

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

**Regular Meeting Agenda
Tuesday, December 6, 2022**

7:00 PM

MEETING PARTICIPATION OPTIONS

VIRTUAL:

Join Zoom Meeting Link:

<https://us02web.zoom.us/j/87031665680>

Meeting ID: 870 3166 5680

[Zoom Access Instructions](#)

IN-PERSON:

Ferguson Township Municipal Building

Main Meeting Room

3147 Research Drive

State College, PA

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- I. CALL TO ORDER**
 - II. PLEDGE OF ALLEGIANCE**
 - III. CITIZENS INPUT**
 - IV. APPROVAL OF MINUTES**
 - V. AUTHORITIES, BOARDS, AND COMMISSION REPORTS**
 - VI. SPECIAL REPORTS**
 - VII. COG REGIONAL REPORTS**
 - VIII. STAFF REPORTS**
 - IX. UNFINISHED BUSINESS**
 1. A Public Hearing on the Proposed 2023 Ferguson Township Annual Operating Budget
 2. Review of CRCOG Solar Power Purchasing Agreement Presentation
 3. Review of Progress to Strategic Plan Update
 4. Review of Whitehall Road Regional Park Update
 - X. NEW BUSINESS**
 1. Consent Agenda
 2. Review of Draft 2023 Ferguson Township Schedule of Fees
 3. Authorization and Approval for Payment to NTM Engineering, Inc. For the Submission of Supplemental Agreement 5 For the Park Hills Drainageway Improvement Project
 4. Award of Contract 2022-C15 Street Tree Pruning
 - XI. COMMUNICATIONS TO THE BOARD**
 - XII. CALENDAR ITEMS**
 - XIII. ADJOURNMENT**



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TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS Regular Meeting Agenda Tuesday, December 6, 2022 7:00 p.m.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S INPUT** 5 minutes per resident
- IV. APPROVAL OF MINUTES**
 - a. November 9, 2022 Board of Supervisors Special Budget Meeting Minutes
 - b. November 10, 2022 Board of Supervisors Special Budget Meeting Minutes
 - c. November 15, 2022 Board of Supervisors Regular Meeting Minutes
- V. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT** 15 minutes
 - 1. Centre Area Transportation Authority – John Spychalski
- VI. SPECIAL REPORTS AND ACKNOWLEDGEMENTS** 25 minutes
 - 1. Diversity, Equity, and Inclusionary Acknowledgements – *Christmas Day (Federal holiday), New Year's Eve, Kwanzaa, Hanukkah*
 - 2. Township and Fiscal Responsibility – no report
 - 3. Environment – no report
- VII. COG AND REGIONAL COMMITTEE REPORTS** 25 minutes
 - 1. COG COMMITTEE REPORT**
 - a. Finance Committee
 - b. Centre Region Parks and Recreation Authority
 - c. Executive Committee
 - d. Centre County Metropolitan Planning Organization
 - e. Facilities Committee
 - f. Spring Creek Watershed Commission
 - g. Land Use and Community Infrastructure Committee *cancellation notice*
 - h. Parks & Recreation Governance *cancellation notice*
 - 2. OTHER COMMITTEE REPORTS**
- VIII. STAFF REPORTS**
 - 1. Township Manager's Report
 - 2. Public Works Director Report
 - 3. Planning and Zoning Report

IX. UNFINISHED BUSINESS

1. A PUBLIC HEARING ON THE PROPOSED 2023 FERGUSON TOWNSHIP ANNUAL OPERATING BUDGET

20 minutes

Centrice Martin, Township Manager & Eric Endresen, Director of Finance

Narrative

The Board of Supervisors received a DRAFT 2022 Annual Operating Budget on November 3rd and conducted two public Special Meetings to review the document on November 9th and 10th. Amendments to the budget that were approved by consensus vote at each meeting have been incorporated into the document that has been advertised for public hearing this evening. A copy of the proposed 2023 Operating Budget was made available at the Township building for inspection and accessible from the Township's website. Public input on the document should be received this evening so that any resulting changes may be incorporated prior to its presentation for final adoption at the Regular Meeting on December 13th. Below is a link to the proposed 2023 Annual Operating Budget. Centrice Martin, Township Manager, will introduce the item and Eric Endresen, Director of Finance, will provide a short presentation on the budget and review the changes that were incorporated at the conclusion of the Special Meetings held in November.

[2023 Proposed Ferguson Township Annual Operating Budget](#)

Recommended Motion: That the Board of Supervisors approve the proposed 2023 Ferguson Township Annual Operating Budget and authorize a public hearing on the final adoption of the budget for December 13, 2022.

Staff Recommendation

That the Board of Supervisors **adopt** the 2023 proposed budget.

2. REVIEW OF CRCOG SOLAR POWER PURCHASING AGREEMENT PRESENTATION

20 minutes

Centrice Martin, Township Manager

Narrative

At the November 28, 2022 meeting, General Forum members received an update on the Solar Power Purchasing Agreement project. The SPPA Project Management Team will meet December 7 to list questions received and forward to the SPPA Working Group. The Board of Supervisors is asked to discuss the presentation and share any questions regarding the SPPA for delivery to the Project Management Team.

Staff Recommendation

That the Board of Supervisors **discuss** the Solar Power Purchasing Agreement presentation.

3. REVIEW OF PROGRESS TO STRATEGIC PLAN UPDATE

10 minutes

Centrice Martin, Township Manager

Narrative

In 2021, the Board of Supervisors began updating the Strategic Plan document, last updated in 2017. This document provides guidance for the Township and an outline to achieve goals set forth by the Board of Supervisors. The Board is asked to receive the document with updates current as of December 1, 2022.

Staff Recommendation

That the Board of Supervisors **receive** the report on the Strategic Plan Update.

4. REVIEW OF WHITEHALL ROAD REGIONAL PARK UPDATE

30 minutes

Laura Dininni, Chair of the Board of Supervisors

Narrative

The COG Chair is making an effort to schedule a Special General Forum Meeting for a date to be determined in December to consider a release from the Whitehall Road Regional Park loan “reserve”. In lieu of a Special Meeting date being established, action will be considered at the regular meeting of the COG General Forum, December 20.

The budget for the WRRP project was set at \$6,534,577 in December 2021. The 12/2021 budget included 4,511,907 allotted to construction contracts with a \$258,633 (5%) contingency. When bids came in above budget in late 2021, an additional “de-scoping” process was to have been applied to bring the project back into budget before contracts were issued. On 1-20-22 and 3-17-22 the Park Authority chose to move forward, via resolution to award contracts resulting in an over-budget situation.

In November of 2022 it was stated by COG that the project only had \$75,000 in contingency, later they stated that due to double counting of a grant/donation it was actually \$55,000, which conflicted with the CRCOG budget stating that there was \$258,633 in contingency.

On December 16, 2021, a citizen group expressed concern about this. On January 20, 2022, CRCOG Executive Director stated there was a 7-8% project contingency.

Over the last month, multiple motions have been making their way through the committee structure at COG in order to prepare to ask the Municipalities to consider an additional fund release. While the action on March 17, 2020, resulted in a guarantee of project overage, the project has been determined by the project manager to currently have sufficient funds until March or April. Therefore, COG municipalities have the time needed to spend to work out exactly how this situation occurred before considering additional fund release.

Staff Recommendation

That the Board of Supervisors **receive** the update on Whitehall Road Regional Park.

X. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. September Treasurer’s Report - for acceptance
- b. Contract 2022-C1, Pay App 2, \$524,348.43
- c. Contract 2022-C1, Pay App 3, Final, \$73,418.11
- d. Contract 2022-C2, Pay App 2, \$466,594.77
- e. Contract 2022-C2, Pay App 3, \$111,456.67
- f. Contract 2016-C11, Pay App 6, \$98,981.00
- g. Contract 2016-C11, Pay App 7, \$45,451.02
- h. Contract 2016-C11, Pay App 8, \$6,624.00
- i. Acceptance of Proposed Bylaw Revisions

- j. Orchard View Subdivision Surety Reduction No. 6, \$11,492.94
- k. Harner 4 Lot Subdivision Surety Reduction No. 7, \$68,111.78

2. REVIEW OF DRAFT 2023 FERGUSON TOWNSHIP SCHEDULE OF FEES 15 minutes
Centrice Martin, Township Manager

Narrative

The Schedule of Fees for the Township is adopted annually by resolution of the Board of Supervisors and describes all fees for services, violations, and other items for which the Township collects revenue. Provided with the agenda is a copy of the DRAFT 2023 Ferguson Township Schedule of Fees for review by the Board and authorization for the public hearing on December 13. The document has changes redlined for illustration.

Recommended Motion: That the Board of Supervisors authorize advertisement of a resolution adopting the 2023 Ferguson Township Schedule of Fees for Monday, December 13, 2022.

Staff Recommendation

That the Board of Supervisors **authorize** advertisement of the resolution for public hearing.

3. AUTHORIZATION AND APPROVAL FOR PAYMENT TO NTM ENGINEERING, INC. FOR THE SUBMISSION OF SUPPLEMENTAL AGREEMENT 5 FOR THE PARK HILLS DRAINAGEWAY IMPROVEMENT PROJECT 15 minutes
Centrice Martin, Township Manager and David Modricker, Director of Public Works

Narrative

Ferguson Township entered into a professional services contract on November 21, 2018, with NTM Engineering to perform engineering design services including concept designs, surveying, preliminary engineering design drawings, technical specifications and special provisions, permitting, hydraulic modeling, right of way drawings, and final design drawings for the Park Hills Drainageway Improvement Project. Since that time, the contract was supplemented 4 times over the past 4 years to include additional work and associated additional fees. The supplements are as follows

Contract	Amount	Description
Original contract	\$242,830	
Supplement 1	3,074	Additional survey and mapping associated with an incorrect utility mark out
Supplement 2	57,000	Additional scope for final design and permitting by adding the preparation and submission of a CLOMR and LOMR to FEMA
Supplement 3	12,000	Additional hydraulics and hydrology and design revisions to minimize impacts to trees and minimize potential construction costs
Supplement 4	47,360	Additional final design work and permitting associated with utility investigation and coordination, design of drop energy dissipation structure and improvements to drainage on Devonshire Drive, rate cost escalation
Current contract	\$362,264	

On May 10, 2022, the Township received a request for scope and fee adjustment, in the amount of \$150,000, for unauthorized and out-of-scope performed without approval for an agreeable change or supplemental agreement from the Township. The Manager did agree to meet and discuss for a resolution with the Senior Professional Engineer and President of NTM Engineers, Inc. This matter has been under review with much deliberation involving NTM and the Manager, Director of Public Works, and Township Engineer to determine agreeable terms for Supplement 5 with payment to NTM Engineers, Inc. in the amount of \$55,056.76. Generally, and historically, the Board is not involved in supplemental agreements or changes in accordance with the Home Rule Charter. In this matter, the Manager desires for a transparent approach that prioritizes accountability with the support of the Board of Supervisors. The Board is asked to support staff's recommendation to pay the agreeable fee adjustment in the amount of \$55,056.76. NTM Engineer, Inc. has been informed that any future scope of work and fee adjustments submitted for unauthorized work will be without compensation. NTM Engineering, Inc. and Ferguson Township has had a longstanding relationship, and the staff appreciated the opportunity to resolve this matter with amicable and agreeable terms.

Recommended Motion: That the Board of Supervisors approve the supplement and authorize the Township Manager to approve and submit payment to NTM Engineering in the amount of \$55,056.76.

Staff Recommendation

That the Board of Supervisors **approve** the supplement.

4. AWARD OF CONTRACT 2022-C15 STREET TREE PRUNING

10 minutes

David Modricker, Director of Public Works

Narrative

On November 29, 2022 bids were opened publicly and read aloud for contract 2022-C15. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves trimming 519 street trees located on various streets in Teaberry Ridge and Foxpointe neighborhoods, Pine Hall Road, and Sunday Drive.

Provided with the agenda is a memorandum from the Public Works Director dated November 29, 2022 recommending award of the contract.

Recommended Motion: That the Board of Supervisors award Contract 2022-C15 Street Tree Pruning to Cutting Edge Tree Professionals in the amount of \$79,950.00.

Staff Recommendation

That the Board of Supervisors **award** the contract.

XI COMMUNICATIONS TO THE BOARD

XII CALENDAR ITEMS – December

- a. Parks & Recreation Committee, December 8
- b. Planning Commission, December 12
- c. Pine Grove Mills Small Area Plan Advisory Committee - December 15
- d. Administrative office closed Monday, December 26 in observance of the holiday

XIII. ADJOURNMENT