

## **FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

Regular Meeting  
Tuesday, May 3, 2022

### **ATTENDANCE**

The Board of Supervisors held its first regular meeting of the month on Tuesday, May 3, 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  
Eric Endresen, Director of Finance  
Dave Modricker, Director of Public Works  
Kristina Bassett, Community Planner  
Jeff Ressler, Zoning Administrator  
Chris Albright, Chief of Police  
Nick Beiling, Communications Coordinator

Others in attendance included: Faith Norris, Recording Secretary; L. Olivia, CATA, Cheryl White, resident; Kathy Detwiler, resident; Charima Young, PSU; David Stone; Chad Stafford; Vicki Fong.

### **I. CALL TO ORDER**

Ms. Dininni called the Tuesday, May 3, 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 noted that on April 28, 2022, an executive session was held on a matter for land acquisition.

(Ms. Stephens and Ms. Strickland attended in person.)

### **II. CITIZENS INPUT**

Ms. Caldwell expressed that it had been a challenging day for some and that there will be a rally to stand in solidarity with the community for reproductive rights at 2:00 p.m. this Sunday in front of the Allen Street gates. She noted for those interested in attending, please park at a distance to give the Penn State graduating community some space.

Prior to the approval of minutes Ms. Dininni noted there was an adjustment to the agenda. Ms. Martin stated the MS4 presentation under Special Reports (Municipal Separate Storm Sewer System Report) was removed and will be added to a future regular meeting.

### **III. APPROVAL OF MINUTES**

Ms. Stephens had a process question. She noted that some people in attendance at the April 19 meeting were not listed in the minutes, i.e., Eric Norenberg and Dr. Lara Fowler. Discussion followed on how to capture the attendees at the meeting for the minutes. Ms. Martin noted there is typically a sign-in sheet for in-person attendance and that virtual attendees that make comments during the meeting are captured for the minutes. Our best effort is to capture those who are speaking. Mr. Beiling

noted there is a way to export attendees by name if that is needed in the future. Ms. Dininni asked the Supervisors if they were interested in having a discussion at some point. For now, there will be no changes on the minutes.

Ms. Stephens moved that the Board of Supervisors **approve** the April 19, 2022, Board of Supervisors Regular Meeting Minutes and April 12, 2022, BOS worksession. Ms. Caldwell seconded the motion.

The motion passed unanimously.

Ms. Dininni noted that Mr. Keough was not present at this time. We will check back later in the meeting for his ABC report.

Ms. Martin noted Ms. Vicki Fong is attending in-person at this meeting.

Ms. Williams inquired and noted she is willing to help on how to initiate something for a report on the Diversity, Equity and Inclusionary (DEI) topic that has had no reporting. Ms. Dininni noted she was hoping to have some conversations in the strategic planning process to see what we want in that report. It could be placed on Consent Agenda. Directed discussion followed on communication with staff and what the Board wants to see in the report with the strategic planning process to build content. Ms. Martin responded to the discussion by giving insight, i.e., like the presentation Mr. Kassab gave at the April 19 Regular Meeting on the Community Diversity Conference. Future topics such as that can be categorized as DEI topics under special reports. Ms. Martin further discussed the driver for it will be the Strategic Plan Update with those goals and initiatives included and formally approved.

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

- a. Centre Region Parks and Recreation Authority

See below, after Consent Agenda, for this report.

#### **V. SPECIAL REPORTS**

- a. Diversity, Equity, and Inclusionary Initiatives – No Report.
- b. Township and Fiscal Responsibility - First Quarter Financial Report by Finance and Tax, Finance Director, Eric Endresen

Mr. Endresen reviewed the First Quarter results and how the Township revenue and expense funds are organized as well as the cash balances trend ending March 2022. Total cash is doing well due to tax collection in the beginning of the year. The collection period for Stormwater assessment special fund revenue ended March 31. We have not yet received pandemic funding for 2022. Ms. Dininni thanked Mr. Endresen for a great overview.

Ms. Stephens asked when the ARPA funds would be received. Mr. Endresen noted it would be in the Second Quarter.

- c. Community And Economic Development – No Report

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

- 1. COG COMMITTEE REPORTS

Ms. Dininni noted all reports are included in the agenda packet.

a. Executive Committee

Ms. Dininni noted we already had the General Forum.

b. CCMPO Coordinating

Ms. Strickland reported and was pleased about the Pine Grove Mills grant funding on streetscape and safety improvements. She noted she thanked Tom Zilla at his retirement picnic along with Trish Meek for their work on the grant as well as Township staff. More information to come.

Ms. Dininni noted her praise of the funding and potential sidewalk connecting to a side street for safe access to Rothrock (State Park).

c. Parks Governance Special Committee

Ms. Dininni reported highlights that included conception advances is our effort to separate out the regionally funded park system and municipally funded park system due to different needs. The main take away was that we learned together is that the main reason the Park Authority was set up many years ago was because the COG was not legally able to borrow money at that time. Now, COG is legally able to do that. The Park Authority can now fill another roles, i.e., fund raising in a foundation format similar to what the Library has. No questions were asked.

d. Facilities Committee

Ms. Stephens reported she would provide a written report from this meeting later. Looking forward to HR Committee, a job description for Facilities Coordinator will be coming up and to look at the description's duties with the lens of including verbiage for sustainability. Noted that the Library has had a couple of leaks and looking at cost for fixing the leaks in the HVAC system. Diverting other HVAC work until this cost goes before the Finance Committee for review expenses.

e. Human Resources

Ms. Dininni asked Ms. Williams if there were any updates to her previous report. Ms. Williams noted that she did not have any new updates. Any new updates, Ms. Williams will present at the next meeting.

Ms. Dininni noted that it still seems that some of the Library employees pay has not been addressed yet. She noted if anyone receives this information throughout the COG budgeting process to work with her on it.

2. OTHER COMMITTEE REPORTS - none

**VII. STAFF REPORTS**

All reports are included in the agenda packet.

- a. Manger's Report – Ms. Martin highlighted that the Township did receive the GFOA certificate. The May 17<sup>th</sup> Board meeting has been changed to May 16 and will not be televised live by C-NET due to recording schedules but will be available on the CNET channel.

Ms. Dininni had a follow-up on CRPR Park Revenue. She noted that there was no revenue over the last quarter and deduced that the policy was not implemented yet on charging a nominal fee for third parties that stored their own sports equipment at the parks. She asked if CRPR could let us see what that policy is. Focused discussion on equipment stored under another amenity.

Ms. Dininni asked the Board if they had any questions or comments on the other Staff Reports that were provided with the agenda.

- b. Public Works Director Report – Ms. Strickland thanked the Public Works Director and staff for the Pine Grove Mills transportation grant work as well as the county contributing to the grant. She noted the Arbor Day celebration was nice, well attended and enjoyable at Tudek Park. Ms. Dininni noted that the public could still enjoy the pop-up arboretum that is still on display for a while compliments of Larry Maginnis the Township's arborist. Mr. Modricker noted he has heard a lot of positive feedback on the Arbor Day Celebration and will pass those comments on to Mr. Maginnis.
- c. Planning and Zoning Report – no written report and no comments made.

## VIII. UNFINISHED BUSINESS

### 1. Decision on Conditional Use Application for Flag Lot

Mr. Ressler presented the item as provided with the agenda. An application for a conditional use permit for property located at 139 Farmstead Lane (TP: 24-022-306-0000) to subdivide a flag lot has been filed with the Township by Penn Terra Engineering on behalf of their client, Farmstead Developer, LLC. The applicant is requesting to subdivide the lot and create a flag lot. The Township's Zoning Ordinance and the Municipalities Planning Code (MPC) require a public hearing on the application, and the Board must take action to approve or deny the application within 45 days following the hearing. At a Regular Meeting held on April 19, 2022, the Board held a public hearing and received testimony from Township staff. The draft decision provided by Planning and Zoning is based on the record from the public hearing held on April 19, 2022. The Board was asked to review and discuss the draft decision and take final action to approve or deny the conditional use permit.

Ms. Dininni ask for any comments. No comments made.

Ms. Strickland moved that the Board of Supervisors **approve** the conditional use permit application for 139 Farmstead Lane subject to the conditions described in the Director of Planning and Zoning's written decision. Ms. Caldwell seconded the motion.

The motion passed unanimously.

Ms. Dininni noted Mr. Keough had joined the meeting and will present his ABC Parks Authority report following the approval of the Consent Agenda.

## IX. NEW BUSINESS

### 1. Consent Agenda

- a. Treasurers Report - March 2022 for acceptance
- b. Voucher Report – March 2022
- c. Board Member Request – legislation prohibiting domestic violence offenders from holding the office

Ms. Stephens moved that the Board of Supervisors **accept** the Treasurers Report and **approve** the Consent Agenda. Ms. Williams seconded the motion.

The motion passed unanimously.

## 2. Centre Region Parks and Recreation Authority Report

Mr. Keough presented his ABC report in-person. The report was provided in the agenda packet. Highlights included groundbreaking for the new park last week and things are moving along. Tomorrow a COG committee will be discussing and reviewing agency staffing study for Parks staff for 2023 budget. Mr. Keough discussed that the COG Capital Park funding budget (4 in all) was not previously part of the COG Capital funding program. It became of interest to incorporate the needs of the Park Authority into the COG Capital funding program. Mr. Keough further discussed the process that COG is doing to incorporate CRPRA parks funding.

Ms. Dininni clarified that the HR Committee will be reviewing the proposal by CRPRA at 12:15 p.m.

Ms. Dininni asked Ms. Martin if the Board members could get a brief synopsis or a snapshot as early as possible of the multiple needs to be met in regards to COG. For example, the staffing study is one of about six COG agency needs for the eventual requests between now and September.

Ms. Dininni thanked Mr. Keough for his report.

## 3. Proclamation - Emergency Medical Service (EMS) Week

Ms. Martin noted the Proclamation is provide with the agenda. It officially designates May 16 through May 21, 2022, as EMS week in Ferguson Township. Also provided is a letter from Mr. Tim Nilson.

Ms. Caldwell moved that the Board of Supervisors **adopt** the proclamation designating May 16 through May 21, 2022, as Emergency Medical Service Week in Ferguson Township. Ms. Stephens seconded the motion.

Ms. Stephens stated her crisis point concern for EMS support services that is critical to the Centre Region and that any support, especially financial, to Centre Lifelink EMS would be appreciated. Ms. Dininni noted that some municipalities have provided some level of funding without coordinated efforts. Since emergency services is not part of COG, it may be an opportunity to discuss with peers to see about moving it forward to COG. Ms. Stephens noted it is on the agenda for the next Public Safety meeting.

The motion passed unanimously.

## 4. Asian Pacific Heritage Month Proclamation

Ms. Dininni noted that Ms. Fong was present for this proclamation. Ms. Martin noted that provided with the agenda is a draft Proclamation officially designating May 2022 as Asian Pacific Heritage Month in Ferguson Township. Ms. Fong read the proclamation for adoption as provided and thanked the Board for this opportunity. Ms. Dininni thanked both for putting the proclamation together.

Ms. Hilary Caldwell moved that the Board of Supervisors **adopt** the proclamation designating May 2022, as Asian Pacific Heritage Month in Ferguson Township. Ms. Williams seconded the motion.

The motion passed unanimously.

Ms. Fong thanked the Board and noted a local group formed in 2021 to raise awareness and appreciation of Asian Pacific Americans combating anti-Asian violence. This kind of recognition is enormous for our community and the United States.

5. Resolution—Local Match for State Operating and Capital Financial Assistance to CATA, 2022-2023

Ms. Martin noted a copy of the resolution is provided with the agenda. It establishes the Township's contribution to the Centre Area Transportation Authority (CATA) for operating funds in an amount of \$129,976 and capital funding in an amount of \$17,620.00 for the CATA fiscal year beginning July 1, 2022, and ending June 30, 2023. Contributions for the 2021 – 2022 CATA fiscal year totaled \$123,786.00 for operating funds and \$17,620 for capital funding. Also provided with the agenda is a copy of a memorandum from Louwana Oliva, who is present to answer questions. Ms. Dininni asked if there were any questions. No comments were made.

Public Hearing – There were no comments.

Ms. Williams 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 2022 – 2023. Ms. Strickland seconded the motion.

Ms. Strickland noted her apperception on the complexity of establishing the financing and contributions that was explained well. The difficulties are increasing by participation and different opportunities with transportation, i.e., CATAGO. Ms. Strickland is looking forward to discussions as described.

**ROLL CALL: MS. DININNI-YES, MS. STEPHENS-YES, MS. STRICKLAND-YES, MS. WILLIAMS-YES, MS. CALDWELL-YES.**

The motion passed unanimously.

6. Resolution-Submission of PennDOT Grant Application for 2022-2023 for DUI Enforcement Program

Ms. Martin noted a copy of the resolution is provided with the agenda. It authorizes the submission of the 2022 – 2023 Centre County Highway Safety Enforcement Grant Application. The Township has submitted this grant for over ten years. Provided with the agenda narrative is specific information on the funding in the local coverage area and how the grant is used. Chief Albright is present to answer any questions.

Chief Albright noted that about three years ago this grant was consolidated with three other traffic enforcement grants to make more efficient and give the agencies more funds to focus the activities. Ms. Dininni asked if there were any questions. No comments were made.

Public Hearing – There were no comments.

Ms. Strickland moved that the Board of Supervisors **adopt** the resolution authorizing the submission of an application for a grant from the Pennsylvania Department of Transportation for the 2021-2022 Centre County Sobriety Checkpoint and Expanded DUI Enforcement Program; and authorizing the Township Manager to sign all documents related to the grant on behalf of the Township. Ms. Stephens seconded the motion.

Ms. Dininni thanked Chief Albright. Chief Albright and Ms. Dininni had a discussion on Bristol Avenue area and signage in other areas to help raise awareness on speed.

**ROLL CALL: MS. STEPHENS-YES, MS. STRICKLAND-YES, MS. WILLIAMS-YES, MS. CALDWALL-YES, MS. DININNI-YES.**

The motion passed unanimously.

7. Authorization to Engage Cohen Law Group, Franchise Agreement with Shenandoah Cable TV

Ms. Martin stated that the Township's agreement with Windstream cable services expired in December of 2021 and the cable service decided not to renew the agreement. The Township was approached in January of 2022 by Shentel Communications with an introduction of services they provide. Ms. Martin detailed the company's services. As with Windstream, staff is requesting to engage the services of Cohen Law Group to assist in franchise negotiations with Shentel. As our prior agreement with Windstream, we would partner with State College Borough for a joint agreement. This streamlines the process as well as cost sharing. Provided with the agenda is an engagement letter from Cohen Law Group stating a flat fee of \$6,250. Shentel is paying 100% of the stated flat fee.

Ms. Stephens moved that the Board of Supervisors **authorize** the Township Manager to execute an engagement letter with the Cohen Law Group to negotiate the Township's franchise agreement with Shentel in an amount not to exceed \$6,250 noting that such payments will be made directly by Shentel to the Cohen Law Group. Ms. Williams seconded the motion.

The motion passed unanimously.

8. Request for Modification/Waiver

a. 2026 Sandy Drive – Centre Volunteers in Medicine

Ms. Bassett introduced the item as provided with the agenda. This definition was submitted previously and prior to the update. Due to lack of definitions, staff is recommending it be approved for the addition of 2,228 sq. ft. to the existing building. Noted, Mr. Stafford is in attendance via phone for any questions. Ms. Dininni clarified that 301 is what we will be incorporating in the motion. No questions or comments.

Ms. Stephens moved that the Board of Supervisors **grant** the modification from §22-301—General. Ms. Strickland seconded the motion.

The motion passed unanimously.

9. Centre Volunteers in Medicine (CVIM) Preliminary Land Development Plan-2026 Sandy Drive

Ms. Dininni noted that from the above granted modification, it enables us to make this LDP modification for the Final Land Development Plan. Ms. Bassett introduced the item as provided with the agenda. Ms. Dininni had one minor procedural notation to incorporate the word "final" in the motion; however, it still shows the word Preliminary in the document. Ms. Bassett stated since the modification has been approved at tonight's meeting, that it can be updated to say Preliminary/Final. PennTerra will need to resubmit the document stating that change. No other questions were noted.

Ms. Stephens moved that the Board of Supervisors **grant** approval of the Preliminary/Final Land Development Plan. Ms. Caldwell second the motion.

The motion passed unanimously.

Due to computer issues, Ms. Dininni asked Ms. Strickland to continue conducting the meeting until the computer issue is resolved.

#### 10. Contract 2022-C1, Street Improvement Project

Mr. Modricker stated this project was introduced at the April 19 regular meeting and a description is included in the agenda packet. The motion remains the same as provided and read by Mr. Modricker.

Ms. Caldwell asked that Ms. Martin pass along information from the solicitor on this agenda item. Ms. Martin shared the concerns of awarding the bid based on the previous litigation with Hawbaker and had received a firm response stating there is no reason as to why the Township should not award the bid based on feedback as a responsible lowest bidder as recommended by staff in the report. Mr. Martin did have this conversation with Ms. Caldwell.

Ms. Williams moved that the Board of Supervisors **award** Contract 2022-C1, Street Improvement Projects (in town), to Glenn O Hawbaker, Inc. in the amount of \$793,174.25. Ms. Stephens seconded the motion.

Ms. Caldwell clarified that we are doing the right decision for the Township and will change her no vote to yes in this instance. However, there was a discussion on potentially looking at reframing our ordinances or resolutions on how to determine criteria for a responsible bidder. Ms. Strickland thanked them for the additional information.

The motion passed unanimously.

Ms. Dininni was back online and continued conducting the meeting.

#### 11. Award Contract 2022-C2, Street Improvement Project

Mr. Modricker noted very similar to the contract above, Contract 2022-C2, west end, was introduced to the Board of Supervisors at the April 19 meeting along with the memorandum. This contract was on hold for additional time to consider. The motion remains the same as provided and read by Mr. Modricker.

Ms. Stephens moved that the Board of Supervisors **award** Contract 2022- C2, Street Improvement Projects (west end), to Glenn O Hawbaker, Inc., in the amount of \$1,102,807.45 to include both the base and alternate bids. Ms. Strickland seconded the motion.

Ms. Dininni noted in granting this vote, moving forward she would be in favor of reframing for future awarding of contracts to avoid this situation. Ms. Martin noted if this topic is of interest for a future agenda item, that it go through the Consent Agenda process as noted.

The motion passed unanimously.

## **X. COMMUNICATIONS TO THE BOARD**

Ms. Caldwell noted a constituent in her Ward reached out concerning the stormwater impact fee and that they believe it was improperly calculated for that condo association. Ms. Caldwell encouraged the constituent to reach out to staff and attend the meeting. If he has not reached out by the next Board of Supervisors Regular Meeting, Ms. Caldwell will provide updates.



## **XI. CALENDAR ITEMS – MAY**

- a. Ferguson Township upcoming committee meetings:
1. Planning Commission - May 9 & 23
  2. Board of Supervisors Worksession – May 10
  3. Parks & Recreation Committee - May 12
  4. Tree Commission – May 16
  5. Pine Grove Mills Small Area Advisory Committee - May 26

Ms. Williams asked how often the Township does Coffee and Conversation and its format. Ms. Martin noted we schedule them four times a year and are formatted as described. The event dates and times are provided on our website.

Ms. Dininni inquired about the Township's Public Works Open House. Mr. Modricker stated that it is a celebration intended for regional public works personnel on May 19, 11:00 a.m. to 1:00 p.m. The Township has to make arrangements for food and parking for other municipal personnel attending.

## **XII. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to *adjourn* the meeting. The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Centrice Martin, Township Manager  
For the Board of Supervisors

Date approved by the Board: 05-16-2022