

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Tuesday, May 3, 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

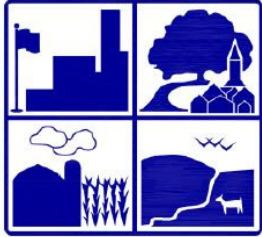
Main Meeting Room

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. Decision on Conditional Use Application for Flag Lot – 139 Farmstead Lane
 - IX. NEW BUSINESS**
 1. Consent Agenda
 2. Proclamation - EMS Week
 3. Proclamation – Asian Pacific American Heritage Month
 4. Resolution – Provision of Local Match to CATA for Fiscal Year 2022-2023
 5. Resolution – Authorization of Grant Application from PaDOT for DUI Enforcement Program
 6. Authorization for Engagement Letter to Negotiate Cable Franchise Agreement with Shentel
 7. Request for Modification/Waiver – 2026 Sandy Drive – CVIM
 8. Centre Volunteers in Medicine Preliminary Land Development Plan
 9. Award Contract 2022-C1, Street Improvement Project
 10. Award Contract 2022-C2, Street Improvement Project
 - X. COMMUNICATIONS TO THE BOARD**
 - XI. CALENDAR ITEMS**
 - XII. ADJOURNMENT**





TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS

Regular Meeting Agenda

Tuesday, May 3, 2022

7:00 p.m.

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT** 5 minutes per resident
- III. APPROVAL OF MINUTES**
 - a. April 19, 2022 Board of Supervisors Regular Meeting Minutes
 - b. April 12, 2022 Board of Supervisors Worksession - Amendments
- IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT** 15 minutes
 - a. Centre Region Parks and Recreation Authority
- V. SPECIAL REPORTS** 45 minutes
 - a. Diversity, Equity, and Inclusionary Initiatives – no report.
 - b. Township and Fiscal Responsibility – First Quarter Financial Report by Finance and Tax Director Eric Endresen
 - c. Community and Economic Development – no report.
 - d. Environment – Municipal Separate Storm Sewer System Report by Township Engineer Ron Seybert.
- VI. COG AND REGIONAL COMMITTEE REPORTS** 15 minutes
 - 1. COG COMMITTEE REPORTS**
 - a. Executive Committee
 - b. Centre County Metropolitan Planning Organization Coordinating Committee
 - c. Parks Governance Special Committee
 - d. Facilities Committee
 - e. Human Resources Committee *report for 4-4-22*
 - 2. OTHER COMMITTEE REPORTS**
- VII. STAFF REPORTS**
 - 1. Township Manager's Report
 - 2. Public Works Director Report
 - 3. Planning and Zoning Report – *no written report*

VIII. UNFINISHED BUSINESS

1. **DECISION ON THE CONDITIONAL USE APPLICATION FOR FLAG LOT** 10 minutes
Jeff Ressler, Zoning Administrator

Narrative

An application for a conditional use permit for property located at 139 Farmstead Lane (TP: 24-022-306-0000) to subdivide a flag lot has been filed with the Township by Penn Terra Engineering on behalf of their client, Farmstead Developer, LLC. The applicant is requesting to subdivide the lot and create a flag lot. The Township's Zoning Ordinance and the Municipalities Planning Code (MPC) require a public hearing on the application, and the Board must take action to approve or deny the application within 45 days following the hearing. At a Regular Meeting held on April 19, 2022, the Board held a public hearing and received testimony from Township staff. Provided with the agenda is a draft decision prepared by the Director of Planning and Zoning based on the record from the public hearing held on April 19, 2022. No additional testimony will be taken at tonight's meeting. The Board is asked to review and discuss the draft decision and take final action to approve or deny the conditional use permit.

Recommended Motion: That the Board of Supervisors approve the conditional use permit application for 139 Farmstead Lane subject to the conditions described in the Director of Planning and Zoning's written decision.

Staff Recommendation

That the Board of Supervisors **approve** the conditional use permit application.

IX. NEW BUSINESS

1. **CONSENT AGENDA** 5 minutes
a. Treasurers Report - March 2022 *for acceptance*
b. Voucher Report – March 2022
c. Board Member Request – legislation prohibiting domestic violence offenders from holding the office
2. **A PROCLAMATION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY PENNSYLVANIA PROCLAIMING MAY 16 THROUGH MAY 21, 2022, AS EMERGENCY MEDICAL SERVICE WEEK**
Centrice Martin, Township Manager 5 minutes

Narrative

Provided with the agenda is a copy of the proclamation officially designating May 16 through May 21, 2022, as Emergency Medical Service (EMS) Week. Also provided with the agenda is a letter from Mr. Tim Nilson, Executive Director of Seven Mountains EMS Council.

Recommended Motion: That the Board of Supervisors adopt the proclamation designating May 16 through May 21st as Emergency Medical Service Week in Ferguson Township.

Staff Recommendation

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

3. **A PROCLAMATION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA PROCLAIMING MAY AS ASIAN PACIFIC AMERICAN HERITAGE MONTH OF 2022 IN FERGUSON TOWNSHIP** 5 minutes
Centrice Martin, Township Manager

Narrative

Provided with the agenda is a copy of a proclamation designating May 2022 to be Asian Pacific American Heritage Month in Ferguson Township.

Recommended Motion: That the Board of Supervisors adopt the proclamation designating May 2022 as Asian Pacific American Heritage Month in Ferguson Township.

Staff Recommendation

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

- 4. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CERTIFYING PROVISION OF LOCAL MATCH FOR STATE OPERATING AND CAPITAL FINANCIAL ASSISTANCE TO THE CENTRE AREA TRANSPORTATION AUTHORITY FOR FISCAL YEAR 2022-2023.** 10 minutes

Centrice Martin, Township Manager

Narrative

Provided with the agenda is a copy of the resolution establishing the Township's contribution to the Centre Area Transportation Authority (CATA) for operating funds in an amount of \$129,976 and capital funding in an amount of \$17,620.00 for the CATA fiscal year beginning July 1, 2022, and ending June 30, 2023. Contributions for the 2021 – 2022 CATA fiscal year totaled \$123,786.00 for operating funds and \$17,620 for capital funding. Also provided with the agenda is a copy of a memorandum from Louwana Oliva, CATA Executive Director, received by the Board on April 5, 2022, describing the proposed increase to local match requests for Fiscal Year 2022 – 2023.

Recommended Motion: That the Board of Supervisors adopt the resolution certifying provision of local match for State Operating and Capital Financial Assistance to the Centre Area Transportation Authority for fiscal year 2022 – 2023.

Staff Recommendation

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

- 5. A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE SUBMISSION OF AN APPLICATION FOR A GRANT FROM THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR THE 2022 – 2023 CENTRE COUNTY SOBRIETY CHECKPOINT AND EXPANDED DUI ENFORCEMENT PROGRAM AND AUTHORIZING THE TOWNSHIP MANAGER TO SIGN ALL DOCUMENTS RELATED TO THE GRANT ON BEHALF OF THE TOWNSHIP OF FERGUSON.** 10 minutes

Centrice Martin, Township Manager

Narrative

Provided with the agenda is a copy of the resolution authorizing the submission of the 2022 – 2023 Centre County Highway Safety Enforcement Grant Application. The grant will provide funding for enforcement activities in Ferguson Township, Patton Township, Spring Township, State College Borough, and the Centre County Sheriff's Department. The grant encompasses funding for DUI enforcement, Aggressive Driving, Unrestrained drivers (seat belts) Enforcement and Pedestrian Safety.

PennDot uses crash data, not regional attractions or special events, to allocate funding. Grant funding reflects evidence-based countermeasures proven to address the most critical traffic safety needs identified through data analysis. The Federal Fiscal Year 2023 funding allocation for our area based on safety focus is in the amount of \$17,523.36.

The most recent program statistics from the 2018-2020 grant period show that DUI Enforcement efforts have resulted in contact with 104,762 citizens through a combination of DUI checkpoints, public awareness details and roving patrols. These contacts resulted in 48 arrests for driving under the influence, 18 non-traffic citations for criminal acts such as disorderly conduct, public drunkenness and trespassing and 12 criminal arrests for violations such as drug possession and weapons violations and 1292 warnings.

Recommended Motion: That the Board of Supervisors adopt the resolution authorizing the submission of an application for a grant from the Pennsylvania Department of Transportation for the 2021-2022 Centre County Sobriety Checkpoint and Expanded DUI Enforcement Program; and authorizing the Township Manager to sign all documents related to the grant on behalf of the Township.

Staff Recommendation

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

- 6. AUTHORIZATION TO ENGAGE THE COHEN LAW GROUP TO NEGOTIATE A FRANCHISE AGREEMENT WITH SHENANDOAH CABLE TELEVISION, LLC (“SHENTEL”)** 10 minutes
Centrice Martin, Township Manager

Narrative

The Act enables the municipality to collect a franchise fee, establish standards for customer service, maintain dedicated channel space for public, educational, and governmental programming (C-NET), and protect competitive equity. The Township has received a proposal from Cohen Law Group to negotiate a franchise agreement Shentel.

Copies of the proposed engagement and cover letter have been provided with the agenda. Currently, the Borough of State College is the only other Centre Region municipality to have a franchise agreement with another party aside from Comcast. The Township is eligible for a 15 percent discount from the firm’s standard fees if both Ferguson Township and State College Borough engage the law firm to conduct renewal negotiations simultaneously.

Recommended motion: That the Board of Supervisors authorize the Township Manager to execute an engagement letter with the Cohen Law Group to negotiate the Township’s franchise agreement with Shentel in an amount not to exceed \$6,250 noting that such payments will be made directly by Shentel to the Cohen Law Group.

Staff Recommendation

That the Board of Supervisors **authorize** the Township Manager to execute the engagement letter with Cohen Law Group.

- 7. REQUEST FOR MODIFICATION/WAIVER**

5 minutes

- a. 2026 SANDY DRIVE – CENTRE VOLUNTEERS IN MEDICINE**
Kristina Bassett, Community Planner

Narrative

Penn Terra Engineering, Inc., on behalf of their client, has requested a modification from §22-301—General. This section of the ordinance defines the subdivision and land development review process and requires certain proposals to process as a preliminary, and final land development plan, preliminary/final land development plan, or a minor alteration plan.

The applicant recently acquired the property at 2026 Sandy Drive (TP: 24-433-022-0000). The existing building is 10,979 SF and the applicant is proposing a 2,228 SF addition. The additional will extend into the front of the building, removing the existing covered patios and sidewalks. A new entrance and sidewalks will be constructed.

The applicant is proposing to have their plan processed as a Minor Land Development Plan. Chapter §22-306.3 (as amended by Ord. 1076, 3/15/22) outlines the criteria for a plan to be considered as a Minor Land Development Plan. Planning Commission reviewed this request at the April 25, 2022, regular meeting and recommended the Board approve the request.

Recommended Motion: That the Board of Supervisors grant the modification from §22-301—General

Staff Recommendation

That the Board of Supervisors **grant** the modification request.

8. CENTRE VOLUNTEERS IN MEDICINE (CVIM) PRELIMINARY LAND DEVELOPMENT PLAN – 2026 SANDY DRIVE 30 minutes

Kristina Bassett, Community Planner

Narrative

On November 15, 2021, Penn Terra Engineering, Inc., submitted a Preliminary Land Development Plan on behalf of their client, Centre Volunteers in Medicine (CVIM). The parcel is located at 2026 Sandy Drive (TP: 24-433-022-0000). This proposal is located in the Planned Residential Development (PRD) zoning district.

This land development plan proposes a 2,228 SF addition to the existing 10,979 SF building. The owner recently acquired the property and the addition will expand the front of the building, removing the existing covered patios and the addition will expand the front of the building, removing the existing covered patios and sidewalks. A new entrance and sidewalks will be constructed.

Planning Commission reviewed the preliminary land development plan at the April 25, 2022, meeting and recommended approval of the preliminary land development plan pending outstanding staff comments.

Recommended Motion: That the Board of Supervisors grant approval of the Preliminary Land Development Plan.

Staff Recommendation

That the Board of Supervisors **conditional approve** the Preliminary Land Development Plan.

9. CONTRACT 2022-C1 - STREET IMPROVEMENT PROJECT

15 minutes

David Modricker, Director of Public Works

Narrative

On April 12, 2022, bids were opened publicly and read aloud for contract 2022-C1 Street Improvement Projects (in town). This contract includes primarily paving and some related curb, stormwater, and ancillary improvements to (or sections of) the following roads: W. Aaron Drive, N. Allen Street, Circleville Road, Park Crest Lane, Research Drive, and Sleepy Hollow Drive. The bid was advertised in the Centre Daily Times and was sent to potential bidders. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer, dated April 13, 2022, recommending award of the contract.

Recommend Motion: That the Board of Supervisors award Contract 2022-C1, Street Improvement Projects (in town), to Glenn O Hawbaker, Inc. in the amount of \$793,174.25.

Staff Recommendation

That the Board of Supervisors **award** Contract 2022-C1 (in-town) to Glenn O Hawbaker.

10. CONTRACT 2022-C2 - STREET IMPROVEMENT PROJECT

5 minutes

David Modricker, Director of Public Works

Narrative

On April 12, 2022, bids were opened publicly and read aloud for contract 2022-C2 Street Improvement Projects (west end). This contract includes primarily paving and some related stormwater, and ancillary improvements to Marengo Road, Oak Glenn Road, W. Whitehall Road from Tadpole Road through the Meadows, and Old Gatesburg Road from Science Park Road to Nixon Road. The bid was advertised in the Centre Daily Times and was sent to potential bidders. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer, dated April 13, 2022, recommending award of the contract. The bid included a base bid and alternate bid.

Recommend Motion: That the Board of Supervisors award Contract 2022-C2, Street Improvement Projects (west end), to Glenn O Hawbaker, Inc., in the amount of \$1,102,807.45 to include both the base and alternate bids.

Staff Recommendation

That the Board of Supervisors **award** Contract 2022-C2 (West end) to Glenn O Hawbaker.

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS - May

- a. Ferguson Township Upcoming Meetings
 - 1. Planning Commission, May 9 & 23
 - 2. Board of Supervisors Worksession, May 10
 - 3. Parks & Recreation Committee, May 12
 - 4. Tree Commission, May 16
 - 5. Pine Grove Mills Small Area Advisory Committee, May 26

XII. ADJOURNMENT