station; and the Comprehensive Plan.

b. Finance Committee

Ms. Dininni noted that her report is in the packet.

c. Climate Action and Sustainability Committee

Ms. Caldwell reported that they endorsed the Solsmart Designation Certification and requested staff to look into becoming a gold Solsmart Designation.

Ms. Strickland and Ms. Dininni asked how the discussion on trash collection went. Ms. Caldwell reported that it went smoothly. Ms. Dininni expressed concerns with the 6:00 a.m. start time to collect trash due to noise.

d. Parks Capital Committee

Ms. Dininni highlighted the Whitehall Road Regional Park and Project Manager, and the review of the CIP.

VII. STAFF REPORTS

All reports are included in the agenda packet.

a. Interim Township's Manager's Report

Ms. Martin shared that the ABC Picnic is tentatively confirmed for June 2. More information will become available in the future.

Ms. Strickland thanked Ms. Martin for the work on the Radio Park Elementary School/Cherry Lane zone. Ms. Dininni concurred with Ms. Strickland and asked if there was any interest with the Crossing Guard position. Ms. Martin stated that Mr. Modricker deserves credit for the extra work at the Radio Park Elementary School. Ms. Martin reported there was one inquiry for the position.

b. Public Works Director Report

c. Planning and Zoning Report

d. Chief of Police

VIII. UNFINISHED BUSINESS

a. Public Hearing Ordinance - Zoning and Subdivision & Land Development Amendments

Ms. Wargo reported that in November 2019, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the comprehensive amendments, staff have been tracking errors and omissions while interpreting the ordinances and

is recommending additional amendments to address these issues. Provided with the agenda are the draft amendments to each chapter as provided and reviewed by all local, regional, and county reviewers, as well as the redlined version.

Public Hearing – There were no comments.

Ms. Stephens moved that the Board of Supervisors **adopt** the ordinance amending Chapter 16, Parks and Recreation, Part 1, Section 106 and 107, Chapter 22, Subdivision and Land Development, and Chapter 27, Zoning by amending sections as described in the attached exhibits. Ms. Caldwell seconded the motion.

Ms. Dininni thanked staff for their hard work. Ms. Dininni asked for clarification with Chapter 17-107C regarding permits and food trucks. Ms. Wargo reported that the background check requirement was removed. Ms. Wargo stated that it will be clearer in the resolution once the ordinance is adopted. Ms. Dininni expressed concerns about the process for food trucks to obtain a permit and noted the problem hasn't been solved. Ms. Williams asked what the differences are other than the background checks and concurred with Ms. Dininni that the problem isn't solved. Ms. Wargo stated that currently it is the same process where they start at the Township and then they go to Parks and Rec. for approvals. Ms. Wargo shared that her goal is to work with Pam Salokangas to figure out and simplify the process.

Ms. Stephens asked for the title of background checks. Ms. Wargo reported that it is the Child Abuse Clearance, PA State Police Criminal Record, and the FBI Record. Ms. Wargo stated they cost approximately \$70.

Ms. Williams and Ms. Dininni shared confusion regarding the possible denial of a permit from the Township. Ms. Dininni asked staff to investigate.

ROLL CALL: MS. DININNI – YES: MS. STEPHENS – YES: MS. STRICKLAND – YES: MS. WILLIAMS: YES: MS. CALDWELL – YES

The motion passed unanimously.

b. Continued Discussion – Strategic Plan Update

Ms. Martin reported that in attendance is Mr. Peter Melan to present the final draft of the 2022 Ferguson Township Strategic Plan which is provided within the agenda packet.

Mr. Melan opened the floor for discussion.

Ms. Williams questioned the language with Promotion of Municipal Identity. Ms. Williams thanked Mr. Melan for the diversity language throughout the document.

Ms. Dininni requested to include the results of the survey and the number of participants from all the public meetings. Mr. Melan will include. Under the appendices, Ms. Dininni requested to integrate staff feedback into the main document. Ms. Martin noted that there were additional staff feedback, and it would be helpful to have additional time for feedback. Ms. Martin suggested forming a subcommittee to allow for 1-2 further review of the appendices and feedback. Mr. Melan agreed to provide support to the Board without additional fees.

Ms. Strickland moved that the Board of Supervisors **accept** the draft Strategic Plan Update and form a subcommittee to review and comment for a final update to be reviewed by the Board at the next work session prior to adoption. Ms. Caldwell seconded the motion.

Ms. Dininni, Ms. Strickland, Ms. Williams, and Ms. Caldwell volunteered to be on the subcommittees. There will be two to avoid a quorum.

The motion passed unanimously.

IX. NEW BUSINESS

1. Consent Agenda

- a. Donation request by Discovery Space
- b. Special Event Request – Central Cycling Classic Special Event Application
- c. Contract 2021-C18 Homestead Play Equipment Payment Application: \$25,333.53

Ms. Dininni pulled Item B. – Special Event Request from the consent agenda.

Ms. Stephens moved that the Board of Supervisors **approve** A and C of the Consent Agenda. Ms. Williams seconded the motion. The motion passed unanimously.

2. Request for Modification/Waiver – Rogan/264 Sycamore Drive Land Development Plan Lighting

Ms. Wargo reported that Penn Terra Engineering, Inc., on behalf of their client, has requested a waiver from §22- 401.1.C.1.(g)—Lighting and Landscaping Plan. This section of the ordinance requires the applicant to provide a lighting plan sheet, and a landscaping plan sheet. Since this land development plan is proposing a single-family home and included in the draft Subdivision and Land Development Ordinance amendments, these requirements are proposed to be exempt for single-family homes. Staff is not recommending any conditions to be included with the request. Planning Commission reviewed the application at the February 14th meeting and recommended approval of the waiver from §22-401.1.C.1.(g)—Lighting and Landscaping Plan.

Ms. Stephens moved that the Board of Supervisors **grant** the waiver from §22- 401.1.C.1.(g)—Lighting and Landscaping Plan. Ms. Williams seconded the motion. The motion passed unanimously.

3. Consideration of Sycamore Preliminary/Final Land Development Plan

Ms. Wargo reported that On December 13, 2021, Penn Terra Engineering, Inc., submitted, on behalf of their client, the Rogan/264 Sycamore Drive Preliminary/Final Land Development Plan. The applicant is proposing to construct a single-family home on the 7.566-acre lot. The residential home is required to submit a land development plan because it is proposed in an area identified as having steep slopes. The parcel is located within the Single-Family Residential (R1) zoning district. On October 4, 2021, the applicant was granted a modification from §22-301— General, to permit this plan to proceed as a Preliminary/Final land development plan. Ferguson Township Planning Commission reviewed this plan at the February 28 meeting and recommended approval.

Ms. Caldwell moved that the Board of Supervisors conditionally **approve** the Rogan/264 Sycamore Drive land development plan subject to the conditions described in the Planning Director's memorandum dated March 8, 2022. Ms. Strickland seconded the motion. The motion passed unanimously.

4. Request for Variance/Zoning – 901 Teaberry Lane

a. REQUEST FOR VARIANCE – 901 TEABERRY LANE (T.P. 24-118-117-0000)

Ms. Wargo noted that provided with the agenda is a copy of an application submitted by Charles Allen for a property located at 901 Teaberry Lane (T.P. 24-118-117-0000). The applicant requesting a variance from §27-701.3.C.(1)—Floodplain Conservation to replace in-kind, an existing patio and stairs. The zoning ordinance prohibits all new construction or development (including substantial improvements) in the floodplain.

Ms. Dininni asked if the pavers are permeable and if not, Ms. Dininni would vote to oppose because it would entail further encroachment. Mr. Modricker noted that he was not sure, but typically patio blocks are impervious. Ms. Wargo stated that the Zoning Hearing Board will review to permit the variance to replace in-kind the existing patio and the additional request to expand the patio. If the applicant can show in the public meeting that there are no signs of water coming up, it could be approved, but Ms. Wargo stated again it's up to the Zoning Hearing Board. Ms. Dininni stated that after further discussion, she would remain neutral but would like further information in the future.

Ms. Strickland stated that she is leaning towards not being neutral due to the floodplain issue and the need to be consistent. Ms. Strickland requested an explanation from staff for remaining neutral. Ms. Wargo stated she likes staying neutral in cases where there is an in-kind repair of what is there. Ms. Dininni is in favor of approving the in-kind repairs but not the expansion. Ms. Wargo can attend the Zoning Hearing Board to relay that the Board approves the existing but not the expansion. After hearing about the retaining walls, Ms. Strickland stated she would remain neutral.

Ms. Williams moved that the Board of Supervisors remain **neutral** on the variance request. Ms. Stephens seconded the motion. The motion passed unanimously.

5. Contract 2022-C6 – Curb and Ramp Upgrades

Mr. Modricker reported that on March 8, 2022, bids were opened publicly and read aloud for contract 2022-C6, Curb and Ramp Upgrades. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves concrete curb and ramp upgrades to meet ADA (Americans with Disability Act) requirements for sections of roads that are planned for microsurfacing in 2022. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer dated March 8, 2022 recommending award of the contract.

Four (4) bids were received as follows:

Wolyniec Construction - \$125,597.50
LandServ, Inc - \$148,803.45
Glenn O. Hawbaker - \$182,454.15
HRI, Inc. - \$289,480.60

Ms. Stephens moved that the Board of Supervisors **award** Contract 2022-C6, Curb and Ramp Upgrades, to Wolyniec Construction, Inc. in accordance with their bid in the amount of \$125,597.50. Ms. Williams seconded the motion. The motion passed unanimously.

6. Reject Bid and Cancel Contract 2022-C4 – Pavement Repairs

Mr. Modricker reported that on March 1, 2022 bids were opened publicly and read aloud for contract 2022-C4. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves pavement base repair at various locations on roads throughout the Township. The work is to be done in advance of microsurfacing certain roads. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer dated March 7, 2022, recommending the contract not be awarded. The contract price to do the work is twice the Engineer's estimate to perform the work. A review of historical pricing for the same work performed

by FTPW forces indicates the work can be performed more cost effectively inhouse. FTPW will make time in the schedule to perform this base repair work prior to contract microsurfacing.

Ms. Caldwell moved that the Board of Supervisors **reject** the bid for Contract 2022-C4 Pavement Repairs and cancel the contract. Ms. Williams seconded the motion.

Ms. Caldwell stated that she would have a hard time voting to approve anything for Glenn O. Hawbaker due to the theft of wages from his employee. Mr. Modricker stated that there was legal action taken and they do hold prequalification's to bid. Mr. Modricker noted that one of the Township's contract requirements is that they are to be PennDot prequalified. If their prequalification is revoked, they won't be an eligible bidder. Mr. Modricker didn't reject the bid due to their indiscretions.

The motion passed unanimously.

7. Special Event Request – Central Cycling Classic Special Event Application

Ms. Dininni stated that she strongly supports the event, but the signs are being placed in the Township's right-of-way. Ms. Dininni suggested revising the application to ensure that communication of the sign ordinance is conveyed. Also, Ms. Dininni asked if the Dept. of Health and Neighborhood Services at the Borough need to be notified. Ms. Martin stated that staff should be able to revise the application, but if not, she will place on the April 5th Board meeting agenda. Ms. Dininni asked if the applicant could be notified to remind them how to go about posting signs.

Ms. Stephens moved that the Board of Supervisors **approve** the permit application for the Central Cycling Classic Special Event. Ms. Strickland seconded the motion. The motion passed unanimously.

X. COMMUNICATIONS TO THE BOARD

Ms. Williams invited the Board to participate in the Day of Unity Remembering Osaze Osagie on March 20th.

Ms. Dininni received communication about dog feces on the only walking path in Pine Grove Mills. We may hear more about solving the problem in the future.

Ms. Dininni received a question from a resident about permit requirements. The resident wanted to know if a permit is required for replacement windows in multi-family housing units. Ms. Dininni found out from the Code Director that you do not need a permit and was surprised a permit isn't required.

Ms. Dininni received a stormwater fee complaint from a farmer and will follow-up with them.

Ms. Dininni received a complaint about the fill pile off North Nixon. Ms. Dininni will follow up with Ms. Wargo to learn where this would fall in the zoning code.

XI. CALENDAR ITEMS – MARCH

- a. Fire Safety Event at Baileyville Community Hall was postponed due to snow
- b. Coffee & Conversation, Saturday, April 16, Discovery space
- c. Ferguson Township upcoming committee meetings:
 1. Planning Commission - Monday, March 28
 2. Tree Commission - March 21
 3. Pine Grove Mills Small Area Advisory Committee - March 24, April 28

4. Planning Commission, March 28, April 11, 25
5. Parks & Recreation Committee, April 14

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Centrice Martin". The signature is fluid and cursive, with the first name "Centrice" being more prominent than the last name "Martin".

Centrice Martin, Acting Township Manager
For the Board of Supervisors

Date approved by the Board: 04-05-2022