

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, October 3, 2022

### ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, October 3, 2022 as a hybrid meeting. In attendance were:

**Board:** Laura Dininni, Chair  
Lisa Strickland, Vice Chair  
Jeremie Thompson  
Tierra Williams

**Staff:** Centrice Martin, Township Manager  
Dave Modricker, Director, Public Works  
Jaymes Progar, Assistant Township Manager  
Jenna Wargo, Director, Planning and Zoning  
Jeff Ressler, Zoning Administrator  
Eric Endresen, Director of Finance

Others in attendance included: Rhonda Demchak, Recording Secretary; Wes Glebe, Ferguson Township Resident; Christine Bailey, Ferguson Township Resident; Bill Keough, Ferguson Township Planning Commission member and resident; Mark Garlicki, Spring Creek Watershed Commission

### I. CALL TO ORDER

Ms. Dininni called the Monday, October 3, 2022, regular meeting to order at 7:00 p.m.

Ms. Martin thanked and 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 hybrid meeting with an option to attend online utilizing zoom and the 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. Board members are asked to indicate their name when motioning or seconding a motion so that the minutes are accurate. Ms. Martin took Roll Call and there was a quorum.

### II. PLEDGE OF ALLEGIANCE

### III. CITIZENS INPUT

Mr. Wes Glebe, Ferguson Township Resident expressed concerns with traffic going too fast at South and North Butz Steet.

### IV. APPROVAL OF MINUTES

Mr. Thompson moved that the Board of Supervisors **approve** the regular meeting minutes of September 20, 2022. Ms. Dininni seconded the motion. The motion passed unanimously.

### V. AUTHORITIES, BOARDS, AND COMMISIONS REPORT

There were no reports.

### VI. SPECIAL REPORTS

1. Diversity, Equity, and Inclusionary Initiatives – Domestic Violence Awareness Month, Filipino-American Heritage Month, German-American Heritage Month, Italian-American Heritage Month, Polish-American Heritage Month

2. Township and Fiscal Responsibility –Status Update Report on Credits and Exemptions for Stormwater Utility Fee by Assistant Township Manager Jaymes Progar

Mr. Progar reported that the credit and exemptions for the stormwater fee closed on Friday, September 30, 2022. There was a total of 172 credit applications received of which 153 were non-structural, and 19 were structural. Total exemption applications received were 123 with 21 hardship application, 7 non-profit exemption, and 95 agriculture exemption.

Ms. Dininni reiterated that there is a worksession on October 11<sup>th</sup> and that there will be a presentation update on the 2022 Stormwater Utility Fee. The session will be recorded and will be available on the townships website for people who cannot attend.

3. Community And Economic Development – no report
4. Environment – no report.

## **VII. COG AND REGIONAL COMMITTEE REPORTS**

### **1. COG COMMITTEE REPORTS**

- a. Executive Committee

Ms. Strickland reported that she attended the meeting, and the report is included in the agenda.

- b. CCMPO Coordinating Committee

Ms. Strickland reported that they had an update on the State College Area Connector Project. There will be a public meeting on October 19<sup>th</sup> and 20<sup>th</sup> from 5:00 p.m. – 8:30 p.m. at Mt. Nittany Middle School near Boalsburg.

Ms. Strickland stated that they discussed in long detail about the recommendations that came back from the Infrastructure Bill Subcommittee.

- c. Park Governance

Ms. Dininni reported that the committee was asked to consider engaging with a consultant to further their mission and the committee agreed. The Executive Director will select the consultant.

- d. Finance Committee

Ms. Strickland reported that there was a motion made to postpone the review of the EMS, Fire, and Parks Budget in order to give all the agencies enough time to reprioritize. There was a motion made to cap increases in the COG Budget at 8% of municipal contributions.

- e. Spring Creek Watershed Commission

Mr. Mark Garlicki reported that they had an educational topic on Walnut Springs Constructed Wetland in the Borough by Dr. Lauren McPhillips of PSU. They discussed the One Water Plan, the Atlas Project, and the Master Watershed Steward Program.

Mr. Bill Keough, Ferguson Township Planning Commission member and resident asked if an agricultural representative could be involved with the One Water Plan. Mr. Garlicki will inform the committee of Mr. Keough's request and report back.

## 2. OTHER COMMITTEE REPORTS

There were no other committee reports.

## VIII. STAFF REPORTS

All reports were included in the agenda packet and there were no comments.

- a. Township's Manger's Report
- b. Public Works Director Report
- c. Planning and Zoning Report

## IX. UNFINISHED BUSINESS

1. Public Hearing on an Ordinance authorizing Waiver of Additional Fees Assessed, and other Relief, for Tax Bills not received

Mr. Endresen reported that the Governor signed Act 57 of 2022 in July to amend the act of May 25, 1945 (P.L. 1050, No. 394) known as the Local Tax Collection Law, by amending Section 7 relating to "Effect of Failure to Receive Tax Notice". The intent of Act 57 of 2022 is to waive penalties and/or fees for new property owners who may not have received a real estate tax bill that was inadvertently mailed to the previous owner. Provided with the agenda is a copy of the resolution authorizing the waiver of additional fees and penalties assessed in the event real estate tax bills not received.

Public Hearing – There we no comments and the hearing closed.

Mr. Thompson moved that the Board of Supervisors **adopt** the ordinance authorizing waiver of additional fees and penalties assessed, and certain other relief, in the event real estate tax bills were not received in accordance with the ordinance presented. Ms. Strickland seconded the motion.

**ROLL CALL: MS. STRICKLAND – YES; MS. WILLIAMS – YES; MR. THOMPSON – YES; MS. DININNI - YES**

The motion passed unanimously.

## X. NEW BUSINESS

1. Consent Agenda

- a. Contract 2021-C4, Harold Dr. Improvements, Pay App 2: \$1,571.10

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

2. Public Hearing Resolution authorizing filing of Grant Application with PA DCNR for Cecil Irvin Park, Phase 2 Funding

Mr. Progar reported that on September 6, the Pennsylvania Department of Conservation and Natural Resources opened an application period for a supplemental fall funding round. This grant round is similar to the spring DCNR Community Conservation Partnerships Program grants. Eligible projects include Community Parks and Recreation projects that expand or rehabilitate existing parks that improve access to recreation for all. As a result of this opportunity, Staff proposes to apply for this grant

for the construction of Cecil Irvin Park – Phase II, a vital, urgent need providing connectivity throughout the Pine Grove Mills village area. Additionally, this park features climate action affirmative Green Infrastructure via native seed mixes and pervious paving while also supporting the Township's stormwater infrastructure. The proposed plan is consistent with the Park Master Plan Phase 2.1 as drawn by HRG with additional walking paths and alternative amenities suggested as a result of a 2021 review process by the Pine Grove Mills Small Area Plan Committee. Amenities include dual walking loops, ADA accessible pathways, benches, parking, and a pavilion providing access to recreation for all. Construction of this phase represents a critical step in the completion of Cecil Irvin Park, a focal point of open space for a growing community. A draft resolution is provided with the agenda for tonight's public hearing.

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution authorizing the submittal of a DCNR C2P2 Grant Application for Cecil Irvin Park supplemental funding. Ms. Williams seconded the motion.

Ms. Dininni thanked the staff for putting this together.

**ROLL CALL: MR. THOMPSON – YES; MS. WILLIAMS – YES; MS. DININNI – YES; MS. STRICKLAND**

The motion passed unanimously.

### 3. Proclamation Proclaiming Hispanic Heritage Month

Mr. Progar noted that provided with the agenda is a copy of the proclamation to recognize and honor Hispanic Heritage Month. National Hispanic Heritage Month recognizes and celebrates the contributions of Hispanic Americans to American culture. September 15 through October 15 commemorates the independence of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, Mexico, and Chile, all gained during this period.

Mr. Thompson moved that the Board of Supervisors **adopt** the proclamation. Ms. Strickland seconded the motion.

Mr. Thompson read the proclamation that was included in the agenda.

The motion passed unanimously.

### 4. Discussion on Granting Partial Exemption for Eligible Agricultural Properties from Stormwater Utility Fee and Repealing Resolution 2021-06

Mr. Modricker stated that provided with the agenda is a revised version of the partial agricultural properties exemption policy proposed for the consideration of the Board. Provided with the agenda is a copy for review and discussion. Staff will receive comments from the Board's discussion and then update with necessary revisions prior to sending for legal review. Mr. Modricker noted that the Board is being asked this evening to authorize the advertisement of a public hearing at the October 18 regular meeting prior to acting on the proposed policy amendment.

Mr. Thompson moved that the Board of Supervisors **authorize** the advertisement of a public hearing on a resolution to grant partial exemptions for eligible agricultural properties from the stormwater management utility fee. Ms. Williams seconded the motion.

Ms. Strickland expressed appreciation for the work being done on this item.

Mr. Keough thanked everyone involved with the partial exemption.

The motion passed unanimously.

5. Discussion on ARPA 2021 Fund Allocation for Rental Assistance in the 2022 Operating Budget

Ms. Martin reported that on December 7, 2021, the Board allocated \$20,000 of ARPA funds to be used for rental assistance. Staff proposes a temporary emergency rental assistance program in response to the affordable housing concerns and the disparities that exist for tenants. As outlined in the memorandum from the Township Manager, it proposes issuing the funds to Centre Help. Centre Help provides rental assistance to Centre County residents that demonstrate a need or risk of homelessness.

Ms. Strickland moved that the Board of Supervisors **authorize** the Township Manager to partner with Centre Help and allocate \$20,000 funds to provide rental assistance to Ferguson Township residents. Ms. Williams seconded the motion. The motion passed unanimously.

6. Discussion on COG 2023 Proposed Budget

Ms. Martin stated that on Friday, September 23, 2022, the Centre Region Council of Government (CRCOG) Finance Committee received their proposed 2023 Operating Budget. A link to the CRCOG proposed 2023 Operating Budget will be provided. Provided with the agenda is a letter prepared by the Centre Region Municipal Managers to the CRCOG Finance Committee.

The Board all agreed that the memo was well done.

Ms. Dininni discussed the importance of all the managers working together to reduce the likelihood of a tax increase.

Ms. Williams requested an overview of how the COG works and thanked everyone for responding to her questions. Ms. Martin stated that she would be happy to answer any questions, facilitate a meeting with the COG, and suggested reaching out to Joe Viglione or Eric Norenberg at the COG.

Ms. Dininni suggested that the COG have the Lunch and Learn sessions again.

Mr. Keough noted that pre pandemic there were workshops for new members and would support a letter to be sent to the Executive Director of the COG asking them to be reinstituted. Ms. Martin stated that she will reach out to the Executive Director via email.

7. Request for Minor Subdivision Plan – MP Machinery

**a. MP MACHINERY MINOR SUBDIVISION PLAN**

Mr. Ressler reported that on Penn Terra Engineering, Inc., submitted on behalf of their client, the 'Subdivision/Replot of TP 24-433-007-0000 and 24-433-008-0000 at 2151 and 2161 Sandy Drive' Minor Subdivision Plan. This plan proposes the adjustment of the lot line between the two parcels to add an additional 4,800 SF to TP 24-433-007-0000. No new lots are being created with this submission. Since this is a minor subdivision plan, it will proceed as a Preliminary/Final submission that will be reviewed once by the Board of Supervisors for approval.

Planning Commission reviewed this plan at the September 26, 2022, regular meeting and recommended approval to the Board of Supervisors. Staff has reviewed the minor subdivision plan and is recommending conditional approval subject to the outstanding comments as described in the Director of Planning & Zoning's memorandum dated September 27, 2022.

Ms. Williams moved that the Board of Supervisors **conditionally approve** the Subdivision/Replot of TP 24-433-007-0000 and 24-433-008-0000 at 2151 and 2161 Sandy Drive subject to the outstanding comments as described in the Director of Planning & Zoning's memorandum dated September 27, 2022. Ms. Strickland seconded the motion. The motion passed unanimously.

8. Discussion on State College West End and Ferguson Township West College Avenue Area

Ms. Martin stated that there is increased attention to the West College area as the Township continues to advance the Terraced Streetscape District (TSD) rewrite effort. In previous years, the State College Borough Council and Ferguson Township Board of Supervisors have expressed interest to collaborate for a joint effort to evaluate the opportunities for a cooperative approach to the adjoining neighborhoods along the West College Avenue Corridor. It is recognized that the Borough and the Township historically struggled to identify options for infusing a vibrant and welcoming experience when traversing through the municipal lines on West College Avenue. The Board is asked to consider support for the Manager to send a letter of invitation to the university and the Council of State College Borough for a town-gown meeting to discuss and explore possibilities for a collaborative and cooperative approach to a unified vision.

Mr. Thompson moved that the Board of Supervisors **authorize** the Manager to extend a letter of invitation to the State College Borough Council and Penn State University Governmental Affairs. Ms. Strickland seconded the motion.

Ms. Dininni stated that at the TSD Open House there was a lot of feedback on coordinating with the Borough.

Mr. Keough reported that the Ferguson Township Planning Commission has talked about this on several occasions and supports.

The motion passed unanimously.

9. Consideration of Heritage Tree Application at 211 Greenlee Lane

Mr. Modricker noted that provided with the agenda is an application from Darryl and Susan Slimak to nominate 2 trees as Heritage Trees due to their age, impressive large size, health, and beauty. The trees are located at 211 Greenlee Lane in the Fairbrook neighborhood. The property owners had their own arborist evaluate the trees. The Ferguson Township Arborist, Larry Maginnis evaluated the trees. The Tree Commission reviewed the application package, photographs, and discussed the application with the property owner, Darry Slimak, at the regular meeting of the Tree Commission on August 15, 2022. The Tree Commission recommends that the Board of Supervisors designate the trees as Heritage Trees. The Township Arborist has obtained the property owner's signature on an easement to be recorded and the Township will maintain the tree as stated in the Heritage Tree Ordinance.

Ms. Strickland moved that the Board of Supervisors **approve** the 2 trees located at 211 Greenlee Lane in the Fairbrook neighborhood as Heritage Trees. Ms. Williams seconded the motion.

Ms. Dininni inquired about the ordinance only allowing for two trees per year. Mr. Modricker reported that the ordinance only allows for two trees per year to be designated. Ms. Dininni suggested increasing the number of trees in the ordinance at a later date.

The motion passed unanimously.

**XI. COMMUNICATIONS TO THE BOARD**

Mr. Thompson had a communication regarding Nextdoor App and if the Township would consider getting involved. Mr. Thompson uses the Nextdoor App that connects with neighbors, discover new places nearby, join groups, and find recommendations for local businesses.

Mr. Thompson thanked Senator Bob Casey and Rep. Fred Keller for the letters of congratulations on his recent appointment to the Board.

Ms. Williams reported that she received a letter in the mail concerning the applicants for the Police Chief position that is currently being advertised. Ms. Williams will send to Ms. Martin and Ms. Dininni. Ms. Martin received an email from a resident on North Allen Street thanking the Public Works Road Crew for the leaf and brush trimming on her property. The resident thanked Mr. Modricker for his leadership. Ms. Martin stated that the road crew and all of the other staff do a great job. Ms. Martin thanked the residents for sharing positive appreciative comments.

Ms. Christine Bailey, Ferguson Township Resident, stated that she likes what Mr. Thompson commented on about Nextdoor App and noted it is a good way to connect.

Mr. Wes Glebe, Ferguson Township Resident, reported that Allegheny Construction and Columbia Gas have kept things tidy and interfacing with them and the flagger has been pleasant.

## **XII. CALENDAR ITEMS – OCTOBER**

1. Planning Commission - October 10 & 24
2. Board of Supervisors Worksession – October 11
3. Parks & Recreation Committee - October 13
4. Coffee and Conversation - Saturday, October 15, Dunkin' Donuts, 8 AM
5. Tree Commission - October 17
6. Pine Grove Mills SAP Advisory Committee - October 27

Ms. Dininni stated that recruitment for ABC's is ongoing and if anyone has an interest to [apply](#).

## **XIII. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Strickland motioned to **adjourn** the meeting. The meeting adjourned at 8:26 p.m.

Respectfully submitted,



Centrice Martin, Township Manager  
For the Board of Supervisors

Date approved by the Board: 10-18-2022