

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, April 4, 2023

ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, April 4, 2023 as a hybrid meeting. In attendance were:

Board: Lisa Strickland, Chair
Patti Stephens, Vice Chair
Laura Dininni
Corey Gracie-Griffin
Jeremie Thompson

Staff: Centrice Martin, Township Manager
Jaymes Progar, Assistant Township Manager
Dave Modricker, Director, Public Works
Jenna Wargo, Director, Planning and Zoning
John Petrick, Chief of Police
Betsy Dupuis, Township Solicitor

Others in attendance included: Rhonda Demchak, Recording Secretary; Omari Patterson, CATA; Kevin Abbey, Spring Creek Watershed; Denise McCann, Centre Helps; Jeannine Lozier, CBICC

I. CALL TO ORDER

Ms. Strickland called the Tuesday, April 4, 2023, regular meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

III. ANNOUNCEMENTS

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. Strickland reported that they received a request for a discussion on a grant match request from Centre Markets and that it will be on the agenda at the next meeting on April 12th at 1:15 p.m.

IV. PUBLIC INPUT

There were none.

V. APPROVAL OF MINUTES

1. March 21, 2023 – Board of Supervisors Regular Meeting Minutes
2. February 27, 2023 – Board of Supervisors Special Meeting Minutes

Ms. Stephens moved that the Board of Supervisors **approve** the regular meeting minutes of March 21, 2023, and the February 27, 2023 special meeting minutes. Ms. Dininni seconded the motion. The motion passed unanimously.

VI. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT

1. Centre Area Transportation Authority, Mr. Omari Patterson

Mr. Patterson reported that the executive director resigned, CNET is an option for CATA, and that CATA is not going to engage in the SPPA. Any further feedback should be emailed to Mr. Patterson.

Ms. Dininni agrees that CNET is a valuable tool.

2. Spring Creek Watershed, Mr. Kevin Abbey

Mr. Abbey stated that his report is included in the agenda packet. Mr. Abbey reported that the by-laws were adopted and in place.

VII. SPECIAL REPORTS

1. Diversity, Equity, and Inclusionary Initiatives – Arab-American Heritage Month, Child Abuse Prevention Month, World Autism Month, International Dark Sky Week 4/17-23, Ramadan Ends 4/20, Earth Day 4/22, Arbor Day 4/28

2. Township and Fiscal Responsibility – Ms. Denise McCann with Centre Helps

Ms. McCann reviewed their [annual report](#) via a PowerPoint.

3. Community and Economic Development – none.

4. Environment – none.

VIII. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

a. Parks and Recreation Governance Committee

Ms. Stephens reported they had a discussion on perceived problems. They were tasked to research the history and read the authority agreements.

Ms. Dininni expressed concerns with the Township paying the most out of all the municipalities.

b. Facilities Committee

IX. STAFF REPORTS

a. Manger's Report

b. Public Works Director Report

c. Planning and Zoning Report

All reports were included in the agenda packet.

X. UNFINISHED BUSINESS

There was no unfinished business.

XI. NEW BUSINESS

1. Consent Agenda

- a. Contract 2022-C19 Mid-State Roofing 46,443.00
- b. Sheetz at Harner Surety Reduction No. 6: \$50,364.28 (revised surety amount \$0.00)
- c. Board Member Request – Discussion on reviewing lighting ordinance.

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

2. Resolution Tax Assessment Appeal

Ms. Martin noted that provided with the agenda packet is a resolution for the Board to formally accept and approve the settlement for the tax assessment appeal for Tax Parcel Numbers 24-012-,016-,0000, 24-012-,018-, 0000-, and 24-012-029-,0000.

Ms. Dininni moved that the Board of Supervisors **adopt** the resolution to authorize the Tax Assessment Appeal for Parcel No. 24-012-,016-,0000-, 24-012-,018-,0000-, and 24-012-029-,0000. Ms. Stephens seconded the motion.

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

The motion passed unanimously.

3. Resolution Professional Services

Mr. Modricker stated that the 2023 operating budget contains funds to remodel certain portions of the administrative building to convert some open office areas to enclosed office areas. The services of an architect are necessary to prepare drawings and specifications for a code permit and to obtain construction bids. byDesign Consultants, Inc. performed a “space study” for the Township in the past and prepared the drawings for the most recent building renovation project.

Ms. Stephens moved that the Board of Supervisors **authorize** the Township Manager to sign a professional services agreement with byDesign Consultants, Inc. in an amount not to exceed \$27,360.00. Ms. Dininni seconded the motion.

Ms. Martin stated that they need to establish office spaces for the four newly hired staff positions.

Mr. Thompson expressed concerns because there were renovations back in 2019. Ms. Martin stated that since 2019 the staffing levels have increased.

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

The motion passed unanimously.

4. Proclamation Public Works Week

Ms. Martin stated that provided with the agenda is a link to the draft Proclamation to officially observe Public Works Week during the third full week of May to recognize the important work done by public works. The American Public Works Association (APWA) announced, "Connecting the World Through Public Works" as the theme for the 2023 National Public Works Week Poster.

Ms. Stephens moved that the Board of Supervisors **adopt** the proclamation designating May 21 through May 27, 2023, as Public Works in Ferguson Township. Mr. Thompson seconded the motion.

Mr. Modricker thanked the Board for the proclamation.

The motion passed unanimously.

5. Proclamation Police Week

Ms. Martin noted that provided with the agenda is a link to the draft Proclamation to officially observe Police Week during the second full week of May. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to the law enforcement officers who have lost their lives in the line of duty for the safety and protection of others.

Mr. Thompson moved that the Board of Supervisors **adopt** the proclamation designating May 14 through May 20, 2023, as Police Week in Ferguson Township. Ms. Stephens seconded the motion.

Chief Petrick reported that the annual Centre County Law Enforcement Memorial Service will be held on May 17th on the steps of the Centre County Courthouse at noon. Chief Petrick thanked the Board for the proclamation.

The motion passed unanimously.

6. Proclamation Bike Month

Ms. Martin stated that Ferguson Township supports the continued efforts of CentreBike and the Centre Regional Planning Agency to promote bicycle riding, of all types, throughout the Centre Region. Ferguson Township recognizes that biking is a healthy, convenient, financially, and an environmentally sound form of transportation and an excellent tool for recreation and physical fitness enjoyment of Centre County's scenic beauty, natural attractions and friendly neighborhoods. In partnership with the Centre County Council of Governments (CRCOG), the Township designates May 2023 as "Bike Month", May 15 through May 21, 2023, as "Bike-To-Work Week", and May 19, 2023 as both "Bike-To-Work Day" and "Centre Region Spring Bike Anywhere Friday."

Ms. Stephens moved that the Board of Supervisors **adopt** the proclamation designating May 2023 as "Bike Month", May 15 through May 21, 2023, as "Bike-To-Work Week", and May 19, 2023 as "Centre Region Spring Bike Anywhere Friday." Mr. Thompson seconded the motion. The motion passed unanimously.

7. Proclamation Public Service Recognition Week

Ms. Martin reported that provided with the agenda is a draft Proclamation to officially observe Public Service Recognition Week during the first full week in May, May 7 through May 12, 2023. During Public Service Recognition Week, all Ferguson Township employees are recognized for the critical role each play in working toward enhancing the quality of life of residents.

Ms. Stephens moved that the Board of Supervisors **adopt** the proclamation designating May 7 through May 12, 2023, as Public Service Recognition Week. Mr. Thompson seconded the motion. The motion passed unanimously.

8. Proclamation Emergency Medical Services Week

Ms. Martin stated that provided with the agenda is a draft Proclamation to officially recognize the week of May 21 through May 27, 2023, to be Emergency Medical Services Week in Ferguson Township, and encourages all residents to join the Township to recognize prehospital and hospital Emergency Medical Service practitioners for the many hours they spend preparing for and delivering care to the residents and visitors within our communities.

Mr. Thompson moved that the Board of Supervisors **adopt** the proclamation designating May 21 through May 27, 2023, as Emergency Medical Services Week. Ms. Stephens seconded the motion.

Mr. Thompson plugged the EMS for those who can support them through their membership drives.

Ms. Dininni indicated that her preference would have been spending the agenda time discussing the potential of establishing a regional authority and/or establishing COG funding for emergency services.

The motion passed unanimously.

9. Award Contract 2023-C6 Curb Ramp Upgrades

Mr. Modricker stated that on March 28, 2023 bids were opened publicly and read out loud for contract 2023-C6. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves curb and ramp upgrades at road intersections and crosswalks as needed to comply with ADA standards associated with roads that receive paving or microsurfacing. Other municipalities may piggyback on this contract. Provided with the agenda is an award recommendation memorandum from Ryan Scanlan, Assistant Township Engineer summarizing the bids received. Mr. Modricker reviewed the five bids that were submitted.

Ms. Stephens moved that the Board of Supervisors **award** Contract 2023-C6 Curb and Ramp Upgrades to Big Rock Paving LLC. in the amount of \$62,656.50. Mr. Thompson seconded the motion. The motion passed unanimously.

10. Award Contract 2023-C8 Pavement Markings

Mr. Modricker stated that on March 28, 2023 bids were opened publicly and read out loud for contract 2023-C8. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves painting lines and legends on roads. Also included is pavement marking eradication where necessary in advance of microsurfacing. 11 other municipalities piggyback on this contract. Ferguson Township's share of this contract amounts to \$131,713.26. Provided with the agenda is an award recommendation memorandum from Ryan Scanlan, Assistant Township Engineer summarizing the bids received. Mr. Modricker stated there was only one bid that was submitted.

Ms. Stephens moved that the Board of Supervisors **award** Contract 2023-C8 Pavement Markings to Alpha Space Control Co., Inc. in the amount of \$385,434.63. Mr. Gracie-Griffin seconded the motion.

Mr. Thompson asked if there is a consideration to not paint every year. Mr. Modricker stated that they have considered and noted that they are not painted every year.

The motion passed unanimously.

11. Award Contract 2023-C9 Microsurfacing

Mr. Modricker stated that on March 28, 2023 bids were opened publicly and read out loud for contract 2023-C9. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves microsurfacing (a pavement preservation process) various roads in the Township. Other municipalities may piggyback on this contract. Harris Township is piggybacking this year. Ferguson Township's share of the total contract cost is \$479,278.20. Provided with the agenda is an award recommendation memorandum from Ryan Scanlan, Assistant Township Engineer summarizing the bids received.

Ms. Stephens moved that the Board of Supervisors **award** Contract 2023-C9 Microsurfacing to Asphalt Paving Systems, Inc. in the amount of \$507,288.70. Mr. Gracie-Griffin seconded the motion. The motion passed unanimously.

12. Discussion on HVAB Grant Award

Ms. Martin reported that the Township received a grant award in the amount of \$8,000 from Happy Valley Adventure Bureau Agritourism (HVAB). Provided with the agenda is a copy of the application and guideline requirements for use of funds. The application proposes that the grant funds would be used for signage to promote the Rt. 45 Getaways Event or TODD Signage. Ms. Martin noted that the Township has one year to use the funds and would like the Board to determine how the funds will be used.

Ms. Martin stated that they would need to get a cost estimate for all signage.

Ms. Stephens stated that it sounded like we need a time extension. Ms. Strickland and Mr. Thompson concurred that a time extension is needed. Ms. Martin stated that the deadline is at the end of April.

Ms. Stephens moved that the Board of Supervisors **file** an extension for the HVAB Grant Award. Mr. Thompson seconded the motion. The motion passed unanimously.

Ms. Dininni stated that Lemont and Millheim have banners but Ferguson Township does not. Ms. Dininni questioned why the Township can't.

Ms. Stephens moved that the Board of Supervisors **table** the discussion on the HVAB Grant Award. Mr. Thompson seconded the motion. The motion passed unanimously.

13. Discussion on CBICC Contribution Request

Ms. Martin stated that this agenda item is for the Board to discuss and consider a request for a monetary contribution from the Chamber of Business and Industry of Centre County (CBICC).

Ms. Jeannine Lozier, VP of Membership Engagement, CBICC reported that they are the leading economic development entity for the county, and they ask all municipalities to contribute. The contributions are used for economic development. There are two big projects for the upcoming year and that is an economic development strategic plan for the county and an economic council.

Ms. Martin reviewed the letter that was included in the agenda packet.

Ms. Dininni stated that she hears from business owners that the CBICC doesn't support their needs, and at this time, she would not support. Ms. Dininni would like to see the relationship grow and would like to see more effort made for ag ventures and for hospitality.

Ms. Stephens concurred with Ms. Dininni and stated that the contribution request is for the hiring of a position.

Ms. Thompson expressed concerns and would take the funds to invest in projects that bring a direct benefit to the Township. Mr. Gracie-Griffin concurred with Mr. Thompson.

Ms. Strickland agreed with the comments from the other supervisors.

The Board agreed not to make a donation.

14. Waiver Request – 1647 W Gatesburg Rd

Ms. Wargo stated that on March 17, 2023, Douglas Schaffer requested a waiver from Chapter 22-306.3 – Minor Land Development Plan. Mr. Schaffer is proposing to convert an existing second-floor garage space into an apartment. The property is located at 1647 West Gatesburg Road (24- 006-001A-0000) and is zoned Rural Agriculture (RA). The property is approximately 12.84 acres.

The applicant is requesting a waiver from providing a Minor Land Development Plan since it is an existing garage, and the application is converting the second floor storage space into an apartment. The applicant has proposed submitting a Zoning and Building Permit with required documents.

Included in the agenda are the proposed drawings from the applicant. Staff and Planning Commission have reviewed the request and is recommending approval of the waiver from §22-306—Minor Land Development Plan to the Planning Commission.

Ms. Stephens moved that the Board of Supervisors **grant** the Application for a Waiver from §22-306—Minor Land Development for 1647 West Gatesburg Road. Mr. Gracie-Griffin seconded the motion. The motion passed unanimously.

15. IMBT Subdivision - Time Extension Request

Ms. Wargo reported that provided in the agenda is a time extension request for the IMBT Subdivision Plan. The Board granted approval with conditions at the September 6, 2022 meeting and per Resolution 1996-17, staff are only permitted to accept three (3) time extensions after a plan has received approval with conditions.

Also provided in the agenda is a memorandum from the Township Engineer, describing the work performed by the applicant to meet the conditions of approval and recommending that the Board grant an additional time extension.

Ms. Stephens moved that the Board of Supervisors **grant** the time extension for the IMBT Subdivision Plan. Mr. Thompson seconded the motion. The motion passed unanimously.

16. Zoning Variance – 3189 W Pine Grove Rd

Ms. Wargo reported that on March 23, 2023, Derek Lucas submitted an application for a variance hearing at 24-008- 008A-0000 and 24-008-005-0000. The property is zoned Rural Agricultural (RA), and the application is requesting variances from the minimum 50-acre lot size requirement (§27- 205.1) and the result of this subdivision would create two nonconforming lots (§27-205.1) which is not permitted in the Zoning Ordinance.

The applicant would like to adjust the lot line between tax parcel 24-008-008A-0000 (0.17 AC reduction) and 24-008-005-0000 (0.17 AC addition) in order to remediate two nonconforming sheds and fence in

ownership of Mr. Lucas. At the time the property was purchased by Mr. Lucas, it was believed that the sheds and fence were located on his property. After the completion of the survey, it was determined that the two sheds and fence were encroaching onto the lands of David G. Burket Living Trust (24-008-008A-0000).

Ms. Dininni noted that “newly non-conforming” could have been added in the ordinance rewrite.

Ms. Stephens moved that the Board of Supervisors remain **neutral** on the variance. Mr. Gracie-Griffin seconded the motion.

Ms. Dupuis stated that the ordinance is a legislative issue and can be changed, but generally the Board supports the ordinance.

The motion passed unanimously.

17. Zoning Appeal – 1004 W College Ave

Ms. Wargo reported that on March 24, 2023, Charles Suhr, Stevens & Lee, submitted an application for an appeal hearing at 24-002A-057-0000, on behalf of the property owner, 1004 West College LLC. The property is zoned Terraced Streetscape (TS).

The applicant is appealing the Director of Planning & Zoning's determination of §27- 304.3.B.(3) which permits applicants to designate 15% of the residential units in a vertical mixed-use building as age-restricted units, then an additional 20 feet (75 feet) of height may be added to the permitted maximum height (55 feet) and §27-716, Workforce Housing, which requires that workforce units either be built on site, a fee-in-lieu, or built off-site.

The applicant is proposing to restrict the age-restricted units to at least one individual be 21 years and older and is appealing the amount of Fee-in-Lieu the applicant would need to pay for the Workforce Units that would be required with the proposed development.

Ms. Strickland stated she would oppose and noted that it would be appropriate to have the Solicitor and a Township Representative attend.

Ms. Dupuis stated that when the original appeal was filed it was not clear that it was a validity challenge, but it has been clarified by Mr. Suhr on behalf of his client. Ms. Dupuis stated that when there is a validity challenge the Board needs to step in. Ms. Dupuis stated that the staff has done an admirable job on this project.

Mr. Gracie-Griffin moved that the Board of Supervisors **oppose** the appeal. Ms. Stephens seconded the motion. The motion passed unanimously.

XII. COMMUNICATIONS TO THE BOARD

Ms. Stephens noted that on North Allen Street in Overlook Heights there is a resident that has a designated handicap parking space but unfortunately the resident no longer lives there. Ms. Stephens asked what would happen to the parking space. Mr. Modricker stated he will follow up on this, but typically it would just be removed.

Ms. Stephens reported she had several emails regarding Centre Kitchen.

Mr. Thompson received a communication thanking him for the parking study discussion regarding Baileyville Hall. Mr. Thompson received a communication opposing the cancellation of Coffee & Conversations. Mr. Thompson received several emails in support of Centre Markets.

Ms. Stephens reported that she received a comment that some can't hear the Board clearly via zoom.

Ms. Dininni asked if there is a schedule of auctions at the community hall. Mr. Bill Keough, Ferguson Township Resident, reported that the auctioneer leases the hall, so the hall doesn't necessarily advertise all their events. All auctions are advertised in the Centre Daily Times.

Ms. Dininni stated that she had a communication from an air quality expert who validated her concerns with burning of motor oil. Ms. Dininni is interested in an ordinance prohibiting the burning of motor oil. Ms. Strickland suggested that Ms. Dininni submit via a Consent Agenda.

Ms. Dininni reported she had several communications on the Centre Markets.

Ms. Strickland received communications on Centre Markets and the parking study.

XIII. CALENDAR ITEMS – APRIL

- a. Spring HOA Forum – April 5
- b. Planning Commission, April 10, 24
- c. Parks & Recreation Committee, April 13
- d. Tree Commission, April 17
- e. Pine Grove Mills Small Area Plan Advisory Committee, April 27

XIV. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The motion passed unanimously. The meeting was adjourned at 8:57 p.m.

Respectfully submitted,



Centrice Martin, Township Manager
for the Board of Supervisors

Date approved by the Board: 04-18-2023