

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Tuesday, June 7, 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

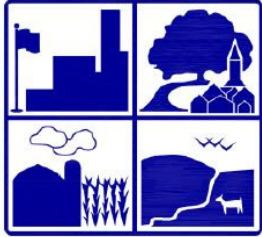
Main Meeting Room

3147 Research Drive

State College, PA

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- I. CALL TO ORDER**
 - II. CITIZENS INPUT**
 - III. APPROVAL OF MINUTES**
 - IV. AUTHORITIES, BOARDS, AND COMMISSION REPORTS**
 - V. SPECIAL REPORTS**
 - VI. COG REGIONAL REPORTS**
 - VII. STAFF REPORTS**
 - VIII. UNFINISHED BUSINESS**
 - 1. Continued Discussion – Amending Township Municipal Code, Ch. 16, Parks and Recreation
 - 2. Zoning Ordinance Text Amendment Application – TSD Zoning and Source Water Protection Overlay District Requirements
 - IX. NEW BUSINESS**
 - 1. Consent Agenda
 - 2. Discussion – Organizational Assessment and Analysis of Township Contract Authorization
 - 3. Public Hearing Resolution Ratifying Collective Bargaining Agreement
 - 4. Discussion – Spin E-Bike Share Program Partnership and Review of Micromobility Share Program Agreement
 - 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
 - 6. Board Member Request – Discussion of Hybrid Regular Meetings and Board Member Attendance
 - 7. Board Member Request – A Proclamation on Jewish American Heritage Month
 - X. COMMUNICATIONS TO THE BOARD**
 - XI. CALENDAR ITEMS**
 - XII. ADJOURNMENT**





TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS

Regular Meeting Agenda

Tuesday June 7, 2022

7:00 p.m.

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT** 5 minutes per resident
- III. APPROVAL OF MINUTES**
 - a. May 10, 2022 Board of Supervisors Worksession
 - b. May 16, 2022 Board of Supervisors Regular Meeting Minutes
- IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT** 15 minutes
 - a. State College Borough Water Authority
- V. SPECIAL REPORTS** 75 minutes
 - a. Diversity, Equity, and Inclusionary Initiatives – no report.
 - b. Township and Fiscal Responsibility – *C-Net Presentation by Cindy Hahn; Pine Grove Mills Mobility Study, Ron Seybert*
 - c. Community and Economic Development – no report.
 - d. Environment – *Designated Grow Zones as Natural Landscapes Managed by Ferguson Township Public Works, David Modricker*
- VI. COG AND REGIONAL COMMITTEE REPORTS** 15 minutes
 - 1. COG COMMITTEE REPORTS**
 - a. Executive Committee
 - b. Spring Creek Watershed Commission
 - c. Parks and Recreation Governance
 - d. Human Resources Committee
 - e. Land Use Community Infrastructure Committee
 - 2. OTHER COMMITTEE REPORTS**
- VII. STAFF REPORTS**
 - 1. Township Manager's Report
 - 2. Public Works Director Report
 - 3. Planning and Zoning Report
- VIII. UNFINISHED BUSINESS**
 - 1. CONTINUED DISCUSSION ON AMENDING TOWNSHIP OF FERGUSON MUNICIPAL CODE, CHAPTER 16, PARKS AND RECREATION** 25 minutes
Centrice Martin, Township Manager

Narrative

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.

Staff Recommendation

That the Board of Supervisors *discuss* Chapter 16, Parks and Recreation.

**2. ZONING ORDINANCE TEXT AMENDMENT APPLICATION-TERRACED
STREETSCAPE ZONING DISTRICT AND SOURCE WATER PROTECTION OVERLAY
DISTRICT REQUIREMENTS 20 minutes**

Jenna Wargo, Director of Planning and Zoning

Narrative

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.

Recommend Motion: That the Board of Supervisors deny the application request for a text amendment to Chapter 27—Zoning.

Staff Recommendation

That the Board of Supervisors **deny** the application request.

IX. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- 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

2. DISCUSSION ON AN ORGANIZATIONAL ASSESSMENT AND ANALYSIS OF FERGUSON TOWNSHIP AND AUTHORIZATION TO EXECUTE AGREEMENT 15 minutes

Centrice Martin, Township Manager

Narrative

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. 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.

Recommended Motion: 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.

Staff Recommendation

That the Board of Supervisors **authorize** the Manager to execute an agreement with GovHr.

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA RATIFYING A TENTATIVE AGREEMENT WITH THE TEAMSTERS LOCAL UNION 764 ON BEHALF OF THE FERGUSON TOWNSHIP PUBLIC WORKS DEPARTMENT TO CONSTITUTE AN INITIAL COLLECTIVE BARGAINING AGREEMENT FOR AN EFFECTIVE TERM BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2024. 5 minutes

Centrice Martin, Township Manager

Narrative

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.

Recommended Motion: 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 execute a collective bargaining agreement containing such terms between the Township and the Teamsters Local Union 764.

Staff Recommendation

That the Board of Supervisors **ratify** the collective bargaining agreement between the Ferguson Township Public Works and the Township.

4. DISCUSSION ON SPIN E-BIKE SHARE PROGRAM PARTNERSHIP AND REVIEW OF THE SPIN MICROMOBILITY SHARE PROGRAM AGREEMENT 15 minutes
Jenna Wargo, Director of Planning and Zoning

Narrative

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.

Recommended Motion: That the Board of Supervisors authorize staff to move forward with the Spin Micromobility Share Program.

Staff Recommendation

That the Board of Supervisors **discuss** the Spin Micromobility Share Program.

5. DISCUSSION OF THE ESTABLISHMENT OF A MULTI-FACTOR AUTHENTICATION POLICY FOR ALL STAFF AND AUTHORITIES, BOARDS, AND COMMISSIONS WITH ACCESS TO EMAIL ACCOUNT OR VIRTUAL PRIVATE NETWORK OWNED BY THE TOWNSHIP 15 minutes
Centrice Martin, Township Manager

Narrative

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.

Recommended Motion: 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.

Staff Recommendation

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

6. **BOARD MEMBER REQUEST – DISCUSSION OF HYBRID REGULAR MEETINGS AND BOARD MEMBER ATTENDANCE**
Patty Stephens, Supervisor 30 minutes

Narrative

Provided with the agenda is a copy of the general summary of this agenda request. Supervisor Stephens requests to discuss hybrid meetings understanding that zoom has revolutionized traditional thoughts about public meetings and how Board of Supervisors and the public attend and participate.

Staff Recommendation

That the Board of Supervisors **discuss** the Board of Supervisors Regular Meetings.

7. **BOARD MEMBER REQUEST – A PROCLAMATION ON JEWISH AMERICAN HERITAGE MONTH OF MAY IN 2022**
Hilary Caldwell, Supervisor 10 minutes

Narrative

Provided with the agenda is a draft proclamation to recognize the Jewish American Heritage Month of 2022.

Recommended Motion: That the Board of Supervisors adopt the proclamation to recognize Jewish American Heritage Month of May in 2022.

Staff Recommendation

That the Board of Supervisors **adopt** the proclamation.

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – June

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

XII. ADJOURNMENT