

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda
Monday, May 17, 2021, 7:00 PM

Join Zoom Meeting:

<https://us02web.zoom.us/j/83198799507>

Meeting ID: 831 9879 9507

[Zoom Access Instructions](#)

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

IV. APPROVAL OF MINUTES

1. May 3, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. Schlow Centre Region Library Report

VI. UNFINISHED BUSINESS

1. Review of Draft Discrimination Ordinance and CCHRC MOU

VII. NEW BUSINESS

1. Consent Agenda
2. Conditional Use Hearing –1518 West College Avenue
3. Presentation – 2020 Township Audit
4. Board Member Request – Grass and Weed Ordinance Amendment
5. Discussion of Changes to CATA Service Routes
6. Award of Contract 2021-C10, Sealcoating
7. Review of Emergency COVID-19 Ordinance
8. Zoning Ordinance Amendment Request – General Commercial District

VIII. REPORTS

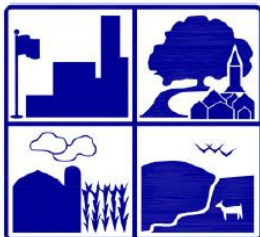
1. COG Committee Reports
2. Other Regional Reports
3. Staff Reports

IX. COMMUNICATIONS TO THE BOARD

X. CALENDAR ITEMS – MAY/JUNE

XI. ADJOURNMENT





TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS Regular Meeting Agenda Monday, May 17, 2021 7:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. May 3, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

20 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. Schlow Centre Region Library Report – Barbara Ziff

VI. UNFINISHED BUSINESS

- 1. REVIEW OF DRAFT DISCRIMINATION ORDINANCE AND CENTRE COUNTY HUMAN RELATIONS COMMISSION MEMORANDUM OF UNDERSTANDING** 30 minutes

David Pribulka, Township Manager

Narrative

In 2017, the Board directed staff to begin drafting an ordinance to establish a Human Relations Commission and prohibit discrimination in employment, housing, public accommodations, and residential real estate-related transactions based on race, color, religion, ancestry, age, national origin, sex, sexual orientation, gender identity or expression, source of income, disability or handicap, presence of a service animal, pregnancy, marital or familial status or family responsibility. The municipal managers of State College Borough, Bellefonte Borough, and Ferguson Township have collaborated on the draft that is included with the agenda this evening.

In addition to defining prohibited conduct, the draft ordinance lays the foundation for establishing a Centre County Human Relations Commission. The task of the Commission would be to investigate complaints of discrimination, and to facilitate mediation and conciliation of any founded violations. Provided with the agenda is a copy of the draft ordinance and a draft Memorandum of Understanding establishing the Human Relations Commission. The Commission would consist of appointees from State College Borough, Bellefonte Borough, and Ferguson Township. Additional parties to the MOU who may wish

to join prior to or following the enactment of the Regional Discrimination Ordinance have also been considered.

This evening, the Board is being asked to review and comment on the draft ordinance and MOU. No action is being requested of the Board at this time, and there remain outstanding issues that should be resolved prior to consideration of the ordinance including the requirement of the municipalities to file with the Commonwealth on behalf of the complainant, the relationship between the Centre County Human Relations Commission and the Pennsylvania Human Relations Commission, and other potential parties to the MOU. David Pribulka, Township Manager will introduce and report on the item.

Staff Recommendation

That the Board of Supervisors *review and comment* on the draft ordinance and MOU.

VIII. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Treasurer’s Report – March 2021 for Acceptance
- b. Contract 2018-PWGG, Pay App #11: \$256,099.96

2. A PUBLIC HEARING ON A CONDITIONAL USE PERMIT APPLICATION FOR 1518 WEST COLLEGE AVENUE – CENTRE ANIMAL HOSPITAL

20 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

An application for a Conditional Use Permit for the use of property located at 1518 West College Avenue as a Veterinarian Clinic has been filed with the Township by the property owner, Tussey Tracks LLC. The applicant proposes to consolidate two lots (1518 West College Ave. and 1512 West College Ave.), raze the building on 1512 West College Ave., and renovate the existing Centre Animal Hospital Building (1518 West College Ave.). The Township’s Zoning Ordinance and the Municipalities Planning Code 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. As part of an approval, the Board may attach reasonable conditions and safeguards related to the conditional use standards detailed in the zoning ordinance. Provided with the agenda is a copy of a memorandum from the Director of Planning & Zoning describing the Findings of Fact and recommended conditions from staff and Planning Commission reviews.

The Board will conduct a public hearing on the application for a conditional use permit for the Tussey Tracks LLC—Centre Animal Hospital. Chair Dininni will preside over the hearing. This evening, the Board is asked to direct the Township Manager to prepare a written decision for review and approval at the June 7 Regular Meeting.

Recommended motion: That the Board of Supervisors close the public hearing and direct the Township Manager to present Findings of Fact and a written decision to the Board for consideration at the June 7th Regular Meeting.

Staff Recommendation

That the Board of Supervisors *conduct* the public hearing.

3. PRESENTATION OF THE 2020 TOWNSHIP AUDIT – BAKER TILLY 20 minutes
Eric Endresen, Finance Director & John Compton, Baker Tilly

Narrative

The annual presentation on the prior year's audit is provided to the Board and affords an opportunity for the Board to ask any questions of the Township's auditor. The 2020 audit has been filed with the Pennsylvania Department of Community and Economic Development. Provided is a copy of the audit as filed with the state. A management report will follow in the next several weeks. Staff is unaware of any findings or observations. Provided with the agenda is a spreadsheet summarizing the audit results.

Recommended motion: That the Board of Supervisors accept the 2020 Township Audit as presented by Baker Tilly.

Staff Recommendation

That the Board of Supervisors **accept** the 2020 Township Audit.

4. BOARD MEMBER REQUEST – GRASS AND WEED ORDINANCE AMENDMENT 10 minutes
Prasenjit Mitra, Township Supervisor

Narrative

Mr. Mitra will introduce the item. Ferguson Township has an ordinance (10.101.1.a.) which limits the maximum height of grass in most zoning districts to 6 inches. Lawn mowing causes significant harm to our environment. Except in egregious circumstances, there is no evidence of a lawn being a health hazard as mentioned in our ordinance. For example, studies have shown that lawn mowing does not have an effect on the tick population. Given the extremely harmful effects of mowing lawns, and the desire by several citizens to be able to keep a more natural lawn, Mr. Mitra is requesting the Board revisit the ordinance and repeal or relax the 6-inch requirement. There are two links below to supplement Mr. Mitra's request.

- <https://www.onlynaturalenergy.com/grass-lawns-are-an-ecological-catastrophe/>
- <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0214615>

Provided with the agenda is a copy of Mr. Mitra's request and the referenced ordinance. As a reminder, the Township amended this ordinance in 2016 to permit Native Landscape Lawns and Gardens. The Township has a permit process in place but has no current active permits issued.

Recommended motion: That the Board of Supervisors direct staff to draft an amendment to the Grass and Weed Ordinance.

5. DISCUSSION OF CHANGES TO CATA SERVICE ROUTES 20 minutes
Lisa Strickland, Township Supervisor

Narrative

Ms. Strickland requested a discussion item for the Board to consider providing comments on the proposed CATA service route changes and their impact on residents in the rural areas of Ferguson Township. The comments suggested by Ms. Strickland are that the Board reinforce the temporary status of the service reductions, and to request a CATAGo service to offset the reductions in service in the interim.

Recommended motion: That the Board of Supervisors direct the Township Manager to forward its comments on the proposed CATA service changes to the CATA Executive Director before the deadline for public comments on May 18.

6. AWARD OF CONTRACT 2021-C10, BIKE PATH AND PARKING LOT SEALCOATING

David Modricker, Director of Public Works

5 minutes

Narrative

On May 11, 2021, bids were opened publicly and read aloud for contract 2021-C10. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves the application of a double sealcoat to preserve the life of pavement on bike paths and parking lots in the Township. Other municipalities may piggyback on this contract. COG chose to piggyback to seal their parking lot, and Harris Township will seal bike paths. Provided with the agenda is an award recommendation memorandum from Ryan Scanlan, Assistant Township Engineer, summarizing the bids received.

Recommended motion: That the Board of Supervisor award Contract 2021-C10 Sealcoating to Riteway Sealing & Paving, Inc., in accordance with their bid in the amount of \$11,153.88.

Staff Recommendation

That the Board of Supervisors award Contract 2021-C10.

7. REVIEW OF COVID-19 TEMPORARY EMERGENCY ORDINANCE

10 minutes

David Pribulka, Township Manager

Narrative

The Board of Supervisors extended the current COVID-19 Temporary Emergency Ordinance through June 30th at its January 18th Regular Meeting. The current provisions have not been updated to reflect changes in state regulations and are currently inconsistent with other ordinances in place in the Centre Region. Provided with the agenda is a draft amendment presented for review and comment this evening. The limitations on outdoor gatherings sizes have been increased from fifty (50) to one hundred (100) for most circumstances to be consistent with the Department of Health revised guidelines. Furthermore, the masking requirements have been modified to reflect the Governor's orders, which have also been modified to comply with CDC regulations that pertained to vaccinated individuals. The proposed amendment would also extend the ordinance through July 31st.

Recommended motion: That the Board of Supervisors authorize advertisement of a public hearing on an amendment to the COVID-19 Temporary Emergency Ordinance for Monday, June 7, 2021.

Staff Recommendation

That the Board of Supervisors **authorize** advertisement of a public hearing on an amendment to the COVID-19 Temporary Emergency Ordinance.

8. ZONING ORDINANCE AMENDMENT REQUEST—GENERAL COMMERCIAL DISTRICT
Jenna Wargo, Director of Planning & Zoning 10 minutes

Narrative

On April 30, 2021, the Department of Planning & Zoning received a Zoning Ordinance Amendment request from Craig LeCrone, property owner of 3490 W. College Ave (TP:24-004-079H-0000) and 3510 W. College Avenue (TP: 24-004-079I-0000), zoned General Commercial (C). Mr. LeCrone has requested an amendment to the General Commercial Zoning District to permit 'Self-Service Storage Facility' as a permitted, principal use. Mr. LeCrone believes that self-storage facilities are a commercial-oriented use and is consistent with the stated intent of the General Commercial district.

Recommended motion: That the Board of Supervisors refer the ordinance amendment request to the Planning Commission for review and a recommendation.

Staff Recommendation

That the Board of Supervisors *refer* the ordinance amendment to the Planning Commission.

IX. STAFF AND COMMITTEE REPORTS

- 1. **COG COMMITTEE REPORTS** 40 minutes
 - a. Facilities Committee
 - b. Human Resources Committee
 - c. Joint PSE and TLU Committees
 - d. CAS Committee
 - e. Public Safety Committee
 - f. Solar PPA Working Group
 - g. Joint Parks Capital and Parks Authority
 - h. Finance Committee
- 2. **OTHER COMMITTEE REPORTS** 5 minutes
- 3. **STAFF REPORTS** 5 minutes
 - a. Manager's Report
 - b. Public Works Director
 - c. Planning and Zoning Director
 - d. Chief of Police

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – MAY/JUNE

- a. Ferguson Township upcoming committee meetings:
 - 1. Planning Commission, Mondays, May 24, June 14 and 28, 6PM
 - 2. Parks & Recreation Committee, Thursdays, May 20 and June 17, 4PM
 - 3. Pine Grove Mills SAP Advisory Committee, Thursdays, May 27 and June 24, 4PM
- b. Ferguson Township Virtual Bike Chat, Thursday, May 20, 12:30PM

XII. ADJOURNMENT