

# FERGUSON TOWNSHIP BOARD OF SUPERVISORS

## Regular Meeting Agenda

Monday, November 1, 2021, 7:00 PM

### MEETING PARTICIPATION OPTIONS

#### VIRTUAL:

*Join Zoom Meeting:*

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

Meeting ID: 838 3822 6462

[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

1. October 18, 2021 Board of Supervisors Regular Meeting Minutes

#### IV. SPECIAL REPORTS

- a. State College Borough Water Authority – Ford Stryker
- b. COVID-19 Local Response Report – David Pribulka, Township Manager

#### V. UNFINISHED BUSINESS

1. 2022 Centre Region Council of Governments Summary Budget
2. Ferguson Township Parks Assessment Update
3. Review of Draft Zoning & Subdivision and Land Development Ordinance Amendments

#### VI. NEW BUSINESS

1. Consent Agenda
2. Public Hearing – Single Use Plastic Bag Regulation Commitment Resolution
3. Request for Variance – Team Rahal of State College Properties
4. Request for Modification – 237 Northland Shopping Center
5. Public Hearing Authorization – Turf Grass, Weeds, and Other Vegetation Ordinance Amendment
6. Discussion of Single-Use Plastics Ordinance
7. Award Contract 2021-C15, Street Tree Pruning

#### VII. REPORTS

#### VIII. COMMUNICATIONS TO THE BOARD

#### IX. CALENDAR ITEMS – NOVEMBER

#### X. ADJOURNMENT





# TOWNSHIP OF FERGUSON

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## BOARD OF SUPERVISORS

### Regular Meeting Agenda

Monday, November 1, 2021

7:00 P.M.

- I. CALL TO ORDER
- II. CITIZEN'S INPUT
- III. APPROVAL OF MINUTES
  1. October 18, 2021 Board of Supervisors Regular Meeting Minutes
- IV. SPECIAL REPORTS 30 minutes
  - a. State College Borough Water Authority – Ford Stryker
  - b. COVID-19 Local Response Report – David Pribulka, Township Manager
- V. UNFINISHED BUSINESS
  1. **2022 CENTRE REGION COUNCIL OF GOVERNMENTS SUMMARY BUDGET**  
*David Pribulka, Township Manager* 30 minutes

#### Narrative

At the October 26<sup>th</sup> COG General Forum Meeting, the draft 2021 COG Summary Budget was reviewed and referred to the member municipalities for consideration. Comments are due back to the COG Executive Director by November 17<sup>th</sup>. Eric Norenberg, COG Executive Director and Joe Viglione, COG Finance Director will be present to respond to any questions the Board may have. Below is a link to the 2021 Summary Budget.

[2022 DRAFT Centre Region Council of Governments Summary Budget](#)

*Recommended Motion: That the Board of Supervisors direct the Township Manager to forward its comments on the draft 2022 COG Summary Budget to the Executive Director.*

#### Staff Recommendation

That the Board of Supervisors **adopt** the 2022 COG Summary Budget.

2. **FERGUSON TOWNSHIP PARKS ASSESSMENT UPDATE** 20 minutes  
*Centrice Martin, Assistant Township Manager*

#### Narrative

At the Regular Meeting on December 7, 2020, the Board of Supervisors directed staff to research information and report back to the Board information related to the Township's participation in the Council of Government Centre Region Parks Recreation Program. A park assessment is prioritized as an actionable step to achieve Goal 1 and Goal 9 in the Ferguson Township Strategic Plan (2017). Interdepartmental staff have met throughout

the year to examine resources invested to conduct the existing services and service levels currently facilitated by the Township as well as identify resources needed to provide any additional services. Additionally, the Assistant Township Manager met with the Centre Region Parks and Recreation Director to discuss existing services and service levels facilitated by their agency. A scenario-based approach is proposed to develop a cost-benefit analysis for the Board to compare the estimated cost of providing services in-house versus being a participant in the Council of Government Centre Region Parks and Recreation (CRPR) Agency.

Most Park operations, maintenance, programming, and recreational public services and service levels require resources including personnel, equipment and storage that are currently managed and maintained by CRPR. Ferguson Township Administration, Public Works, and Planning & Zoning Departments work together to identify and budget for capital projects or initiatives, as well as assist CRPR when repairs are time-sensitive or involve a safety hazard that the Ferguson Township Public Works Crew are better equipped to address. This item is for information only and no action is being requested of the Board at this time. A worksession has been scheduled for November 30<sup>th</sup> to further discuss each scenario and evaluate projected costs associated with each. Provided with the agenda is a copy of the December 7, 2020, Board Member Request and the Ferguson Township evaluation of participation in the CRPR Program.

**Staff Recommendation**

That the Board of Supervisors *receive* the update.

**3. REVIEW OF DRAFT ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS** 20 minutes

*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

In November 2021, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the amendments, staff have been tracking errors and omissions while interpreting the ordinance and is recommending additional amendments to address these issues. The Board was provided with a draft during the August 2, 2021, regular meeting and referred the draft to Planning Commission to review and comment on the draft. Since that time, Planning Commission has reviewed the draft twice and provided additional comments and recommendations to staff. Provided with the agenda is an updated copy of the draft ordinance amendments for the Board to review and provide additional comments.

*Recommended motion: That the Board of Supervisors authorize advertisement of the Zoning Amendment Ordinance for Public Hearing on December 13, 2021.*

**Staff Recommendation**

That the Board of Supervisors *authorize* the ordinances for public hearing on December 13, 2021.

**VI. NEW BUSINESS**

**1. CONSENT AGENDA**

5 minutes

- a. Contract 2021-C11 Sidewalk Repairs, Pay Application 1: \$5,139.70
- b. Board Member Request – Stormwater Fee Implementation Update

**2. A PUBLIC HEARING ON A RESOLUTION OF FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA, COMMITTING THE BOARD OF SUPERVISORS TO ADOPTING REGULATIONS OF SINGLE USE PLASTIC BAGS IN FERGUSON TOWNSHIP.** 10 minutes

*Pam Steckler, Township Supervisor*

**Narrative**

Provided with the agenda is a copy of the resolution advertised for public hearing committing the Board of Supervisors to enacting an ordinance to regulate the use of single-use plastic bags and plastic straws in the Township. Ms. Steckler requested the item through the Board's Procedures Manual and will introduce the resolution.

*Recommended motion: That the Board of Supervisors adopt the resolution committing the Board of Supervisors to implementing regulations of single-use plastic bags and straws in Ferguson Township.*

**3. ZONING APPEALS/REQUESTS FOR VARIANCES**

10 minutes

*Jenna Wargo, Director of Planning & Zoning*

**a. REQUEST FOR VARIANCE – TEAM RAHAL OF STATE COLLEGE PROPERTIES**

**Narrative**

Team Rahal of State College, Inc.—3610, 3650, 3660 and 3670 West College Avenue (24-004-79A; 24-004-80; 24-004-81 and 24-004-82). One property (24-004-79A) is partially zoned General Commercial (C) and the remaining lots are zoned Rural Agriculture (RA). The applicant is requesting a variance from §27-701.3.A.(2) which requires that these properties be subject to the floodplain conservation regulations and §27-701.3.C.(1) which prohibits new development and construction in all areas that contain Nolin soils. The proposed development area contains Nolin soils, it is not a floodway or floodplain and is not subject to inundation.

*Recommended motion: That the Board of Supervisors remain neutral on the request for variance for the Team Rahal of State College properties.*

**Staff Recommendation**

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

**4. REQUEST FOR MODIFICATION – 237 NORTHLAND SHOPPING CENTER**

10 minutes

*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

Limitless PCS, Inc. (DBA Metro by T-Mobile) is seeking a modification for property located at 237 Northland Center (24-004-067F), zoned General Commercial (C). The applicant is seeking relief from §22-306.2.D.—Minor Alteration Plan. The current ordinance limits the number of Minor Alterations Plans per property to one and Pet Supplies Plus completed a Minor Alteration Plan in October 2020.

Staff believes this was a result of an error during the Subdivision and Land Development Ordinance rewrite that occurred in November 2019. Historically, the Township has permitted an unlimited number of minor alterations where the change in use will not result in increased parking; and changes to the proposed/existing sign(s) on the property and landscaping changes. This has been noted by staff and is included in the draft amendments being considered by the Board.

The applicant is looking to open a retail space that was previously a business office use. The change in use is not requiring any additional parking to be provided and is considered a minor alteration. Planning Commission reviewed this request at the October 25<sup>th</sup> Regular Meeting and recommended approval of the modification. Township staff have reviewed the application and is not recommending any conditions to be included with the approval, if granted.

*Recommended motion: That the Board of Supervisors grant the modification from §22-306.2.D.—Minor Alteration Plan for property located at 237 Northland Center.*

**Staff Recommendation**

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

**5. AUTHORIZATION OF PUBLIC HEARING – TURF GRASS, WEEDS, AND OTHER VEGETATION ORDINANCE AMENDMENT** 10 minutes

*David Pribulka, Township Manager*

**Narrative**

Provided with the agenda is a redlined amended ordinance regulating the maintenance of turf grass, weeds, and other vegetation in Ferguson Township. The Board directed the draft be amended to incorporate elements of the Township’s Green Infrastructure Policy for municipal parks, and to increase the maximum permitted height of managed turf grass from six inches to eight inches. The item was referred to the Planning Commission, and the Commission is recommending that the Board maintain the maximum permitted height to no more than six inches, as is the allowance in the current ordinance. Additionally, the Planning Commission is recommending adding “Grow Zones” as a subcategory of Green Infrastructure for consistency with the Township’s park installations. The Board is asked to consider whether it will accept these recommendations or move forward with the amendment, and to authorize advertisement of a public hearing on the ordinance for December 6<sup>th</sup>.

*Recommended motion: That the Board of Supervisors authorize the Turf Grass, Weeds, and Other Vegetation ordinance amendment for a public hearing on Monday, December 6<sup>th</sup>, 2021.*

**Staff Recommendation**

That the Board of Supervisors **authorize** the ordinance for public hearing.

**6. DISCUSSION OF SINGLE-USE PLASTICS ORDINANCE** 20 minutes

*Pam Steckler, Township Supervisor*

**Narrative**

Provided with the agenda is a copy of a draft ordinance prepared by Ms. Steckler establishing regulations applicable to single-use plastic bags and straws. The ordinance is modeled after the regulations in place in West Chester Borough in Chester County, a Philadelphia suburb. The Board discussed this item on September 20<sup>th</sup> and directed staff to consult with Dr. Lara Fowler of the Penn State College of Law to consider engagement of local businesses to supplement a 2019 study concerning these regulations. Dr. Fowler has indicated that the assessment could commence in the spring of 2022. The Board should discuss whether it wants to proceed with advertisement of an ordinance at this time or wait for the study to conclude. Also provided with the agenda and linked below

are several supplemental documents requested to aid discussion this evening. Ms. Steckler will introduce the item.

[Environmental Health News – “Ocean Plastic Pollution”](#)

[Consumer Report – “The Big Problem with Plastic”](#)

[Tree Hugger – “Climate and Plastic Crises Are Interconnected and Must Be Fought Together”](#)

*Recommended motion: That the Board of Supervisors authorize advertisement of an ordinance establishing regulations of single-use plastic bags and straws for Monday, December 13, 2021.*

**Staff Recommendation**

That the Board of Supervisors **engage** the Penn State College of Law and Sustainability Institute to conduct an updated business survey and assessment prior to advertising an ordinance.

**7. AWARD OF CONTRACT 2021-C15, STREET TREE PRUNING**

5 minutes

*David Modricker, Director of Public Works*

**Narrative**

On October 26, 2021, bids were opened publicly and read out loud for contract 2021-C15. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves trimming 974 street trees in Saybrook, Chestnut Ridge Manor, Foxpointe, the Landings, Shamrock Estates, and a section of Blue Course Drive. Provided with the agenda is an award recommendation memorandum from David Modricker, Public Works Director summarizing the bids received.

*Recommended motion: That the Board of Supervisor award Contract 2021-C15 Street Tree Pruning to Dincher and Dincher Tree Surgeons, Inc. in the amount of \$58,480.00.*

**Staff Recommendation**

That the Board of Supervisors **award** Contract 2021-C15 to Dincher and Dincher Tree Surgeons.

**VII. STAFF AND COMMITTEE REPORTS**

20 minutes

**1. COG COMMITTEE REPORTS**

a. Executive Committee

**2. OTHER COMMITTEE REPORTS**

**3. STAFF REPORTS**

a. Manager’s Report

b. Public Works Director’s Report

c. Planning & Zoning Director’s Report

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – NOVEMBER**

- a. Ferguson Township upcoming committee meetings:
  - 1. Planning Commission - Monday, November 8, 6 p.m.
  - 2. Tree Commission – Monday, November 15, 5 p.m.
  - 3. Parks & Recreation Committee - Thursday, November 18, 4:00 p.m.

**X. ADJOURNMENT**