

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Monday, May 16, 2022

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Monday, May 16, 2022 as a hybrid meeting. In attendance were:

<b>Board:</b>	Laura Dininni, Chair	<b>Staff:</b>	Centrice Martin, Township Manager
	Lisa Strickland, Vice Chair		Jaymes Progar, Assistant Township Manager
	Hillary Caldwell		Dave Modricker, Director of Public Works
	Patty Stephens		Jenna Wargo, Director of Planning and Zoning
	Tierra Williams		Chris Albright, Chief of Police

Others in attendance included: Rhonda Demchak, Recording Secretary; Charima Young, PSU; Dr. Seria Chatters, PSU; Mark Kunkle, Ferguson Township Resident; Barbara Ziff, Schlow Library; Lisa Rives Collens, Schlow Library; Scott Conklin, PA State Representative; Betsy Dupuis, Township Solicitor; Pam Steckler, Ferguson Township Resident; Brian Ellis-Nickles, Ferguson Township Resident; Laura Shadle, Ferguson Township Resident; Kayla Sykes, Ferguson Township Resident

### I. CALL TO ORDER

Ms. Dininni called the Monday, May 16, 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.

### II. CITIZENS INPUT

Rep. Scott Conklin spoke about legislation that he presented to block individuals guilty of domestic violence from holding any state office. Rep. Conklin talked about personal friends that lived close to him growing up in Chester Hill losing their lives to domestic violence. Public awareness and education are still needed.

Ms. Martin introduced Jaymes Progar as the new Assistant Township Manager of Ferguson Township.

### III. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the May 3, 2022, Board of Supervisors Regular Meeting Minutes. Ms. Williams seconded the motion. The motion passed unanimously.

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

a. Schlow Library

Ms. Barbara Ziff and Lisa Rives Collens, library representatives reviewed their report that was included in the agenda packet. Ms. Collens encouraged the community to have their kids read during the summer months. There will also be a lot of music programs this summer as well.

Ms. Dininni reported that the library will be attending the weekly Pine Grove Mills Farmers Market.

## **V. SPECIAL REPORTS**

### **a. Diversity, Equity, and Inclusionary Initiatives – Status Update on Policing and Communities of Color**

Dr. Seria Chatters, PSU gave the report via a PowerPoint presentation and highlighted the following:

#### **2021 Report Recommendations**

- Hire an external consultant
- Diversify the Workforce – Cluster Hiring; DEI Director; Mentorship Program
- Data Consistency and Training – Consistent collection across all local policing agencies; Data Management; Specialized Training; Crisis Intervention Team; and Continuous Training
- Community Engagement – Police officer is required to provide “service hours” to local nonprofits

#### **2021 Report Objections**

- To advance the 2021 taskforce report recommendations and address issues in perpetuity. Advisory Committee members
- Data Collection

Ms. Charima Young, PSU reviewed the scope of work for the consultant to review

- Assess perceptions of Policing in Communities of Color in the Centre Region – survey; conduct focus groups; identify any additional research techniques
- Assess the working relationship between local police agencies and UPPS during large events which attract non-white attendees
- Case Processing and Cluster Hiring/Recruitment
- Data Collection

Ms. Young reviewed the external consultant qualifications:

- Ph.D. required in the criminal justice field, political science, public affairs, or similar field
- 10 plus years of research and statistical analysis
- 10 plus years of experience with survey analysis and focus groups
- Preferred qualifications – Professional affiliation with police research and reform organization

Ms. Stephens asked where the RFP's will be sent. Ms. Young stated that they will be sent to well-known professors from all over the country and a number of policing organizations.

Ms. Dininni asked who the members are of the RFP Committee. Ms. Young noted that the review committee for the RFP will include the full committee and PSU professors. Ms. Young reported that the membership is full but if others wanted to participate, they are open to including more members.

Ms. Kayla Sykes, Ferguson Township Resident, stated that most of the township doesn't relate to PSU and who will be paying for the employees of the committee. Ms. Young noted that PSU and the State College Borough will be the entities paying.

- b. Township and Fiscal Responsibility – No Report
- c. Community And Economic Development – No Report
- d. Environment – Municipal Separate Storm Sewer System Report

Mr. Modricker stated that this is an annual report and presented via PowerPoint slides that were included in the agenda packet.

Mr. Modricker noted that before starting any projects the Board will prioritize the projects.

Ms. Stephens asked if it would be beneficial if Centre Region Parks held a class on gardening because it could be a benefit to the system. Mr. Modricker agreed.

Ms. Williams asked how many highways are left to adopt in the Township and how to go about adopting. Mr. Modricker reported there are plenty left to adopt, and he can be contacted through the Township. Ms. Williams asked if there is a way to educate the public with illegal dumping. Mr. Modricker reported that public outreach is a big part of educating the public on what is illegal dumping.

Ms. Stephens asked how long it takes for water in pools/spas not to have chemicals in them. Mr. Modricker reported that in the past as long as the water is dechlorinated it can be released into the stormwater system; however, that is no longer allowed. Mr. Modricker stated that the Township should be contacted on how to get rid of the water.

Ms. Strickland asked if other Townships have stormwater drain stenciling because it would help with education. Mr. Modricker reported that other Township's do and is hopeful Ferguson will be stenciling soon. Ms. Strickland thanked Mr. Modricker for remembering the Proposed Primary Load Reduction Projects that can be done at the Township and asked if the ones on the list will always be done at the Township. Mr. Modricker stated that there might be an opportunity for other municipalities based on the load reduction.

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

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

All reports are included in the agenda packet.

#### **a. Human Resources**

Ms. Williams highlighted the library issue with regards to increasing pay. Ms. Dininni stated that she agrees with the increase.

#### **b. Land Use and Community Infrastructure (LUCI) Committee**

Ms. Strickland noted that her report is in the packet and highlighted that they had presentation on the SPIN bike program at PSU. Ms. Martin reported that the Township has been approached to participate and will be on a future Board agenda.

#### **c. Climate Action and Sustainability Committee**

Ms. Caldwell reported that the agenda in the packet is what the committee did discuss. Ms. Caldwell highlighted the compost drop-off pilot, and the COG is 1 of 8 finalist for the International Council of Local and Environmental Initiatives Action Fund.

d. Public Safety Committee

Ms. Stephens noted that her report is in the agenda packet. Ms. Dininni highlighted the concerns that may impact EMS especially the slow response times in the West Ferguson area.

e. Parks Capital Committee

Ms. Dininni noted that they had a good meeting, and the report is in the agenda packet. Ms. Dininni highlighted the upcoming Capital Improvement Program by the COG specific to parks.

f. Finance Committee

Ms. Dininni noted that the report is in the agenda packet and highlighted the Solar Power Purchase Agreement; approved use of insurance reserve budget; CIP presentation; and discussed the COG building ownership.

g. Facilities Committee – May 3, 2022 meeting

Ms. Stephens noted that the report is included in the agenda packet

2. OTHER COMMITTEE REPORTS

There were none.

**VII. STAFF REPORTS**

All reports are included in the agenda packet.

a. Township's Manger's Report

Ms. Martin reported that she had a meeting with Dr. Daniel Foster, professional parliamentarian, and he has provided dates to have a training for the Board.

b. Public Works Director Report

c. Planning and Zoning Report

d. Chief of Police Report

**VIII. UNFINISHED BUSINESS**

1. Public Hearing – Amending Code of Ordinances- Official Map

Ms. Wargo reported that provided in the agenda is a copy of the ordinance as advertised for public hearing adopting a new Official Map for the Township. The map has been reviewed by regional and local planning commissions, as well as staff and neighboring municipalities. At the Regular Meeting on December 13, 2021, the Board authorized staff to advertise for a public hearing to adopt a new Official Map for Ferguson Township. The Official Map is a tool authorized by the PA

Municipalities Planning Code (MPC) that aids the Township in planning its short and long-term infrastructure and capital improvement projects.

Public Hearing – There were not comments.

Ms. Strickland moved that the Board of Supervisors **adopt** the ordinance as advertised repealing all former Official Maps and adopting a new Official Map of the Township of Ferguson. Ms. Caldwell seconded the motion.

Ms. Dininni thanked the staff.

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

The motion passed unanimously.

## 2. Discussion – Contract 2019-C21 PGM LED Light Conversion Options

Mr. Modricker noted that final design for this project is near completion. Prior to putting the project out to bid, staff seeks input and direction from the Board of Supervisors regarding various scope of work options and associated estimated costs. Provided with the agenda is a memorandum from Ronald Seybert, Township Engineer, dated May 11, 2022, outlining the various options and costs. The Board is being asked this evening to discuss and select one of the options. The option selected will be included in the scope of work presented in the bid documents that will be solicited for bids.

Mr. Modricker reviewed the options that were listed in the agenda packet.

Ms. Stephens stated that she would like to stay under budget.

Ms. Strickland stated that she would like to stay close to budget and discussed options 3 & 6.

Ms. Williams stated that she would choose option 5 to keep in budget. Ms. Williams inquired about Nixon Road and how much work should be done. Mr. Modricker stated that they would like to have Nixon Road and Pine Grove Mills have their own cutoffs. (Please note that audio was shaky here).

Ms. Dininni noted that options 2 & 5 don't include cutoff switches on Nixon Road. Ms. Dininni supports completing the entire project even though it is over budget, but if that is not possible supports all the cutoffs being installed.

Ms. Dininni asked what the distinction is with option 3. Mr. Modricker explained that they would not be installing brand new heads, but retro fit them with LED and noted it accomplishes the goal. Ms. Dininni noted that she likes option 3. Ms. Caldwell voiced her support for option 3. Mr. Modricker stated that he is comfortable with option 3. Ms. Williams will go with the majority of what the Board decides but noted she liked option 7.

Ms. Caldwell moved that the Board of Supervisors **approve** option 3 to be included in the scope of work that will be presented in the bid documents that will be solicited for bids. Ms. Stephens seconded the motion. The motion passed unanimously.

## IX. NEW BUSINESS

### 1. Consent Agenda

- a. Contract 2022-C6, Curb and Ramp Upgrades, Pay Application 1: \$33,998.40

- b. Special Events Permit – Mayor’s Family Fun Ride
- c. Board member request – Discussion on hybrid meetings
- d. Board member request – Proclamation to honor National Jewish American Heritage Month

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

2. Public Hearing Resolution to support Legislation Prohibiting Domestic Violent Offenders from Holding State Office

Ms. Dininni reported that provided with the agenda is a resolution to support legislation that prohibits domestic violence offenders from holding state office. Senator Conklin announced on April 4, 2022, legislation that would bar individuals convicted of domestic violence offenses from serving in the General Assembly or holding public office in Pennsylvania government. Ferguson Township calls upon the General Assembly to enact legislation to guarantee that any person convicted of domestic violence shall be ineligible to serve in the General Assembly, or of holding any office of trust or profit in this Commonwealth.

Ms. Williams stated that she didn’t agree because there are people who will get reformed in prison and paid their dues to society. Ms. Caldwell concurred with Ms. Williams because it could set a precedent and it is not clear what it is actually doing to support victims of domestic violence. Ms. Williams made it clear that she doesn’t agree with domestic violence.

Ms. Strickland suggested postponing until the Board obtains specific information. Continued discussion resumed regarding the distinction between misdemeanor versus felony and type of crime.

Ms. Caldwell moved that the Board of Supervisors **postpone** the resolution of the Township of Ferguson, Centre County, Pennsylvania, to support legislation that prohibits domestic violence offenders from holding state office. Ms. Stephens seconded the motion. The motion passed unanimously.

Ms. Caldwell excused herself due to the primary election tomorrow and her work commitment to it.

3. Public Hearing Resolution Designating Township Manager as CAO of Ferguson Township Police and Employees’ Pension Plans

Ms. Martin reported that provided with the agenda is a copy of a resolution appointing Centrice Martin, Township Manager, as Chief Administrative Officer of the Ferguson Township Police Pension Plan and Employees’ Pension Plan. This position has typically been occupied by the Township Manager and shall have the authority to supervise the preparation of any actuarial reports relative to the plan; determine the financial requirements of the plan based on the most recent actuarial reports; and determine the minimum municipal obligation (MMO) of the Township with respect to the funding of the plan for a given plan year. At a Regular Meeting held on May 15, 2017, the Board of Supervisors designated former Township Manager, David Pribulka, by resolution to serve this role for the Township. With Mr. Pribulka’s resignation and the new Township Manager’s appointment on April 19, 2022, the Board is asked to take action on this matter.

Public Hearing – There were not comments.

Ms. Williams moved that the Board of Supervisors **adopt** the resolution designating Centrice Martin as Chief Administrative Officer of the Ferguson Township Police Pension Plan and Employees' Pension Plan. Ms. Strickland seconded the motion.

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

The motion passed unanimously.

#### 4. Zoning Ordinance Text Amendment Application – TSD Permitted Principal Uses

Ms. Martin noted that on May 11, 2022, the applicant submitted to the Director of Planning and Zoning an application for a text amendment to the Terraced Streetscape Zoning District (§27-304.2.A.—Permitted Principal Uses) and the Source Water Protection Overlay District (§27-405.7.B.8.—Cemeteries). Included in the agenda is the application submitted by the applicant. The applicant requests the Board to amend the ordinance, Terraced Streetscape Zoning District (§27-304.2. A.) to permit home burials in the Terraced Streetscape Zoning District and allow exemptions from concrete grave liners based on spiritual beliefs.

By zoning, this type of use is defined as a cemetery and green home burials that have a lower impact than cemeteries. As conservationists, it has always been the applicant and her spouse's desire to replenish and restore the ecological integrity of the land. It has been their belief that nature is sacred and that humans are a part of nature—that the natural cycles of birth, growth, and death carry profound spiritual meaning.

The Board of Supervisors enacted the Source Water Protection Overlay District Requirements, Chapter 27, § 27-405, on November 18, 2019, Ordinance No. 1049. The purpose and intent of this ordinance is to protect the health, safety, and welfare of residents and the ecosystems of the Township, provide protections for sources of public drinking water supplies, and safeguard the future supply of safe and sustaining drinking water. The applicant's property is situated within the established and delineation of the Source Water Protection Overlay District and Wellhead Protection Zones (§ 27-405.4). The Source Water Protection Overlay District shall be defined as the entire area within the boundaries of Ferguson Township. The Board should give consideration to the legal requirements or responsibilities involved with this decision. The Solicitor, Betsy Dupuis, is in attendance to answer questions or comment as the Board gives consideration on a response to this decision.

Ms. Dininni inquired about the concrete lining and its specific use. Ms. Wargo stated that the use is for bodies that have been embalmed so that the chemicals don't leak. Ms. Dininni asked why home burials wouldn't be allowed since it is legal in PA. Ms. Wargo stated that the ordinance doesn't differentiate between home burials and cemeteries. Ms. Wargo shared that home burials are permitted in RA and RR because there are family plots on farms and churches. Ms. Dininni is interested in learning more about the science.

Ms. Dupuis shared her thoughts and asked that the Township to figure where this use will be permitted in the zoning districts.

Ms. Strickland stated that it is worth investigating further but concerned with the small lots in the TSD.

Ms. Stephens had concerns on how one would keep track of who is on the property if the property is sold. Ms. Dupuis noted that if there is a body on a property it must be recorded on the deed and there are other regulations that must be followed.

Ms. Dininni stated that she is comfortable allowing a principal use with conditions in all zoning districts pending information from staff that the source water protection wouldn't be compromised. Ms. Dininni prefers not to include the containment unit.

Ms. Pam Steckler, Ferguson Township Resident, asked about the timeline. Ms. Martin suggested hiring a third party to conduct an analysis, but the Board can send to the next Planning Commission meeting. Ms. Steckler inquired about exception use. Ms. Dupuis noted that there are questions that need to be addressed and should go before the County and the CRPA. Ms. Dininni stated that the Board will send to the Planning Commission on May 23<sup>rd</sup>, and have staff talk to someone at the State College Borough Water Authority to get an analysis. Ms. Dininni stated that it will then come back to the Board on June 2<sup>nd</sup>.

5. Variance Request – 3450 West College Avenue – Paint Ninjas

Ms. Wargo noted that provided with the agenda is a copy of an application submitted by A. Oakes Fletcher for property located at 3450 W. College Avenue. The applicant is requesting a variance from §27-209.1. to permit a structure within the side yard setback.

The General Commercial (C) Zoning District has a side yard setback of 15 feet and the applicant would like to place a storage structure 10 feet into the side yard setback.

Ms. Dininni inquired about the location and if it is next to a residential area. Ms. Wargo reported that they abut RA and there is commercial on both sides.

Ms. Strickland moved that the Board of Supervisors remain **neutral** on the variance request. Ms. Stephens seconded the motion. The motion passed unanimously.

6. Continued Discussion on Amending Chapter 16 Parks and Recreation

Ms. Dininni suggested moving the agenda item to the next meeting, due to the late hour of the meeting.

Ms. Strickland moved that the Board of Supervisors **postpone** the discussion on Amending Chapter 16 Parks and Recreation to the next Board of Supervisors meeting. Ms. Stephens seconded the motion. The motion passed unanimously.

7. Discussion on Solar Power Purchasing Agreement

Ms. Martin reported that Ferguson Township, as part of the Solar Power Purchase Agreement (SPPA) Working Group is being asked to consider an appropriate range of electricity demand to potentially allocate to solar energy. Provided with the agenda is a document prepared by the SPPA Working Group to assist with the discussions. The Board is being asked to consider the overall electricity demand that should be considered as appropriate for the Township to include in the Request for Proposal (RFP) for a solar power purchase agreement (SPPA). The Board will need to discuss and determine the expected minimum percentage of electricity purchased as solar through SPPA as well as determine the expected maximum percentage of electricity purchased as solar through SPPA. This range will be used to help inform the SPPA Working Group as they draft the RFP. The working group requests for all questions or comments involving or related to the RFP for a solar power purchase agreement as well as Ferguson Township's range of electricity demand to potentially allocate to solar energy. The SPPA Working Group present five (5) questions, listed below, for consideration by the Board.

Ms. Dininni reviewed each question.



1. What is the expected minimum % of electricity purchased as solar through SPPA? Ms. Martin reported that staff agreed with 65%.
2. What is the expected maximum % of electricity purchased as solar through SPPA? Ms. Martin reported that staff agreed with 85%
3. Does COG know it's expected amount of solar electricity from the PPA? Ms. Dininni reported the question wasn't relevant.
4. Do we expect to purchase or retain renewable energy credits? Ms. Dininni declined to answer because it will be written in the RFP as an option.
5. Any other questions or concerns? Ms. Dininni reported that the Climate Action Committee prefers it to be an existing built facility. Ms. Dininni requested that the Board support the idea of a resilient site written in the RFP.

Ms. Strickland would like to explore the length of the contract and supports a shorter contract of three years. Ms. Strickland suggested adding the pricing metrics as well.

Ms. Strickland moved that the Board of Supervisors **direct** the Township Manager to write a letter to the Solar Power Purchasing Agreement Working Group to inform that Ferguson Township's range of electricity percentage demands for buildings 1 – 5 is 65-85%, which excludes building 6, to be considered for the SPPA RFP. Ms. Williams seconded the motion. The motion passed unanimously.

#### 8. Award Contract 2022-C9a, In-Town Microsurfacing

Mr. Modricker reported that on April 26, 2022, bids were opened publicly and read aloud for contract 2022-C9a microsurfacing (in town). This contract includes microsurfacing certain roads "in town" and Benner Township and Harris Township are piggybacking on this contract. The bid was advertised in the Centre Daily Times and was sent to potential bidders. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer, dated May 4, 2022, recommending award of the contract.

Ms. Williams moved that the Board of Supervisors **award** Contract 2022-C9a, Microsurfacing (in town), to Asphalt Paving Systems, Inc., in the amount of \$389,752.89. Ms. Stephens seconded the motion. The motion passed unanimously.

#### 9. Public Award Contract 2022-C9b, West End Microsurfacing

Mr. Modricker reported that on April 26, 2022, bids were opened publicly and read aloud for contract 2022-C9b Microsurfacing (west end). This contract includes microsurfacing Whitehall Road from Breezewood Drive to Tadpole Road, and Nixon Road from Whitehall Road to SR 26/45 (Pine Grove Road). The bid was advertised in the Centre Daily Times and was sent to potential bidders. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer, dated May 4, 2022, recommending award of the contract.

Ms. Dininni moved that the Board of Supervisors **award** Contract 2022-C9b, Microsurfacing (west end), to Asphalt Paving Systems, Inc., in the amount of \$436,810.99. Ms. Stephens seconded the motion. The motion passed unanimously.

## X. COMMUNICATIONS TO THE BOARD

Ms. Williams acknowledged the tragedy in Buffalo, NY and reported that there is group of people meeting at the MLK Memorial Plaza for a vigil to honor the victims on Wednesday at 7:00 p.m.

Ms. Stephens received a lot of communications from her neighbors regarding their displeasure with the weed ordinance.

Ms. Dininni inquired about the trash pickup times and asked if it is setting a precedent. Ms. Martin stated that the Township Solicitor reported that the ordinance exempts public services from the noise ordinance. Ms. Martin interpreted from the solicitor that it would not be setting a precedent especially for contractors because for any type of noise exemption, it would need to come before the Township for approval. Ms. Dininni noted that in the future it would great if the COG would confer with the Township regarding preferences of the residents.

#### **XI. CALENDAR ITEMS – MARCH**

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

#### **XII. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting adjourned at 10:25 p.m.

Respectfully submitted,



Centrice Martin, Township Manager  
For the Board of Supervisors

Date approved by the Board: 06-07-2022