

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Tuesday, July 19, 2022

ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, July 19, 2022 as a hybrid meeting. In attendance were:

Board: Laura Dininni, Chair
Patty Stephens
Tierra Williams

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

Others in attendance included: Rhonda Demchak, Recording Secretary; John Compton, Baker Tilly; Adam Hartzel, Baker Tilly; Christine Zoerner, Baker Tilly; Anthony Cartolaro, HammerTECH; Bill Keough, Ferguson Township Planning Commission and Ferguson Township Resident; Jeremie Thompson, Ferguson Township Planning Commission and Ferguson Township Resident; Colleen Delong, Ferguson Township Resident

I. CALL TO ORDER

Ms. Dininni called the Tuesday, July 19, 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

There were none.

III. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the July 5, 2022, Board of Supervisors Regular meeting minutes. Ms. Williams seconded the motion. The motion passed unanimously.

IV. AUTHORITIES, BOARDS, AND COMMISIONS REPORT

a. Centre Region Parks and Recreation Authority

Mr. Bill Keough stated that his report is included in the agenda packet.

Ms. Dininni asked if a projection could be requested first of the build out of the three regional parks and anything else from facilities. Mr. Keough noted that it is challenging because there have been no discussions, commitments, or processes for the next phase.

V. SPECIAL REPORTS

- a. Diversity, Equity, and Inclusionary Initiatives – no report.
- b. Township and Fiscal Responsibility – ACFR Annual Independent Audit Report, Baker Tilly

Mr. John Compton, Mr. Adam Hartzel, and Ms. Christine Zoerner from Baker Tilly were in attendance and gave a report of the 2021 audit. Mr. Compton noted that the 2021 audit will be completed on July 31, 2022 and gave a PowerPoint presentation. Mr. Compton reported that they did not identify anything that needed to be brought to the Board's attention. Mr. Compton stated that the Township is well situated with a sound general fund balance.

Mr. Endresen asked if the ARPA fund was included in the amount of \$1 million for 2021. Mr. Compton reported that it was not included because of accounting rules.

- c. Community And Economic Development – no report.
- d. Environment – no report.

VI. COG AND REGIONAL COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Climate Action & Sustainability Committee

Ms. Dininni reported that no one from the Township was in attendance because it was a work session with no virtual options. Ms. Dininni encouraged that a virtual option be available. Ms. Dininni reported the main topic they talk about was the dashboard for Climate Action and Adaptation Plan.

- b. Public Safety Committee

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

- c. Finance Committee

Ms. Dininni reported their main topics of discussion were the COG Capital Improvement Program, mobile concessions, and fund balance policy review.

- d. Executive Committee

Ms. Dininni stated that they met today and set the COG General Forum meeting for next week.

- e. Facilities Committee Report for July

Ms. Stephens stated that her report is in the agenda packet. Ms. Stephens noted that there were three applicants for the position of Facilities Project Manager and the position is still open.

- f. Human Resources Committee

Ms. Williams reported that their meeting was cancelled, but they have been discussing what they pay their minimum wage staff.

2. OTHER COMMITTEE REPORTS

There were none.

VII. STAFF REPORTS

- a. Township's Manager's Report – *no written report*
- b. Public Works Director Report – *no written report*
- c. Planning and Zoning Report – report was included in the agenda packet.
- d. Chief of Police – report was included in the agenda packet.

VIII. UNFINISHED BUSINESS

1. Discussion on Prioritization of Policy Items, Projects, and Work Items

Ms. Martin noted that at the Board of Supervisors Work Session held on June 14, 2022, staff proposed that the Board discuss and consider the prioritization of policy initiatives and work tasks to help inform a Township-wide work plan to help balance competing priorities. Provided with the agenda are policy items and work tasks ranked by the Assistant Manager based on the scores provided by members of the Board. The Board is asked to review the policy priorities item as the staff intends to update and report on the progress and completion of projects.

Ms. Dininni identified a project in Pine Grove Mills that consists of painting of parking spaces and no curb parking. Ms. Dininni stated that the project could easily be done, and it would promote business use in the area. Ms. Dininni asked if the project could be added to the list. Mr. Modricker stated that it is indicated as a priority; however, there are a lot of priorities. Mr. Modricker noted that it is staff labor intensive to do the study. Mr. Modricker suggested including the painting in the ongoing line painting contract each year.

2. Continued Discussion on Proposed Diversity, Religions, Ethnic, and Cultural Calendar

Mr. Progar stated that at the Board of Supervisors adopted a resolution establishing the agenda order of business for 2022, which included the addition of the Diversity, Equity, and Inclusion (DEI) special report item. Staff recognizes the opportunity to foster an inclusive community by increasing awareness on the broad diversity of residents that represent many different racial, ethnic, and cultural backgrounds. It is anticipated that the Board will continue to work to ensure that diverse communities are well-represented in policy discussions and actively celebrate the multi-ethnic and cultural backgrounds united within Ferguson Township. Staff proposes that the diversity, equity, and inclusion special item be used to announce, recognize, and celebrate diverse holidays and cultural events. The proposed calendar would be featured on the Township's website with a submission request form to feature local cultural events. At the June 21 regular meeting, the Board of Supervisors directed staff to prepare a draft diversity, religious, and cultural celebrations calendar. The Board is asked to consider the draft diversity holiday and cultural celebrations calendar provided with the agenda for staff to reference and add to the DEI special report item all diversity, religious, ethnic holidays, and cultural celebration calendar items.

Ms. Stephens noted that the Chinese Lunar New Year and President's Day were missing.

Ms. Martin stated that once the calendar is established and approved by the Board, it will be populated on the Township's calendar on the website.

Ms. Williams suggested adding National Minority Mental Health Awareness Month for July, Black August, Domestic Violence Awareness Month for October, and Kwanzaa and Hanukkah in December.

Ms. Dininni asked to add Dark Sky Week.

3. Lot for Sale on Blue Course Drive

Ms. Martin reported that at a Regular Meeting held on April 5, 2022, the Board motioned to direct staff to investigate the property and present a cost-benefit analysis. The cost-benefit analysis was received and discussed by the Board in an executive session. The Board should consider a recess to allow for the Board to further discuss items in an executive session.

Ms. Stephens moved that the Board of Supervisors **recess** for an executive session to discuss the Lot for Sale on Blue Course Drive.

The Board reconvened after 20 minutes and made the following motion.

Ms. Williams moved that the Board of Supervisors **authorize** the Township Manager make an offer to the seller in the amount that doesn't exceed \$24,000. Ms. Stephens seconded the motion. The motion passed unanimously.

4. Minor Land Development Plan – Nittany Dental

Ms. Wargo reported that on May 18, 2022, Penn Terra Engineering, Inc., submitted a Minor Land Development Plan, on behalf of their client B&H West College Investments. This proposal is located at 2591 Park Center Boulevard (TP: 24-465-,001-,0000-) and is zoned Light Industry, Research & Development (IRD).

This minor land development plan proposes the enclosure of three existing drive-thru lanes (1,243 SF) and enlarging that space by an additional 360 SF. The final square feet (SF) for the addition would increase the building coverage from 5,124 SF to 6,727 SF. The applicant would need to provide six additional parking spaces for the addition and change in use, equaling 27 total parking spaces required by the ordinance. There are currently 44 parking spaces existing on site.

A Modification/Waiver was granted by the Board of Supervisors at their April 19, 2022, meeting to allow this plan to be processed as a minor land development plan.

Planning Commission reviewed and recommended approval to the Board of Supervisors at their July 11, 2022, meeting.

Staff have reviewed the minor land development plan and is recommending approval subject to the outstanding staff comments as outlined in the Director of Planning & Zoning's memorandum dated July 12, 2022. Also provided with the agenda is the Minor Land Development Plan.

Ms. Stephens moved that the Board of Supervisors **conditionally approve** the Nittany Dental Minor Land Development Plan subject to the conditions as outlined in the Director of Planning & Zoning's memorandum dated July 12, 2022. Ms. Williams seconded the motion. The motion passed unanimously.

5. Final Land Development Plan – Centre Animal Veterinary Hospital

Ms. Wargo reported that on June 15, 2022, ELA Group, Inc., submitted a Final Land Development Plan on behalf of their client, Tussey Tracks, LLC. This proposal is located at 1518 West College Ave (TP: 24-019-,074-,0000-) and is zoned Terraced Streetscape (TS).

This land development plan proposes a 620 SF addition to the existing 5,551 SF building. The owner recently acquired the parcel to the east and consolidated the two lots to create a 0.937-acre lot allowing for parking to be expanded and reconfigured for a better flow. At the April 5, 2022, Board of Supervisors meeting, the Board granted a modification/waiver request from §22-5A09—Streetscape Design Standards. The preliminary land development plan was approved by the Board of Supervisors at the April 19, 2022, meeting pending outstanding staff comments.

Planning Commission reviewed and recommended approval to the Board of Supervisors at their July 11, 2022, meeting. Staff have reviewed the final land development plan and is recommending approval subject to the outstanding staff comments as outlined in the Director of Planning & Zoning's memorandum dated July 12, 2022. Also provided with the agenda is the Final Land Development Plan.

Ms. Stephens moved that the Board of Supervisors **conditionally approve** the Centre Animal Final Land Development Plan subject to the conditions as outlined in the Director of Planning & Zoning's memorandum dated July 12, 2022. Ms. Williams seconded the motion. The motion passed unanimously.

6. Continued Discussion – Draft Amendment to Chapter 16, Parks and Recreation

Ms. Wargo stated that in March 2022, the Board of Supervisors adopted Ordinance No. 1076 that captured outstanding amendments from the Township's comprehensive update to the Zoning and Subdivision and Land Development Ordinances (November 2019).

At the March 15, 2022, Board of Supervisors regular meeting, the Board requested an additional review of Chapter 16—Parks and Recreation for consistency with the amendments made to §27-723—Mobile Food Vendors.

Provided with the agenda is a redlined draft amendment to Chapter 16—Parks and Recreation for the Board to review and provide comments.

Ms. Williams moved that the Board of Supervisors **authorize** the advertisement of a public hearing for the amendment to Chapter 16—Parks and Recreation Ordinance on August 16, 2022. Ms. Stephens seconded the motion.

Ms. Dininni expressed concerns regarding the language under Section 16-107-1 on page 129-130 of the agenda packet.

The motion passed unanimously.

IX. NEW BUSINESS

1. Consent Agenda

- a. May Treasurer's Report for acceptance
- b. Contract 2022-C9a, Pay Application 1: \$182,165.83
- c. Contract 2022-C9b, Pay Application 2: \$102,822.26
- d. Board Member Request – Draft Resolution on Gun Safety

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

2. Public Hearing to Execute an Agreement with Z. Axelrod for Assistance with the ARPA Act Funding

Ms. Martin stated that the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program, a part of the American Rescue Plan, Ferguson Township received approximately \$1.2M in 2021 and expects a second disbursement of relief funds in 2022. As a recipient of the SLFRF, Ferguson Township is required to meet compliance and reporting responsibilities that support transparency, responsibility, and equity in the use of these resources. The U.S. Department of Treasury issued the award terms and conditions, the authorizing statute, the final rule, and other regulatory and statutory requirements that shall be followed. Township Manager recommends the Board consider engaging the services of Zelenkofske Axelrod, LCC, to provide technical assistance and advice in relation to the policies, procedures, and accountability with regard to the American Rescue Plan Act program.

Public Hearing – there were no comments

Ms. Stephens moved that the Board of Supervisors **conduct** the public hearing and direct the Township Manager to execute an agreement with Zelenkofske Axelrod for their services as described in accordance with the agreement provided with the agenda. Ms. Williams seconded the motion.

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

The motion passed unanimously.

3. Public Hearing Approving Naming of Volos Lane to Improve/Enhance Response of Emergency Services

Ms. Wargo reported that Provided with the agenda is a copy of the resolution approving the naming of Volos Lane as a private street. On June 3, 2022, Albert Drobka submitted a Minor Land Development Plan on behalf of his client, the Ryan Dimakopoulos. The parcel is located at 296 West Pine Grove Road (TP: 24-007-016-0000) and is zoned Rural Residential (RR).

The parcel is 19.96-acres and the applicant is proposing to construct a second residential home on the lot. Resolution No. 2017-8 designates the Board of Supervisors as the authority to approve naming of lanes, roads, and streets in the Township, adhering to the Centre County 9-1-1 Street and Road Naming Criteria when two (2) or more structures sharing the road requires naming.

On approval of the naming of this private street, staff will order and erect a private street sign for Volos Lane to improve response by public safety and emergency services to the existing and proposed residents utilizing Volos Lane as their primary access.

Public Hearing – there were no comments

Ms. Stephens moved that the Board of Supervisors **adopt** the resolution approving the naming of Volos Lane as a private street in Ferguson Township. Ms. Williams seconded the motion.

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

The motion passed unanimously.

4. Acceptance of Hilary Caldwell's Resignation from Ferguson Township Board of Supervisors

Ms. Martin stated that provided with the agenda is a copy of the letter submitted by Ms. Hilary Caldwell resigning from the Ferguson Township Board of Supervisors. Per Ms. Caldwell's letter, the effective date of her resignation letter was Friday, July 8, 2022. The Board is required to take action to accept Ms. Caldwell's resignation and initiate a process to identify an appointee to fill the vacancy until end of term which is December 31, 2023. Also provided with the agenda is a memorandum from Centrice Martin, Township Manager, describing this process with a timeline.

Ms. Stephens moved that the Board of Supervisors **accept** Ms. Hilary Caldwell's resignation effective Friday, July 8, 2022. Ms. Williams seconded the motion. The motion passed unanimously.

5. Authorization to Execute an Agreement with GovHR for the Recruitment of Chief of Police

Ms. Martin noted that provided with the agenda is a proposed contract with GovHR, USA to conduct the executive recruitment for the position of Chief of Police. The Township used the firm to recruit Chief Albright and the Township Manager. The Township is recommending GovHR, USA to facilitate the recruitment.

Ms. Williams moved that the Board of Supervisors **award** the contract to GovHR, USA, to conduct a recruitment for the Ferguson Township Chief of Police. Ms. Stephens seconded the motion. The motion passed unanimously.

6. Authorization to Execute an Agreement with HammerTECH for a Security and Vulnerability Assessment

Ms. Martin reported that the 2022 Operating Budget allocates funding to facilitate a cybersecurity test of the Township's network and information technology infrastructure. Township Manager, Assistant Township Manager, and Finance and Tax Director met with a representative of HammerTECH a Division of Weidenhammer to discuss and explore their services following the security assessment their team conducted for Centre Region Council of Government (CRCOG). The facilitation of a cybersecurity test of the Township's network and information technology infrastructure will identify and mitigate any potential vulnerabilities that may subject Township and resident data to cyber-attacks. Within the amount budgeted for a vulnerability assessment, HammerTECH's scope of work proposes an assessment of the current IT infrastructure, technology, and environment, recommendations for a high-level future state, and gap analysis. Deliverables include a strategic road map informing future decisions on IT-related matters including, but not limited to, IT Staff, staff collaboration, hardware and software, phone systems, and audio/visual equipment. Furthermore, the final report will establish risk factors, resolutions, and a management and migration plan with milestones for achieving the recommended outcomes.

Provided with the agenda is a copy of the statement of work describing their approach proposed to conduct a strategic technology assessment which includes a vulnerability assessment for Ferguson Township. The Board is asked to authorize the Township Manager to engage the services of HammerTECH to conduct a strategic technological assessment.

Ms. Williams moved that the Board of Supervisors **authorize** the Township Manager to enter into an agreement with HammerTECH for a Security and Vulnerability Assessment. Ms. Stephens seconded the motion. The motion passed unanimously.

7. Minor Land Development Plan for Sidewalk Construction – 165 Volos Lane

Ms. Wargo reported that on June 3, 2022, Albert Drobka submitted a Minor Land Development Plan on behalf of his client, Ryan Dimakopoulos. The parcel is located at 296 West Pine Grove Road (TP: 24- 007-016-0000) and is zoned Rural Residential (RR).

The parcel is 19.96-acres and the applicant is proposing to construct a second residential home on the lot. Chapter 22, Section 512.1.D. requires the Board of Supervisors to determine if sidewalks are required to be installed on properties within the RR zoning district. Also, Section 201, Streets and Sidewalks, includes provisions for the Board of Supervisors to require construction of sidewalks on any public highway of the Township, or adjacent to any public highway of the Township.

Provided with the agenda is a link below to the proposed Minor Land Development Plan, a sidewalk map of Pine Grove Mills, an aerial image of the property and neighboring properties, and a Google Street View image of the property. The Board of Supervisors is being asked to review the provided materials and determine if sidewalks should be constructed along the property fronting West Pine Grove Road.

- [Minor Land Development Plan for 165 Volos Lane, PA Furnace, PA 16865](#)

Planning Commission reviewed the request at the July 11, 2022, meeting and recommended not to require the construction of sidewalks at this time as outlined in the Director of Planning and Zoning memo dated July 12, 2022.

Ms. Wargo explained that the lot is similar in shape to a flag lot. Ms. Wargo reviewed a map where the sidewalks will not be located. Ms. Dininni expressed concerns with not having a sidewalk and asked to table the request.

Ms. Stephens moved that the Board of Supervisors **table** the Planning Commission's recommendation of not requiring the construction of sidewalks along the property fronting West Pine Grove Road. Ms. Williams seconded the motion.

Ms. Stephens moved that the Board of Supervisors **table** the Planning Commission's recommendation of not requiring the construction of sidewalks along the property fronting West Pine Grove Road until the next meeting. Ms. Williams seconded the motion.

The motion passed unanimously.

Ms. Dininni inquired where the pathway (will be). Ms. Martin will have staff investigate further.

8. Request for Zoning/Variances

- a. 112 Timothy Lane 24-020-046-0000

Ms. Wargo reported that on June 27, 2022, ClearWater Conservancy submitted an application request for a variance at 112 Timothy Lane, Pennsylvania Furnace, on behalf of the property owners, Jim and Ellen Hermann. The property is zone Rural Residential (RR) and the applicant is requesting a variance from §27-701.3.C.(1) and §27-701.3.C.I., Floodplain Conservation to permit the applicant to plant native trees and shrubs within the 50-foot natural buffer of permitted use and on the edge of a floodplain.

Ms. Stephens moved that the Board of Supervisors remain **neutral** on the request for a variance for 112 Timothy Lane. Ms. Williams seconded the motion.

Ms. Dininni asked why the regulatory framework would not encourage planting trees and shrubs within a floodplain buffer and asked if the definition could be changed in the ordinance.

The motion passed unanimously.

b. 114 Timothy Lane 24-020-047-0000

Ms. Wargo reported that on June 23, 2022, ClearWater Conservancy submitted an application request for a variance at 114 Timothy Lane, Pennsylvania Furnace, on behalf of the property owners, Todd and Laura Merritt. The property is zone Rural Residential (RR), and the applicant is requesting a variance from §27-701.3.C.(1) and §27-701.3.C.I., Floodplain Conservation to permit the applicant to plant native trees and shrubs within the 50-foot natural buffer of permitted use and on the edge of a floodplain.

Ms. Dininni and Ms. Wargo both agreed that the language in the ordinance needs to be reviewed.

Ms. Stephens moved that the Board of Supervisors remain **neutral** on the request for a variance for 114 Timothy Lane. Ms. Williams seconded the motion. The motion passed unanimously.

c. 221 Grace Court 24-019-107-000

Ms. Wargo reported on June 21, 2022, Quentin Vaira submitted an application request for a variance at 221 Grace Court, State College, Pennsylvania. This property is zoned Single-Family Residential (R1) and the applicant is requesting a variance from §27-209—Yard Requirements to permit a structure within 17 FT of the rear property line.

Ms. Stephens moved that the Board of Supervisors remain **neutral** on the request for a variance for 221 Grace Court. Ms. Williams seconded the motion. The motion passed unanimously.

X. COMMUNICATIONS TO THE BOARD

There were no communications.

XI. CALENDAR ITEMS – July/August

- a. Planning Commission, July 25, August 8, 22
- b. Capital Improvement Plan (CIP) Special Meeting, July 21
- c. Pine Grove Mills SAP Advisory Committee, July 28, August 25
- d. Route 45 Getaways week starts July 30
- e. Municipal Mixer: Greenbriar/Saybrook Park Master Planning and Bike Safety Education Event, August 3
- f. Tree Commission, August 15
- g. Parks and Recreation Committee, August 11
- h. Pine Grove Mills Farmers Market, every Thursday throughout the Summer
 - i. Engage with Ferguson Township Police Department, July 21
 - ii. Child Seat Safety Check by Ferguson Township Police Department, August 4, 2022
- i. TSD Public Input Meeting, August 31

XII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting adjourned at 9:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Centrice Martin". The signature is fluid and cursive, with the first name "Centrice" written in a larger, more prominent script than the last name "Martin".

Centrice Martin, Township Manager
For the Board of Supervisors

Date approved by the Board: 08-02-2022