

# FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda  
Tuesday September 7, 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](#)

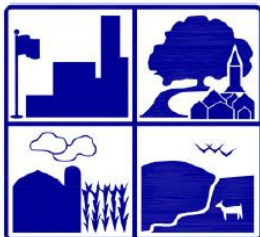
### IN-PERSON PARTICIPANTS:

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. SWEARING IN OF WARD II SUPERVISOR
  - IV. CITIZENS INPUT
  - V. APPROVAL OF MINUTES
    1. August 16, 2021 Board of Supervisors Regular Meeting Minutes
  - VI. SPECIAL REPORTS
    - a. University Area Joint Authority
    - b. 2<sup>nd</sup> Quarter Finance Report
    - c. Gypsy Moth Abatement
  - VII. UNFINISHED BUSINESS
    1. Public Hearing – 2022 – 2026 Capital Improvement Program Budget
    2. Public Hearing – Pine Hall Land Use Appeals Settlement Agreement
    3. Conditional Use Permit Addendum – 1445 West College Avenue
    4. Recreation, Parks, and Open Space Plan Contract Addendum - Park Master Plans
    5. Award of Regional Solar Power Purchase Agreement Consulting Services
    6. Ferguson Township Official Map Discussion
    7. Draft Ordinance Amendment – Turf Grass, Weeds, & Other Vegetation
  - VIII. NEW BUSINESS
    1. Consent Agenda
    2. Public Hearing – Conditional Use Application, 1350 Greenwood Circle
    3. Public Hearing – Act 537 Sewage Facilities Plan Update Resolution
    4. Citizen’s Right To Be Heard – Reimagine Appalachia Climate Action Strategy
    5. Windstream D & E, Inc. Franchise Fee Renewal and Audit Authorization
    6. Board Member Request – Noise Ordinance Amendment
    7. Meeting Format Discussion
  - IX. REPORTS
  - X. COMMUNICATIONS TO THE BOARD
  - XI. CALENDAR ITEMS – SEPTEMBER
  - XII. ADJOURNMENT



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# TOWNSHIP OF FERGUSON

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## BOARD OF SUPERVISORS Regular Meeting Agenda Tuesday, September 7, 2021 7:00 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. SWEARING IN OF PAM STECKLER AS WARD II SUPERVISOR
- IV. CITIZEN'S INPUT
- V. APPROVAL OF MINUTES
  1. August 16, 2021 Board of Supervisors Regular Meeting Minutes
- VI. SPECIAL REPORTS 30 minutes
  1. University Area Joint Authority – Mark Kunkle
  2. 2<sup>nd</sup> Quarter Financial Report – Eric Endresen, Director of Finance
  3. Gypsy Moth Abatement – David Pribulka, Township Manager
- VII. UNFINISHED BUSINESS
  1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING THE 2022 – 2026 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET.** 10 minutes  
*David Pribulka, Township Manager*

### Narrative

At the August 2<sup>nd</sup> Regular Meeting the Board authorized a public hearing on the 2022 – 2026 Capital Improvement Plan (CIP). The CIP was presented by the Township Manager and reviewed by the Board of Supervisors at two public special meetings, as well as a hybrid road tour. Changes that have been made by the Board at the special meetings and August 2<sup>nd</sup> have been incorporated into the document. Provided with the agenda is a copy of the resolution as advertised for Public Hearing. A link to the revised 2022 – 2026 CIP is provided below the narrative.

[2022 – 2026 Capital Improvement Program Budget](#)

*Recommended motion: That the Board of Supervisors adopt the resolution for the 2022 – 2026 Capital Improvement Program Plan (CIP).*

### Staff Recommendation

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

- 2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, APPROVING A SETTLEMENT AGREEMENT WITH RESIDENTIAL HOUSING LAND, LLC AND RESIDENTIAL HOUSING DEVELOPMENT, LLC TO RESOLVE PENDING LITIGATION IN THE CENTRE COUNTY COURT OF COMMON PLEAS DOCKETS #19-3373, 19-3374, AND 19-3395.** 10 minutes  
*David Pribulka, Township Manager*

**Narrative**

Provided with the agenda is a copy of the settlement agreement involving multiple parties concerning the Pine Hall Traditional Town Development land use appeals. David Pribulka, Township Manager, will introduce the item.

*Recommended motion: That the Board of Supervisors adopt the resolution approving a settlement agreement with Residential Housing Land, LLC and Residential Housing Development, LLC to resolve pending litigation in the Centre County Court of Common Pleas Dockets #19-3373, 19-3374, and 19-3395.*

**Staff Recommendation**

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

- 3. CONDITIONAL USE PERMIT ADDENDUM — 1445 WEST COLLEGE AVENUE** 10 minutes  
*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

An application for a conditional use permit for the use of property located 1445 West College Avenue as a Golf Course Maintenance Facility and Mixed Martial Arts Studio has been filed with the Township by the property owners, Penn State University. The applicant proposes to continue the conditional uses currently operating at the site in accordance with §27-304.2.E, (1) and (2). 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. The Board held a public hearing on August 16, 2021, and received testimony from Township staff and the applicant’s representative.

The Township Manager has prepared a draft decision based on the record from the August 16, 2021, public hearing. 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 for 1445 West College Avenue subject to the conditions described in the decision written by the Township Manager.*

**Staff Recommendation**

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

- 4. RECREATION, PARKS, AND OPEN SPACE PLAN CONTRACT ADDENDUM – PARK MASTER PLANS** 10 minutes  
*Centrice Martin, Assistant Township Manager*

At the July 19<sup>th</sup> Regular Meeting, the Board awarded a contract to HRG, Inc., to facilitate an update to the Recreation, Parks and Open Space Plan. Staff met with the Project Manager to develop a cost and scope for updates to two park master plans - Fairbrook Park and Greenbriar/Saybrook Park. These parks are included in the draft 2022 – 2026 Capital Improvement Program Budget, and engaging HRG to complete the master plan updates for these two parks will yield a substantial cost savings for the Township. Provided with the agenda is a copy of the supplement presented for approval. The cost of the master planning is an additional \$15,000, resulting in a total contract amount of \$54,500 when added to the \$39,500 awarded to update the RPOS Plan. An additional allocation would have to be budgeted in 2022 to accommodate the added cost but would still be significantly less expensive than addressing the two master plans separately.

*Recommended Motion: That the Board of Supervisors authorize the Township Manager to execute a supplement to the contract to update the Recreation, Parks, and Open Space Plan with HRG, Inc. in an amount not to exceed \$15,000.*

**Staff Recommendation**

That the Board of Supervisors **authorize** the Township Manager to execute the supplement.

**5. AWARD OF REGIONAL SOLAR POWER PURCHASE AGREEMENT CONTRACT FOR CONSULTING SERVICES** 5 minutes

*Eric Endresen, Director of Finance*

**Narrative**

The regional Solar Power Purchase Agreement Working Group (SPPAWG), chaired by Peter Buck, completed work and recommended a consulting firm with expertise in solar energy. The firm will assist in the complete selection process of a developer to construct a solar facility or piggyback on an existing facility allowing the region to purchase electrical service at favorable costs relative to current and expected rates of existing electrical service. The region will share the cost of the consultant based on its current energy use. SPPAWG is asking the municipalities to approve the contract with GreenSky Development Group in the amount not to exceed \$75,000. Ferguson Township's share of the contract is 1.74% or \$1,305.00. Provided with the agenda is a consultant fact sheet that shows the timeline and proposed cost breakdown.

*Recommended motion: That the Board of Supervisors authorize the Solar Power Purchase Agreement Working Group representative, Eric Endresen, to vote to recommend that the State College Area School District retain GreenSky Development Group as the energy services consultant for the regional solar power purchase agreement project.*

**Staff Recommendation**

That the Board of Supervisors **authorize** Eric Endresen to recommend that SCASD retain GreenSky Development Group as the energy services consultant for the SPPA project.

**6. FERGUSON TOWNSHIP OFFICIAL MAP AMENDMENT DISCUSSION** 20 minutes

*David Pribulka, Township Manager*

**Narrative**

On July 19, 2021, the Board of Supervisors discussed amendments to the Ferguson Township Official Map. Specifically, the focus of the item was on the Musser Gap trail connecting Whitehall Road Regional Park to the Gap and Rothrock State Forest. The Board



requested input from the Supervisors on additional items to consider for the update. The following is a summary of the *additional* suggestions received from Board members to date:

- Property at 116 East Pine Grove Road to be considered for future public use;
- Improving the color scheme to be easier to interpret;
- Removal of the sidewalk designations;
- Pedestrian easement from the Nixon Road bike path to Cecil Irvin Park;
- Pedestrian easement for the bike path connection on Sports Road adjacent to Ferguson Township Elementary School;
- Shared use path connection from the existing Blue and White Trail in Centre County to the Huntingdon County line and continuing to the Lower Trail.

Provided with the agenda is a copy of the Planning & Zoning Director memorandum describing the standing of the Official Map in the Zoning Ordinance and Municipalities Planning Code that was presented on July 14<sup>th</sup>. Below is a link to the current Official Map. The Board should consider these suggested amendments and any others, and discuss a process for adopting the revised map and soliciting public comment.

[Ferguson Township Official Map](#)

*Recommended motion: That the Board of Supervisors direct staff to draft an amendment to the Ferguson Township Official Map incorporating the comments from the Board for further review.*

**Staff Recommendation**

That the Board of Supervisors **direct** staff to draft an amendment to the Ferguson Township Official Map.

**7. DRAFT ORDINANCE AMENDMENT – TURF GRASS, WEEDS, AND OTHER VEGETATION**

*David Pribulka, Township Manager*

10 minutes

**Narrative**

The Board reviewed a draft amendment to the Township’s Turf Grass, Weeds, and Other Vegetation Ordinance on July 19, 2021. Comments on the ordinance have been incorporated in the revised draft presented this evening. The amendments included an increase in the permitted height of managed turf grass from six inches to eight inches; requirement to establish a mowed buffer around any installation; and removal of the audit provisions, as well as other minor amendments. Provided with the agenda are redlined and cleaned copies of the revised draft.

*Recommended motion: That the Board of Supervisors refer the draft Turf Grass, Weeds, and Other Vegetation to the Planning Commission for review and comment.*

**Staff Recommendation**

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

**VIII. NEW BUSINESS**

**1. CONSENT AGENDA**

5 minutes

- a. Voucher Report – July 2021
- b. Treasures Report – June 2021 for Acceptance
- c. Contract 2021-C8, Pavement Markings, Pay App 4: \$8,277.17

- d. Harner 4 Lot Subdivision Surety Reduction Request 5: \$101,977.89
- e. Orchard View Subdivision Surety Reduction Request 2: \$89,420.00
- f. Sheetz LDP Surety Reduction Request 1: \$110,488.65

**2. A PUBLIC HEARING ON A CONDITIONAL USE PERMIT – 1350 GREENWOOD CIRCLE**

*Jenna Wargo, Director of Planning & Zoning*

10 minutes

**Narrative**

An application for a Conditional Use permit application for the use of property located at 1350 Greenwood Circle to subdivide a “flag lot” has been filed with the Township. Provided with the agenda is the application submitted by David Archibald of SAS Geospatial on behalf of his clients, Jessica Gracie-Griffin and Corey Griffin for the property located at 1350 Greenwood Circle.

The applicant is requesting to subdivide the lot and create a flag lot for a proposed new home. 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 §27-732. Provided with the agenda is a copy of a memorandum from the Director of Planning and Zoning describing the Findings of Fact from staff and Planning Commission reviews. The Board is asked to conduct a public hearing on the application for a conditional use permit for the Griffin’s flag lot. Chair Dininni will preside over the hearing. This evening, the Board is asked to direct the Township Manager to prepare a written decision to the Board of Supervisors for consideration at the September 20<sup>th</sup> 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 20<sup>th</sup> 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 (HEREINAFTER THE “TOWNSHIP”) ADOPTING AN ACT 537 SEWAGE FACILITIES PLAN UPDATE.**

10 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. Herbert, Rowland & Grubic, Inc. has prepared a Component 3M Minor Act 537 Sewage Facilities Planning Module Update proposing to extend and existing low pressure sanitary sewer main along Whitehall Road. The extended sanitary sewer infrastructure will provide service to two existing residential customers in Ferguson Township. Below is a link to the pertinent documents submitted on behalf of this update. A representative of HRG, Inc., will be present to respond to any questions the Board may have.

[Sewage Facilities Planning Module for Act 537 Update \(Component 3M\): Whitehall Road](#)

*Recommended motion: That the Board of Supervisors adopt the resolution adopting an update to the Centre Region Act 537 Sewage Facilities Plan.*

**Staff Recommendation**

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

**4. CITIZEN’S RIGHT TO BE HEARD – REIMAGINE APPALACHIA CLIMATE ACTION STRATEGY**

*David Pribulka, Township Manager*

10 minutes

**Narrative**

Kim Gobreski of Sedgwick Group, LLC submitted a request under Section 2.20 of the Home Rule Charter – Citizen’s Right To Be Heard. The request is for the Board to consider endorsing a letter of support for the Reimagine Appalachia coalition. Per the request, Reimagine Appalachia is a “diverse group of over 100 organizations across OH, PA, KY, and WV [and] put together an ambitious [Appalachian Climate Infrastructure Plan](#) as a roadmap for federal investment in the region.”

Provided with the agenda is a publication that further describes the campaign. Ms. Gobreski will be in attendance to present the request.

*Recommended motion: That the Board of Supervisors authorize the Chair to endorse a letter of support for the Reimagine Appalachia Climate Action Strategy.*

**5. AUTHORIZATION TO ENGAGE THE COHEN LAW GROUP TO NEGOTIATE A RENEWAL OF A FRANCHISE AGREEMENT WITH WINDSTREAM D & E SYSTEMS, INC. AND TO CONDUCT A FRANCHISE FEE AUDIT OF THE SAME**

10 minutes

*David Pribulka, Township Manager*

**Narrative**

Pursuant to the Federal Cable Act, Ferguson Township maintains a cable franchise agreement with Windstream D & E Systems to permit the occupancy of public right-of-way to provide non-exclusive service to customers of Ferguson Township. The agreement is set for a ten-year term and will expire on December 31, 2021. 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 the renewal of the franchise agreement with Windstream D & E. The scope of work also includes an optional franchise fee audit to ensure the correct amount is being remitted to the municipality.

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 Windstream. The Township is eligible for a 15% 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 agreement with the Cohen Law Group to negotiate a renewal of the Township’s franchise agreement with Windstream D & E Inc., and to conduct a franchise fee audit in an amount not to exceed \$9,350.*

**Staff Recommendation**

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

**6. BOARD MEMBER REQUEST – NOISE ORDINANCE AMENDMENT**

20 minutes

*Laura Dininni, Township Supervisor*

**Narrative**

Provided with the agenda is a copy of the request from Ms. Dininni that was moved from the Consent Agenda on August 16<sup>th</sup>. Ms. Dininni will introduce the item.

*Recommended motion: That the Board of Supervisors direct staff to draft an amendment to the Ferguson Township Noise Ordinance focused on revising definitions, standards of assessment, exceptions, and prohibitions with the goal of increasing community quality of life, well-being, and ease of enforcement.*

**Staff Recommendation**

That the Board of Supervisors **direct** staff to draft an amendment to the Noise Ordinance.

**7. MEETING FORMAT FOR TOWNSHIP AUTHORITIES, BOARDS, AND COMMISSIONS**

10 minutes

*Laura Dininni, Township Supervisor*

**Narrative**

With the resurgence of COVID-19 in the community, the Board should discuss the meeting format of Township Authorities, Boards, and Commissions moving forward. Currently, all meetings are being offered in a “hybrid” format, with both virtual and in-person options available. Township policy requires masking of all individuals in attendance in-person, regardless of vaccination status. There is no state or federal guidance that current prohibits in-person gatherings. As a Home Rule Municipality, all Authorities, Boards, and Commissions of the Township can meet virtually without a physical quorum present except for the Zoning Hearing Board, which will need to continue to meet in-person until the Commonwealth of Pennsylvania permits courtrooms to conduct business virtually.

*Recommended motion: That the Board of Supervisors direct all Township Authorities, Boards, and Commissions to meet virtually until further notice.*

**Staff Recommendation**

That the Board of Supervisors **direct** ABCs to meet virtually until further notice.

**IX. STAFF AND COMMITTEE REPORTS**

25 minutes

**1. COG COMMITTEE REPORTS**

- a. Finance Committee
- b. Executive Committee
- c. Human Resources Committee
- d. Joint PSE and TLU Committees

**2. OTHER COMMITTEE REPORTS**

**3. STAFF REPORTS**

- a. Manager's Report
- b. Public Works Director's Report
- c. Planning & Zoning Director's Report

**X. COMMUNICATIONS TO THE BOARD**

**XI. CALENDAR ITEMS – SEPTEMBER**

- 1. Ferguson Township upcoming committee meetings:
  - 1. Parks & Recreation Committee - Thursday, September 16, 4:00 p.m.
  - 2. Planning Commission - Mondays, September 13, and September 27, 6 p.m.
  - 3. Pine Grove Mills Small Area Plan Advisory Committee - Thursday, September 23, 4 p.m.
  - 4. Tree Commission – Monday, September 20, 5 p.m.
  
- b. Fall Bike Anywhere Friday, Friday, September 17

**XII. ADJOURNMENT**