

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, May 15, 2023

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, May 15, 2023 as a hybrid meeting. In attendance were:

Board:	Lisa Strickland, Chair	Staff:	Centrice Martin, Township Manager
	Patti Stephens, Vice Chair		Jaymes Progar, Assistant Township Manager
	Laura Dininni		Jenna Wargo, Director, Planning and Zoning
	Corey Gracie-Griffin		John Petrick, Chief of Police
	Jeremie Thompson		

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Ferguson Township Resident and Ferguson Township Planning Commission member; Nalini Krishnankutty, State College Borough Council member; Representative Scott Conklin; Detective Caleb Clouse, Ferguson Township Police Department; Sergeant Adam Hartswick; Morgen Hummel; Walt Schneider, Director of Centre Region Code Administration

I. CALL TO ORDER

Ms. Strickland called the Monday, May 15, 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 they had an Executive Session on May 10th regarding land acquisition and personnel.

- a. A Proclamation of the Township of Ferguson, Centre County, Pennsylvania to recognize May 2023 as Asian American and Pacific Islander Heritage Month.

Ms. Nalini Krishnankutty, State College Borough Council member, thanked the Board and Manager for the proclamation. Ms. Krishnankutty acknowledged Sandy Fong and Grace Chang who are residents of Ferguson Township. Ms. Krishnankutty reported there are over 11,000 Asian Pacific Islander Desi American living and working in Centre County. Ms. Strickland read the proclamation that was included in the agenda packet.

Mr. Thompson moved that the Board of Supervisors **adopt** the Proclamation. Ms. Stephens seconded the motion. The motion passed unanimously.

- b. A Proclamation of the Township of Ferguson, Centre County, Pennsylvania to recognize Ferguson Township Police Department for outstanding achievement lead by Detective Caleb Clouse.

Detective Clouse thanked the Board for the proclamation and noted that the case was a team effort. Ms. Strickland read the proclamation that was included in the agenda packet. Chief Petrick thanked Detective Clouse and the team for their excellent work.

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

- c. A Proclamation of the Township of Ferguson, Centre County, Pennsylvania to recognize and honor Sergeant Adam Hartswick.

Sergeant Hartswick thanked the Board for the proclamation and accepted it on behalf of all his fallen brothers and the wounded from May 14, 2013.

Representative Scott Conklin spoke about Sergeant Hartswick's recovery and excelling in life.

Ms. Dininni thanked Sergeant Hartswick for his service and thanked the Township.

Ms. Morgan Hummel, Sergeant Hartswick's mother read the proclamation that was included in the agenda packet.

Mr. Gracie-Griffin moved that the Board of Supervisors **adopt** the Proclamation. Mr. Thompson seconded the motion.

Ms. Stephens thanked Sergeant Hartswick and expressed appreciation.

Mr. Thompson, Mr. Gracie-Griffin, and Ms. Strickland thanked Sergeant Hartswick for his service.

The motion passed unanimously.

IV. PUBLIC INPUT

There were none.

V. APPROVAL OF MINUTES

- 1. May 2, 2023 – Board of Supervisors Regular Meeting Minutes

Ms. Stephens moved that the Board of Supervisors **approve** the regular meeting minutes of May 2, 2023. Mr. Gracie-Griffin seconded the motion. The motion passed unanimously.

VI. AUTHORITIES, BOARDS, AND COMMISIONS REPORT

There were no reports.

VII. SPECIAL REPORTS

- 1. Diversity, Equity, and Inclusionary Initiatives and Acknowledgements – Jewish-American Heritage Month, National Asian American and South Pacific Islander Heritage Month, Bike Month, Police

Week, 5/15-21, EMS Week 5/21-27, Public Works Week 5/21-27, Administrative Offices Closed for Memorial Day 5/29.

2. Township and Fiscal Responsibility – no report.
3. Community and Economic Development – no report.
4. Environment – no report.

VIII. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

a. Human Resources Committee

Mr. Thompson reviewed the agenda from May 3rd that was included in the agenda packet.

b. Land Use and Community Infrastructure/Centre Region Planning Commission

Ms. Strickland reviewed the agenda that was included in the agenda packet.

c. Climate Action & Sustainability Committee – Cancellation notice

d. Public Safety Committee

Ms. Stephens stated that her report is included in the agenda packet.

e. Facilities/Finance Committee

Ms. Dininni stated that most of the meeting was spent on a sub section of the Capital Improvement Plan (CIP) regarding the engineering/design of the restroom and concession stand at Hess Field with adding the construction into the CIP.

Mr. Gracie-Griffin expressed frustration and concerns that other Townships are pushing to increase the CIP. Mr. Gracie-Griffin stated that even though Ferguson Township has a much larger share of the cost of all the parks, Ferguson Township will have the same amount of votes as smaller townships and it should be addressed.

The Board discussed and agreed that if the Millbrook Marsh is in the regional park system a different funding model needs to be discussed with the COG. Ms. Strickland will take the item to the Executive Committee.

Mr. Gracie-Griffin moved that the Board of Supervisors **charge** Chair Strickland to take to the Executive Committee of the COG to discuss the Millbrook Marsh, its relationship to the regional parks, the funding formula, and its governance structure. Ms. Stephens seconded the motion. The motion passed unanimously.

IX. STAFF REPORTS

a. Manager's Report

Ms. Martin stated that her report is included in the agenda packet.

b. Public Works Director Report

Mr. Modricker's report is included in the agenda packet.

c. Planning and Zoning Report

Ms. Wargo's report is included in the agenda packet.

d. Chief of Police

Chief Petrick noted that his report is included in the agenda packet.

X. UNFINISHED BUSINESS

XI. NEW BUSINESS

1. CONSENT AGENDA

- a. Agreement for phone replacement
- b. Acceptance of Ms. Shannon Holliday's resignation, with regrets, from Pine Grove Mills Small Area Plan Advisory Committee
- c. Reject Bid 2022-C16 Accessible Pedestrian Signals and Ramp Upgrades Bids and Cancel Contract.
- d. Pay Application: 2018-C20U Park Hills Drainage; \$98,287.19
- e. Pay Application: Myco Mechanical, Inc. for payment 2 for contract 2022-C20; \$102,663.00
- f. Approve joining the Pennsylvania Municipal League and other Pennsylvania Local Government Associations in an Amicus Curiae brief in support of the Borough of West Chester in its appeal to the Pennsylvania Supreme Court concerning the Commonwealth Court's ruling in West Chester Borough vs. PA State System of Higher Education and West Chester University.
- g. Rescind Resolution No. 2023-10 as Happy Valley Adventure Bureau will transfer the grant application to Millheim Borough for the grant administration of the Rt. 45 Getaways Event.

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

2. Public Hearing Certifying Local Match for CATA Fiscal Year 2023-2024

Ms. Martin noted that provided with the agenda is a copy of the resolution establishing the Township's contribution to the Centre Area Transportation Authority (CATA) for operating funds in an amount of \$137, 248.00 and capital funding in an amount of \$18,595.00 for the CATA fiscal year beginning July 1, 2023, and ending June 30, 2023. Contributions for the 2022 – 2023 CATA fiscal year totaled \$129,976.00 for operating funds and \$17,620.00 for capital funding.

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

Mr. Gracie-Griffin moved that the Board of Supervisors **adopt** the resolution certifying provision of local match for State Operating and Capital Financial Assistance to the Centre Area Transportation Authority for fiscal year 2023 – 2024. Ms. Stephens seconded the motion.

Ms. Dininni asked if the funding formula will be reviewed. Ms. Strickland reported that it will be evaluated. Ms. Martin reported that a committee is revising the formula and that it will be in place for next year.

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

3. Public Hearing Authorizing Filing of Grant Application to Appalachian Regional Commission (ARC)

Ms. Martin noted that provided with the agenda is a copy of the resolution for authorization for a grant application submission to Appalachian Regional Commission. This opportunity is for a grant match to obtain a consultant for assistance with design and development of a master plan pursuing economic and enterprise strategies that promote economic diversification from within the Township. The Appalachian Regional Commission administers the Area Development Program and relies on a flexible “bottom up” approach to economic development, empowering communities to design impactful investment opportunities that support their mission and investment priorities.

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

Ms. Stephens moved that the Board of Supervisors **adopt** the resolution and authorize the Township Manager to file a grant application with the Appalachian Regional Commission. Mr. Gracie-Griffin seconded the motion. The motion passed unanimously.

Ms. Dininni had questions about the process and costs. Mr. Gracie-Griffin stated that he has worked with the organization ARC and they will not force the Township to do anything they do not want to do.

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

4. Public Hearing Authorizing Submission of Grant Application from PADOT for 2024-2026 Traffic Safety

Chief Petrick noted that provided with the agenda is a copy of the resolution authorizing the submission of the Pennsylvania Department of Transportation’s FFY2024-2026 Police Traffic Services Enforcement Grant Program. The grant will provide funding for enforcement activities in Ferguson Township, Patton Township, Spring Township, State College Borough, and the Centre County Sheriff’s Department. The grant encompasses funding for DUI enforcement, Aggressive Driving, Unrestrained drivers (seat belts) Enforcement and Pedestrian Safety.

According to early estimates of 2022 crash data, approximately 445 traffic-related fatalities involved an impaired driver, 352 motorists were fatally injured while unrestrained, 116 lost their lives in an aggressive driving-related crash, 166 people died due to speeding crashes and 184 pedestrians were killed. This grant program is aimed at addressing the largest contributing factors resulting in a traffic-related fatality. These factors include impaired driving, seat belt usage, aggressive driving/speeding, and pedestrian safety.

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

Mr. Thompson moved that the Board of Supervisors **adopt** the resolution authorizing the submission of an application for a grant from Pennsylvania Department of Transportation’s FFY2024-2026 Police Traffic Services Enforcement Grant Program and authorizing the Township Manager to sign all documents related to the grant on behalf of the Township. Ms. Stephens seconded the motion.

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

5. Public Hearing Repealing Resolution 2006-24 & Adopting Amended Procurement Policy

Ms. Martin noted that provided with the agenda is an updated version of the 2006 procurement card policy that details the management for process and practice for the use of Township procurement cards.

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

Mr. Thompson moved that the Board of Supervisors **repeal** Resolution 2006-24 and **adopt** the resolution to amend the purchasing and procurement policy. Mr. Gracie-Griffin seconded the motion.

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

6. Discussion – Update to Centre Region Building Safety & Property Maintenance Code

Ms. Martin reported that Centre Region Code Administration proposes changes to the Centre Region Building Safety and Property Maintenance Code, 2017 edition (PM Code). Centre Region Code Administration conducted a participatory process with stakeholders to receive input for changes to the Code. Provided with the agenda is a copy of the changes in track changes. On May 2, 2023, Walt Schneider, Director of Centre Region Code Administration, provided an overview of the amendment to staff. The Board of Supervisors is asked to discuss the Code prior to the enactment tentatively scheduled for June. Mr. Schneider is in attendance to discuss the amendment with the Board. The Board is asked to continue the review of the code, provide feedback for additional information, and raise any questions regarding proposed amendments. No action is required.

Mr. Schneider discussed the three major changes that included Chapter 11, bringing the document up to date regarding code language, and required notifications for inspections and right of entry.

Mr. Schneider discussed the temperature range in Section 602.2 on page 263 of the agenda packet.

Ms. Dininni suggested that Ferguson Township include visibility sections like the Borough has. Mr. Schneider noted that he did not need a motion because the Board will review a proposed ordinance in June 2023.

Ms. Strickland expressed concerns with tenants needing to supply their utilizing costs to the landlords.

7. Zoning Variance - 2616 Tadpole Road

Ms. Wargo stated that on April 24, 2023, Merle Eyer submitted an application for a variance hearing at 24-006-046B-0000. The property is zoned Rural Residential (RR) and the applicant is requesting a variance from the RR setback requirements to add an addition to the 20' x 30' existing structure. The additional would encroach 10' into the setback.

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

Ms. Wargo stated that the structure was built prior to the Township's zoning ordinance.

The motion passed unanimously.

XII. COMMUNICATIONS TO THE BOARD

Mr. Thompson reported that he received a communication regarding tall grass and forwarded it to Township staff.

XIII. CALENDAR ITEMS –MAY

- a. Election Day, May 16
- b. Planning Commission Meeting, May 22
- c. Spring Bulk Waste Collection, May 22-26
- d. Pine Grove Mills Small Area Plan Advisory Committee, May 25

XIV. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting with Ms. Strickland seconding the motion. The motion passed unanimously. The meeting was adjourned at 9:32 p.m.

Respectfully submitted,



Centrice Martin, Township Manager
for the Board of Supervisors

Date approved by the Board: 06-06-2023