

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Tuesday, July 19, 2022

7:30 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

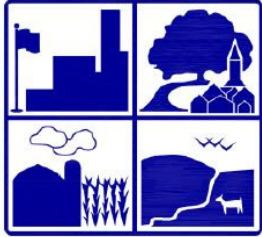
3147 Research Drive

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. Discussion on Prioritization of Policy Items, Projects, and Work Items
 2. Continued Discussion on Proposed Diversity, Religions, Ethnic, and Cultural Calendar
 3. Lot for Sale on Blue Course Drive
 4. Minor Land Development Plan – Nittany Dental
 5. Final Land Development Plan – Centre Animal Veterinary Hospital
 6. Continued Discussion – Draft Amendment to Chapter 16, Parks and Recreation
 - IX. NEW BUSINESS
 1. Consent Agenda
 2. Public Hearing to Execute an Agreement with Z. Axelrod for Assistance with the ARPA Act Funding
 3. Public Hearing Approving Naming of Volos Lane to Improve/Enhance Response of Emergency Services
 4. Acceptance of Hilary Caldwell's Resignation from Ferguson Township Board of Supervisors
 5. Authorization to Execute an Agreement with GovHR for the Recruitment of Chief of Police
 6. Authorization to Execute an Agreement with HammerTECH for a Security and Vulnerability Assessment
 7. Minor Land Development Plan for Sidewalk Construction – 165 Volos Lane
 8. Request for Zoning/Variances:
 - a. 112 Timothy Lane
 - b. 114 Timothy Lane
 - c. 221 Grace Court
 - X. COMMUNICATIONS TO THE BOARD
 - XI. CALENDAR ITEMS
 - XII. ADJOURNMENT



Visit the Township's Web Site www.twp.ferguson.pa.us and sign up for *Notify Me!* to receive email notices about Township Information.



TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS Regular Meeting Agenda Tuesday July 19, 2022 7:30 p.m.

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT** 5 minutes per resident
- III. APPROVAL OF MINUTES**
 - a. July 5, 2022 Board of Supervisors Regular Meeting Minutes
- IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT** 10 minutes
 - a. Centre Region Parks and Recreation Authority
- V. SPECIAL REPORTS** 15 minutes
 - a. Diversity, Equity, and Inclusionary Initiatives – no report.
 - b. Township and Fiscal Responsibility – ACFR Annual Independent Audit Report, Baker Tilly
 - c. Community and Economic Development – no report.
 - d. Environment – no report.
- VI. COG AND REGIONAL COMMITTEE REPORTS** 20 minutes
 - 1. COG COMMITTEE REPORTS**
 - a. Climate Action & Sustainability Committee
 - b. Public Safety Committee
 - c. Finance Committee
 - d. Executive Committee
 - e. Facilities Committee Report for July
 - f. Human Resources Committee – *cancellation notice*
 - 2. OTHER COMMITTEE REPORTS**
- VII. STAFF REPORTS**
 - 1. Township Manager's Report – *no written report*
 - 2. Public Works Director Report – *no written report*
 - 3. Planning and Zoning Report
 - 4. Chief of Police
- VIII. UNFINISHED BUSINESS**

1. DISCUSSION ON PRIORITIZATION OF POLICY ITEMS, PROJECTS, AND WORK ITEMS
Centrice Martin, Township Manager 15 Minutes

Narrative

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.

Staff Recommendation

That the Board of Supervisors ***review and comment*** on the ranked priorities.

2. CONTINUED DISCUSSION ON PROPOSED DIVERSITY, EQUITY, AND INCLUSION CALENDAR

Jaymes Progar, Assistant Township Manager 15 minutes

Narrative

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 a DEI 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 DEI holidays, and cultural celebration calendar items

Staff Recommendation

That the Board of Supervisors ***review and comment*** on the proposed Diversity Calendar and discuss it.

3. LOT FOR SALE ON BLUE COURSE DRIVE 30 minutes
Centrice Martin, Township Manager

Narrative

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.

Recommended Motion: That the Board of Supervisors move to recess for an executive session to discuss the Lot for Sale on Blue Course Drive.

Staff Recommendation

That the Board of Supervisors **discuss** in an executive session the Lot for Sale on Blue Course Drive.

4. MINOR LAND DEVELOPMENT PLAN - NITTANY DENTAL

15 minutes

Jenna Wargo, Director of Planning and Zoning

Narrative

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.

Recommended Motion: 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.

Staff Recommendation

That the Board of Supervisors **conditional approve** the minor land development plan.

5. FINAL LAND DEVELOPMENT PLAN - CENTRE ANIMAL VETERINARY HOSPITAL 15 minutes

Jenna Wargo, Director of Planning and Zoning

Narrative

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.

Recommended Motion: 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.

Staff Recommendation

That the Board of Supervisors **conditional approve** the final land development plan.

6. CONTINUED DISCUSSION - DRAFT OF AMENDMENT TO CHAPTER 16, PARKS AND RECREATION

Jenna Wargo, Director of Planning and Zoning

15 minutes

Narrative

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.

Recommended Motion: 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.

Staff Recommendation

That the Board of Supervisors **authorize** the ordinance for public hearing on August 16, 2022.

IX. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- 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

- 2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP MANAGER TO EXECUTE AN AGREEMENT WITH ZELENKOFSKE AXELROD TO PROVIDE TECHNICAL ASSISTANCE AND GUIDANCE FOR ADHERENCE TO THE MANDATED POLICIES, PROCEDURES, AND ACCOUNTABILITY AS A RECIPIENT OF THE AMERICAN RESCUE PLAN ACT FUNDING PROGRAM.** 10 minutes

Centrice Martin, Township Manager

Narrative

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.

Ms. Kimberly Stank is in attendance to answer questions on how her firm may support the reporting, compliance, and assist the Board of Supervisors at future meetings when discussing projects to determine eligibility for use of funds.

Recommended Motion: 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.

Staff Recommendation

That the Board of Supervisors **conduct** the public hearing and **authorize** the Township Manager to execute an agreement with Zelenkofske Axelrod, LCC.

- 3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING THE NAMING OF VOLOS LANE TO IMPROVE AND ENHANCE THE RESPONSE OF EMERGENCY SERVICES PERSONNEL FOR PROPERTIES LOCATED ON THE LANE.** 10 minutes

Centrice Martin, Township Manager

Narrative

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.

Recommended Motion: That the Board of Supervisors adopt the resolution approving the naming of Volos Lane as a private street in Ferguson Township.

Staff Recommendation

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

4. ACCEPTANCE OF HILARY CALDWELL'S RESIGNATION FROM THE FERGUSON TOWNSHIP BOARD OF SUPERVISORS 10 minutes

Centrice Martin, Township Manager

Narrative

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.

Recommended Motion: That the Board of Supervisors accept Ms. Hilary Caldwell's resignation effective Friday, July 8, 2022.

Staff Recommendation

That the Board of Supervisors **accept** Ms. Hilary Caldwell's resignation from the Board of Supervisors.

5. AUTHORIZATION FOR TOWNSHIP MANAGER TO EXECUTE AGREEMENT WITH GOVHR TO ASSIST WITH THE RECRUITMENT OF CHIEF OF POLICE 10 minutes

Centrice Martin, Township Manager

Narrative

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 of Albright and the Township Manager and is recommended to facilitate this recruitment.

Recommended Motion: That the Board of Supervisors award the contract to GovHR, USA, to conduct a recruitment for the Ferguson Township Chief of Police.

Staff Recommendation

That the Board of Supervisors **award** the contract to GovHR, USA.

6. AUTHORIZATION TO ENTER AGREEMENT WITH HAMMERTECH FOR A SECURITY AND VULNERABILITY ASSESSMENT 10 minutes

Centrice Martin, Township Manager

Narrative

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.

Recommended Motion: That the Board of Supervisors authorize the Township Manager to enter into an agreement with HammerTECH for a Security and Vulnerability Assessment.

Staff Recommendation

That the Board of Supervisors **authorize** staff to enter into an agreement with Hammertech.

7. MINOR LAND DEVELOPMENT PLAN FOR SIDEWALK CONSTRUCTION – 165 VOLOS LANE

Jenna Wargo, Director of Planning and Zoning

10 minutes

Narrative

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.

Recommended Motion: That the Board of Supervisors approve the Planning Commission's recommendation of not requiring the construction of sidewalks along the property fronting West Pine Grove Road.

Staff Recommendation

That the Board of Supervisors **not require** the construction of sidewalks at this time.

8. REQUESTS FOR ZONING/VARIANCES

30 minutes

Jenna Wargo, Director of Planning and Zoning

a. 112 TIMOTHY LANE 24-020-046-0000

Narrative

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.

Recommended Motion: That the Board of Supervisors remain neutral on the request for a variance for 112 Timothy Lane.

Staff Recommendation

That the Board of Supervisors **remain neutral** on the variance request.

b. 114 TIMOTHY LANE 24-020-047-0000

Narrative

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.

Recommended Motion: That the Board of Supervisors remain neutral on the request for a variance for 114 Timothy Lane.

Staff Recommendation

That the Board of Supervisors **remain neutral** on the variance request.

c. 221 GRACE COURT 24-019-107-000

Narrative

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.

Recommended Motion: That the Board of Supervisors remain neutral on the request for a variance for 221 Grace Court.

Staff Recommendation

That the Board of Supervisors **remain neutral** on the variance request.

X. COMMUNICATIONS TO THE BOARD

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