

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, January 20, 2020

7:00 PM

I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. January 6, 2020, Organizational Meeting
2. January 6, 2020, Board of Supervisors Regular Meeting

IV. UNFINISHED BUSINESS

1. Public Hearing – Amended Automated Red Light Enforcement Agreement Resolution
2. Public Hearing – Automated Red Light Enforcement Funding Agreement Resolution
3. Authorization of Public Hearing on Ordinance Amendment – Chapter 15, Motor Vehicles & Traffic
4. Discussion – Earlier start time for refuse and recycling collection

V. NEW BUSINESS

1. Consent Agenda
2. Request for Variance – 3765 West College Avenue
3. Request for Modification - Harner Farm Subdivision & Replot
4. Request for Modification - West Cherry Lane Land Sidewalks
5. West Cherry Lane Land Development Plan
6. Harner Farm Replot and Subdivision Sidewalk Discussion
7. Proclamation – PA 811 Safe Digging Month
8. Proclamation – 2020 U.S. Census
9. Public Hearing – Authorized Signatories on Township Accounts Resolution
10. Request for Support – State College Spikes Minor League Baseball Team
11. Authorization of Public Hearing on Ordinance Amendment – Chapter 15, Motor Vehicles & Traffic
12. Board Member Request – Patton Township Open Space Preservation Presentation

VI. REPORTS

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

VII. COMMUNICATIONS TO THE BOARD

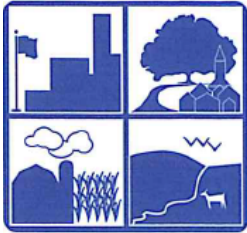
VIII. CALENDAR ITEMS – JANUARY/FEBRUARY

- a. Coffee & Conversation, Baileyville Community Hall, January 25, 2020, 8:00 a.m. – 9:30 a.m.

IX. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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Board of Supervisors Regular Meeting Agenda Monday, January 20, 2020 7:00 p.m.

I. CALL TO ORDER

II. CITIZEN'S INPUT

III. APPROVAL OF MINUTES

1. January 6, 2020, Organizational Meeting
2. January 6, 2020, Board of Supervisors Regular Meeting

IV. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN AMENDED AUTOMATED RED LIGHT ENFORCEMENT PROGRAM PROJECT FUNDING AGREEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND THE COMMONWEALTH OF PENNSYLVANIA.**

5 minutes

Narrative

In 2015, the Township applied for and subsequently received an Automated Red Light Enforcement (ARLE) grant in the amount of \$598,900 to interconnect all traffic signals and install traffic signal performance metrics software to optimize signal performance and progression. The original agreement was executed on January 9, 2017. While some work has progressed, the project has been delayed due to lack of a final design to connect communications between the traffic signals. In 2020, \$50,000 has been budgeted to hire a professional consultant to finalize the design of the traffic signal communication interconnection. Once the design is finalized, the project can be let out for bidding. Provided with the agenda is a copy of the resolution as advertised for public hearing.

Recommended motion: That the Board of Supervisors adopt the resolution authorizing the Chairman and Secretary to execute an amended Automated Red Light Enforcement Program Project Funding Agreement between the Township of Ferguson and the Commonwealth of Pennsylvania.

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 AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN AUTOMATED RED LIGHT ENFORCEMENT PROGRAM PROJECT FUNDING AGREEMENT BETWEEN THE TOWNSHIP OF FERGUSON AND THE COMMONWEALTH OF PENNSYLVANIA.**

5 minutes

Narrative

Provided with the agenda is a copy of a resolution authorizing the Chairman and Secretary to execute a project funding agreement between the Township and Commonwealth of Pennsylvania for the

Automated Red Light Enforcement Program. The Township has received grant funding in the amount of \$80,000 to match \$20,000 in local funding for the purposes of upgrading certain traffic signals to digital radar technology.

Recommended motion: That the Board of Supervisors adopt the resolution authorizing the Chairman and Secretary to execute an Automated Red Light Enforcement Program Project Funding Agreement between the Township of Ferguson and the Commonwealth of Pennsylvania.

Staff Recommendation

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

3. **AUTHORIZATION OF A PUBLIC HEARING ON AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CHAPTER 15 MOTOR VEHICLES AND TRAFFIC, PART 4, GENERAL PARKING REGULATIONS, SECTION 403 PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS; SECTION 404 PARKING PROHIBITED IN CERTAIN LOCATIONS CERTAIN DAYS AND HOURS; AND SECTION 409 RESIDENTIAL PERMIT PARKING.** 10 minutes

Narrative

On December 2, 2019, the Board of Supervisors directed staff to prepare a draft ordinance establishing additional parking prohibitions on Rushcliffe Street. Staff and Rushcliffe Street representatives collaborated to explore different options to mitigate the concerns of residents living on the street. The proposed ordinance amendment incorporates residential permit parking, alternate-side street parking and increased no-parking areas. Provided with the agenda is a copy of the draft ordinance amendment that would be advertised for public hearing.

Recommended motion: That the Board of Supervisors authorize the advertisement of a public hearing amending Chapter 15 of the Code of Ordinances for Tuesday, February 18th.

Staff Recommendation

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

4. **CENTRE REGION REFUSE AND RECYCLING – CONSIDERATION OF REQUEST TO AUTHORIZE EARLIER START TIME FOR REFUSE COLLECTION.** 10 minutes

Narrative

In September 2019, the COG Public Services and Environmental Committee began to consider a request from Advanced Disposal to permit earlier refuse and recycling collection time in the summer months. If approved, collection would be permitted to begin at 6:00 a.m. instead of 7:00 a.m. between Memorial Day and Labor Day of each year. The Board discussed the request in 2019 and generally opposed the earlier start time, but the discussion by the Public Services & Environmental Committee was subsequently deferred until February 2020. Given that Mr. Mitra is the Township's new representative on the Committee, this item has been added so that the Board can again consider the request and provide a position for Mr. Mitra to represent at the February meeting. Provided with the agenda are two documents that provide further detail and justification for the requested earlier start time. If the earlier start time would ultimately be approved, it should be noted that the Township would need to amend its Noise Ordinance to permit refuse collection before 7:00 a.m.

Recommended motion: That the Board of Supervisors support/oppose the request from the COG Public Services and Environmental Committee to permit refuse and recycling collection to begin at 6:00 a.m. between Memorial Day and Labor Day of each year.

V. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. 2016-C19 Corl St. Signal Pay App 3: \$6,066.40
- b. 2016-C19 Corl St. Signal Pay App 4: \$43,597.99
- c. 2019-C32a GENERAL Admin Renovations Pay App 3: \$125,463.60
- d. 2019-C32b HVAC Admin Renovations Pay App 1: \$3,533.40
- e. 2019-C32b HVAC Admin Renovations Pay App 2: \$29,707.20
- f. 2019-C32b HVAC Admin Renovations Pay App 3: 10,445.04
- g. 2019-C32c ELECT Admin Renovations Pay App 001: \$19,710.00
- h. 2019-C32c ELECT Admin Renovations Pay App 002: \$7,290.00
- i. 2019-C32d FIRE Admin Renovations Pay App 1: \$3,600.00
- j. 2019-C32d FIRE Admin Renovations Pay App 2: \$4,500.00
- k. 2019-C32e PLUMB Admin Renovations Pay App 1: \$7,845.52
- l. 2019-C32e PLUMB Admin Renovations Pay App 2: \$2,950.88

2. REQUESTS FOR VARIANCES/MODIFICATIONS/WAIVERS

20 minutes

- a. Request for Variance – 3765 West College Avenue

Narrative

The Zoning Hearing Board will be meeting January 28, 2020, to review a variance request for a property at 3765 West College Avenue (RA—Rural Agricultural/ COD—Corridor Overlay District). The applicant, The Islamic Society of Central PA, is requesting a variance from Chapter 27-701; Ch. 27-701.C.1; Ch. 27-701.I; Ch. 27-701.H: Floodplain Conservation Regulations. Historically, the Board of Supervisors has opposed floodplain variances because of their potential to adversely affect the flood insurance premiums in the Township. Additionally, analysis that shows no increases to the floodplain boundaries must be provided to support a variance request. While the applicant has completed this analysis, it has not been reviewed by the Township's Stormwater Engineer, Scott Brown of NTM Engineering. If the Board decided to oppose the variance request, it is recommended that the Board authorize Scott Brown to review the analysis and provide an assessment of its conclusions.

Recommended motion: That the Board of Supervisors oppose the request for variance at 3765 West College Avenue pending review of the applicant's floodplain analysis by the Township's Stormwater Engineer.

Staff Recommendation

That the Board of Supervisors **oppose** the request for variance.

- b. Requests for Modification – Harner Farm – Subdivision of Tax Parcel 24-4-67 and Replot of Tax Parcel 24-4-67C

Narrative

Penn Terra Engineering, on behalf of their client, Aspen Whitehall Partners, LLC and Aspen Route 26 Partners LLC., has submitted an application for a modification/waiver from the Subdivision and Land Development Ordinance 22-505.1.A, Sanitary Sewer Disposal. This section requires that properties be connected to the public sewer main that will be built along the front of the property as part of the subdivision.

The modification request is to require the sewer connection, and since the property currently has an existing on-lot septic, the connection would be made when the on-lot system requires replacement, as determined by the Sewage Enforcement Officer. Currently, the property doesn't have a septic reserve replacement area for a new system that is now required by Pennsylvania Department of Environmental Protection (PA DEP) for on-lot systems. The public main lateral stub will be the replacement option for the system and will be noted in the PA DEP Planning Module Application.

Recommended motion: That the Board of Supervisors grant the requested modification described in the Director of Planning & Zoning memorandum dated January 15, 2020.

Staff Recommendation

That the Board of Supervisors **grant** the requested modifications.

c. Request for Modification– West Cherry Lane Sidewalks

Narrative

Penn Terra Engineering, on behalf of their client, HFL Corporation, LL., has submitted an application for a modification/waiver for the Subdivision and Land Development Ordinance 22-512.1.E.7. This section requires sidewalks along both sides of the new driveway entrance to West Cherry lane. The plan proposes a sidewalk access from the main entrance of the office to the West Cherry lane sidewalk and from the main residential entrance to the N. Allen driveway sidewalk. These proposed routes will provide better means of pedestrian access to the building than sidewalks along the driveway access to the site.

Planning Commission reviewed this Modification/Waiver during their January 13th meeting and recommended approval of the request. A memo dated January 14, 2020 from the Director of Planning and Zoning is included in the agenda packet that outlines the Planning Commission's discussion of this Modification/Waiver request.

Recommended motion: That the Board of Supervisors grant the requested modification described in the Director of Planning & Zoning memorandum dated January 14, 2020, for sidewalks.

Staff Recommendation

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

3. WEST CHERRY LANE LAND DEVELOPMENT PLAN

10 minutes

Narrative

The West Cherry Lane Multi-Use Building Preliminary/Final Land Development proposes to construct a 9,954 square foot office (first floor) and work-force housing units (second and third floors) with parking, utilities and amenities. A request for a modification/waiver for the Subdivision and Land Development Ordinance Chapter 22-512.1.E-7 was submitted for approval to the Board of Supervisors and considered with the previous agenda item. If the modification was not granted, then this item should be tabled to a future meeting to allow the applicant to submit a modified plan.

The Planning Commission reviewed this land development plan during their January 13th meeting and recommended approval to the Board of Supervisors pending outstanding comments identified by staff. A memo dated January 14, 2020, from the Director of Planning and Zoning is included in the agenda packet that outlines the Planning Commission's discussion of this land development plan. A link to the full set of plans can be accessed at the link below.

- [West Cherry Lane Lot Consolidation and Multi-Use Building Land Development Plan](#)

Recommended motion: That the Board of Supervisors conditionally approve the West Cherry Lane Land Development Plan subject to the completion of the outstanding conditions as described in the Director of Planning & Zoning memorandum dated January 14, 2020.

Staff Recommendation

That the Board of Supervisors **conditionally approve** the land development plan.

4. HARNER FARM REPLOT SIDEWALK DISCUSSION

15 minutes

Narrative

PennTerra Engineering, on behalf of their client, Aspen Whitehall Partners, LLC and Aspen Route 26 Partners LLC submitted the revised Harner Farm Preliminary/Final Subdivision Plan for review on September 12, 2019. In Centre Region Planning Agency's review letter, a shared use path was identified along West College Avenue because this property is located along a recommended bike route in the Centre Region Bicycle Facilities Plan. In response to that comment, PennTerra Engineering and their client met with staff on January 3, 2020, to discuss the required sidewalks along W. College Avenue of this submitted plan and the identified shared use path.

Staff has identified options for the pedestrian connections along W. College Ave and has listed them below:

- a. That the applicant will proceed with the installation of sidewalks as required by the ordinance; or
- b. That the applicant will install sidewalks as required by ordinance without constructing a bike lane. The applicant will widen the proposed turn lanes during construction for future grant funding for any bike lane improvements along West College Avenue. A 15-foot easement will be dedicated to the Township to install a future pedestrian/bike path when a connection is identified. This easement will allow the Township to build and maintain the shared use path; or
- c. The applicant will install a shared use path along West College Avenue. A 15-foot easement will be dedicated to the Township for maintenance.

Ferguson Township Staff are prepared to present pros and cons to each option and answer any questions the Board may have.

Staff Recommendation

That the Board of Supervisors **review and discuss** the options presented and recommend an option.

5. A PROCLAMATION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA PROCLAIMING THE MONTH OF APRIL TO BE "PENNSYLVANIA 811 SAFE DIGGING MONTH" IN FERGUSON TOWNSHIP.

5 minutes

Narrative

Provided with the agenda is a copy of a proclamation recognizing the month of April 2020 to be "Pennsylvania 811 Safe Digging Month." The Pennsylvania One Call System has approached members to consider this proclamation to encourage safe digging and the prevention of injuries and damage when excavating. If passed, the proclamation would be forwarded to the PA One Call System and published on the Township website.

Recommended motion: That the Board of Supervisors proclaim the month of April to be "Pennsylvania 811 Safe Digging Month" in Ferguson Township.

Staff Recommendation

That the Board of Supervisors **proclaim** the month of April to be “Pennsylvania 811 Safe Digging Month” in Ferguson Township.

6. A PROCLAMATION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA PROCLAIMING FERGUSON TOWNSHIP’S COMMITMENT TO PARTNERING WITH THE UNITED STATES CENSUS BUREAU TO HELP ENSURE A FULL AND ACCURATE COUNT IN 2020.

5 minutes

Narrative

Provided with the agenda is a copy of a proclamation to recognize the Township of Ferguson as a Census 2020 Partner and emphasize the importance of achieving an accurate and complete count in the Census. The primary goal of the 2020 census, according to census.gov, “is to count everyone once, only once and in the right place.” Staff serves on the State College Complete Count Committee to support and expand on local educational outreach and communication that aims to motivate residents to respond to the 2020 Census.

Recommended motion: That the Board of Supervisors proclaim Ferguson Township’s commitment to partnering with the United States Census Bureau to help ensure a full and accurate count in 2020.

Staff Recommendation

That the Board of Supervisors **proclaim** Ferguson Township’s commitment to partnering with the U.S. Census Bureau to help ensure a full and accurate count in 2020.

7. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2019-11 AND AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A RESOLUTION WITH JERSEY SHORE STATE BANK, VOYA FINANCIAL ADVISORS, AND PERSHING, LLC DESIGNATING THE AUTHORIZED SIGNATORIES ON THE TOWNSHIP’S VARIOUS BANK ACCOUNTS.

5 minutes

Narrative

The financial institutions require the signers on the bank accounts provide identification and any changes using banking signature cards for each account in order to protect the Township and the bank from improper use. Since there was a change in the signers for 2020, new signature cards will need to be signed and held on file at the bank. This requires a formal resolution to make the change in signers by the Board of Supervisors.

Recommended motion: That the Board of Supervisors adopt the resolution repealing Resolution 2019-11 and authorizing the Chairman and Secretary to execute a resolution with Jersey Shore State Bank, Voya Financial Advisors, and Pershing, LLC designating the authorized signatories on the Township’s various bank accounts.

Staff Recommendation

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

8. REQUEST FOR SUPPORT – STATE COLLEGE SPIKES MINOR LEAGUE BASEBALL TEAM

10 minutes

Narrative

The State College Spikes have been identified as one of 42 clubs in Minor League Baseball that could potentially be contracted under a Major League Baseball (MLB) proposal. Since the inception of the franchise in 2006, the Spikes have provided over \$5 million in charitable contributions to Central Pennsylvania and have provided employment to residents of Ferguson Township and the Centre

Region. The Spikes organization, in partnership with the Happy Valley Adventure Bureau, have approached the Centre Region municipalities for support. Provided with the agenda is a draft letter of support that would be forwarded to congressional representatives assigned to the “Save Minor League Baseball” task force if approved by the Board this evening. While financial support has not been directly requested, the Spikes have been fundraising to assist in their #SaveOurSpikes campaign and promotional material. It is worth noting that the Spikes have provided direct support to Ferguson Township initiatives in the past, including Open Houses and other municipal events.

Recommended motion: That the Board of Supervisors authorize a letter of support for the State College Spikes Minor League Baseball Team.

Staff Recommendation

That the Board of Supervisors **authorize** the letter of support.

9. AUTHORIZATION OF A PUBLIC HEARING ON AMENDING THE FERGUSON TOWNSHIP CODE OF ORDINANCES CHAPTER 15, MOTOR VEHICLES AND TRAFFIC, PART 2, TRAFFIC REGULATIONS, SECTION 217, SCHOOL ZONES ESTABLISHED. 10 minutes

Narrative

At the start of the 2018 – 2019 school year, the State College Area School District modified elementary school start and end times. The proposed ordinance amendment reflects the current Ferguson Township Elementary School schedule. Provided with the agenda is a copy of the draft ordinance.

Recommended motion: That the Board of Supervisors authorize the advertisement of a public hearing amending Chapter 15 of the Code of Ordinances for Tuesday, February 18th.

Staff Recommendation

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

10. BOARD MEMBER REQUEST – PATTON TOWNSHIP OPEN SPACE PRESERVATION PRESENTATION – LAURA DININNI 5 minutes

Narrative

Goal 4.0 of the Ferguson Township Strategic Plan is Environmental Stewardship, which includes the following steps:

- Identify and use existing tools to preserve the environment – Chesapeake Bay Tributary Strategy, National Pollutant Discharge Elimination System, sourcewater protection, conservation easements, climate action planning, referendums, agricultural conservation easements, etc.; and
- Identify and preserve natural resources and environmentally significant areas.

In order for the Township to learn more about a tool Patton Township has already employed, Ms. Dininni would like the Board to direct staff to invite the Patton Township Manager or designee to present information regarding their Open Space Program and the 62-acre Patton Woods Nature Recreation Area to the Board in terms of both acquisition and management.

- <http://twp.patton.pa.us/open-space-program>
- <http://twp.patton.pa.us/departments/patton-township-parks>

Recommended motion: That the Board of Supervisors direct staff to invite the Patton Township Manager or his designee to present information to the Board of Supervisors on Patton Township's Open Space Program and the 62-acre Patton Woods Nature Recreation Area.

VI. STAFF AND COMMITTEE REPORTS

- 1. **COG COMMITTEE REPORTS** 30 minutes
 - a. Transportation & Land Use Committee
 - b. Ad Hoc Facilities Committee
 - c. Public Safety Committee
 - d. Human Resources Committee
 - e. Finance Committee
 - f. Public Services & Environmental Committee

- 2. **OTHER REGIONAL REPORTS** 5 minutes

- 3. **STAFF REPORTS** 20 minutes
 - a. Manager's Report
 - b. Public Works Director
 - c. Planning & Zoning Director
 - d. Chief of Police

VII. COMMUNICATIONS TO THE BOARD

VIII. CALENDAR ITEMS – JANUARY/FEBRUARY

- a. Coffee & Conversation, Baileyville Community Hall, January 25, 2020, 8:00 a.m. – 9:30 a.m.

IX. ADJOURNMENT