

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda
Monday, August 16, 2021, 7:00 PM

Hybrid Meeting

REMOTE PARTICIPANTS:

Join Zoom Meeting:

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

Meeting ID: 838 3822 6462

[Zoom Access Instructions](#)

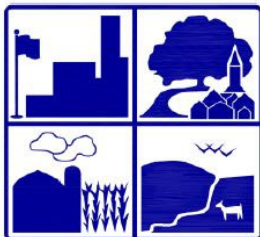
IN-PERSON PARTICIPANTS:

Ferguson Township Municipal Building
Main Meeting Room
3147 Research Drive
State College, PA

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- I. CALL TO ORDER
 - II. PLEDGE OF ALLEGIANCE
 - III. CITIZENS INPUT
 - IV. APPROVAL OF MINUTES
 1. August 2, 2021 Board of Supervisors Regular Meeting Minutes
 2. July 20, 2021 Capital Improvement Program Special Meeting Minutes
 3. July 21, 2021 Capital Improvement Program Special Meeting Minutes
 - V. SPECIAL REPORTS
 - a. State College Borough Water Authority Report
 - VI. UNFINISHED BUSINESS
 1. Review Drafts of 2022 COG Program Plan and 2022-2026 Capital Improvement Plan
 - VII. NEW BUSINESS
 1. Consent Agenda
 2. Public Hearing – Conditional Use Application, 1445 West College Avenue
 3. Public Hearing – Resolution Adopting Act 537 Sewage Facilities Plan Update
 4. Request for Variance – 1609 North Atherton Street
 5. Request for Waiver – 401 Plainfield Road
 6. Heritage Tree Designation – 210 Deibler Road
 7. DRAFT Position Letter – Mandatory COVID-19 Vaccinations for PSU Students, Faculty, and Staff
 8. Board Member Request – Radio Park Elementary School Crossing Guard
 - VIII. REPORTS
 1. COG Committee Reports
 2. Staff Reports
 - IX. COMMUNICATIONS TO THE BOARD
 - X. CALENDAR ITEMS – AUGUST/SEPTEMBER
 - XI. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, August 16, 2021

7:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. August 2, 2021 Board of Supervisors Regular Meeting Minutes
2. July 20, 2021 Capital Improvement Program Special Meeting Minutes
3. July 21, 2021 Capital Improvement Program Special Meeting Minutes

V. SPECIAL REPORTS

10 minutes

1. State College Borough Water Authority – Ford Stryker

VI. UNFINISHED BUSINESS

1. **REVIEW OF DRAFT 2022 CENTRE REGION COUNCIL OF GOVERNMENTS PROGRAM PLAN AND DRAFT 2022 – 2026 CAPITAL IMPROVEMENT PLAN** 30 minutes

David Pribulka, Township Manager

Narrative

At the General Forum meeting of the Centre Region Council of Governments on Monday, July 26th, the 2022 COG Program Plan and 2022 – 2026 Capital Improvement Program were forwarded to the Centre Region municipalities for review and comment. COG staff provided a Comment Guide to assist the member municipalities in their discussions, and responses on both documents are due back to the COG Executive Director by 8:00 a.m. on Thursday, August 19th. The COG Executive Director and Finance Director will be in attendance to respond to any questions the Board may have. Links to each document can be found below.

On August 2nd, the Board reviewed the Comment Guide and forwarded several questions to the COG Executive Director for consideration and response. Provided with the agenda is a copy of the Comment Guide including responses from the COG Executive Director.

[2022 Centre Region COG Program Plan DRAFT](#)

[2022 – 2026 Centre Region COG Capital Improvement Plan](#)

Recommended motion: That the Board of Supervisors direct the Township Manager to forward its comments on the draft 2022 COG Program Plan and Capital Improvement Plan to the Executive Director no later than August 19th.

Staff Recommendation

That the Board of Supervisors **review and comment** on the draft 2022 COG Program Plan and Capital Improvement Plan.

VII. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. 2021-C4, Wetland Delineation: \$2,645.40
- b. 2021-C8, Parking Stalls, Pay Application 3: \$21,704.10
- c. Treasures Report – May 2021 for Acceptance
- d. Board Member Request – Noise Ordinance Amendment

2. A PUBLIC HEARING ON AN ADDENDUM TO A CONDITIONAL USE PERMIT FOR 1445 WEST COLLEGE AVENUE (GOLF COURSE MAINTENANCE FACILITY AND MIXED MARTIAL ARTS STUDIO)

20 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

Included in the agenda is a Conditional Use application from Penn State University for property located at 1445 West College Avenue (24-4-51C). The applicant is requesting to continue the conditional uses currently operating at the site in accordance with Chapter 27-304.2.E.(1) and (2). There are two existing conditional uses on the property: One dated November 7, 2011, for the use of the property as a golf course maintenance facility (8,500SQFT) and one dated August 26, 2014, for the use of the property as a Mixed Martial Art studio (7,800SQFT). Both agreements expire December 31, 2021. The property is located in the Terraced Streetscape (TS) Zoning District and both uses are not permitted uses (§27-304.2.E.(1)), nor prohibited (§27-304.2.E.(2)). Given that both uses are continuing at the site and the Township is rewriting the Terraced Streetscape Ordinance, staff is recommending an addendum to these agreements to permit the uses to operate for another five years at this location. All conditions included in the original agreement will remain, including the surety posted for the improvements.

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 condition use permit for 1445 West College Avenue. 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 September 7TH 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 September 7th Regular Meeting.

Staff Recommendation

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA (HERINAFTER THE “TOWNSHIP”) ADOPTING AN ACT 537 SEWAGE FACILITIES PLAN UPDATE. 20 minutes

David Pribulka, Township Manager

Narrative

Provided with the agenda is copy of the resolution advertised for public hearing approving an amendment to the Centre Region Act 537 Sewage Facilities Plan. The University Area Joint Authority intends to upgrade its composting facility, which has been in operation for nearly 28 years, by constructing an Anaerobic Digestion and Sludge Drying Facility to produce Class A Biosolid product in place of composting. As noted in the resolution, the Township and all other municipalities in the Sewer Service Area must approve any revisions to the Act 537 Plan. Below is a link to the Special Study. Corey Rilk, Senior Planner with the Centre Regional Planning Agency, will be present to report on the study and respond to any questions the Board may have.

[Centre Region Act 537 Special Study for Biosolid Londs Upgrade Facility](#)

Recommended motion: That the Board of Supervisors adopt the resolution adopting an Act 537 Sewage Facilities Plan Update.

Staff Recommendation

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

4. ZONING APPEALS/REQUESTS FOR VARIANCES

10 minutes

Jenna Wargo, Director of Planning & Zoning

a. REQUEST FOR VARIANCE - 1609 NORTH ATHERTON STREET

Narrative

On July 6, 2021, Mike Patel submitted an application for zoning variance to the Planning and Zoning Department. Rita’s Italian Ice — 1609 N. Atherton Street (24-010-017-0000), zoned General Commercial (C), is requesting a variance from §27-209.1. and E. Yard Requirements. The applicant is proposing to have an awning projecting beyond the front and side yard setbacks in order to provide more coverage for their patrons during bad weather and protect their employees from the sun while working.

Recommended motion: That the Board of Supervisors remain neutral on the request for variance at 1609 North Atherton Street.

Staff Recommendation

That the Board of Supervisors **remain neutral** on the request for variance at 1609 N. Atherton Street.

5. REQUEST FOR WAIVER – 400 PLAINFIELD ROAD

10 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

Included in the agenda is an Application for Consideration of a Modification/Waiver from Sue and John Campbell submitted to the Planning & Zoning Department. The Campbell’s own the property located at 400 Plainfield Road (24-007-004-0000). Farmers Way is a

private driveway on the northern portion of TP 24-007-004-0000. The applicant proposes to build a third single family home on the northern portion of the parcels and is requesting a modification/waiver from the Subdivision and Land Development Ordinance (§22-104.1.B.) requirement to complete a land development plan. There are two existing homes on the 181.3 acre property. The property is zoned Rural Agriculture (RA). Staff has reviewed the application and waiver and is recommending as a condition of approval that the applicants comply with all State regulations.

Recommended motion: That the Board of Supervisors grant the waiver from §22-104.B. subject to the condition that the applicants comply with all state regulations.

Staff Recommendation

That the Board of Supervisors **grant the** waiver.

6. HERITAGE TREE DESIGNATION – 210 DEIBLER ROAD

10 minutes

David Modricker, Director of Public Works

Narrative

At the January 18th Regular Meeting of the Board of Supervisors, the Board adopted Ordinance 1062 amending Chapter 25, Trees by establishing a new Part IV, Heritage and Significant Trees. The intent of the new part is to recognize the voluntary protection of landmark and important trees, establish a process to nominate these trees, distinguish between Heritage and Significant Trees, and establish maintenance responsibilities for the preserved trees. Provided with the agenda is a request from the Baileyville Community Hall Board for the Oak tree at 210 Deibler Road, Pennsylvania Furnace, PA.

Recommended motion: That the Board of Supervisors, upon finding the old oak tree at 210 Deibler Road to be of landmark importance, approve the designation of Heritage Tree subject to receipt of an executed tree easement document from the property owner.

Staff Recommendation

That the Board of Supervisors **approve** the Heritage Tree designation at 210 Deibler Road.

7. CONSIDERATION OF A LETTER FROM THE FERGUSON TOWNSHIP BOARD OF SUPERVISORS TO PENN STATE UNIVERSITY URGING THE UNIVERSITY TO REQUIRE COVID-19 VACCINATIONS FOR STUDENTS, FACULTY, AND STAFF IN ADVANCE OF THE COMMENCEMENT OF THE 2021 – 2022 ACADEMIC YEAR.

Laura Dininni, Township Supervisor

20 minutes

Narrative

Provided with the agenda is a copy of a draft letter from Chair Dininni urging Penn State University to require COVID-19 vaccinations for all eligible students, faculty, and staff in advance of the commencement of the 2021 fall semester and academic year. A similar letter has been sent by State College Borough Council President Jesse Barlow. The COG Executive Committee will be conducting a Special Meeting on August 10TH to consider endorsing a letter, as well.

Recommended motion: That the Board of Supervisors authorize the Chair to endorse the letter to Penn State University officials urging the University to require COVID-19

vaccinations for all non-exempt students, faculty and staff prior to the commencement of the 2021 – 2022 academic year.

8. BOARD MEMBER REQUEST – RADIO PARK ELEMENTARY SCHOOL CROSSING GUARD
Lisa Strickland and Patty Stephens, Township Supervisors 10 minutes

Narrative

Provided with the agenda is a copy of the Board member-requested item concerning the hiring of a part-time crossing guard at Radio Park Elementary School. Supervisors Strickland and Stephens will introduce the item.

Recommended motion: That the Board of Supervisors authorize the hiring of a part-time crossing guard for Radio Park Elementary School.

Staff Recommendation

That the Board of Supervisors **postpone** hiring a crossing guard until the warranted traffic improvements are installed at the intersection.

VIII. STAFF AND COMMITTEE REPORTS 30 minutes

1. COG COMMITTEE REPORTS

- a. Human Resources Committee
- b. Joint Public Services & Environmental and Transportation & Land Use Committees
- c. Climate Action and Sustainability Committee
- d. Special Executive Committee
- e. Public Safety Committee

2. OTHER COMMITTEE REPORTS

3. STAFF REPORTS

- a. Manager's Report
- b. Public Works Director's Report
- c. Planning & Zoning Director's Report
- d. Chief of Police

IX. COMMUNICATIONS TO THE BOARD

X. CALENDAR ITEMS – AUGUST/SEPTEMBER

- a. Ferguson Township upcoming committee meetings:
 - 1. Stormwater Fee Workshop - Tuesday, August 17, 6:30 p.m.
 - 2. Parks & Recreation Committee - Thursdays, August 19 and September 16, 4:00 p.m.
 - 3. Planning Commission - Mondays, August 23, September 13, and September 27, 6 p.m.
 - 4. Pine Grove Mills Small Area Plan Advisory Committee - Thursdays, August 26 and September 23, 4 p.m.
 - 5. Tree Commission – Monday, September 20, 5 p.m.

XI. ADJOURNMENT