

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Tuesday, September 6, 2022

### ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Tuesday, September 6, 2022 as a hybrid meeting. In attendance were:

<b>Board:</b>	Lisa Strickland, Vice Chair	<b>Staff:</b>	Centrice Martin, Township Manager
	Patty Stephens		Dave Modricker, Director, Public Works
	Jeremie Thompson		Jaymes Progar, Assistant Township Manager
	Tierra Williams		Jenna Wargo, Director of Planning and Zoning

Others in attendance included: Rhonda Demchak, Recording Secretary; Eric Norenberg, Centre Region Council of Governments; Jim May, Director, Centre Regional Planning Agency; Mark Kunkle, University Area Joint Authority Member; Tony Fruchtl, PennTerra Engineering; Tim Bieber, Project Manager for Rutter's; Wes Glebe, Ferguson Township Resident; Kim Stank of Zelenkofske Axelrod; Bill Keough, Ferguson Township Resident and Planning Commission Member.

### I. CALL TO ORDER

Ms. Strickland called the Tuesday, September 6, 2022, regular meeting to order at 7:00 p.m.

### II. PLEDGE OF ALLEGIANCE

Ms. Martin thanked and welcomed everyone to the meeting and noted that the Board of Supervisors meeting had been advertised in accordance with the PA Sunshine Act as a hybrid meeting with an option to attend online utilizing zoom and the main meeting room for any public members to participant. Persons attending the meeting as members of the public and wanted to participate were asked to state their name, municipality, and topic. Members of the public are to be muted during the meeting and must be acknowledged by the Chair. Board members are asked to indicate their name when motioning or seconding a motion so that the minutes are accurate. Ms. Martin took Roll Call and there was a quorum.

### III. CITIZENS INPUT

There were no comments.

### IV. APPROVAL OF MINUTES

Mr. Thompson noted that Tip Stama was listed on the Special Meeting Minutes for August 10<sup>th</sup>, but the minutes reflect Doug Miller

Ms. Strickland noted that on the August 10<sup>th</sup> Special Meeting Minutes the term ends on December 31, 2022, and not 2023.

Ms. Stephens moved that the Board of Supervisors **approve** all of the meeting minutes that are listed in the agenda with corrections to be made that were discussed. Ms. Williams seconded the motion. The motion passed unanimously.

## **V. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT**

### **1. University Area Joint Authority, Mark Kunkle**

Mr. Kunkle welcomed Mr. Wes Glebe to the University Area Joint Authority Board and reviewed some highlights from his report that was included in the agenda packet.

Ms. Strickland thanked Mr. Kunkle and welcomed Mr. Glebe to the University Area Joint Authority Board.

## **VI. SPECIAL REPORTS**

- 1. Diversity, Equity, and Inclusionary Initiatives – no report.**
- 2. Township and Fiscal Responsibility – Presentation on COG Facilities Intermunicipal Agreement, COG Executive Director, Eric Norenberg**

Mr. Norenberg stated that the building was developed in 2001 and the land that the building sits on is owned by the COG. The building is owned by the six municipalities and each quarter COG pays rent to the municipalities. After further research a year ago, the Facilities Committee, the Executive Committee, and the General Forum recommended to staff to work with the Solicitor to come up with an amended agreement that would transfer the building at the end of the lease to the COG.

Township and Fiscal Responsibility – CRPA Presentation on Regional Growth Boundary and Sewer Service Area to review and inform on Act 537

Mr. Jim May reviewed a recently completed document on the Regional Growth Boundary and Sewer Service Area. There are other things that the service area allows including the development of more intensive growth within the boundary to support transit, using existing infrastructure, and there would be no need to build new roads.

Mr. May reviewed the background and timeline that can be found on their [website](#). Mr. May stated that they want to ensure there is enough vacant land within the growth boundary area to accommodate growth. Mr. May reported they don't amend the growth boundary very often and the last amendment was 2014.

- 3. Community And Economic Development – no report.**
- 4. Environment – no report.**

## **VII. CITIZENS INPUT**

Ms. Strickland noted that a member of the public was not able to comment earlier and asked the Board for their consent to reopen Citizens Input. The Board agreed to give permission.

Constable Council Nedd of Ferguson Township and also a Pastor and resident in Pine Grove Mills. Constable Nedd shared photographs to the Board privately of a property that he was going to serve a warrant to a defendant. Constable Nedd reported that the property was the worst he has seen and wanted to bring it to the Board's attention.

## **VIII. COG AND REGIONAL COMMITTEE REPORTS**

### **1. COG COMMITTEE REPORTS**

- a. Executive Committee – no report**

b. Joint Finance – Facilities Committee

Ms. Stephens noted that there was a lively discussion with the purchase of the food truck.

c. Parks and Recreation Governance Committee – The agenda was included in the packet.

d. Land Use and Community Infrastructure Committee

Ms. Strickland reported that they reviewed the Regional Growth and Sewer Service Area.

2. OTHER COMMITTEE REPORTS

There were no other committee reports.

**IX. STAFF REPORTS**

All reports were included in the agenda packet.

a. Township's Manager's Report

b. Public Works Director Report

c. Planning and Zoning Report

Ms. Stephens asked Ms. Wargo where the parking spaces are located for the Spin Bikes in Ferguson Township. Ms. Wargo reported there are spaces at all Ferguson Township Parks, the Township Building, the COG Building, and the private spaces are being work out.

Ms. Strickland asked if the communications were sent regarding the farm exemptions for the stormwater fee. Ms. Martin stated that the mailings did go out. Mr. Modricker reported they are getting responses and inquiries.

**X. UNFINISHED BUSINESS**

1. Authorize Public Hearing on an Ordinance amending Chapter 21-Streets and Sidewalks and Section 1102, Zoning and Chapter 27-Zoning, Section 710, Wireless Communications Facilities in accordance with Act 50

Ms. Martin credited Ms. Wargo with the bulk of the work she did on this amendment and asked her to present. Ms. Wargo noted PA Act 50 was signed into law on June 30, 2021 and was drafted in unison with the Pennsylvania Municipal League and telecommunications providers. The legislation is heralded as one of the most collaborative and government-friendly set of regulations for small cell service providers in the nation. It provides for fair and equitable treatment of small wireless facilities and comprehensive protections for the municipality to ensure proper maintenance of public rights-of-way. At a Regular Meeting held on September 20, 2021, the Board of Supervisors authorized staff to prepare an amendment to the Wireless Communications Facilities Ordinance in the wake of the Small Wireless Facilities Deployment Act (Act 50), signed into law on June 30, 2021.

Provided with the agenda is a draft ordinance amendment to §27-710—Wireless Communications Facilities, §27-1102—Definitions and establishment of Chapter 21, Streets and Sidewalks, Part 6, Non-Tower-Based or Small Wireless Communications Facilities in the Right-of-Way.

The Board reviewed these amendments at the April 12, 2022, Worksession and the Township's Solicitor has provided additional comments that are reflected in the redlined drafts included in the agenda.

Ms. Williams moved that the Board of Supervisors **authorize** advertisement of a public hearing for the amendments to Chapter 27—Zoning and Chapter 21—Streets and Sidewalks on November 8, 2022. Ms. Stephens seconded the motion.

Mr. Thompson stated that as a former member of the Planning Commission they had good collaborative discussions.

The motion passed unanimously.

## **XI. NEW BUSINESS**

### **1. Consent Agenda**

- a. July Treasurer's Report for acceptance
- b. Special Events Permit – Discovery Space Winter Market
- c. Special Events Permit – Cranksgiving
- d. June Voucher Report
- e. July Voucher Report
- f. Sheetz at Harner Surety Reduction No. 4 Reduction Amount: \$40,080.77
- g. Orchard View Subdivision Surety Reduction No. 4 Reduction Amount: \$48,708.33
- h. Aspen West College Student Housing Surety Reduction No. 1 Reduction Amount: \$356,198.53
- i. Contract 2022-C1, Street Improvements (In-Town) Pay Application 1: \$136,414.40
- j. Appointment of Code Board of Appeals – Mr. Douglas Workman

Ms. Stephens moved that the Board of Supervisors **approve** the Consent Agenda and accept the Treasurer's Report. Ms. Williams seconded the motion. The motion passed unanimously.

### **2. Public Hearing executing Easement Claimant Agreements 1-11 under Contract 2018-C20 Park Hills Drainageway Improvement Project**

Mr. Modricker noted that the Park Hills Drainageway Improvement Project requires a temporary or permanent easement for 11 properties located adjacent to the project for purposes of conveying stormwater and access over the respective property owners. Mr. Modricker reviewed the resolution for the Board's consideration that was included in the agenda packet.

Public Hearing

There were no public comments, and the hearing was closed.

Ms. Stephens moved that the Board of Supervisors **adopt** the resolution authorizing the Chairwoman and Secretary to execute and accept easement agreements between the Township and Claimants 1 through 11 of Contract 2018-C20 Park Hills Drainageway. Mr. Thompson seconded the motion. The motion passed unanimously.

**ROLL CALL: MS. STEPHENS – YES; MS. STRICKLND – YES; MR. THOMPSON – YES; MS. WILLIAMS - YES**

### 3. Request for Act 537 Special Study

Ms. Wargo reported that in 2005 and 2006, College, Ferguson, Halfmoon and Patton Townships and State College Borough worked cooperatively to update the Centre Region Act 537 Sewage Facilities Plan. To complete this Plan Update, the six municipalities worked with Centre Regional Planning Agency (CRPA), Herbert, Rowland & Grubic, Inc. (HRG) and the University Area Joint Authority (UAJA) to develop a coordinated Plan to guide future sewage facility decisions in the community.

One of the most important components of the Act 537 Plan is the delineation of an updated Regional Growth Boundary (RGB)/Sewer Service Area (SSA). The RGB/SSA identifies areas of the community where public sewer service will be provided in the future by the UAJA sewage system. This area is coordinated with the RGB, as identified in the Centre Region Comprehensive Plan, to ensure coordination between the community's sewage facility and land use planning efforts.

Included in the agenda is an email from Armen Sahakian requesting to conduct an Act 537 Special Study to run a gravity fed sewer line outside the SSA/RGB and feed into the Scott Road Pump Station. Mr. Sahakian has an approved subdivision plan (2003) that included review and approval for the construction of a pump station that would serve the single-family residential homes in the subdivision. The pump station would feed into the Scott Road Pump Station via Rosemont Drive to State Route 45 within the SSA/RGB.

The Board is being asked to consider Mr. Sahakian's request to conduct a special study to amend Centre Region's Act 537 Plan. In doing so, approval from five (5) of the six (6) municipalities in the Centre Region would be required to conduct a special study.

Although it is more cost effective to install and maintain a gravity fed sewer line outside the RGB, the request by the applicant is opposing the public policy of the Regional Growth Boundary (RGB) and Sewer Service Area (SSA).

Ms. Wargo reviewed the map that was included in the agenda packet.

Ms. Stephens moved that the Board of Supervisors **deny** Mr. Sahakian's request to run a gravity fed sewer line outside the Regional Growth Boundary. Ms. Williams seconded the motion.

Ms. Stephens asked when the process was created because his paperwork was from 2003. Mr. Jim May, CRPA, clarified that it is not a request to expand the growth boundaries, but rather it's a special study.

Ms. Williams asked what Mr. Sahakian's alternative would be. Ms. Wargo stated that he still has his planning sewage module from DEP.

The motion passed unanimously.

### 4. Public Hearing obligating funds received through COVID-19 state and local recovery funds in accordance with ARPA Act of 2021

Ms. Martin noted that provided with the agenda packet is a memo to the Board of Supervisors from the Manager. Ms. Martin reviewed the memo. In attendance was Ms. Kim Stank with Zelenkofske Axelrod to provide technical assistance and guidance for adherence to the mandated policies, procedures, and accountability as a recipient of the American Rescue Plan Act Funding Program.

Public Hearing

There were no public comments, and the hearing was closed.

Ms. Stephens moved that the Board of Supervisors **adopt** the resolution to obligate funds in accordance with the American Rescue Plan Act of 2021 and direct staff to restrict available funds in the amount of \$1,018,536.10 as approved by the Board and in the 2022 Operating Budget with quarterly reports in the form of the Ferguson Township SLRF Tracking Tool to the Board. Ms. Williams seconded the motion.

**ROLL CALL: MS. STRICKLAND – YES; MR. THOMPSON – YES; MS. WILLIAMS – YES; MS. STEPHENS – YES**

The motion passed unanimously.

5. IMBT Preliminary Subdivision Plan

Ms. Wargo noted that included in the agenda is the IMBT Preliminary Subdivision Plan, dated July 26, 2022, last revised on August 2, 2022. The IMBT Subdivision is located along Blue Course Drive at the intersection of West College Avenue and Old Block Road. Tax Parcel 24-004- ,017A,0000-, is located within the General Commercial (C) Zoning District and Corridor Overlay Zoning District (COD).

The applicant is proposing to subdivide the parcel into two lots, one commercial lot and one stormwater management lot. The existing lot is 9.234 acres and includes an existing stormwater basin on the northern portion. Proposed Lot 1 will be 6.313 acres and Proposed Lot 2, the stormwater management lot, will be 2.921 acres. Sidewalks are to be added along Blue Course Drive and West College Avenue, connecting to the existing sidewalks north of the property.

Staff has reviewed the preliminary subdivision plan and is recommending conditional approval subject to the outstanding staff comments as described in the Director of Planning & Zoning's memorandum dated August 31, 2022.

Ms. Wargo reviewed the lot by sharing her screen.

Ms. Williams moved that the Board of Supervisors **approve** the IMBT Preliminary Subdivision Plan subject to the conditions described in the Planning Director's memorandum dated August 31, 2022. Ms. Stephens seconded the motion.

Ms. Williams stated that she appreciates the sidewalks because navigating from Blue Course Drive to the Waffle shop is challenging.

Ms. Strickland concurred with Ms. Williams and asked if the private road off West College will remain private. Ms. Wargo reported that is currently being worked out with the Township Engineers.

Public Comment

Mr. Tony Fruchtl, PennTerra Engineering stated that the property is being pursued by Rutter's and a Traffic Impact Study has been submitted to review both access points off of College Avenue and Blue Course Drive. Mr. Fruchtl indicated that Blue Course Drive will be a signalized intersection and College Avenue will be an unsignalized intersection.

Mr. Tim Bieber, Rutter's stated they are planning to build whole block roads to the Township standards.

The motion passed unanimously.

6. Appointment of Supervisor Thompson to COG Committees

Ms. Martin noted that the Board is asked to discuss the appointments to the Centre Region Council of Governments (COG) and Regional Committees. Further, the Board will need to appoint Supervisor Thompson for COG and Regional Committees for the remainder of 2022.

Ms. Stephens moved that the Board of Supervisors **appoint** Jeremie Thompson to the Climate Action Sustainability Committee and alternate to the Human Resource Committee. Ms. Williams seconded the motion. The motion passed unanimously.

7. Appointment of Doug Miller to Ferguson Parks and Recreation Committee

Ms. Martin reported that Mr. Doug Miller submitted to the Township an application and resume which are included with the agenda packet. The appointment would be for a term expiring December 31, 2022.

Mr. Thompson moved that the Board of Supervisors **appoint** Doug Miller to the Ferguson Township Parks and Recreation Committee. Ms. Stephens seconded the motion. The motion passed unanimously.

8. Award Contract 2022-C3 Cured-In-Place Pipe Lining

Mr. Modricker reported that on August 23, 2022 bids were opened publicly and read out loud for contract 2022-C3. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves the installation of an ultra-violet (UV) Cured-In-Place Pipe (CIPP) liner in existing corrugated metal stormwater pipes. The Township received three bids that were included in the agenda packet.

Provided with the agenda is an award recommendation memorandum from Ryan Scanlan, Assistant Township Engineer summarizing the bids received.

Ms. Stephens moved that the Board of Supervisors **award** Contract 2022-C3 CUREDIN-PLACE Pipe Lining to Hydro-Klean, LLC in accordance with their bid in the amount of \$392,230.00. Mr. Thompson seconded the motion. The motion passed unanimously.

## **XII. COMMUNICATIONS TO THE BOARD**

Ms. Strickland received some concerns about the Shingletown Road Intersection where there is construction at Rt.26 and Rt. 45. There are sight limitations.

Ms. Strickland reported that communications went out for volunteers on ABC's in the Township and that the Crossing Guard position still needs to be filled.

## **XIII. CALENDAR ITEMS – SEPTEMBER**

- a. Ferguson Township Main Offices closed for Labor Day, September 5
- b. Parks and Recreation Committee, September 8
- c. Planning Commission, September 12, 26
- d. Tree Commission, September 19
- e. Pine Grove Mills SAP Advisory Committee, September 22
- f. Pine Grove Mills Farmers Market, Thursdays until September 29

**XIV. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to **adjourn** the meeting. The meeting adjourned at 8:22 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Centrice Martin". The signature is fluid and cursive, with the first name "Centrice" written in a larger, more prominent script than the last name "Martin".

Centrice Martin, Township Manager  
For the Board of Supervisors

Date approved by the Board: 09-20-2022