

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, December 13, 2022
7:00 PM

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, December 13, 2022 as a hybrid meeting. In attendance were:

Board:	Laura Dininni, Chair	Staff:	Centrice Martin, Township Manager
	Lisa Strickland, Vice Chair		Dave Modricker, Director, Public Works
	Corey Gracie-Griffin		Jaymes Progar, Assistant Township Manager
	Patti Stephens		Eric Endresen, Director, Finance
	Jeremie Thompson		Jenna Wargo, Director, Planning and Zoning

Others in attendance included: Rhonda Demchak, Recording Secretary; John Petrick, Ferguson Township Chief of Police effective 1/3/2023; Rhonda Stern, Ferguson Township Resident

I. CALL TO ORDER

Ms. Dininni called the Tuesday, December 13, 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.

Ms. Martin reported that the Township received 25 resumes for the position of Chief of Police from 9 states including 13 from Pennsylvania. Ms. Martin thanked the following people for their assistance with the interview process:

- Chief of Police Patton Township – Tyler Jolley
- State College Borough Manager – Tom Fountaine
- Ferguson Township Human Resources Administrator – Angela Kalke
- Ferguson Township Assistant Manager – Jaymes Progar
- Ferguson Township Public Works Director – Dave Modricker
- Centre County District Attorney – Bernie Cantorna
- Centre County Emergency Management Coordinator – Shawn Kauffman
- State College Borough Chief of Police – John Gardner
- State College Fire Services Director – Steve Bair
- Assistant Vice Provost of Educational Equity and Co-Chair, Task Force on Policing Communities of Color– Seria Chatters
- State College Area School District Finance and Operations Officer – Randy Brown
- Director of Planning and Zoning – Jenna Wargo
- Director of Finance – Eric Endresen
- GovHR – Charlene Stevens
- Retired Police Chief Lou Rossi
- Retired Police Chief Jon Fehlman and his team of three retired Chiefs

Ms. Martin thanked the Ferguson Township Police Department for their patience and hard work. Ms. Martin thanked Sgt. Ryan Hendrick for his commitment to Ferguson Township Police Department over the last few months.

Ms. Martin recognized Mr. John Petrick as one of the finalists as the Police Chief at Ferguson Township. John has a plethora of career and accomplishments in the last 30 years during his time in law enforcement. Mr. Petrick also has 20 years of experience in command. Ms. Martin's recommended selection is Mr. John Petrick for the Board of Supervisors approval to succeed Chief Albright as the next Ferguson Township Chief of Police effective Tuesday, January 3, 2023.

Ms. Stephens moved that the Board of Supervisors **appoint** Mr. John Petrick as the next Ferguson Township Chief of Police. Mr. Gracie-Griffin seconded the motion. The motion passed unanimously.

Ms. Dininni welcomed Mr. Petrick and looks forward to his service at the Township.

Mr. Petrick thanked everyone and is looking forward to joining the team.

II. PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

Rhonda Stern, Ferguson Township Resident, expressed concerns with safety issues when turning onto North Butz Street off College Avenue and turning onto College Avenue off of North Butz Street. Parking is allowed on both sides of the street, and it is difficult to make the turn if there's another car going the other way. The concerns were shared with Mr. Seybert, Township Engineer. Ms. Stern stated that at the Ferguson Township Planning Commission meeting held on December 12th, the Commission approved two parking spaces for a business on that street with no discussion of safety issues. Ms. Stern requested that the street study be completed before anything else is approved on the street.

IV. AUTHORITIES, BOARDS, AND COMMISIONS REPORT

1. No Reports were scheduled.

Ms. Dininni reported that there were two Executive Sessions held on December 12th on a legal matter and another session held on December 13th on a matter of personnel.

V. SPECIAL REPORTS

1. Diversity, Equity, and Inclusionary Initiatives – *Christmas Day (Federal holiday), New Year's Eve, Kwanzaa, Hanukkah*
2. Township and Fiscal Responsibility – no report
3. Environment – Update on MS4 PRP Projects (Municipal Separate Storm Sewer System, Pollutant Reduction Plan) – Dave Modricker, Director of Public Works

Mr. Modricker reviewed the project via a PowerPoint presentation that started on page 8 of the agenda packet.

Mr. Modricker suggested adding this project to the January Worksession so that there can be more dialogue.

Ms. Dininni asked about the timeline. Mr. Modricker stated that it is a 5-year permit cycle, and the Township is already two years into the cycle with not a lot of progress.

Mr. Modricker stated that in the Township there are some watershed lines that are required to reduce sediment loads by 10%.

VI. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

a. Finance Committee

Ms. Stephens attended the meeting and stated they reviewed the COG Budget Process. Ms. Strickland reported that she too sat in on the meeting and they reviewed the process.

b. Climate Action and Sustainability Committee – Cancellation Notice

c. Public Safety Committee – Cancellation Notice

d. Executive Committee

Ms. Dininni reported that they met today, and they cancelled the upcoming General Forum meeting.

e. Human Resources Committee – Cancellation Notice

2. OTHER COMMITTEE REPORTS

VII. STAFF REPORTS

a. Township's Manger's Report

Ms. Martin will give a detailed report at the January Board of Supervisors meeting.

b. Public Works Director Report

c. Planning and Zoning Report

d. Officer-in-Charge Report

There was nothing more to state regarding the Staff Reports.

VIII. UNFINISHED BUSINESS

1. A Public Hearing on the Proposed 2023 Ferguson Township Annual Operating Budget

Ms. Martin noted that provided with the agenda is a copy of the resolution advertised for public hearing adopting the 2023 Ferguson Township Annual Operating Budget. The Board approved the proposed budget following the public hearing held on December 6, 2022. All changes made to the proposed budget by the Board at the special meetings, held on November 9 and 10, have been incorporated into the final budget presented for adoption this evening. Below is a link to the final 2023 Operating Budget presented for adoption.

[2023 Proposed Ferguson Township Annual Operating Budget](#)

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

Ms. Stephens moved that the Board of Supervisors **adopt** the resolution approving the Operating Budget for fiscal year 2023, beginning January 1, 2023, and ending December 31, 2023. Ms. Strickland seconded the motion.

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

The motion passed unanimously.

2. A Public Hearing Establishing a new Ferguson Township Schedule of Fees

Ms. Martin noted that provided with the agenda is a copy of the resolution advertised for public hearing establishing a new 2023 Ferguson Township Schedule of Fees.

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

Mr. Gracie-Griffin moved that the Board of Supervisors **adopt** the resolution repealing Resolution 2021-40 and establishing a new Ferguson Township Schedule of Fees for 2023. Ms. Stephens seconded the motion.

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

The motion passed unanimously.

3. Approval of 2023 CRCOG Summary Budget

Ms. Martin stated that at the November 28, 2022, the Centre Region Council of Governments (CRCOG) voted to approve the 2023 (CRCOG) budget and referred it to the participating municipalities for adoption by December 31, 2022. At a previous Regular Meeting, the Board reviewed the 2023 CRCOG Summary Budget and comments from the discussion were forwarded to the CRCOG Executive Director. Below is a link to the 2023 CRCOG Summary Budget presented for adoption:

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

Ms. Stephens moved that the Board of Supervisors **approve** the 2023 Centre Region Council of Governments (CRCOG) Summary Budget. Ms. Strickland seconded the motion. The motion passed unanimously.

4. Update on the Anti-Discrimination Ordinance and Regional Human Resources Committee

Ms. Martin stated that provided with the agenda is a draft version of the Regional Anti-Discrimination Ordinance as well as a copy of draft of the Regional Human Relations Commission. The Regional Human Relations Commission ordinance, if adopted, would adjudicate all complaints related to several protected classes on the basis of housing, employment, and public accommodations. The ordinance would provide for local relief to complainants in lieu of the Pennsylvania Human Relations Commission.

In collaboration with the Township Solicitor and discussions with the State College Borough Manager, the outstanding items involving consideration of protected classes particularly pertaining to support animals, and the dual filing with the Pennsylvania HRC have been addressed within the document.

The items highlighted in yellow are areas to which will be finalized in coordination with the participating municipalities and Solicitors' legal recommendation.

Ms. Dininni questioned who would represent the committee. Ms. Martin stated it was her understanding from past conversations that it would be an MOU and not an ordinance to confirm and define the committee. Each participating municipality would put forth an appointee to represent Ferguson Township, but the actual appointment would be conducted by the State College Borough. Ms. Dininni expressed pause with the Borough issuing the appointments. Mr. Gracie-Griffith stated that he is in favor of the Borough running the committee. Ms. Strickland suggested that a municipality shouldn't hold a majority. Ms. Dininni inquired if Penn State would be eligible to be a member. Ms. Martin stated that she didn't think that it would be supported and could be a conflict of interest.

Ms. Martin reported that three municipalities have confirmed to join, and they are State College Borough, Patton Township, Ferguson Township with a possibly of Millheim Borough.

Ms. Martin read part of the Establishment of a Regional Human Relation Commission that states that the Commission shall consist of seven members who shall serve overlapping terms of three year each. Members of the Commission shall be appointed by the State College Borough. Each municipality that is part of the Commission shall have at least one representative as submitted to the State College Borough Council for appointment to the Commission.

After further discussion regarding the composition of the commission, the Board decided to move forward with the language as is.

Mr. Gracie-Griffin moved that the Board of Supervisors authorize staff to **advertise** for a public hearing for adoption of the Anti-Discrimination Ordinance and Regional Human Relations Ordinance. Ms. Stephens seconded the motion. The motion passed unanimously.

IX. NEW BUSINESS

1. Consent Agenda

a. October Treasurer's Report – for acceptance

Ms. Stephens moved that the Board of Supervisors **approve** the Consent Agenda and **accept** the Treasurer's Report. Mr. Thompson seconded the motion. The motion passed unanimously.

2. Review of Draft Ferguson Township Schedule of Fees

Mr. Endresen noted that provided with the agenda is a copy of the resolution advertised for public hearing establishing taxes and assessments for fiscal year 2023 beginning January 1, 2023 and ending December 31, 2023. Real Estate Tax remains at 2.422 mills. Real Estate Transfer Tax remains at 1.25 percent of the consideration, or value of transfer. Earned Income Tax remains at 1.40 percent and Local Services Tax remains at \$52 per person, \$5 of which is remitted to the State College Area School District and the remaining \$47 is remitted to the Township. There are no changes in the Fire Hydrant Assessment or the Street Light Assessment.

Additionally, the Stormwater Management Utility Fee remains the same as 2022 at \$119 per (ERU) Equivalent Residential Unit for properties inside the Regional Growth Boundary/Sewer Service Area and \$75 per (ERU) Equivalent Residential Unit for properties outside the Regional Growth Boundary/Sewer Service Area.

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

Mr. Thompson moved that the Board of Supervisors **adopt** the resolution levying taxes and assessments for the fiscal year beginning January 1, 2023 and ending December 31, 2023. Ms. Stephens seconded the motion.

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

The motion passed unanimously.

3. Public Hearing on a Resolution of the Township of Ferguson, Centre County, Pennsylvania Repealing Resolution 2021-43 and Adopting a Revised Compensation Plan for Non-Uniformed Employees With an Effective Date of January 1, 2023.

Ms. Martin stated that provided with the agenda is a copy of the resolution advertised for public hearing along with an attachment illustrating the non-uniformed employee pay grades and ranges. For 2023, the Board authorized a 5 percent cost-of-living increase for non-uniformed employees. A revised compensation plan and salary schedule reflects the changes in each pay grade so that the salary ranges are increased by this cost-of-living adjustment. As in prior years, employees will move through their respective pay ranges by achieving merit increases through successful performance evaluations.

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

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution repealing resolution 2021-43 and adopting a revised compensation plan for non-uniformed employees with an effective date of January 1, 2023. Mr. Gracie-Griffin seconded the motion.

ROLL CALL: MS. STEPHENS – YES; MS. STRICKLAND – YES; MS. DININNI – YES; MR. GRACIE-GRIFFITH – YES; MR. THOMPSON – (Mr. Thompson's response was not captured due to spotty reception where he was located).

The motion passed.

4. Public Hearing on a Resolution Establishing Contributions to the Police Pension Fund.

Mr. Endresen stated that in accordance with Pennsylvania Act 205, the Board of Supervisors is required to establish annually a contribution rate, if any, by members of the Police Pension Plan. Provided with the agenda is a copy of the resolution advertised for public hearing.

Based on the Minimum Municipal Obligation Certification dated September 12, 2022, members of the Police Pension Plan will be required to contribute 3 percent of their base salary to the Police Pension Fund in 2023. This contribution rate is below the maximum authorized under Pennsylvania Act 600 and is required due to actuarial determined funding requirements. These member contributions will be added to the municipal contributions in order to keep the plan actuarially sound.

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

Mr. Gracie-Griffin moved that the Board of Supervisors **adopt** the resolution establishing contributions to the Police Pension Fund by its members. Ms. Stephens seconded the motion.

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

The motion passed unanimously.

5. Discussion of 2023 Board of Supervisors Regular Meeting and Worksession Dates.

Ms. Martin noted that provided with the agenda is a copy of the proposed 2023 board of supervisors regular meeting and work session schedule. The Board is asked to consider canceling the first meeting in July and consider moving the regular meeting from Tuesday to Monday on May 16 and November 6. Township Manager also proposes a tentative meeting schedule for the following annual Ferguson Township meeting events:

- Capital Improvement Plan Special Meeting #1, June 27
- Capital Improvement Plan Special Meeting #2, June 29
- Capital Improvement Plan Road Tour, June 21
- Authorities, Boards, and Commission (ABC) Appreciation Event, Thursday, August 17, 2023
- Operating Budget Special Meeting #1, October 24
- Operating Budget Special Meeting #2, October 26

Ms. Martin noted that the Worksession meetings will be held on the second Tuesday of the month with a time to be determined. The dates that were listed in the agenda packet were incorrect.

The Board decided to schedule the Worksession meetings for the second Wednesday of the month at 12:15 p.m. The Board also decided to cancel the first meeting in July as it falls on the 4th of July.

6. Public Hearing Resolution Authorizing an Agreement with Hammertech, for Information Technology Governance and Other Technology Focused Tasks.

Ms. Martin reported that in July of 2022, the Board of Supervisors authorized the Township Manager to execute an agreement with Hammertech to a conduct a Strategic Technology Assessment and vulnerability study. Deliverables for that assessment included Deliverables include a strategic road map informing future decisions on IT-related matters including, but not limited to, IT Staff, staff collaboration, hardware and software, phone systems, and audio/visual equipment. The Township Manager is recommending the board consider the engagement of Virtual Chief Information Officer (vCIO) and consulting services from Hammertech to implement the recommendations resulting from the initial assessment.

As part of the 12-month, \$34,800 agreement Hammertech will assign a vCIO Consultant to lead the project and provide consulting services. The vCIO will assist the Township in reviewing, creating and aligning best practice policies, procedures, and security frameworks to strengthen the overall cyber security posture of the Township. With a primary focus on improving the overall Information Technology Governance for the Township, the vCIO will assist with other technology-focused tasks as part of this 12- month engagement. These tasks include creating RFPs for replacing phone systems and audio/visual technology, assisting with job descriptions and recruitment of IT staff, and development of an IT strategic plan.

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

Mr. Gracie-Griffin moved that the Board of Supervisors **conduct** a public hearing, adopt the resolution, and authorize Township Manager to execute the Agreement with HammerTECH. Ms. Stephens seconded the motion.

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

The motion passed unanimously.

7. Request for Modification/Waiver - 111 N Butz Street – Hair Studio 111

Ms. Wargo stated that on December 2, 2022, Judy Brooks requested a modification from Chapter 22 – 5C01.1.B.(2) – Off-Street Parking and Loading. This section of the ordinance includes the parking calculations for required parking spaces on a site.

Ms. Brooks has been operating her business, Hair Studio 111, at 111 N. Butz Street since 2008 and has experienced significant business growth. She is requesting to add an additional stylist chair to accommodate her growing business.

Currently, the parking requirement for personal service establishments is one (1) space per 200 square feet of net floor area or two (2) parking spaces per customer chair, whichever is greater. With the additional chair, the applicant would be required to provide two (2) additional parking spaces on site. Ms. Brooks is proposing to utilize onstreet parking that is located in front of her business to satisfy the requirements.

Staff reviewed the request and are recommending the Board of Supervisors approve the request because on-street parking is provided directly in front of the business and the building footprint (occupancy) isn't changing.

The Planning Commission reviewed and is recommending that the Board grant the modification/waiver. Ms. Wargo reviewed a slide of the area.

Ms. Strickland moved that the Board of Supervisors **grant** the modification from §22- 5C01.1.B.(2) - Off-Street Parking and Loading requirements for Hair Studio 111. Ms. Stephens seconded the motion.

Ms. Strickland asked that if the parking study would eliminate the spaces are there are other spaces nearby that can be utilized. Mr. Wargo stated that currently there is not.

Mr. Modricker explained the scope and purpose of the parking study. Mr. Modricker stated that he hadn't seen the parking study but did share the concerns that Ms. Rhonda Stern brought forward.

Ms. Dininni asked if lines need to be painted to allow for on-street parking to meet the conditions of a land development. Ms. Wargo reported that the Township does not require painted lines in order to count those on-street parking spaces.

Mr. Gracie-Griffin noted that the concern that was stated during the Public Comment was focused on the intersection of College Avenue, but this business is not right on College Avenue.

The motion passed unanimously.

X. COMMUNICATIONS TO THE BOARD

Mr. Gracie-Griffin received a communication from a resident who is concerned with how the Stormwater Fee is applied to multi-residential dwellings. Mr. Modricker stated that there has been a lot of discussion and there will be further discussions in the future.

Ms. Dininni stated that she had a communication that she forgot to mention at the last meeting. The communication was in regard to what had happened at the General Forum meeting.

XI. CALENDAR ITEMS – DECEMBER

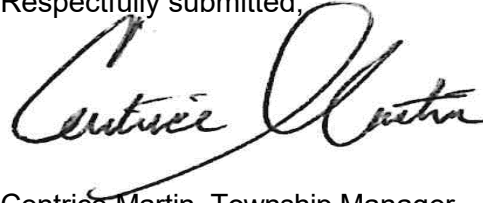
- a. Planning Commission, December 12
- b. Pine Grove Mills Small Area Plan Advisory Committee - December 15

- c. Administrative office closed Monday, December 26 in observance of the holiday

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting was adjourned at 9:02 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Centrice Martin". The signature is fluid and cursive, with a large initial "C" and "M".

Centrice Martin, Township Manager
For the Board of Supervisors

Date approved by the Board: 01/03/2023