

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, June 21, 2022

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, June 21, 2022 as a hybrid meeting. In attendance were:

Board:	Laura Dininni, Chair	Staff:	Centrice Martin, Township Manager
	Lisa Strickland, Vice Chair		Jaymes Progar, Assistant Township Manager
	Hilary Caldwell		Ron Seybert, Township Engineer
	Patty Stephens		Jeff Ressler, Zoning Administrator
	Tierra Williams		

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Ferguson Township Planning Commission, and resident; Mark Torretti, PennTerra; Carl Raup, Ferguson Township Resident; Jason Moser, Ferguson Township Resident; Josh Portney, Legislative Assistant, Rep. Scott Conklin's office; Nicholas Himebaugh, Democratic Executive Director of the House State Government Committee; Ms. Shova Sivaprasad Wadhia, Associate Dean for Diversity, Equity, and Inclusion at PSU

I. CALL TO ORDER

Ms. Dininni called the Tuesday, June 21, 2022, regular meeting to order at 7:00 p.m.

Ms. Martin 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 moved that the Board of Supervisors **amend** the agenda to add first under unfinished business a question-and-answer session regarding Rep. Scott Conklin's legislation banning domestic violence convicts from holding public office. Ms. Stephens seconded the motion. The motion passed unanimously.

II. CITIZENS INPUT

Mr. Carl Raup of 2456 Sassafras Court, expressed displeasure with a residence who will shoot off fireworks at any time with no respect for others or their pets. Mr. Raup suggested that if a permit is required to have the permittee alert the neighbors of impending fireworks.

Ms. Martin shared that there is a noise permit process available on-line.

Chief Albright reported that the resident in question obtained a noise permit and alerted adjacent property owners. Chief Albright notified the Saybrook Homeowners Association and Greenleaf Manor Homeowners Association.

Mr. Nicholas Himebaugh from Rep. Conklin's office reported that there are currently two proposed bills, H.B.988 and H.B. 1628 that would address Mr. Raup's issue.

III. APPROVAL OF MINUTES

Ms. Williams moved that the Board of Supervisors **approve** the June 7, 2022, Board of Supervisors Regular meeting minutes and the June 14, 2022, Worksession meeting minutes. Ms. Stephens seconded the motion. The motion passed unanimously.

IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT

- a. University Area Joint Authority – Mr. Kunkle was not present, but Ms. Strickland noted that the report was included in the agenda. Ms. Strickland highlighted that UAJA will have sheep housed at the solar array.

V. SPECIAL REPORTS

- a. Diversity, Equity, and Inclusionary Initiatives – no report.
- b. Township and Fiscal Responsibility – no report.
- c. Community And Economic Development – no report.
- d. Environment – no report.

Ms. Dininni reported that today was the Community Diversity Group one day conference and stated that it was great, and Ms. Williams was a presenter.

VI. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Climate Action and Sustainability Committee

Ms. Caldwell stated that the agenda is in the report and highlighted the following:

- Technical Advisory Group
- Rescinding the motion made on April 11, 2022, that asked the General Forum for its endorsement of Resolution 2022-3 calling on the United States Congress to enact the Energy Innovation and Carbon Dividend Act.
- Program Plan Updates and Five-Year Outlook
- Refuse and Recycling
- ICLEI
- Dashboard of Climate Action and Adaptation Plan – Local Government Actions

- b. Public Safety Committee

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

- c. Facilities Committee

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

Ms. Dininni asked for an update on the Whitehall Regional Park. Ms. Stephens reported that its going good, pads have been poured for parking, work has begun with the restroom facilities, and the seating will not be done until the fall.

d. Finance Committee

Ms. Dininni reported that the meeting was cancelled.

2. OTHER COMMITTEE REPORTS

There were none.

VII. STAFF REPORTS

All reports are included in the agenda packet.

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

Ms. Strickland asked Chief Albright for an update on speeding concerns. Chief Albright reported that Whitehall Road, College Avenue, and Pine Grove Mills are still areas of concerns. Chief Albright noted that besides rush hour, that lunch hour is problematic. Chief Albright shared that there is an increase in crashes and also bike incidents. Ms. Strickland asked if there were bike lights still available. Chief Albright noted that there are approximately 20 left and they can be picked up at the Township Building.

VIII. UNFINISHED BUSINESS

1. Continued Discussion – Q&A Domestic Violence and Public Service Legislation

Mr. Josh Portney, Legislative Assistant, Rep. Scott Conklin's office noted that the Centre County Board of Commissioners passed the resolution that has been proposed to Ferguson Township. Mr. Portney noted that study was done by Fox Rothschild, LLP showed that less than half of domestic violence cases make it past the preliminary hearing. In Pennsylvania, 1 in 4 women and 1 in 7 men experienced domestic violence. Mr. Portney introduced Mr. Nicholas Himebaugh, Democratic Executive Director of the House State Government Committee.

Mr. Himebaugh reviewed [H.B. 2596](#)

Ms. Caldwell stated that body autonomy is critical for survivors of abuse and noted that as of 2018 Rep. Conklin's approval rating by Planned Parenthood was 40% and asked if this has changed. Mr. Himebaugh stated that he can't speak on politics but can answer questions on the committee.

Ms. Caldwell asked if Rep. Conklin has plans or legislation regarding legal and safe accessible abortions. Again, Mr. Himebaugh couldn't answer that question, but shared his email address so that he can look up bills and get answers to the questions.

Ms. Caldwell asked why the abuse is only limited to "a family or household member." Mr. Himebaugh stated that when amending the state constitution, it shouldn't be made too broad because it could result with individuals convicted of lesser crimes not being able to hold office. Mr. Himebaugh stated that a convicted felon can't hold public office.

Ms. Williams asked what the bill would do for women who have been abused. Mr. Himebaugh stated that the victims won't have to see their abuser serve as their elected official.

Ms. Williams asked why the clause of pardon/expunge is included in the bill if the person completed their sentence. Mr. Himebaugh reported that once a person is convicted, they would be ineligible for public office unless the record is expunged.

Ms. Williams reported that someone from Rep. Conklin's office commented that the bill will be easy to pass in Ferguson Township because the Board is made up of all women. Ms. Williams finds that comment to be sexist and does not approve of the comment. Mr. Himebaugh stated that the comment was alarming and to email him so he can talk to Rep. Conklin.

Ms. Williams' issue with the bill is that when an individual pays their debt to society, they should be able to hold office. Mr. Himebaugh reported that often times, there is no prison time involved with misdemeanor offences.

Ms. Caldwell expressed concerns with the framing of the bill.

Ms. Strickland asked if there are other crimes that are non-financial that are not as obviously linked to the position. Mr. Himebaugh noted that in Title 18 it states of other crimes but will obtain a more comprehensive list and send to the Board.

Ms. Williams expressed confusion over the statement Mr. Himebaugh made about the victim not wanting to see their abuser on tv or in the paper. Ms. Williams stated that it happens anyway without the conviction. Ms. Williams stated that the bill doesn't seem to be doing anything for women, but rather punishing those that have paid their debt to society.

Ms. Caldwell asked if there were any townhall meetings, outreach, or polling of the bill.

Mr. Himebaugh stated that there is no mention of serving time in prison or incarceration in the constitution or the legislation. The act of being sentenced would be means for disqualification. Mr. Himebaugh noted that after 10 years with no other convictions in PA, the record can be expunged. Mr. Himebaugh stated that there are current legislators who have been convicted of domestic abuse and noted that it is difficult to find records.

Ms. Caldwell repeated her question to Mr. Himebaugh regarding townhall meetings, outreach, etc. Mr. Himebaugh stated that they reached out to stakeholders statewide such as women's group and organizations throughout the Commonwealth. Mr. Himebaugh stated they have received positive support for legislation and has not heard negative support. Mr. Himebaugh reported that polling by non-profits showed vast support for the bill.

Ms. Dininni expressed concerns with consistency.

2. Continued Discussion – Strategic Plan Update

Ms. Martin reported that provided with the agenda is an updated version of chapter 6 of the strategic plan working draft document. As directed by the Board, suggested goals, objectives, and action items presented by staff and members of the Board have been integrated into chapter 6. Attached to the agenda is a redlined updated draft of chapter 6 which is not complete but represents progress for review the Board.

Ms. Strickland stated there needs to be more discussions around some of the very specific action steps that are not reflected in the zoning update. Also, Ms. Strickland stated that she would like more discussions on re-branding, surveying, prospective new residents, enhance safe bike and pedestrian pathways should be moved to 1 or 2, and add efforts for securing reliable broadband.

Ms. Strickland will send her comments to Ms. Martin. Ms. Martin encouraged the Board to keep reviewing and to send her any comments.

Ms. Dininni expressed concerns with the opportunity for the RR to be developed all across the western end of the Township without density and no cluster zoning.

Ms. Dininni asked if Parks was shifted from the Environmental Stewardship section on page 96 of the agenda. Ms. Martin didn't recall a lot of recommendations for parks but will look into further.

IX. NEW BUSINESS

1. Consent Agenda

- a. Contract 2022-C8, Pavement Markings, Pay App 1: \$65,042.16
- b. Contract 2022-C8, Eradication, Pay App 2: \$41,390.35

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

2. Proclamation on June Immigrant Heritage Month

Ms. Strickland reported that provided with the agenda is a proclamation to support and promote June as Immigrant Heritage Month of 2022. Ms. Strickland reported that Ms. Shova Sivaprasad Wadhia, Associate Dean for Diversity, Equity, and Inclusion at PSU is in attendance and brought the request to the Board. Ms. Strickland read the proclamation that is located on page 122 of the agenda. Ms. Wadhia noted that she has lived in the Township for 14 years, mother of two in the SCASD, law professor at PSU and is the Director of the Center for Immigrants' Rights Clinics. Ms. Wadhia noted that her teaching goal at the center is for her students to gain the skills required to be effective immigration attorney's and advocates. Since 2008 the center has provided high quality representation in the areas of immigration policy for non-profits, community partnerships on projects, and legal support for individual cases. Ms. Wadhia stated that State College and Ferguson Township are home to many immigrants and thanked the Board for issuing the Proclamation recognizing the contributions by the immigrants in the community.

Ms. Caldwell moved that the Board of Supervisors **adopt** the proclamation to support and promote June as Immigrant Heritage Month of 2022. Ms. Stephens seconded the motion. The motion passed unanimously.

3. Discussion to Establish a Multi-Factor Authentication Policy for Staff and ABC Members

Ms. Martin noted that provided with the agenda packet is a copy of the resolution which includes a copy of the multi-factor authentication policy as exhibit "A" for the review and consideration of the Board.

Ms. Williams moved that the Board of Supervisors **adopt** the resolution of the Township of Ferguson, Centre County, Pennsylvania, establishing a policy that requires the implementation of multi-factor authentication for staff and local and regional Authorities, Boards, and Commissions. Ms. Caldwell seconded the motion.

Public Hearing – there were no comments.

ROLL CALL: MS. DININNI – YES; MS. STEPHENS – YES; MS. STRICKLAND – YES; MS. WILLIAMS – YES; MS. CALDWELL – YES.

The motion passed unanimously.

4. Farmstead View Subdivision Preliminary Plan

Mr. Ressler reported that on July 29, 2021, Penn Terra Engineering, Inc., submitted a Preliminary Subdivision Plan on behalf of their client, Farmstead Developer, LLC. The parcel is located at 139 Farmstead Lane (TP: 24-022-,306-,0000-) and is zoned Single-Family Residential (R1).

The parcel is currently 3.03-acre lot, and the applicant is proposing to subdivide this lot into 7-lots. There will be one (1) stormwater retention lot and six (6) single-family residential lots. On April 19, 2022, the Board of Supervisors conducted a Conditional Use Hearing for Lot 1 (103 Farmstead Drive) to permit the creation of the flag lot and denied the Modification Application request to the preservation of 20% of the existing, eligible tree canopy on site (§22-515.D.2.) at that same meeting.

As a result of the denial of the modification request, Lot 2 was amended to accommodate and protect a 27" DBH Red Pine Tree with a retaining wall. These alterations require a modification to the slope requirements of Chapter 21, Appendix A—Streets and Sidewalks. The maximum driveway grade at any point on the driveway is fifteen percent (15%). The slope of the proposed driveway for Lot 2 will not exceed eighteen percent (18%).

The administration and enforcement of Chapter 21—Streets and Sidewalks is delegated to the Director of Public Works. Upon review of the request, the Director is in favor of the modification request subject to inclusion of release from liability language on the recorded plan.

Planning Commission reviewed the plan at the June 13, 2022 regular meeting and recommended approval to the Board of Supervisors. Additionally, Planning Commission expressed concerns about the Tree Preservation and Protection Ordinance in relation to enforcement feasibility and recommended that the Board authorize Planning & Zoning Staff and the new Township Arborist to review §22-515—Tree Preservation and Protection now that it has been put into practice. Staff has reviewed the plan and is recommending approval pending outstanding staff comments.

Ms. Dininni inquired about the retaining wall. Mark Torretti, PennTerra, stated that the wall is one foot and made the driveway steeper for the one lot.

Ms. Dininni stated that she is not ready to review the Tree Preservation Ordinance because there are other ordinances that need reviewed first.

Mr. Bill Keough, Ferguson Township Planning Commission, stated that the Planning Commission is not interested in the entire ordinance to be reviewed. The Planning Commission uncovered an issue with the ordinance that needs addressed. Mr. Keough stated that the protection of this tree is in perpetuity and the Township has no guidance in the ordinance for tracking the preservation.

Mr. Ressler stated that they do not go and look for trees that were removed and that it is complaint driven.

Mr. Keough stated that the Planning Commission recommended approval.

Ms. Strickland moved that the Board of Supervisors **grant** approval of the Farmstead View Preliminary Subdivision Plan pending outstanding staff comments as included in the memorandum dated June 14, 2022 from the Director of Planning & Zoning. Ms. Stephens seconded the motion. The motion passed unanimously.

5. Pine Grove Mills Farmers Market Donation Request

Ms. Dininni and Ms. Strickland recused themselves because they both serve on the Steering Committee.

Ms. Martin reported that the Pine Grove Mills Farmers Market opened on June 9th and will continue through September 29, 2022. As a local venue that supports small businesses, this farmers market is organized and managed by local residents for the community and is an example of economic development. Provided with the agenda packet is a copy of the donation form requesting a contribution in the amount of \$3,000. The Board is asked to give consideration for a financial contribution as allocated in the 2022 Operating Budget.

Ms. Stephens moved that the Board of Supervisors **authorize** an appropriation in the amount of \$3,000 as a financial contribution to support the 2022 Pine Grove Mills Farmers Market. Ms. Williams seconded the motion.

Ms. Stephens stated that she loves the market, the vouchers they gave to the ABC's, and is happy to approve.

Ms. Martin noted that on behalf of staff they were happy to facilitate the partnership to offer a token of appreciation to our members of the ABC's.

The motion passed unanimously.

6. Diversity, Equity, and Inclusion

Ms. Martin reported that the Board of Supervisors adopted a resolution establishing the agenda order of business for 2022 which included the addition of the Diversity, Equity, and Inclusion (DEI) special report item. Staff recognizes the opportunity to foster an inclusive community by increasing awareness on the broad diversity of residents that represent many different racial, ethnic, and cultural backgrounds. It is anticipated that the Board will continue to work to ensure that diverse communities are well-represented in policy discussions and actively celebrate the multi-ethnic and cultural backgrounds united within Ferguson Township. Staff proposes that the diversity, equity, and inclusion special item be used to announce, recognize, and celebrate diverse holidays and cultural events. Additionally, staff is prepared to present, at the July 19, 2022, regular meeting a draft diversity, religious, and ethnic holiday and cultural celebrations calendar that also features local historic celebrations. The proposed calendar would be featured on the Township's website with a submission request form to feature local cultural events. The Board is asked to consider the adoption of a diversity holiday and cultural celebrations calendar for staff to reference and add to the DEI special report item all diversity, religious, ethnic holidays, and cultural celebrations calendar.

Ms. Strickland suggested sharing with the General Forum as a reference.

Ms. Williams moved that the Board of **direct** staff to develop a draft calendar that proposes diversity, religious, and ethnic holidays, cultural celebrations, and local events and add to the Diversity, Equity, and Inclusion. Ms. Caldwell seconded the motion. The motion passed unanimously.

7. Acceptance of Retirement of Chris Albright, Chief of Police

Ms. Martin reported that provided with the agenda is a retirement announcement letter, after serving Ferguson Township for 30 years, from Chris Albright as Ferguson Township Chief of Police.

Ms. Dininni stated that Chief Albright has been an asset to the community and thanked him for his service. Ms. Dininni shared a story that involved her friend's and how Chief Albright handled the situation in good leadership style.

Mr. Albright appreciated the kind words and enjoyed working with the Township over the last 30 years.

Ms. Stephens moved that the Board of Supervisors **accept** the retirement resignation of Ferguson Township Chief of Police. Ms. Strickland seconded the motion.

Ms. Strickland thanked Chief Albright for his dedication and service to the Township.

The motion passed unanimously.

8. Board Member Request – Proclamation on Juneteenth Day of Observance for 2022

Ms. Williams reported that provided with the agenda is a proclamation to identify a significant date that marks the emancipation of the last enslaved in the South. June 19 has been long celebrated by former enslaved as “Juneteenth,” which is now celebrated throughout the country as a holiday commemorating American emancipation from slavery. Ferguson Township will be closed in observance of Juneteenth Day on June 19, 2022, as approved by the Board of Supervisors in 2021.

Ms. Williams read the proclamation that is on page 155 of the attached agenda.

Ms. Caldwell moved that the Board of Supervisors **adopt** the proclamation on Juneteenth Day of Observance for 2022. Ms. Stephens seconded the motion.

Ms. Williams acknowledged that Ferguson Township was the only one that closed yesterday and hopes other municipalities will do the same in the future.

The motion passed unanimously.

9. Board Member Request – Proclamation on Jewish American Heritage Month of May for 2022

Ms. Caldwell reported that provided with the agenda is a draft proclamation to recognize the Jewish American Heritage Month of 2022. Ms. Caldwell thanked the Board and staff for including and drafting the proclamation. Ms. Caldwell read the proclamation that is on page 156 of the attached agenda.

Ms. Stephens moved that the Board of Supervisors **adopt** the proclamation to recognize Jewish American Heritage Month of May in 2022. Ms. Williams seconded the motion. The motion passed unanimously.

X. COMMUNICATIONS TO THE BOARD

Ms. Strickland received a complaint about the work that is starting early on the corner of Buckhout and College Avenue and has been a repeated occurrence.

Ms. Strickland received a communication that bicyclists are not always stopping at the bike path crossing along Valley Vista.

Ms. Stephens had a communication regarding Homestead Park and when will the playground equipment be free from the tape that surrounds it. Mr. Modricker will follow-up with Ms. Stephens.

XI. CALENDAR ITEMS – JUNE/JULY

- a. June 20 – Juneteenth Holiday Observed, Township Administrative Offices Closed
- b. July 4th Holiday Observed, Township Administrative Offices Closed
- c. Coffee and Conversation, July 15, Naked Egg
- d. Pine Grove Mills Farmers Market, every Thursday throughout the Summer from 3 – 7 p.m.
- e. Route 45 Getaways week starts July 30
- f. Ferguson Township Upcoming Meetings
 - 1. Pine Grove Mills Small Area Advisory Committee, June 23-cancelled, July 28
 - 2. Planning Commission, June 27, July 11 and 25
 - 3. Parks and Recreation Committee Parks Tour, June 23
 - 4. Tree Commission, June 21, July 18

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting adjourned at 9:15 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: 07-05-2022