

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, November 1, 2022

ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, November 1, 2022 as a hybrid meeting. In attendance were:

Board: Laura Dininni, Chair
Lisa Strickland, Vice Chair
Patti Stephens
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
Eric Endresen, Director, Finance

Others in attendance included: Rhonda Demchak, Recording Secretary; Eric Norenberg, Executive Director, COG; Bill Keough, Ferguson Township Planning Committee, and resident; Steve Miller, Ferguson Township resident; Joe Viglione, Finance Director, COG; Joe Lichty, Lichty Engineering

I. CALL TO ORDER

Ms. Dininni called the Tuesday, November 1, 2022, regular meeting to order at 7:05 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.

Ms. Dininni reported that the Board of Supervisors held an Executive Meeting today regarding a property acquisition.

II. PLEDGE OF ALLEGIANCE

After the pledge, Ms. Dininni noted that tonight is Ms. Williams last Board of Supervisors meeting and thanked her for her service.

Ms. Williams stated that it was an honor to serve and hopes that more young diverse people take more interest in the community. Ms. Williams thanked the Board for all the equity and inclusion proposals that she suggested. Ms. Williams is moving to Delaware to take a new position. Ms. Williams wished Supervisor Thompson good luck and noted that she respected him for how he handled the 2021 election.

III. CITIZENS INPUT

There were no comments.

IV. APPROVAL OF MINUTES

Mr. Thompson noted that under Section 8 letter d, the word office should be officer.

Ms. Williams moved that the Board of Supervisors **approve** the regular meeting minutes of October 11, 2022, and the Worksession minutes of October 18, 2022. Ms. Stephens seconded the motion. The motion passed unanimously.

V. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT

1. State College Borough Water Authority
Mr. Ford Stryker was not in attendance.
2. Centre Region Parks and Recreation Authority

Mr. Bill Keough noted that his report is included in the agenda.

Ms. Dininni thanked Mr. Keough for his detailed report and stated that the Facilities Committee will be scheduling an additional discussion regarding Whitehall Road Regional Park.

Mr. Keough reported that maintenance staff for the Millbrook Marsh have been making small repairs on the walkway throughout the summer, but there are more sections that are deteriorated than first thought. Ms. Dininni reported that it was on the radar in the COG's CIP in 2015 as a liability and expressed concerns with the investment over time and who is responsible.

Mr. Keough stated that it is a challenge to prepare the report because there are so many moving targets within the Parks and Recreation system regionally. Mr. Keough noted that if there is a certain topic the Board wants to hear about, he will prepare a report.

VI. SPECIAL REPORTS

1. Diversity, Equity, and Inclusionary Initiatives – National Native American, American Indian, and Alaskan Native Heritage Month, Veterans Day, Thanksgiving
2. Township and Fiscal Responsibility – Millbrook Marsh and Boardwalk Presentation

Mr. Eric Norenberg, Executive Director, COG reported that the final report of the Phase II Feasibility Planning Study will be ready on November 9.

A map of the Millbrook Marsh Nature Center was displayed, and Mr. Norenberg pointed out where the project will take place.

Ms. Dininni asked who is on the Millbrook Marsh Nature Center Working Group. Mr. Norenberg noted the following:

- Dr. Rick Marboe, PSU
- Carla Stilson, College Township Council
- Jere Northridge, College Township Staff
- Amy Kerner, College Township Staff
- Andrew Gutberlet, PSU
- Kathy Matason, Parks and Recreation Authority
- Melissa Kauffman, Supervisor, Millbrook Marsh Nature Center
- Jim Carpenter, Manager, Centre Region Parks and Recreation
- Pam Salokangas, Director, Centre Region Parks and Recreation

Mr. Norenberg noted the following are on the Millbrook Marsh Nature Center Advisory Committee:

- Kathy Matason Parks and Recreation Authority
- Tamea Kramer, PSU
- Deb Nardone, Clearwater Conservancy
- Deirdre Bauer, SCASD
- Trevor Burkenholt, PSU
- Joanne Sedwick, Centre County Historical Society
- Steve Lewinski, Bald Eagle Archeology Society
- Vacant - State College Borough
- Doug Wensel, Shaver's Creek Environmental

Members at large:

- Dr. Rick Marboe
- Jennifer Arndt
- Ian Salata
- Molly Hedrick
- Chris Hurley

Mr. Norenberg noted that 8 members can be part of the members at large and if someone from Ferguson Township would like to join, let him know.

Ms. Dininni suggested having the unit cost on the map at the Park Capital Committee Joint meeting so that the scope can be addressed.

Ms. Strickland stated that the estimates of \$11 million and \$6 million are very different.

Ms. Dininni noted that the correct players of the project should be included when the value of that asset and who it serves is talked about.

Mr. Keough stated that the staff at the authority are extremely busy with Whitehall Road Regional Park and the feedback that was mentioned tonight might not be able to get done by the joint meeting. Ms. Dininni stated that she concurs with Mr. Keough, but as an elected official then this project should not be brought to the elected officials because there will be questions that need to be answered.

Mr. Steve Miller, Ferguson Township resident, discussed the public access and the use as a park were taken on by the municipalities. All of the entities are involved in many different ways.

3. Community And Economic Development - Overview and Updates on the Chamber of Business and Industry of Centre County (CBICC) – no report.
4. Environment – no report.

VII. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

a. Facilities Committee

Ms. Stephens noted that the meeting was held that morning and the Whitehall Regional Park was pulled from the agenda. They discussed the COG Building Intermunicipal Agreement Modification and there was a vote to add additional language in which Ms. Stephens voted against. Ms. Stephens will write a report to be included in the next Board agenda.

b. Executive Committee

Ms. Strickland attended the meeting last month and noted that there is nothing to report that wasn't discussed at the General Forum.

2. OTHER COMMITTEE REPORTS

a. Public Safety

Ms. Stephens reported that the Public Safety meeting was cancelled but received an email about a fire extinguisher training system that is a \$14,000 purchase. Ms. Stephens stated that she replied back to the email in support.

VIII. STAFF REPORTS

a. Township's Manager's Report

b. Public Works Director Report

c. Planning and Zoning Report

There were no comments made on the staff reports.

IX. UNFINISHED BUSINESS

1. Public Hearing – Amending Chapter 27, Zoning, Part 7, Supplemental Regulations, Section 710 Tower-Based Wireless Communications Facilities and Part 11, Section 1102

Ms. Wargo noted that the Small Wireless Facilities Deployment Act (Act 50) was signed into law on June 30, 2021 and was drafted in unison with the Pennsylvania Municipal League and telecommunications providers. The legislation provides for fair and equitable treatment of small wireless facilities and comprehensive protections for the municipality to ensure proper maintenance of public rights-of-way. At a Regular Meeting held on September 20, 2021, the Board of Supervisors authorized staff to prepare an amendment to the Wireless Communications Facilities Ordinance.

After further review by the Township Solicitor, staff has updated the draft amendments and included redlined drafts provided with the agenda for amendments to §27-710— Wireless Communications Facilities, §27-1102—Definitions and the establishment of Chapter 21, Streets and Sidewalks, Part 6, Non-Tower-Based or Small Wireless Communications Facilities in the Right-of-Way. The Board reviewed the drafts at their September 6, 2022 meeting and authorized the advertisement of a public hearing for November 1, 2022.

Planning Commission reviewed the draft amendments at the September 12, 2022, meeting and recommended approval to the Board of Supervisors. Provided with the agenda, is a copy of the ordinance as provided and reviewed by all local, regional and county reviewers and as advertised for public hearing. The document has been made available for inspection at the Township office.

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

Mr. Thompson moved that the Board of Supervisors **adopt** the ordinance establishing Chapter 21, Streets and Sidewalks, Part 6, Non-Tower-Based or Small Wireless Communications Facilities in the Right-of-Way, and amending Chapter 27, Zoning, Part 7, Supplemental Regulations, Section 710.

Tower-Based Wireless Communication Facilities, and Part 11, Definitions, Section 1102 Definitions.
Ms. Stephens seconded the motion.

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

Please note that Ms. Williams left the meeting early.

The motion passed unanimously.

X. NEW BUSINESS

1. Consent Agenda

- a. Voucher Report – August 2022
- b. Voucher Report – September 2022
- c. Contract 2016-C11, Pay App 5: \$46,123.93
- d. Contract 2022-C8, Pay App 5: \$6,085.85
- e. Acceptance of letter from the Pine Grove Mills Small Area Plan Advisory Committee

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

2. 2023 Centre Region Council of Governments Summary Budget

Ms. Martin noted that at the October 24th COG General Forum Meeting, the draft 2023 COG Summary Budget was reviewed and referred to the member municipalities for consideration. Comments are due back to the COG Executive Director by November 17th. Eric Norenberg, COG Executive Director and Joe Viglione, COG Finance Director will be present to respond to any questions the Board may have. Below is a link to the 2023 Summary Budget. Attached with the agenda packet is the detailed budget municipal contributions analysis prepared by CRCOG Finance Committee.

[2023 DRAFT Centre Region Council of Governments Summary Budget](#)

2023 DRAFT Centre Region Council of Governments Detailed Budget

Mr. Norenberg, Executive Director, COG, reported that over the past couple months the Finance Committee did an extensive review of the budget.

Ms. Dininni started with the conversation on page 21 of the Summary Budget, Office Administration Budget. Ms. Dininni asked if funding was included for the Long-Range Facility Study. Mr. Norenberg noted that it was not included because it will be staff driven and working with the committee. Ms. Dininni stated that the Board strongly supports the endeavor.

Ms. Strickland asked about the Insurance Reserve Fund. Mr. Viglione stated that they are looking into changing the format in connection with the Comp. and Class Study.

Ms. Strickland inquired about the IT improvements/security and asked if any of the recommendations were not included. Mr. Viglione stated that they were included.

A discussion ensued about how we should prioritize the discussions.

On page 23 of the Summary Budget, COG Building Capital Budget, Mr. Viglione stated that a big change was moving from a 2% reinvestment strategy back to an inflationary increase.

Mr. Norenberg reviewed page 28 and 29, Code Administration – New Construction Program Budget and Existing Structures Program Budget.

Mr. Viglione reported that there was a steady decline with the fund balance on the Schlow Centre Region Library Operating Budget on page 31. Ms. Dininni asked what the status was for increasing the wages for the library staff. Mr. Norenberg reported they are still working on it, but they have a plan going forward for next year.

Mr. Norenberg noted that they will be preparing for the next bid for the Regional Refuse & Recycling that will be for five years.

Ms. Strickland commented that the volunteer stipends were under maintenance on the Regional Fire Protection Program's Operating Budget and that she had suggested moving it to personnel.

Ms. Dininni asked if the local fire stations are owned by COG or the municipalities where they are located. Mr. Viglione answered they are owned by the municipalities, but the maintenance of the facilities is done by the COG. Ms. Dininni discussed the possibility of collaborating on a storage facility. Mr. Viglione stated that it would be a good topic for the long-range facility plan.

Ms. Dininni suggested deferring the discussion on the Parks and Recreation Operating Budget until there is more information.

Ms. Strickland moved that the Board of Supervisors **table** the discussion on the Parks and Recreation Operating Budget until there is more information. Ms. Stephens seconded the motion. The motion passed unanimously.

3. Salvation Baptist Church Preliminary LDP

Ms. Wargo noted that provided with the agenda is the Salvation Baptist Church Preliminary Land Development Plan, last revised on October 19, 2022. This land development plan is located at 3645 West College Avenue (TP: 24-004-078-0000). The parcel is approximately 60.61 acres and is zoned Rural Agricultural (RA) and Corridor Overlay (COD).

This land development plan proposed a fellowship hall and garage, totaling 13,626 SF. At the time of the original land development plan, a fellowship hall and garage were proposed adjacent to the church and was never constructed. Since it has been more than (5) years since the original land development plan was approved, a new plan is required.

Staff has reviewed the resubmission and is recommending conditional approval of the plan. Provided with the agenda is a memorandum from the Director of Planning & Zoning dated October 26, 2022, describing the conditions.

Ms. Stephens moved that the Board of Supervisors **conditionally approve** the Salvation Baptist Church Preliminary Land Development Plan subject to the conditions described in the Planning Director's memorandum dated October 26, 2022. Mr. Thompson seconded the motion.

Ms. Strickland asked if the Planning Commission had any concerns. Ms. Wargo reported that their concerns were on the flood plain designation. Ms. Dininni asked about the lighting. Mr. Lichty, Lichty Engineering, reported there is no additional new lighting.

The motion passed unanimously.

4. Award contract 2018-C2OU, Park Hills Drainageway Utility Relocation

Mr. Modricker noted that on October 11, 2022, bids were opened publicly and read aloud for contract 2022-C20U. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves the installation of underground conduit by directional boring necessary to relocate power and communication facilities in advance of the Park Hills Drainageway Improvement Project. Provided with the agenda is a memorandum from Ron Seybert, Township Engineer, dated October 18, 2022, recommending award of the contract.

Ms. Stephens moved that the Board of Supervisors **award** Contract 2018-C20U, Park Hills Drainageway Utility Relocation, to RAVAN INC., dba Tru-Tek Drilling in accordance with their bid in the amount of \$453,016.83. Mr. Thompson seconded the motion.

Ms. Dininni noted that the estimates were significantly different. Mr. Modricker stated there was a lot of discussions regarding the estimate with contractors because it is work that is typically not done.

Ms. Strickland expressed her concerns with the high estimate and suggested putting the bid out early next year. Mr. Modricker stated that he didn't believe if we waited it would bring in a better estimate.

Ms. Strickland asked about the timeline. Mr. Modricker reported that it is scheduled for 2023. Ms. Martin noted that the project is highly visible for several years and there is a timeline that grants need to be utilized. Mr. Modricker stated that the other alternative would be to add this project to the drainage contract that will go out to bid.

The motion passed unanimously.

5. Award contract 2019-C21, Pine Grove Mills LED Street Light Conversion

Mr. Modricker reported on October 25, 2022, bids were opened publicly and read aloud for contract 2019-C21. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves rewiring existing ornamental lights in Pine Grove Mills and installing new power supplies and new power cutoffs to allow them to be serviced by FTPW. This work removes the lights from the WPP tariff and installs meters. High-pressure sodium lamps will be removed and the light fixtures retrofitted with 2700K LED lamps. Work includes the installation of underground conduit by directional boring. Provided with the agenda is a memorandum from Ron Seybert, Township Engineer, dated October 25, 2022, recommending award of the contract.

Mr. Thompson moved that the Board of Supervisors award Contract 2019-C21, Pine Grove Mills LED Street Light Conversion, to M&B Services, LLC, in accordance with their bid in the amount of \$292,792.86. Ms. Strickland seconded the motion.

Ms. Strickland stated that the engineer's estimate was close to the bid amount.

The motion passed unanimously.

XI. COMMUNICATIONS TO THE BOARD

There were no communications.

XII. CALENDAR ITEMS – NOVEMBER

- a. Election Day, November 8
- b. Fall 2022 Neighborhood Association Open Forum – November 9
- c. Special Meeting on DRAFT 2023 Operating Budget, November 9
- d. Special Meeting on DRAFT 2023 Operating Budget, November 10
- e. Parks & Recreation Committee, November 10

- f. Administrative Offices Closed in Observance of Veterans Day, November 11
- g. Planning Commission - November 14
- h. Pine Grove Mills SAP Advisory Committee - November 17
- i. Tree Commission - November 21
- j. Administrative Offices Closed in Observance of Thanksgiving, November 24 & 25

Ms. Martin stated that the Administrative Offices will be closed the day after Thanksgiving, but staff will be working.

XIII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Centrice Martin".

Centrice Martin, Township Manager
For the Board of Supervisors

Date approved by the Board: 11-15-2022