

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Tuesday, June 7, 2022

### ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, June 7, 2022, as a hybrid meeting. In attendance were:

**Board:** Laura Dininni, Chair  
Lisa Strickland, Vice Chair  
Hilary Caldwell  
Patty Stephens  
Tierra Williams

**Staff:** Centrice Martin, Township Manager  
Dave Modricker, Director of Public Works  
Jaymes Progar, Assistant Township Manager  
Jenna Wargo, Director of Planning and Zoning  
Ron Seybert, Township Engineer  
Eric Endresen, Director of Finance

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Ferguson Township Planning Commission, and resident; Cynthia Hahn, CNET; Ford Stryker, State College Water Authority Representative; Paul Tomkiel, Ferguson Township Resident; Cecily Zhu, Penn State Transportation Services; Rob Watts, McCormick Taylor; Joshua Hausman, Attorney

### I. CALL TO ORDER

Ms. Dininni called the Tuesday, June 7, 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 reported that there was an Executive Session held on May 31, 2022, regarding Real Property.

Ms. Dininni thanked Dr. Daniel Foster for the Parliamentary Training that the Board received recently. Also, Ms. Dininni thanked the staff for the assistance with the ABC picnic held last week and thanked Pam and Doug Ford for the great presentation.

### II. CITIZENS INPUT

Mr. Rick Holsopple commented on the lack of broadband service where he lives in Penn Furnace. Mr. Holsopple spoke with his local representatives and was told that there is money to be distributed through [HB 2071](#). Mr. Holsopple stated that he talked to the major phone carries and was told there are problems with the Township Ordinances. Mr. Holsopple is requesting help to get broadband services in his area.

Mr. Gary Sherburne, President, English Meadows Condominium Associate, stated that he was in attendance on behalf of the 52 residents in English Meadows. The residents have concerns with the Stormwater Fee because their neighbors are paying less than what they do. Residents were charged \$189 each where the average person was charged \$119. Mr. Sherburne reported that Ms. Caldwell met with him to discuss. Mr. Sherburne requested further information. Ms. Dininni suggested emailing the Township Manager and Mr. Modricker for his specific questions.

### III. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the May 10, 2022, Board of Supervisors Worksession and the May 16, 2022 Regular meeting minutes. Ms. Williams seconded the motion. The motion passed unanimously.

### IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT

#### a. State College Borough Water Authority

Mr. Ford Stryker noted that his report was included in the agenda packet and highlighted that the Authority commissioned an Ad Hoc Committee to study whether to continue to fluoridate the water.

### V. SPECIAL REPORTS

#### a. Diversity, Equity, and Inclusionary Initiatives – no report.

#### b. Township and Fiscal Responsibility – C-Net Presentation by Cynthia Hahn

Ms. Hahn presented her annual report that was included in the agenda packet.

Pine Grove Mobility Study

Mr. Seybert presented the draft study along with Rob Watts from McCormick Taylor Inc. The draft study was included in the packet.

Mr. Watts reviewed some of the major concepts.

- Pine Grove Road & Water Street/Nixon Road Intersection
  - Stop Control Option
  - Large Mini Roundabout Option
- Pine Grove Road & Water Street/Nixon Road Intersection
  - Stop Control Option
  - Large Mini Roundabout Option
- Pine Grove Road at Banyan Drive/Meckley Drive
  - Full Size Roundabout Option
  - Enhanced Crossing Option
- Pine Grove Road at Ferguson Township Elementary School
  - Deepwood Drive (east) Enhanced Crossing Option
- Pine Grove Road West Complete Street
- Pine Grove Mills Western Gateway

Mr. Endresen stated that he is a proponent of roundabouts and asked if maintenance costs, operating costs, violations of speeders were included in the study. Mr. Watts noted that many of the items Mr. Endresen listed were included in the report but will include more.

Ms. Strickland asked if the small roundabout was eliminated due to preferences. Mr. Watt reported that it didn't receive the attention with the public and it was due to the design.

Ms. Dininni suggested that the Board meet to discuss once the document is completed. Ms. Martin stated that it can be included in an upcoming agenda.

- c. Community And Economic Development – no Report
- d. Environment – Designated Grow Zones as Natural Landscapes Managed by Ferguson Township Public Works

Mr. David Modricker presented his report that was included in the agenda packet.

Ms. Stephens asked if the grow zone signs could have the QR Code for educational purposes. Mr. Modricker will investigate if that can be included.

Ms. Dininni asked if there is an opportunity for the sign to be adopted by other municipalities. Ms. Martin reported that when they were designing the sign, they sent it over to CRPA for review and comment.

## **VI. COG AND REGIONAL COMMITTEE REPORTS**

### **1. COG COMMITTEE REPORTS**

- a. Executive Committee

Ms. Dininni reported that they cancelled the General Forum meeting.

- b. Spring Creek Watershed Commission

Ms. Martin stated that the representative is not in attendance, but the report is in the packet.

- c. Parks and Recreation Governance

Ms. Dininni reported that there was continued discussion on the governance and budgets of the regional park system and the municipal park system. Ms. Dininni will attach her report to the next meeting agenda.

- d. Human Resources Committee

Ms. Williams will attach her report to the next meeting agenda but noted that they are collecting all of the job descriptions. Discussed the cost-of-living adjustment and library employee wages.

- e. Land Use Committee Infrastructure Committee

Ms. Strickland noted that her report is attached to the agenda

### **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

## **VIII. UNFINISHED BUSINESS**

- 1. Continued Discussion – Amending Township Municipal Code, Ch. 16, Parks and Recreation

Ms. Martin reported that at a Regular Meeting held on March 15, 2022, the Board of Supervisors approved the adoption of text amendments to the Ferguson Township Municipal Code, Chapter 16, Parks and Recreation. Chapter 16, Parks and Recreation, Part 1, Section 106, Regulated Uses, Provision 5, was amended to read as follows, "Selling Concessions. No person shall in any park exhibit, sell, or offer for sale, hire, lease or let out any object, service or merchandise or anything whatsoever, whether corporal or incorporeal, not so adversely limit allowances as provided in Ferguson Township's Code of Ordinances."

Additionally, Chapter 16, Parks and Recreation, Part 1, Section 107, Centre Region Parks and Recreation Department, Provisions 107.1.B, C, and D. to read as follows:

- B. To Restrict Use. To designate parks and parts thereof as restricted to the use of certain portions of the public at certain times as the Director sees fit not to adversely limit allowances as provided in Ferguson Township's Code of Ordinances.
- C. To Issue Permits. Under uniform conditions to be prescribed by the Director, to issue permits for regulated uses as hereinbefore enumerated.
- D. To Fix, Charge and Collect Fees. To fix, charge, and collect such fees and deposits for the use of park areas or facilities or privileges as the Director deems advisable to help defray the expense of the parks and their facilities.

Township Manager and Director of Planning and Zoning met with the Director of Centre Region Parks and Recreation (CRPR) to discuss how best to facilitate the issuance of permits to food truck vendors based on the recent ordinance amendment adopted by the Board of Supervisors. Staff and CRPR Director discussed that trends in the food truck industry have evolved during the pandemic and, consequently, presents an opportunity to reimagine the management of food trucks. CRPR Director and Director of Planning and Zoning are in coordination to identify parking zone areas to include with approved permits. CRPR is agreeable to Ferguson Township receiving, reviewing and issuing approved permits to food truck vendor applicants. Director of Planning and Zoning and the Township Communications Coordinator will prepare a press release to inform the public that food trucks with approved permits by Ferguson Township that satisfy Pennsylvania Food Code requirements will be enforced by the State College Borough Health Technician.

Provided with the agenda is a copy of the Chapter 16, Parks and Recreation, ordinance for the Board to review, discuss, and consider what, if any, items were not addressed as part of the ordinance amendment. As part of the Board's discussion, at the March 15, 2022, Regular Meeting, there was a request to further review and discuss either clarification or additional amendments.

Ms. Williams asked what the definition of a food truck is. Ms. Wargo reported they aligned the definition with the state definition which is Retail Mobile Food Facility. They include food trucks, trailers, stick stands, carts, etc.

Ms. Dininni noted that definition for permit in Chapter 16, Parks and Recreation is not correct. The permit doesn't need to be issued by CRPR. The Township can also issue. Ms. Dininni suggested adding Ferguson Township to the definition.

Ms. Williams asked if there are different permits issued for different types of food trucks. Ms. Wargo noted that currently the differences are the right of ways and parks.

Ms. Caldwell expressed concerns with the multiple steps that need to be done to register a food truck.

Ms. Wargo reported that once the new system is in place the process will be easier to collaborate. Ms. Martin reported that they met with Pam Salokangas, Director, CRPR, on ways they could collaborate.

Ms. Williams asked how long the process takes and how much is the permit. Ms. Dininni answered that it is a one-time fee of \$25. Ms. Wargo answered that the process takes up to 30 days according to the ordinance.

Ms. Dininni requested that the Board consider asking staff to come back with a draft with the integrated streamlined permitting process. Ms. Dininni noted that the definition of permit needs to be changed to include Ferguson Township and the language in Section 16.107 may need changed. Ms. Dininni stated that there are multiple places in the ordinance that needs to be reviewed. Ms. Dininni suggested creating a subcommittee and perhaps include a member from CRPR to review the ordinance.

Ms. Strickland requested that Section 16.106 under number 1 & 5 may need adjustment especially when a permit is revoked.

Ms. Dininni moved that the Board of Supervisors **direct** staff to draft an amendment to Chapter 16 to integrate the authority to issue permits in parks of Ferguson Township. Ms. Caldwell seconded the motion. The motion passed unanimously.

Ms. Dininni moved that the Board of Supervisors **direct** staff to organize a subcommittee comprised of members of the Staff, Parks and Recreation Committee, Board of Supervisors, and any other potential people to form a subcommittee to look at Chapter 16 revisions and to bring back recommendations to the Board of Supervisors. Ms. Stephens seconded the motion.

Ms. Caldwell asked if there will be a deadline to bring back to the Board. Ms. Martin suggested an estimated 3-month review process.

The motion passed unanimously.

## 2. Zoning Ordinance Text Amendment Application – TSD Zoning and Source Water Protection Overlay District Requirements

Ms. Wargo reported that on May 11, 2022, Pamela Steckler submitted an application for a text amendment to the Terraced Streetscape Zoning District (§27-304.2.A.—Permitted Principal Uses). The Board received the application at the May 16, 2022, regular meeting and referred the request for further review to the Planning Commission. Included in the agenda is the application submitted by Ms. Steckler requesting to permit home burials in the Terraced Streetscape Zoning District and allow exemptions from concrete grave liners based on spiritual beliefs.

Chapter 27—Zoning defines a cemetery as “Land used or dedicated to the burial of the dead, including, mausoleums, necessary sales and maintenance facilities.” Cemeteries are permitted as a principal use in the Rural Agricultural (RA) Zoning District and as an accessory use in the Rural Residential (RR) Zoning District.

The Zoning Ordinance does not include a definition or regulations for home burials. The Zoning Administrator has determined the definition of cemetery applies to home burial, which only permits home burials as a principal use in the Rural Agricultural (RA) Zoning District and as an accessory use in the Rural Residential (RR) Zoning District.

Staff has included in the agenda a staff report that was presented to Planning Commission summarizing existing regulations in the Township Code with regulations to consider if the Township

would move forward with the request, as well as a memorandum summarizing Planning Commission's discussion from the May 23, 2022, meeting.

Planning Commission met May 23, 2022, to review the amendment request in relation to §27-304.2.A.—Permitted Principal Uses in the Terraced Streetscape (TS) Zoning District and recommended to the Board of Supervisors denial of the text amendment application due to the establishment and purpose of that zoning district as included in Chapter 27— Zoning.

In addition, Planning Commission recommended to the Board of Supervisors to authorize staff to amend Chapter 27—Zoning to define 'Home Burial' and explore regulations related to that use. Provided with the agenda is a copy of the application and memo from Kristina Bassett, Community Planner, dated May 31, 2022, to the Board of Supervisors summarizing the discussion.

Ms. Williams moved that the Board of Supervisors **deny** application request for a text amendment to Chapter 27 – Zoning. Ms. Stephens seconded the motion.

Ms. Williams commented that she agrees with Ms. Wargo's recommendation.

Ms. Caldwell stated she agrees with the motion, but in the future would like to see an amendment to allow for Home Burials.

Ms. Stephens stated that she agrees with the motion, and she listened to the Planning Commission discussion on this matter. Ms. Stephens noted that Mr. Keough made a very good point about where the request was located in the district. Ms. Stephens agreed with looking into the definitions further.

Ms. Strickland noted that she too listened to the Planning Commission and concurred that the definitions need further review.

Ms. Dininni agrees with the motion but doesn't necessarily agree that the entire area is high density.

Ms. Williams asked if this would include animals. Ms. Wargo answered that animals are separate.

The motion passed unanimously.

Ms. Dininni suggested having staff prepare a draft. Ms. Martin agreed.

Ms. Stephens moved that the Board of Supervisors **discuss** further at a future meeting on how we advocate for policy and how it is advocated to staff. Ms. Caldwell seconded the motion.

Mr. Keough stated that there are two steps that need to be done, research and a joint meeting with the Board of Supervisors and the Planning Commission.

The motion passed unanimously.

## **IX. NEW BUSINESS**

### **1. Consent Agenda**

- a. Contract 2016-C11-ATSPM, Traffic Signal System, Pay App #1: \$41,661.00
- b. Contract 2018-PWGGG (Solar), Pay App #2: \$81,438.04
- c. Contract 2022-C5-CCTV Final, Pay App #3: \$25,352.26
- d. Contract 2022-C6-Curb/Ramp Upgrades, Pay App #2: \$94,403.10
- e. Treasurer's Report – April 2022 for acceptance
- f. Special Events Permit – Block Party – N. Hills Place

- g. Rogan Subdivision Surety Reduction No. 1: \$32,973.11 (revised balance: \$0.00)
- h. Board Member Request – Proclamation on Juneteenth

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

## 2. Discussion – Organizational Assessment and Analysis of Township Contract Authorization

Ms. Martin reported that provided with the agenda is an engagement letter and services agreement for GovHR USA to conduct an organizational assessment and analysis and audit of Ferguson Township's operations. Outlined in the engagement letter is a brief description of the services proposed to be provided. GovHR is expected to provide a draft report and a final written report with recommendations. The deliverable will follow a review of administration and finance core functions for process improvement and efficiencies, an analysis of human resources functions, and an information technology analysis. Ms. Martin reported that they used to have an administrative assistant in the administration office, but that person has been assisting the Finance and Tax office.

The assessment and analysis will also support recommendations that will focus on succession planning and diversity, equity and inclusion initiatives within the Township's organization's service delivery and management practices. As the Board of Supervisors of Ferguson Township, the Board is being asked to authorize the Township Manager to execute the engagement letter and agreement.

Ms. Strickland is supportive of the assessment but is hesitate with this type of study because it could be done in the Capital Improvement Plan. Ms. Strickland stated that in this case the timing is necessary since there is a new Township Manager.

Ms. Dininni stated that the COG has been adding administrative positions. Ms. Dininni supports the authorization.

Ms. Stephens moved that the Board of Supervisors authorize the Manager to **execute** an agreement with GovHr USA for an organizational assessment and audit of the Township's operations in an amount not to exceed \$25,000. Ms. Strickland seconded the motion.

Ms. Strickland liked that the study would look into technology efficiencies and not just new hires.

Mr. Keough stated that he thought the idea was fabulous and asked if the study will include the ABC's. Ms. Dininni noted that the ABC's should be a separate study since it is much larger. Ms. Martin answered that the study does not include the ABC's. Ms. Martin would like to include the other departments at some point.

The motion passed unanimously.

## 3. Public Hearing Resolution Ratifying Collective Bargaining Agreement

Ms. Martin reported provided with the agenda is a copy of a resolution advertised for public hearing ratifying a tentative agreement to constitute an initial collective bargaining agreement (CBA) between Ferguson Township and the Ferguson Township Teamsters Local Union 764. The Township and Teamsters have conducted good faith negotiations, and the ratification of the tentative agreement by both parties will formally conclude the process. The term of the contract is three years ending December 31, 2024. Also provided with the agenda is a copy of the tentative agreement, which includes the terms to be incorporated into the collective bargaining agreement following adoption of the resolution.

Ms. Martin reported that the Township has been in negotiations with the Ferguson Township Public Works department Teamsters since March 2021. Ms. Martin shared that Attorney Joshua Hausman

is in attendance for any questions. Ms. Martin reported that they held a 7-hour negotiation last Wednesday that ended with all parties being positive and energetic.

Public Hearing – There were not comments.

Ms. Caldwell moved that the Board of Supervisors **adopt** the resolution ratifying the tentative agreement with the Ferguson Township Teamsters Local Union 764 and directing the Township Manager to execute a collective bargaining agreement containing such terms between the Township and the Teamsters Local Union 764. Ms. Williams seconded the motion.

Ms. Dininni thanked everyone involved.

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

The motion passed unanimously.

Ms. Martin expressed gratitude to all staff members, but gave special thanks to David Modricker, and Angela Kalke for their support with her new position. Attorney Hausman also thanked everyone for their efforts. Mr. Modricker thanked Ms. Martin for her assistance as well.

4. Discussion – Spin E-Bike Share Program Partnership and Review of Micromobility Share Program Agreement

Ms. Wargo reported that Penn State Transportation Services has partnered with Spin, a San Francisco-based micromobility unit of Ford Motor Co., to offer Penn State and State College communities a new bike share program. Approximately 300 Spin electric-assist bikes (e-bikes) are available across campus and in neighboring municipalities to offer both Penn State and community members convenient access to the bikes. Users are able to see all e-bike locations on the Spin App as well as service areas, no-ride zones, and the location of preferred parking spots.

Spin e-bikes users must be at least 18 years old to ride and all users are encouraged to wear a helmet while riding. Penn State students, employees and local community members with limited incomes may apply for the new Spin Access program, which provides discounted fares for those who qualify.

Ferguson Township is the most recent municipality joining in on the partnership with Penn State, the Borough of State College and Patton Township. Provided with the agenda is a copy of the Spin Micromobility Share Program Agreement for review. Township staff will work with Spin on identifying deployment locations for e-bikes, parking points, and geofencing zones including no ride zones, slow ride zones and no park zones.

Ms. Strickland moved that the Board of Supervisors **authorize** staff to move forward with the Spin Micromobility Share Program. Ms. Stephens seconded the motion.

Ms. Dininni would like to see Pine Grove Mills connected. Ms. Cecily Zhu, Penn State Transportation noted that it could be discussed.

The motion passed unanimously.

5. Discussion – Establish Multi-Factor Authentication Policy for all Staff and ABCs with Access to Email Account or Virtual Private Network Owned by the Township

Ms. Martin noted that provided with the agenda is a copy of the drafted resolution including a draft policy that requires the implementation of multi-factor authentication (MFA) for all staff and Authorities,



Boards, and Commissions. Ferguson Township's cybersecurity insurance coverage has previously strongly recommended and now will now require MFA to maintain coverage beginning January 1, 2023.

Ms. Williams moved that the Board of Supervisors **authorize** staff to finalize and advertise the drafted resolution for public hearing establishing a multi-factor authentication policy for all Ferguson Township staff and Authorities, Boards, and Commissions with access to the virtual private network or a Township issued email account. Ms. Stephens seconded the motion.

Mr. Keough noted that some members of the ABC's come from multiuser environments and suggested having IT support from the Township. Ms. Martin reported that staff has discussed and identified that the MFA might not be user friendly and will be exploring how to introduce the new technology.

The motion passed unanimously.

6. Board Member Request – Discussion of Hybrid Regular Meetings and Board Member Attendance

Ms. Stephens noted that provided with the agenda is a copy of the general summary of this agenda request. Ms. Stephens stated that zoom offers an opportunity for more people to participate in local government.

Ms. Dininni likes the nonrestrictive flow between virtual and in person meetings.

Ms. Williams stated that being a single parent zoom allows her to participate remotely, but if the agenda is shorter will attend in person.

Ms. Strickland concurred with the comments and doesn't want to lose the hybrid format.

Ms. Martin responded about the zoom bombing that happened at the last meeting and reported that there are features on zoom that will mute certain participants. Ms. Martin will explore options such as registration, muting, and webinar options.

7. Board Member Request – A Proclamation on Jewish American Heritage Month

Ms. Caldwell was inadvertently dropped from the zoom meeting, so the Board decided to postpone until the next meeting.

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

**X. COMMUNICATIONS TO THE BOARD**

Ms. Williams reported that one of the owners from Yoga Lab contacted her with concerns over a commercial permit they can't obtain. Ms. Dininni and Ms. Williams will follow up with Ms. Martin.

Ms. Williams reviewed the following Black 2 Reality "2022 Liberation Week" events:

**Monday, June 13 – Education Liberation**

2:30-4:30 p.m., Schlow Library Community Room

Children and Adults have the chance to listen to stories about Juneteenth, learn about the Pan-African/Juneteenth flag, visit an Affirmation table and write a letter to a living Freedom Fighter.

**Tuesday, June 14 – A Southern High Tea**

6 p.m., 3 Dots Downtown, 137 E. Beaver Ave.

This event will have custom teas by Gratified Grad, paired with assorted vegan treats made by Chakra's Cafe. Come dressed in your finest "southern belle" or "Kentucky Derby" attire to enjoy a fine southern evening. Advanced registration is required by June 12.

**Wednesday, June 15 – Juneteenth Trivia**

6-7:30 p.m., Webster's Bookstore Cafe, 133 E. Beaver Ave.

Learn, compete, and possibly win prizes during this year's Juneteenth trivia

**Thursday, June 16 – Step, Stomp and Stroll**

6:30 p.m., The State Theatre, 130 W. College Ave.

Tickets will be available in advance at thestatetheatre.org or at the door for this fraternity and sorority step show and competition in support of Juneteenth. Doors open at 6 p.m.

**XI. CALENDAR ITEMS – MARCH**

- a. Fire Safety Event, Baileyville Hall, June 11, 10:00 am – 2:00 pm
- b. Ferguson Township upcoming committee meetings:
  - 1. Parks & Recreation Committee – June 9
  - 2. Planning Commission – June 13 and June 27
  - 3. Tree Commission – June 21
  - 4. Pine Grove Mills Small Area Advisory Committee – June 23

Ms. Williams suggested that in the future not to plan events on June 11<sup>th</sup> due to it being Pride Day.

Mr. Keough reported that the Fire Safety Event was rescheduled due to a snowstorm.

**XII. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting adjourned at 10:22 p.m.

Respectfully submitted,



Centrice Martin, Township Manager  
For the Board of Supervisors

Date approved by the Board: 06-21-2022