

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, March 15, 2021, 7:00 PM

Join Zoom Meeting:
<https://us02web.zoom.us/j/88575479202>
Meeting ID: 885 7547 9202
[Zoom Access Instructions](#)

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

IV. APPROVAL OF MINUTES

1. March 1, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. University Area Joint Authority Report
- c. Municipal Stormwater System (MS4) Program Annual Report

VI. UNFINISHED BUSINESS

1. Resolution - 2021 Ferguson Township Annual Operating Budget Amendment
2. Recreational Fire and Open Burn Ordinance – Authorization for Public Hearing

VII. NEW BUSINESS

1. Consent Agenda
2. Requests for Variances – 1518 West College Avenue
3. Resolution - Circleville Road Drainage Easements
4. Discussion - Chesapeake Bay Pollutant Reduction Plan 2021 Projects
5. Award of Contract 2021-C2, Devonshire Inlet Box Replacement
6. Award of Contract 2021-C8, Pavement Markings
7. Authorization for Public Hearing - Terraced Streetscape District Ordinance Amendment
8. Staff Presentation – Minor Alteration Plans
9. Board Member Request – Whitehall Road Regional Park Phase 1 Development
10. Appointments to Centre Region Building and Housing Code Board of Appeals

VIII. REPORTS

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

IX. COMMUNICATIONS TO THE BOARD

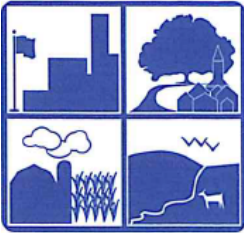
X. CALENDAR ITEMS – MARCH/APRIL

- a. Coffee and Conversation, Saturday, April 17, 8:00 a.m.

XI. ADJOURNMENT



Visit the Township's Web Site www.twp.ferguson.pa.us and sign up for *Notify Me!* to receive email notices about Township Information.



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

**Board of Supervisors
Regular Meeting Agenda
Monday, March 15, 2021
7:00 P.M.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. March 1, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

30 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. University Area Joint Authority Report – Mark Kunkle
3. Municipal Separate Storm Sewer System (MS4) Program Annual Report – Ron Seybert, P.E., Township Engineer

VI. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE 2021 FERGUSON TOWNSHIP ANNUAL OPERATING BUDGET.**

10 minutes

David Pribulka, Township Manager

Narrative

In accordance with Section 7.08 of the Home Rule Charter, Amendment After Adoption, the Board of Supervisors authorized a resolution amending the 2021 Ferguson Township Annual Operating Budget for public hearing this evening. Provided with the agenda is a copy of the resolution advertised for public hearing. As noted on March 1st, the budget amendment provides for \$175,000 and \$73,000 additional funding in the Transportation Improvement Fund (TIF) for microsurfacing West Gatesburg Road and cured-in-place pipe lining, respectively. The revised budget amount in the TIF is \$1,781,900 and still leaves the fund with a significant fund balance.

Recommended motion: That the Board of Supervisor adopt the resolution amending the 2021 Ferguson Township Annual Operating Budget.

Staff Recommendation

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

2. AUTHORIZATION OF A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 10, HEALTH AND SAFETY BY ESTABLISHING PART VII, RECREATIONAL FIRE AND OPEN BURN ORDINANCE. 20 minutes

Chris Albright, Chief of Police

Narrative

At the November 2, 2020 Regular Meeting, the Board of Supervisors provided comments regarding the proposed ordinance amendments relating to fire code and safety regulations in Ferguson Township. Provided with the agenda is a draft ordinance amendment for advertisement for public hearing.

Recommended motion: That the Board of Supervisors authorize advertisement of a public hearing on a Recreational Fire and Open Burn Ordinance for Monday, April 19th.

Staff Recommendation

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

VII. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Contract 2018-PWGG-Electrical, Pay App #11: \$122,394.02
- b. Contract 2020-C3, CIPP Lining, Pay App #3: \$53,200.76
- c. Contract 2020-C22, Fairbrook Park, Pay App #1: \$12,000.00

2. ZONING APPEALS/REQUESTS FOR VARIANCE

5 minutes

a. REQUESTS FOR VARIANCES – 1518 WEST COLLEGE AVENUE

Jenna Wargo, Director of Planning & Zoning

Narrative

Tussey Tracks LLC—1518 W College Avenue (24-019-074-0000 and 24-019-072-0000), zoned Terraced Streetscape (TS), is requesting a variance from §27-304.2.E.—Conditional Uses; §27-803.1.B.1.—Nonconforming Uses and Structures; §27-304.3.A(2)(a)—Maximum Height; §27-304.3.D.(1)(a)—Yard Regulations; and §27-304.3.G.5.—Parking Requirements to expand the one story veterinarian clinic and the parking areas on both lots. The applicant has recently purchased the neighboring property to expand the business to provide space for newer technologies and services that are becoming standard in the veterinary healthcare industry. The office building on the neighboring property will be demolished and the lots will be consolidated to create a 0.94-acre lot. The veterinarian clinic building is a nonconforming structure, and the clinic is a nonconforming use—however, if variances are granted, the use can be permitted through the conditional use process. Since the structure is nonconforming, the building can only be expanded up to 50% of the existing ground floor area of the space occupied by the use and the applicant would like to expand the building by 55.38%. Although the applicant is bringing the building into more conformity with the TS District regulations, multiple variances are still needed to construct the addition.

Recommended motion: That the Board of Supervisors support the requests for variances for 1518 West College Avenue.

Staff Recommendation

That the Board of Supervisors **support** the requests for variance.

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ACCEPTING PERMANENT DRAINAGE EASEMENTS ACROSS THE LANDS OF JUANITA TATE AND RICHARD & MARY LYTTLE TO CONVEY STORMWATER FROM CIRCLEVILLE ROAD. 10 minutes

David Modricker, Director of Public Works

Narrative

An existing cross lot stormwater pipe carrying stormwater from Circleville Road (an eyebrow shown on the subdivision plan as "Circleville Place") is clogged and in need of repair to prevent road and private property water ponding and flooding. The pipe was installed at some time in the past and no easement exists. A new pipe is proposed with an adjusted alignment of the new pipe to minimize impacts to a tree. The property owners are agreeable to the work and have signed the necessary stormwater easement in favor of the Township. Provided with the agenda is a copy of the resolution advertised for public hearing accepting the easements and authorizing the Chair and Secretary to execute the easement agreements with both property owners.

Recommended motion: That the Board of Supervisors adopt the resolution to accept the easements.

Staff Recommendation

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

4. CHESAPEAKE BAY POLLUTANT REDUCTION PLAN 2021 PROJECTS DISCUSSION

David Modricker, Director of Public Works & Ron Seybert, Township Engineer

30 minutes

Narrative

The Township has a Municipal Separate Storm Sewer System (MS4) permit from PaDEP. As part of the permit process, the Township was required to submit a Pollution Reduction Plan (PRP) for the Chesapeake Bay Watershed. The PRP contains certain candidate projects for design and construction to improve the waterway and comply with the permit. Prior to starting design work and easement acquisition to be followed with actual construction work, staff committed to reviewing the candidate projects with the Board to receive any comment. The 2021 budget includes funding for the design, easement acquisition, and permitting of three projects. Provided with the agenda is a table summarizing Ferguson Township's Proposed Primary BMP Total Suspended Solids (TSS) Load Reduction.

Staff Recommendation

That the Board of Supervisors **discuss** the proposed projects.

5. AWARD CONTRACT 2021-C2, DEVONSHIRE INLET BOX REPLACEMENT

David Modricker, Director of Public Works

5 minutes

Narrative

On March 9, 2021, bids were opened publicly and read out loud. The bid was advertised in the Centre Daily Times on February 23, 2021 and sent out to potential bidders. This

contract involves the reconstruction of one very deep deteriorating concrete inlet box on Devonshire Drive. Provided with the agenda is a memorandum from Ryan Scanlon with the bid tabulation.

Recommended motion: That the Board of Supervisor award Contract 2021-C2, Devonshire Inlet Box Replacement to Ameron Construction Company, Inc., in accordance with their bid in the amount of \$37,097.50.

Staff Recommendation

That the Board of Supervisors award Contract 2021-C2.

6. AWARD CONTRACT 2021-C8, PAVEMENT MARKINGS

5 minutes

David Modricker, Director of Public Works

Narrative

On March 2, 2021, bids were opened publicly and read out loud. The bid was advertised in the Centre Daily Times on February 16, 2021 and sent out to potential bidders. The total bid amount includes work for neighboring municipalities that have chosen to piggyback on this contract. Ferguson Township's share of the contract is \$124,061.92 (which includes eradication required for microsurfacing). The Township has budgeted \$109,000 for pavement markings using funds from microsurfacing \$19,000 for pavement eradication prior to contract 2021-C9. Alpha Space Control has performed this contract in past years and has worked well with the Township. Provided with the agenda is a memorandum from Ryan Scanlon detailing the bid tabulation and cost share summary for all participating municipalities.

Recommended motion: That the Board of Supervisor award Contract 2021-C8, Pavement Markings contract to Alpha Space Control Company, Inc., in accordance with their total bid in the amount of \$292,670.06 which includes other municipalities' share amounts.

Staff Recommendation

That the Board of Supervisors award Contract 2021-C8.

7. AUTHORIZATION OF A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING; PART 3, RESIDENTIAL PLANNED DEVELOPMENT AND MIXED USE; SECTION 304, TERRACED STREETScape (TS) DISTRICT BY AMENDING §27-304.3.B.2. BUILDING HEIGHT INCENTIVES AND REPEALING IT IN ITS ENTIRETY.

Jenna Wargo, Director of Planning & Zoning

20 minutes

Narrative

Staff received a request from a Supervisor to amend §27-304.B.(2). Building Height Incentives and remove it in its entirety. Provided with the agenda is a draft amendment to remove this provision of the ordinance. If, following this evening's discussion, the Board decides to approve the amendment; a 45-day wait period will need to be established following the Centre Regional Planning Commission's receipt of submission as well as being submitted to Centre County Office of Planning & Community Development.

Staff is concerned about the implications of deleting the incentive and is instead recommending that the Board discuss the appropriate number of shared parking spaces that may be required in order for an applicant for development in the Terraced Streetscape District to utilize the incentive.

Recommended motion: That the Board of Supervisors authorize advertisement of a public hearing for Monday, May 3, 2021, on an ordinance amending the Terraced Streetscape District by removing §27-304.B.(2) in its entirety.

Staff Recommendation

That the Board of Supervisors **discuss** the ordinance amendment and consider alternatives.

8. STAFF PRESENTATION - MINOR ALTERATION PLANS

20 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

Staff received a Board Member request to provide a presentation on Minor Alteration Plans in the Township. Provided with the agenda is a memorandum dated March 9, 2021, from the Planning and Zoning Director that provides a high-level overview of these types of plans. Staff prepared a PowerPoint presentation to specifically answer questions provided by the Board, as well as examples of Minor Alterations Plans that have been approved in the last several years.

Staff Recommendation

That the Board of Supervisors **receive** the presentation.

9. BOARD MEMBER REQUEST – WHITEHALL ROAD REGIONAL PARK PHASE I DEVELOPMENT

David Pribulka, Township Manager

45 minutes

Narrative

The “scaled-down” Whitehall Road Regional Park Phase 1 option that the Park Authority (CRPRA) has presented to the Ferguson Township Board via the General Forum is approximately \$800,000 over budget and does not incorporate a restroom facility into the Phase 1 construction. The Park Authority has requested approximately 1.6 million additional dollars from the COG to build their recommended Phase 1 design. Multiple COG municipalities have emphasized how essential a restroom facility is to WRRP. Thus far, CRPRA has not gained the mandated unanimous approval from COG on this additional borrowing. At this point the Ferguson Board has twice taken a position that we prefer no additional borrowing and would like restrooms incorporated into Phase 1 construction.

The Park Authority Chair has asked Ferguson Township to recommend a strategy by which the restroom facility can be incorporated into Phase 1 construction and remain within the allocated budget of 4.8 million dollars. The Board should discuss what the Park Authority has requested and, if able to reach consensus on the matter, forward a recommendation to the Park Authority. Provided with the agenda are several attachments to guide the discussion. Below is a link to several guiding documents related to the evening’s discussion:

[Whitehall Road Regional Park Discussion Documents](#)

Staff Recommendation

That the Board of Supervisors *discuss* the Phase I development of Whitehall Road Regional Park.

10. APPOINTMENTS TO THE CENTRE REGION BUILDING AND HOUSING CODE BOARD OF APPEALS 5 minutes

David Pribulka, Township Manager

Narrative

At the COG General Forum meeting on February 22nd, a motion was unanimously adopted forwarding several nominations to the Centre Region municipalities for appointment to the Centre Region Building and Housing Board of Appeals for various terms commencing April 1, 2021. Provided with the agenda is a copy of the follow-up memorandum from Eric Norenberg, COG Executive Director, summarizing the action of the General Forum. The following nominations have been referred for appointment:

- Douglas Henry, R.A. (Three-year term, April 1, 2021 – March 30, 2024)
- Chad Maholtz (Three-year term, April 1, 2021 – March 30, 2024)
- Brian Walker, P.E. (Three-year term, April 1, 2021 – March 30, 2024)
- J. Michael Leakey, R.A. (Two-year term, April 1, 2021 – March 30, 2023)
- Scott Good, P.E. (Two-year term, April 1, 2021 – March 30, 2023)
- Ryan Solnosky, Ph.D., P.E. (One-year term, April 1, 2021 – March 30, 2022)
- Alan Popovich, R.A. (One-year term, April 1, 2021 – March 30, 2022)

Recommended motion: That the Board of Supervisors appoint the applicants to the Centre Region Building and Housing Board of Appeals for the terms specified and as recommended by the COG General Forum.

Staff Recommendation

That the Board of Supervisors *approve* the appointments.

VIII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS 25 minutes

- a. Human Resources Committee
- b. Joint PSE and TLU Committees
- c. Climate Action & Sustainability Committee
- d. Finance Committee
- e. Joint Parks and CRPRA

2. OTHER COMMITTEE REPORTS 5 minutes

IX. STAFF REPORTS 5 minutes

- a. Manager's Report
- b. Public Works Director - *no written report*
- c. Planning and Zoning Director
- d. Chief of Police

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – MARCH/APRIL

- a. Coffee and Conversation, Saturday, April 17, 8:00 a.m.

XII. ADJOURNMENT