

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

**Regular Meeting Agenda
Tuesday, January 18, 2022**

7:00 PM

MEETING PARTICIPATION OPTIONS

VIRTUAL:

Join Zoom Meeting:

<https://us02web.zoom.us/j/83838226462>

Meeting ID: 838 3822 6462

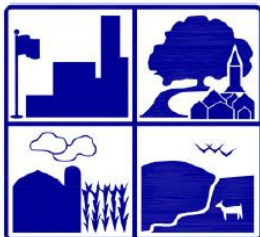
[Zoom Access Instructions](#)

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**
 - a. COVID-19 Local Response Report
 - VI. COG REGIONAL REPORTS**
 - VII. STAFF REPORTS**
 - VIII. UNFINISHED BUSINESS**
 - 1. Establishing 2022 Board of Supervisors' Regular Meeting Dates
 - 2. Review of Songbird Sanctuary Park Master Plan Prefinal Draft
 - 3. Award of Contract 2021-18 Homestead Park Play Equipment Installation
 - 4. Continued Discussion – Zoning Ordinance Amendments
 - IX. NEW BUSINESS**
 - 1. Consent Agenda
 - 2. Proclamation – Recognizing The Lunar New Year of 2022
 - 3. Award of Contract 2022-C5 Storm Sewer Cleaning and Video Assessment
 - 4. Discussion of Parking Study on North Butz Street
 - 5. Ordinance Amendment Application – TTD Zoning District
 - 6. Team Rahal of State College Zoning Hearing Board Appeal
 - 7. Agricultural Security Area Application – Burket Farm
 - X. COMMUNICATIONS TO THE BOARD**
 - XI. CALENDAR ITEMS**
 - XII. ADJOURNMENT**





TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS Regular Meeting Agenda Tuesday, January 18, 2022

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT**
- III. APPROVAL OF MINUTES**
 - a. January 3, 2022 Board of Supervisors Reorganizational Meeting Minutes
 - b. January 3, 2022 Board of Supervisors Regular Meeting Minutes
- IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT**
- V. SPECIAL REPORTS** 10 minutes
 - a. COVID-19 Local Response Report – David Pribulka, Township Manager
- VI. COG AND REGIONAL COMMITTEE REPORTS** 20 minutes
 - 1. COG COMMITTEE REPORTS**
 - a. Climate Action & Sustainability Committee
 - b. Public Safety Committee
 - c. LUCI Committee
 - d. Human Resources Committee
 - e. Facilities Committee
 - f. Joint Parks Capital Committee and CRPRA
 - g. Finance Committee
 - 2. OTHER COMMITTEE REPORTS**
- VII. STAFF REPORTS**
 - 1. Manager's Report
 - 2. Public Works Director Report
 - 3. Planning and Zoning Report
 - 4. Chief of Police Report
- VIII. UNFINISHED BUSINESS**
 - 1. ESTABLISHING 2022 BOARD OF SUPERVISORS REGULAR MEETING DATES**
Centrice Martin, Assistant Township Manager 10 minutes

Narrative

As directed by the Board of Supervisors at the Organizational Meeting, held on January 3, 2022, staff confirmed with C-NET that staff is available to cover and live broadcast Ferguson Township Regular Meetings on the first and third Tuesday of each month. C-NET

also confirmed they can accommodate an earlier start time; however, it was noted a start time any earlier than 6:00 p.m. could be challenging for them. C-NET is available to live broadcast Ferguson Township Regular Meetings on a Tuesday schedule beginning on February 15th pending a successful live connection test completed. Provided with the agenda is a copy of a proposed meeting schedule for the Board to hold its regular meetings on the first and third Tuesday of each month, with the exception of December when the Board would meet on the first two Tuesdays because of the holiday season. Also provided with the agenda is a copy of the proposed meeting schedule for the Board's practice to hold its regular meetings at 7:00 p.m. on the first and third Monday of each month as presented at the January 3rd regular meeting

Recommended Motion 1: Move that the Board of Supervisors establish its regular meeting schedule for 2022 as the first and third Tuesday of each month at ___ p.m. except that it will meet on the first two Tuesdays in December.

Recommended Motion 2: Move that the Board of Supervisors establish its regular meeting schedule for 2022 as the first and third Monday of each month at ___ p.m. except that it will meet on Tuesdays January 18th, February 22nd, June 21st, July 5th and September 6th and on the first two Mondays in December.

2. REVIEW OF SONGBIRD SANCTUARY PARK MASTER PLAN PREFINAL DRAFT

Centrice Martin, Assistant Township Manager

10 minutes

Narrative

An effort has been underway since 2019 to prepare the Songbird Sanctuary Park Master Plan. The Township acquired the 8.99-acre property that is bounded by Owens Drive and Blue Course Drive. The Assistant Township Manager established a multidisciplinary steering committee comprised of staff and residents to facilitate a master planning process to prepare the Songbird Sanctuary Park Master Plan. Guiding principles that informed the master planning process focused on the passive recreation and environmental benefits of the site. Since the first meeting, held April 8, 2019, the steering committee engaged the Parks and Recreation Committee, the community, and staff throughout the park master planning process for continued involvement and input to present a final master plan to the Board that reflects community interests and park needs. Provided with the agenda is a copy of the report for the Songbird Sanctuary Master Plan. The Board is asked to authorize advertisement of a public hearing to consider approval of the Songbird Sanctuary by resolution at their next scheduled meeting.

Recommended motion: That the Board of Supervisors authorize a public hearing for the next scheduled meeting on the draft Songbird Sanctuary Park Master Plan.

Staff Recommendation

That the Board of Supervisors **authorize** a public hearing for the next scheduled meeting on the Songbird Sanctuary Park Master Plan.

3. AWARD OF CONTRACT 2021-C18, HOMESTEAD PARK PLAY EQUIPMENT INSTALLATION

David Pribulka, Township Manager

10 minutes

Narrative

Previously, the Board directed staff to redesign the physical layout of the playground structure planned for Homestead Park to an alternate location east of the existing parking lot and include handicap accessible improvements. In addition, the Board requested staff to obtain alternate pricing for a poured in place fall surface. Included with tonight's agenda is an award recommendation from Ryan Scanlan, Assistant Township Engineer. The memo includes a site plan and details for installation of the playground structure just east of the parking lot, a summary of the project cost including the alternate, and a detailed engineering cost estimate. In addition, the memo contains pros and cons of wood fiber versus poured in place fall surface. As noted in the memo, the play structure has already been purchased, and some work will be performed by Public Works staff. The budget for the project is \$75,000. The total cost of the project with the wood fiber fall surface is within budget, while the total cost of the project with the poured in place fall surface is over budget. The Board is being asked to determine which fall surface to install and award the installation.

Recommended Motion 1: That the Board of Supervisors award Contract 2021-C18 Homestead Park Playground Installation to Willow Playworks in accordance with their quote through the COSTARS purchasing program in the amount of \$26,875.00.

Recommended Motion 2: That the Board of Supervisors award Contract 2021-C18 Homestead Park Playground Installation to Willow Playworks in accordance with their quote through the COSTARS purchasing program in the amount of \$38,115.00.

Staff Recommendation

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

4. CONTINUED DISCUSSION OF ZONING AND SUBDIVISION & LAND DEVELOPMENT ORDINANCE AMENDMENTS

Jenna Wargo, Director of Planning and Zoning

20 minutes

Narrative

In November 2019, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the amendments, staff has been tracking errors and omission while interpreting the ordinance and is recommending additional amendments to address these issues. During the January 3, 2022 meeting, the Board tabled the amendments to allow staff to research additional topics discussed during the meeting. Included with the agenda, is a redlined version and a clean version of the draft amendments. Staff has reviewed historic files in relation to Bed and Breakfasts' (B&B's) and hasn't come across regulations deterring potential B&B's from opening in the Township. Moving parking regulations to the Subdivision and Land Development Ordinance (SALDO) provides flexibility for potential B&B operators and staff recommends reviewing all Uses within §27-700—Supplemental Regulations to explore other parking requirements that could be moved to the SALDO for flexibility.

In addition, staff has concerns removing the owner-occupied requirement from the B&B definitions due to similarities that the use would share with a hotel and to protect neighborhoods from a commercial use operating in a residential zoning district. Staff would recommend leaving this requirement as-is or requiring a property manager/agent to live at the B&B full-time.

Staff Recommendation

That the Board of Supervisors **review and discuss** the updated draft.

IX. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. 2018-PWGG Final: \$10,000.00
- b. Treasurer's Report for November 2021
- c. Treasurer's Report for December 2021
- d. Appointment of Kevin Abbey as Spring Creek Watershed Commission Alternate

2. A PROCLAMATION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA TO OFFICIALLY RECOGNIZE THE LUNAR NEW YEAR OF 2022

Laura Dininni, Township Supervisor

5 minutes

Narrative

Ferguson Township recognizes the importance of the Lunar New Year for many Asian communities and for Americans of Asian origin. The Lunar New Year is based on the Lunar calendar, a repeating 12-year cycle of animal signs and their ascribed attributes. The Lunar New Year marks the transition from one animal to the next, with January 31, 2022 end the Year of the Ox, and February 1, 2022 starting the year of the Tiger. The tiger is the third of the 12 zodiac animal signs, and those born in the Year of the Tiger are often seen as brave, confident, and well-liked by others. The Board of Supervisors is asked to consider the proclamation provided with the agenda. In attendance is Nalini Krishnankutty and Vicki Fong representing Asian Pacific Islander Desi Americans (APIDA).

Recommended motion: That the Board of Supervisors adopt the proclamation of the Township of Ferguson, Centre County, Pennsylvania officially recognizing the Lunar New Year of 2022.

Staff Recommendation

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

3. AWARD OF CONTRACT 2022-C5, STORM SEWER CLEANING AND VIDEO ASSESSMENT

David Modricker, Director of Public Works

20 minutes

Narrative

On January 11, 2022 bids were opened publicly and read aloud for contract 2022-C5. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves cleaning storm sewer pipes and conducting a video assessment and documenting conditions. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer, dated January 11, 2022, recommending award of the contract.

Recommend Motion: That the Board of Supervisors award Contract 2022-C5 Storm Sewer Cleaning and Video Assessment to Insight Pipe Contracting, LLC in accordance with their bid in the amount of \$75,793.80.

Staff Recommendation

That the Board of Supervisors **award** Contract 2022-C5.

4. DISCUSSION OF PARKING STUDY ON NORTH BUTZ STREET

10 minutes

Dave Modricker, Director of Public Works

Narrative

On December 17th, staff met with residents of N. Butz Street concerned about future overflow parking onto N. Butz Street from the West College Avenue student housing project under construction. Residents expressed concern about cars parking on N. Butz Street too close to W College Avenue and parking within the sight distance triangle at the alley. The group discussed consideration for no parking on the east side of the street, 2-hour parking, and 1 handicap stall for the hair studio.

Recommendation Motion: That the Board of Supervisors direct the Township Engineer to conduct a parking study for N Butz Street and provide a recommendation to the Board for consideration.

Staff Recommendation

That the Board of Supervisors **direct** the Township Engineer to conduct a parking study for N Butz Street and provide a recommendation to the Board for consideration.

5. ORDINANCE AMENDMENT APPLICATION – TRADITIONAL TOWN DEVELOPMENT ZONING DISTRICT

10 minutes

David Pribulka, Township Manager

Narrative

On January 10, 2022, Chris Schubert, Esq. on behalf of his client, AT&T, submitted an application for a text amendment to the Traditional Town Development zoning district. Included in the agenda is the draft text amendment. AT&T submitted requests for variances from §27-303.A.D. (prohibits telecommunication facilities within this zoning district), §27-710.3.A., (setbacks), and §27-710.H.2. (buffer landscaping) to the Zoning Hearing Board and the application was denied.

AT&T is proposing a text amendment to locate a telecommunications tower in the Traditional Town Development Zoning District.

Recommend Motion: That the Board of Supervisors refer the application to Planning Commission for a recommendation.

Staff Recommendation

That the Board of Supervisors **receive and refer** the text amendment to the Planning Commission for a recommendation.

6. TEAM RAHAL OF STATE COLLEGE ZONING HEARING BOARD APPEAL

10 minutes

David Pribulka, Township Manager

Narrative

Pursuant to Section 901 of the Pennsylvania Municipalities Planning Code, 53 P.S. Section 10101 et. Seq., (MPC), the state law establishing the framework for zoning and land use development regulations in Pennsylvania, every municipality in the commonwealth that enacts a zoning ordinance is required to create a zoning hearing board. A zoning hearing board is a quasi-judicial body that implements a system of checks and balances to zone and regulate land development.

A variance request submitted by Team Rahal of State College, INC, of 2796 West College Avenue, State College, was presented to the Zoning Hearing Board on December 14, 2021. The Zoning Hearing Board denied the variance request, by a vote of 3-0, and a notice of decision was provided to the applicant and their counsel. The Zoning Hearing Board is in the process of preparing the final findings, facts, and conclusion report. Counsel representing Team Rahal of State College, Terry Williams, Esq. with Miller, Kistler & Campbell, filed an appeal to the Zoning Hearing Board's decision with the Court of Common Pleas of Centre County for civil action. Attached with the agenda is a copy of the Court of Common Pleas Civic Cover Sheet for Centre County and the Notice of Appeal.

Recommended Motion: That the Board of Supervisors authorize the Solicitor to file an entry of appearance in the Zoning Hearing Board appeal filed by the Team Rahal of State College.

Staff Recommendation

That the Board of Supervisors **authorize** an entry of appearance in the appeal.

7. AGRICULTURAL SECURITY AREA APPLICATION – BURKET FARM 10 minutes
David Pribulka, Township Manager

Narrative

Provided with the agenda is a copy of Mr. David Burket's Agricultural Security Area application the Township received, by mail on Friday, January 7, 2022, to propose his property be enrolled into the Agricultural Security Area (ASA) as required for the Agricultural Preservation Program. There is no record of a Township ordinance regulating the local process; therefore, the Township follows the state law for process. In accordance with Act 43, the solicitor recommends the Board of Supervisors authorize the public notice requirements and then upon expiration of the applicable notice period, refer to Planning Commission for their consideration of the application for a recommendation. Publishing a notice in the local newspaper and posting such notice in five (5) conspicuous places within, adjacent, or near the proposed area will satisfy the public notice requirements.

Recommended motion: That the Board of Supervisors authorize a public hearing on the Burket Farm Agricultural Security Area Application and refer to Planning Commission for recommendation.

Staff Recommendation

That the Board of Supervisors **authorize** for public hearing at the next meeting and refer to the Planning Commission for recommendation.

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – JANUARY

- a. Ferguson Township Upcoming Meetings
 - 1. Recreation, Parks and Open Space Plan Update Public Meeting, Thursday, January 20
 - 2. Parks and Recreation Committee, Thursday, January 20
 - 3. Planning Commission, Monday, January 24
 - 4. Pine Grove Mills Small Area Advisory Committee, Thursday, January 27

XII. ADJOURNMENT