

# FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, May 16, 2022

7:00 PM

## MEETING PARTICIPATION OPTIONS

### VIRTUAL:

Join Zoom Meeting Link:

<https://us02web.zoom.us/j/89561141069>

Meeting ID: 895 6114 1069

[Zoom Access Instructions](#)

### IN-PERSON:

Ferguson Township Municipal Building

Main Meeting Room

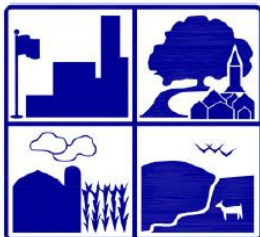
3147 Research Drive

State College, PA

- 
- 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. Public Hearing – Amending Code of Ordinances- Official Map
    2. Discussion – Contract 2019-C21 PGM LED Light Conversion Options
  - IX. NEW BUSINESS
    1. Consent Agenda
    2. Public Hearing Resolution to support Legislation Prohibiting Domestic Violent Offenders from Holding State Office
    3. Public Hearing Resolution Designating Township Manager as CAO of Ferguson Township Police and Employees' Pension Plans
    4. Zoning Ordinance Text Amendment Application – TSD Permitted Principal Uses
    5. Variance Request – 3450 West College Avenue – Paint Ninjas
    6. Continued Discussion on Amending Chapter 16 Parks and Recreation
    7. Discussion on Solar Power Purchasing Agreement
    8. Award Contract 2022-C9a, In-Town Microsurfacing
    9. Award Contract 2022-C9b, West End Microsurfacing
  - X. COMMUNICATIONS TO THE BOARD
  - XI. CALENDAR ITEMS
  - XII. ADJOURNMENT



Visit the Township's Web Site [www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us) and sign up for *Notify Me!* to receive email notices about Township Information.



---

# TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-954-7642  
[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

---

## BOARD OF SUPERVISORS

### Regular Meeting Agenda

Monday, May 16, 2022

7:00 p.m.

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT** 5 minutes per resident
- III. APPROVAL OF MINUTES**
  - a. May 3, 2022 Board of Supervisors Regular Meeting Minutes
- IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT** 15 minutes
  - a. Schlow Library
- V. SPECIAL REPORTS** 45 minutes
  - a. Diversity, Equity, and Inclusionary Initiatives – Status Update on Policing and Communities of Color by Charima Young.
  - b. Township and Fiscal Responsibility – no report
  - 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. Human Resources Committee
    - b. Land Use and Community Infrastructure (LUCI) Committee
    - c. Climate Action & Sustainability Committee
    - d. Public Safety Committee
    - e. Parks Capital Committee
    - f. Finance Committee
    - g. Facilities Committee Report – *May 3, 2022*
  - 2. OTHER COMMITTEE REPORTS**
- VII. STAFF REPORTS**
  - 1. Township Manager's Report
  - 2. Public Works Director Report
  - 3. Planning and Zoning Report
  - 4. Chief of Police Report

## VIII. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES, APPENDIX D BY REPEALING ALL FORMER OFFICIAL MAPS AND PORTIONS OF OFFICIAL MAPS OF THE TOWNSHIP OF FERGUSON AND ADOPTING A NEW OFFICIAL MAP FOR THE TOWNSHIP OF FERGUSON** 25 minutes

*Jenna Wargo, Director of Planning & Zoning*

### **Narrative**

Provided in the agenda is a copy of the ordinance as advertised for public hearing adopting a new Official Map for the Township. The map has been reviewed by regional and local planning commissions, as well as staff and neighboring municipalities. At the Regular Meeting on December 13, 2021, the Board authorized staff to advertise for a public hearing to adopt a new Official Map for Ferguson Township. The Official Map is a tool authorized by the PA Municipalities Planning Code (MPC) that aids the Township in planning its short and long-term infrastructure and capital improvement projects.

*Recommended Motion: That the Board of Supervisors adopt the ordinance as advertised repealing all former Official Maps and adopting a new Official Map of the Township of Ferguson.*

### **Staff Recommendation**

That the Board of Supervisors **adopt** the ordinance as advertised.

2. **DISCUSSION ON CONTRACT 2019-C21 – PINE GROVE MILLS LED LIGHT CONVERSION OPTIONS** 30 minutes

*David Modricker, Director of Public Works*

### **Narrative**

Final design for this project is near completion. Prior to putting the project out to bid, staff seeks input and direction from the Board of Supervisors regarding various scope of work options and associated estimated costs. Provided with the agenda is a memorandum from Ronald Seybert, Township Engineer, dated May 11, 2022, outlining the various options and costs. The Board is being asked this evening to discuss and select one of the options. The option selected will be included in the scope of work presented in the bid documents that will be solicited for bids.

*Recommend Motion: That the Board of Supervisors approve option \_\_\_ to be included in the scope of work that will be presented in the bid documents that will be solicited for bids.*

### **Staff Recommendation**

That the Board of Supervisors **discuss and select** an option to finalize the scope of work to be included in the bid documents that will be solicited for bids.

## IX. NEW BUSINESS

1. **CONSENT AGENDA** 5 minutes
  - a. Contract 2022-C6, Curb and Ramp Upgrades, Pay Application 1: \$33,998.40
  - b. Special Events Permit – Mayor’s Family Fun Ride
  - c. Board member request – Discussion on hybrid meetings
  - d. Board member request – Proclamation to honor National Jewish American Heritage Month

**2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, TO SUPPORT LEGISLATION THAT PROHIBITS DOMESTIC VIOLENCE OFFENDERS FROM HOLDING STATE OFFICE** 5 minutes

*Laura Dininni, Supervisor*

**Narrative**

Provided with the agenda is a resolution to support legislation that prohibits domestic violence offenders from holding state office. Senator Conklin announced on April 4, 2022, legislation that would bar individuals convicted of domestic violence offenses from serving in the General Assembly or holding public office in Pennsylvania government. Ferguson Township calls upon the General Assembly to enact legislation to guarantee that any person convicted of domestic violence shall be ineligible to serve in the General Assembly, or of holding any office of trust or profit in this Commonwealth.

*Recommended Motion: That the Board of Supervisors adopt the resolution of the Township of Ferguson, Centre County, Pennsylvania, to support legislation that prohibits domestic violence offenders from holding state office.*

**Staff Recommendation**

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

**3. A PUBLIC HEARING ON A RESOLUTION TO DESIGNATE TOWNSHIP MANAGER AS THE CHIEF ADMINISTRATIVE OFFICER OF FERGUSON TOWNSHIP POLICE AND EMPLOYEES' PENSION PLANS** 5 minutes

*Centrice Martin, Township Manager*

**Narrative**

Provided with the agenda is a copy of a resolution appointing Centrice Martin, Township Manager, as Chief Administrative Officer of the Ferguson Township Police Pension Plan and Employees' Pension Plan. This position has typically been occupied by the Township Manager and shall have the authority to supervise the preparation of any actuarial reports relative to the plan; determine the financial requirements of the plan based on the most recent actuarial reports; and determine the minimum municipal obligation (MMO) of the Township with respect to the funding of the plan for a given plan year. At a Regular Meeting held on May 15, 2017, the Board of Supervisors designated former Township Manager, David Pribulka, by resolution to serve this role for the Township. With Mr. Pribulka's resignation and the new Township Manager's appointment on April 19, 2022, the Board is asked to take action on this matter.

*Recommended Motion: That the Board of Supervisors adopt the resolution designating Centrice Martin as Chief Administrative Officer of the Ferguson Township Police Pension Plan and Employees' Pension Plan.*

**Staff Recommendation**

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



**4. ZONING ORDINANCE TEXT AMENDMENT APPLICATION—TERRACED STREETSCAPE ZONING DISTRICT AND SOURCE WATER PROTECTION OVERLAY DISTRICT REQUIREMENTS**  
*Centrice Martin, Township Manager* 30 minutes

**Narrative**

On May 11, 2022, the applicant submitted to the Director of Planning and Zoning an application for a text amendment to the Terraced Streetscape Zoning District (§27-304.2.A.—Permitted Principal Uses) and the Source Water Protection Overlay District (§27-405.7.B.8.—Cemeteries). Included in the agenda is the application submitted by the applicant. The applicant requests the Board to amend the ordinance, Terraced Streetscape Zoning District (§27-304.2. A.) to permit home burials in the Terraced Streetscape Zoning District and allow exemptions from concrete grave liners based on spiritual beliefs.

By zoning, this type of use is defined as a cemetery and green home burials that have a lower impact than cemeteries. As conservationists, it has always been the applicant and her spouse’s desire to replenish and restore the ecological integrity of the land. It has been their belief that nature is sacred and that humans are a part of nature—that the natural cycles of birth, growth, and death carry profound spiritual meaning.

The Board of Supervisors enacted the Source Water Protection Overlay District Requirements, Chapter 27, § 27-405, on November 18, 2019, Ordinance No. 1049. The purpose and intent of this ordinance is to protect the health, safety, and welfare of residents and the ecosystems of the Township, provide protections for sources of public drinking water supplies, and safeguard the future supply of safe and sustaining drinking water. The applicant’s property is situated within the established and delineation of the Source Water Protection Overlay District and Wellhead Protection Zones (§ 27-405.4). The Source Water Protection Overlay District shall be defined as the entire area within the boundaries of Ferguson Township. The Board should give consideration to the legal requirements or responsibilities involved with this decision. The Solicitor, Betsy Dupuis, is in attendance to answer questions or comment as the Board gives consideration on a response to this decision.

**Staff Recommendation**

That the Board of Supervisors consider an evidence-based report to better understand the potential impacts and impacts to groundwater quality associated with this request.

**5. REQUEST FOR VARIANCE- 3450 WEST COLLEGE AVENUE – PAINT NINJAS, TAX PARCEL 24-004-079E-0000**  
*Jenna Wargo, Director of Planning & Zoning* 10 minutes

**Narrative**

Provided with the agenda is a copy of an application submitted by A. Oakes Fletcher for property located at 3450 W. College Avenue. The applicant is requesting a variance from §27-209.1. to permit a structure within the side yard setback.

The General Commercial (C) Zoning District has a side yard setback of 15 feet and the applicant would like to place a storage structure 10 feet into the side yard setback.

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

**Staff Recommendation**

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

## 6. CONTINUED DISCUSSION ON AMENDING CHAPTER 16 PARKS AND RECREATION

*Centrice Martin, Township Manager*

30 minutes

### **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 the 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 and 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 for either clarification or additional amendments.

### **Staff Recommendation**

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

**7. DISCUSSION ON SOLAR POWER PURCHASING AGREEMENT (SPPA)** 25 minutes  
*Centrice Martin, Township Manager*

**Narrative**

Ferguson Township, as part of the Solar Power Purchase Agreement (SPPA) Working Group is being asked to consider an appropriate range of electricity demand to potentially allocate to solar energy. Provided with the agenda is a document prepared by the SPPA Working Group to assist with the discussions. The Board is being asked to consider the overall electricity demand that should be considered as appropriate for the Township to include in the Request for Proposal (RFP) for a solar power purchase agreement (SPPA). The Board will need to discuss and determine the expected minimum percentage of electricity purchased as solar through SPPA as well as determine the expected maximum percentage of electricity purchased as solar through SPPA. This range will be used to help inform the SPPA Working Group as they draft the RFP. The working group requests for all questions or comments involving or related to the RFP for a solar power purchase agreement as well as Ferguson Township's range of electricity demand to potentially allocate to solar energy. In attendance is Eric Endresen, Finance and Tax Director, and Ferguson Township's appointed representative to serve on the SPPA Working Group. The SPPA Working Group present five (5) questions, listed below, for consideration by the Board.

1. What is the expected minimum % of electricity purchased as solar through SPPA?
2. What is the expected maximum % of electricity purchased as solar through SPPA?
3. Does COG know it's expected amount of solar electricity from the PPA?
4. Do we expect to purchase or retain renewable energy credits?
5. Any other questions or concerns?

*Recommended Motion: That the Board of Supervisors direct the Township Manager to write a letter to the Solar Power Purchasing Agreement Working Group to inform that Ferguson Township's range of electricity percentage demands for buildings 1 – 5 is \_\_\_\_\_, which excludes building 6, to be considered for the SPPA RFP.*

**Staff Recommendation**

That the Board of Supervisors **discuss** and **approve** a percentage range of the Ferguson Township electricity demand.

**8. CONTRACT 2022-C9A – IN-TOWN MICROSURFACING** 10 minutes  
*David Modricker, Director of Public Works*

**Narrative**

On April 26, 2022, bids were opened publicly and read aloud for contract 2022-C9a microsurfacing (in town). This contract includes microsurfacing certain roads "in town" and Benner Township and Harris Township are piggybacking on this contract. 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 May 4, 2022, recommending award of the contract.

*Recommend Motion: That the Board of Supervisors award Contract 2022-C9a, Microsurfacing (in town), to Asphalt Paving Systems, Inc., in the amount of \$389,752.89.*

**Staff Recommendation**

That the Board of Supervisors **award** Contract 2022-C9a (in-town) to Asphalt Paving Systems, Inc.

**9. CONTRACT 2022- C9B – WEST END MICROSURFACING**

5 minutes

*David Modricker, Director of Public Works*

**Narrative**

On April 26, 2022, bids were opened publicly and read aloud for contract 2022-C9b Microsurfacing (west end). This contract includes microsurfacing Whitehall Road from Breezewood Drive to Tadpole Road, and Nixon Road from Whitehall Road to SR 26/45 (Pine Grove 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 May 4, 2022, recommending award of the contract.

*Recommend Motion: That the Board of Supervisors award Contract 2022-C9b, Microsurfacing (west end), to Asphalt Paving Systems, Inc., in the amount of \$435,839.52.*

**Staff Recommendation**

That the Board of Supervisors **award** Contract 2022-C9b (West end) to Asphalt Paving Systems, Inc.

**X. COMMUNICATIONS TO THE BOARD**

**XI. CALENDAR ITEMS – May/June**

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

**XII. ADJOURNMENT**