

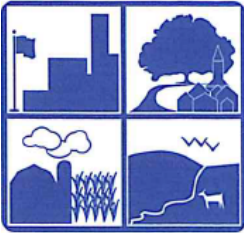
FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Tuesday, February 16, 2021, 7:00 PM

Join Zoom Meeting:
<https://us02web.zoom.us/j/88575479202>
Meeting ID: 853 7932 5460
[Zoom Access Instructions](#)

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZENS INPUT**
- IV. APPROVAL OF MINUTES**
 - 1. February 16, 2021, Board of Supervisors Regular Meeting Minutes
- V. SPECIAL REPORTS**
 - a. COVID-19 (Coronavirus) Response Report
 - b. State College Borough Water Authority Report
- VI. UNFINISHED BUSINESS**
 - 1. Public Hearing – Tree Preservation and Protection Ordinance
 - 2. Continued Discussion – Stormwater Fee Non-Profit Exemption Policy
 - 3. Continued Discussion – Pine Grove Mills Streetlight Conversion Project
- VII. NEW BUSINESS**
 - 1. Consent Agenda
 - 2. Public Hearing – BCH Joint Venture Easement Resolution
 - 3. Preliminary Land Development Plan – West College Student Housing
 - 4. Modification Request – West College Student Housing
 - 5. 2021 Operating Budget Amendment Authorization
 - 6. Board Member Request – Financial Advisory Committee
 - 7. Contract 2021-C6 – Curb and Ramp Upgrades
- VIII. REPORTS**
 - 1. COG Committee Reports
 - 2. Other Regional Reports
 - 3. Staff Reports
- IX. COMMUNICATIONS TO THE BOARD**
- X. CALENDAR ITEMS – MARCH**
- XI. ADJOURNMENT**



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, March 1, 2021
7:00 P.M.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. February 16, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

10 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. State College Borough Water Authority Report – Ford Stryker

VI. UNFINISHED BUSINESS

- 1. AUTHORIZATION FOR ADVERTISEMENT OF A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 22, SUBDIVISION AND LAND DEVELOPMENT; PART 5, DESIGN AND IMPROVEMENT STANDARDS BY ESTABLISHING SECTION 515, TREE PRESERVATION AND PROTECTION.** 20 minutes

Narrative

The Public Works and Planning & Zoning Department have drafted an amendment to Chapter 22, Subdivision and Land Development to establish a new part, Tree Preservation and Protection. The intent of this chapter is to encourage the protection of trees through sound land use and tree management practices. This chapter will preserve, protect and maintain existing trees in Ferguson Township, as well as, increase the overall tree canopy and understory with native species. It will aid in improving tree and ecosystem health on both public and private lands.

The Board authorized staff and the Ferguson Township Tree Commission in September 2018 to draft a Tree Preservation Ordinance. Planning Commission reviewed the draft and provided comments to staff. The updated draft based on the comments received is included in the agenda. At the February 8 Planning Commission meeting, Planning Commissioners recommended approval to the Board and authorize staff to advertise a public hearing.

Recommended motion: That the Board of Supervisors authorize advertisement of a public hearing adopting a new tree preservation ordinance for Monday, April 5th.

Staff Recommendation

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

2. A CONTINUED DISCUSSION OF THE PROPOSED EXEMPTION FOR NON-PROFIT ORGANIZATIONS FROM THE FERGUSON TOWNSHIP STORMWATER MANAGEMENT UTILITY FEE. 20 minutes

Narrative

On February 1st, the Board reviewed a draft Non-Profit Exemption Policy as part of its consideration of the Stormwater Management Utility Fee. The Board concluded the discussion by closing the public hearing and directing staff to amend the draft to encompass other exempt organizations that may demonstrate sufficient hardship to warrant exemption from the fee. Provided with the agenda is a copy of the amended draft Non-Profit Exemption Policy. The document has been amended to incorporate organizations that qualify for 501(c)(13) status, or Cemetery Companies; and 501(c)(19) status, or Veteran's Organizations as qualified exemptions from the Stormwater Management Utility Fee. The document also reflects the provision that, in order to qualify for the exemption, the organization must demonstrate that their fee would equal or exceed one percent (1%) of the annual revenue for the organization. Organizations that are eligible for 501(c)(3) status may also qualify for the exemption provided the additional criteria are met. This evening, the Board is asked to provide any additional comment on the draft policy and authorize a resolution for public hearing adopting the exemption.

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on a resolution adopting a Non-Profit Exemption Policy for the Stormwater Management Utility Fee for Monday, April 5th.

3. A CONTINUED DISCUSSION OF THE PINE GROVE MILLS STREETLIGHT CONVERSION PROJECT 20 minutes

Narrative

The 2021 budget includes \$133,000 in funding to improve 35 streetlights in Pine Grove Mills on SR 26 and Nixon Road. Improvements are needed to allow the Township to continue to maintain the streetlights including installing power disconnects, meters, and new dusk dawn light sensors. Currently, Township public works has limited ability to troubleshoot lighting issues, cannot disconnect the power source to do work, and our agreement with West Penn Power has expired. Additionally, staff is suggesting switching from high pressure sodium bulbs to LED to save energy costs. The current engineer's estimate for the work is at the limit of the budget. Staff investigated the lowest Kelvin rated bulb to retrofit the existing lamp fixtures and the lowest available is a "corn cob" style 3000K bulb. One such bulb is installed on a pole on the south side of SR26 near the Naked Egg Café. Installing 2700K bulbs would require replacement of the entire fixture on the pole. Options for lighting include:

1. Keep the existing 100-watt high pressure sodium lights
\$0 x 35 each = \$0

2. Replace ballast and install 3000K “corn cob” style LEDs
\$250 x 35 each = \$8,750
3. Replace entire fixture head on each pole with new 2700K LED fixtures
\$2,000 x 35 each = \$70,000

There are pros and cons to each option including life of fixture, cost of installation, energy power savings, and color/light output considerations.

Staff Recommendation

That the Board of Supervisors **discuss** the presentation and **direct** staff to proceed based on the desired option.

VII. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Contract 2018-PWGG-Electrical, Pay App #10: \$60,297.66
- b. Contract 2020-C4, Pay App #8: \$8,471.58
- c. Surety Reduction – Harner 4 Lot Subdivision reduced by: \$786,429.04
- d. Board Member Request – Whitehall Road Regional Park

- 2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ACCEPTING AN EASEMENT AGREEMENT FROM BCH JOINT VENTURE FOR PROPERTY LOCATED ON TAX PARCEL 24-012-,001-,0000- WITH AN ADDRESS OF 1301 NORTH ATHERTON STREET FOR A NON-EXCLUSIVE PERMANENT EASEMENT AS DESCRIBED IN EXHIBIT “A” OF THE GRANT OF EASEMENT ATTACHED HERETO AND MADE PART OF THIS RESOLUTION.**

10 minutes

Narrative

The Traffic Impact Study that was completed for the Penn State West Campus Parking Structure required an improvement to be made at the intersection of North Atherton Street and Blue Course Drive/Clinton Avenue. All costs related to this improvement are being paid by the permittee - Penn State. The required improvement is the installation of a flashing yellow arrow signal for traffic turning left from North Atherton Street onto Blue Course Drive. To complete this improvement, a new traffic signal pole needs to be installed. Other improvements at the intersection to be completed by Penn State also includes installing LED luminaires to replace the high pressure sodium luminaires, as well as other necessary upgrades to the cabinet and wiring to make the improvements functional. The original design that was approved was found during construction to have a conflict between the pole foundation and the sanitary sewer main and thus required a revision to the plan. The proposed pole location to avoid the sewer main is on land owned by BCH Joint Venture, who has agreed to provide an easement for the pole. The grant of easement has been reviewed by our solicitor and signed by BCH Joint Venture.

Recommended motion: That the Board of Supervisors adopt the resolution accepting an easement agreement with BCH Joint Venture.

Staff Recommendation

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

3. PRELIMINARY LAND DEVELOPMENT PLAN – WEST COLLEGE STUDENT HOUSING

15 minutes

Narrative

Penn Terra Engineering, Inc. has submitted a Land Development Plan and Lot Consolidation Plan on behalf of their client, Aspen Heights Partners LLC/York Acquisitions. The parcels are located at the intersection of West College Ave and Buckhout Street. Tax Parcels 24-002A,015, 24-002A,016, 24-002A,017, 24-002A,018, and 36-010-006 are to be consolidated to form a 1.136 acre parcel. Four parcels are located in the Terraced Streetscape District (TSD) in Ferguson Township and Parcel 36-010-006 is located partially in the Borough of State College's Planned Commercial District (CP-2).

The land development plan proposes a 6-story multi-family residential apartment building with commercial/retail space on the first floor. The applicant is utilizing height incentives found in §27-304.3.B.(2) and has provided additional parking in the parking structure to share for use by others. The applicant is eligible for an additional 20 feet to be added to the permitted maximum height (55 feet).

The building will consist of two subsurface floors of underground parking, one floor containing commercial space and 5 floors of multi-family residential apartments. There are 96 residential units (268 beds) and a total of 8,696 square feet (7,488SQFT in Ferguson Township) of non-residential spaces. The plan calls for 159 parking spaces, 151 of which will be located in the parking structure. A variance was granted by the Ferguson Township Zoning Hearing Board on February 25, 2020 to allow parking on first floor of the building. There are 14 short-term bicycle parking spaces proposed on site.

Planning Commission reviewed this Preliminary Land Development Plan at their February 8 Regular Meeting and recommended approval to the Board of Supervisors. Provided below is a Dropbox link to access the land development plan. Provided with the agenda is a memorandum from Kristina Aneckstein, Community Planner, summarizing Planning Commission's comments on the plan. Staff has also included all outstanding staff review comments, as well as comments provided by the Borough of State College's advisory review bodies.

[West College Student Housing Preliminary Land Development Plan](#)

Staff Recommendation

That the Board of Supervisors *discuss* the plan.

5. REQUEST FOR MODIFICATION - WEST COLLEGE AVENUE STUDENT HOUSING LAND DEVELOPMENT PLAN

15 minutes

Narrative

Included in the agenda is a copy of the Application for modification submitted by Penn Terra Engineering, Inc. as part of the West College Student Housing Land Development Plan. The modification is requesting relief from Section 22.502.5.1.(3)(b). This requires the applicant to design all entrance drives serving more than four dwelling units and all other uses in this category shall be laid out to conform to the design, service, and access standards established in this chapter for the classification of street based on expected ADT. Meaning that the entrances to the parking deck would have to be designed at 26' wide.

The proposed entrances to the parking deck are designed to meet Township parking lot design criteria. The applicant believes that the access provided (24' wide) is adequate to provide safe access to the building. Planning Commission reviewed this application during

the February 8th meeting and recommended approval of the request. Township Staff has reviewed the request and recommends that the Board approve the modification.

Recommended motion: That the Board of Supervisors approve the request for modification for the West College Avenue Student Housing Land Development Plan.

Staff Recommendation

That the Board of Supervisors **approve** the modification/waiver.

4. AUTHORIZATION OF A PUBLIC HEARING ON AN AMENDMENT TO THE 2021 FERGUSON TOWNSHIP ANNUAL OPERATING BUDGET 20 minutes

Narrative

The township incorporates the concept of zero-based budgeting when preparing the annual operating budget. This concept requires staff to re-budget items from year to year rather than carryover amounts from one year to the next. This concept saves the Township considerable sums of money over the years and reduces waste that would otherwise occur under a non-zero-based budget.

Given the size and complexity of the operating budget, including the zero-based budgeting style; it is not uncommon for staff to underestimate a budgeted amount or for an item to be overlooked. Depending on the timing and amount of the item, it may be necessary to adjust the budget to reflect such events. For 2021, the proposed budget amendments are included with the draft resolution provided with the agenda. Staff is requesting that the Board authorize advertisement of a public hearing on Monday, March 15th to amend the 2021 Annual Operating Budget as provided in the attached resolution.

Recommended motion: That the Board of Supervisor authorize advertisement of a public hearing on a resolution adopting an amendment to the 2021 Ferguson Township Annual Operating Budget for Monday, March 15th.

Staff Recommendation

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

5. BOARD OF SUPERVISORS REQUEST – FINANCIAL ADVISORY COMMITTEE 20 minutes

Narrative

In accordance with the Board of Supervisors Procedures Manual, Supervisors Mitra and Strickland submitted an agenda item for discussion concerning the establishment of a Financial Advisory Committee. Provided with the agenda is a description of the requested agenda item and a draft scope of work for the Financial Advisory Committee. Chapter 1, Administration and Government; Section 1-402 permits the Board to establish additional commissions or boards when deemed necessary and under certain restrictions. The requested agenda item is summarized as follows:

A discussion on the creation of a Financial Advisory Committee. Committees such as this serve to review and make recommendations on municipal financial matters in an effort to increase efficiency, accountability, and transparency in the use of funds. A Financial Advisory Committee would further the Township's strategic planning goals of "Increas(ing) Participatory Government" by "utiliz(ing) both ad hoc and standing citizen advisory boards with subject matter experts from the Township and the region to address issues related to parkland development and other matters of community interest" (2017 Strategic Plan). Furthermore, the committee addresses the desires of township residents expressed in the 2016

Strategic Planning workshops to have “citizen advisory boards,” “an engaged and involved community,” and “financial stability” (2017 Strategic Plan).

Recommended motion: That the Board of Supervisor direct staff to draft an ordinance amending the Ferguson Township Administrative Code to establish a Financial Advisory Committee.

6. AWARD OF CONTRACT 2021-C6, CURB AND RAMP UPGRADES 5 minutes

Narrative

On February 23, 2021, bids were opened publicly and read out loud. The bid was advertised in the Centre Daily Times on February 9, 2021 and sent out to potential bidders. This contract involves the replacement or installation of curb ramps compliant with the American with Disabilities Act (ADA) at intersections of streets that will receive either microsurfacing or paving in 2021 consistent with the capital improvement plan (CIP).

Recommended motion: That the Board of Supervisor award Contract 2021-C6, Curb and Ramp Upgrades to Wolyniec Construction in accordance with their bid in the amount of \$39,953.50.

Staff Recommendation

That the Board of Supervisors award Contract 2021-C6.

VIII. STAFF AND COMMITTEE REPORTS

1. **COG COMMITTEE REPORTS** 5 minutes
- a. CCMPO Coordinating Committee

2. **OTHER COMMITTEE REPORTS** 5 minutes

IX. STAFF REPORTS 15 minutes

- a. Manager’s Report
- b. Public Works Director
- c. Planning and Zoning Director

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – MARCH

- a. [Park Hills Drainageway Project Second Public Meeting, March 3, 2021, 7:00 p.m.](#)

XII. ADJOURNMENT