

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

**Regular Meeting Agenda**

**Tuesday, April 5, 2022**

**7:00 PM**

**MEETING PARTICIPATION OPTIONS**

**VIRTUAL:**

*Join Zoom Meeting Link:*

<https://us02web.zoom.us/j/87031665680>

Meeting ID: 870 3166 5680

[Zoom Access Instructions](#)

**IN-PERSON:**

Ferguson Township Municipal Building

Main Meeting Room

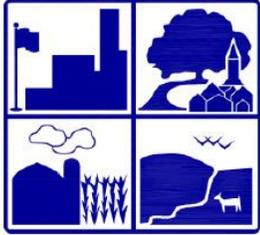
3147 Research Drive

State College, PA

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- I. CALL TO ORDER**
  - II. CITIZENS INPUT**
  - III. APPROVAL OF MINUTES**
  - IV. AUTHORITIES, BOARDS, AND COMMISSION REPORTS**
    - a. Centre Area Transportation Authority Report
  - V. SPECIAL REPORTS**
  - VI. COG REGIONAL REPORTS**
  - VII. STAFF REPORTS**
  - VIII. UNFINISHED BUSINESS**
    1. Contract award for professional services to conduct the Terraced Streetscape Zoning District Rewrite
  - IX. NEW BUSINESS**
    1. Consent Agenda
    2. Consideration of a Financial Contribution Toward Community Diversity Conference: Embracing and Implementing Inclusion
    3. Chapter 27, Zoning; Section 710, Wireless Communications Facilities Ordinance Amendment
    4. Application for Modification/Waiver – Centre Animal Veterinarian Hospital
    5. Orchard Square Final Land Development Plan
    6. Review of Parking Analysis/Study – Tax Parcel 24-433-007-000
    7. Award Contract 2022-C7A-Fuel
    8. Award Contract 2022-C7C-Materials – Asphalt and Aggregate
    9. Preliminary Marketing Package for Lot on Blue Course Drive Presented to Ferguson Township
  - X. COMMUNICATIONS TO THE BOARD**
  - XI. CALENDAR ITEMS**
  - XII. ADJOURNMENT**



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# TOWNSHIP OF FERGUSON

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[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

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## **BOARD OF SUPERVISORS**

### **Regular Meeting Agenda**

### **Tuesday, April 5, 2022**

### **7:00 p.m.**

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT**
- III. APPROVAL OF MINUTES**
  - a. March 8, 2022 Board of Supervisors Work Session
  - b. March 15, 2022 Board of Supervisors Regular Meeting Minutes
- IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT**
  - a. Centre Area Transportation Authority, John Spychalski
- V. SPECIAL REPORTS** 25 minutes
  - a. Diversity, Equity, and Inclusionary Initiatives – no report.
  - b. Township and Fiscal Responsibility – *Status Update on Recreation, Parks, and Open Space Plan by HRG Project Managers, Ms. Tracy Strickland and Ms. Nicole Mendinsky; Update on Proposed CATA Service Changes by Ms. Louwana Oliva, CATA Executive Director*
  - c. Community and Economic Development – no report.
  - d. Environment – no report.
- VI. COG AND REGIONAL COMMITTEE REPORTS** 5 minutes
  - 1. COG COMMITTEE REPORTS**
    - a. Spring Creek Watershed Commission
    - b. Executive Committee
    - c. Park & Recreation Governance Committee
    - d. Facilities Committee
  - 2. OTHER COMMITTEE REPORTS**
- VII. STAFF REPORTS**
  - a. Interim Township Manager's Report
  - b. Public Works Director Report
  - c. Planning and Zoning Report

## VIII. UNFINISHED BUSINESS

### 1. CONTRACT AWARD FOR PROFESSIONAL SERVICES TO CONDUCT THE TERRACED STREETScape ZONING DISTRICT REWRITE 20 minutes

*Jenna Wargo, Director of Planning and Zoning*

#### Narrative

On February 13, 2022, the Township posted a Request for Proposals (RFP) to rewrite the Terraced Streetscape (TSD) zoning district. The contract involves a comprehensive rewrite to the TSD zoning district, as well as comprehensive rewrite of the design guidelines found in §22-5A of the Township's Subdivision and Land Development Ordinance (SALDO). Provided with the agenda is a copy of Mackin Engineers & Consultants' response to the Township's Request for Proposals (RFP) and sample contract.

*Recommended Motion: That the Board of Supervisors award a contract to Mackin Engineers & Consultants for professional services to conduct the Terraced Streetscape Zoning District Rewrite in the amount of \$39,840.00*

#### Staff Recommendation

That the Board of Supervisors **award** the professional services contract to Mackin Engineers & Consultants to conduct the Terraced Streetscape Zoning District Rewrite.

## IX. NEW BUSINESS

### 1. CONSENT AGENDA 5 minutes

- a. Voucher Report – February 2022
- b. Treasurers Report-January 2022 *for acceptance*
- c. Contract 2022-C5, Storm Sewer/Video Assessment (CCTV), Pay App 1: \$32,859.01
- d. Contract 2022-C5, CCTV, Pay App 2: \$44,203.86
- e. Pine Grove Mills Small Area Plan Advisory Committee Work Plan

### 2. CONSIDERATION OF A FINANCIAL CONTRIBUTION TOWARD THE COMMUNITY DIVERSITY CONFERENCE: EMBRACING AND IMPLEMENTING INCLUSION 10 minutes

*Centrice Martin, Interim Township Manager*

#### Narrative

The Community Diversity Group (CDG) leads the effort to attract and retain a diverse group of individuals to share in fostering a community based on inclusion and equity. As a non-profit coalition that has served the Centre Region for over ten years, CDG offers training, women empowerment seminars, and an updated calendar of diversity events. Cultural Conversations, Multicultural Unity Fair, International Holiday Potluck, Centre Region Women's Leadership Coalition, Cultural Empowerment for Women Luncheon Series and the Community Diversity Conference (CDC) are a few examples of training and event resources organized by CDG. Organizing members include First Energy, State College Borough, and Moms Demand Action and partnering sponsors of CDG include Association of American University for Women, Human Resources Association of Centre County, Forum on Black Affairs, United Way, Centre Safe and Foxdale Village. Provided with the agenda is an invitation letter to Ferguson Township for participation and support in the form of a financial contribution. The Board is asked to give consideration for a financial contribution and, if yes, determine level of participation as described below.

- Beyond Diversity Sponsor \$1000 or more

- Social Justice Sponsor \$500 - \$999
- Sustainability Patron \$100 - \$500
- Cultural Dexterity Donation Donated items (for raffles, etc.)

In attendance this evening is one of the founding members of CDG and CDC President, Carol Eicher, and long-time member, Kevin Kassab, available to update on the 2022 Community Diversity Conference and answer questions.

*Recommended Motion: That the Board of Supervisors authorize an appropriation in the amount of \$\_\_\_\_\_ as a financial contribution to support the 2022 Community Diversity Conference.*

**Staff Recommendation**

That the Board of Supervisors **discuss and respond** to the invitation to participate and support in the form of a financial contribution.

**3. CHAPTER 27, ZONING; SECTION 710, WIRELESS COMMUNICATIONS FACILITIES ORDINANCE AMENDMENT** 30 minutes

*Jenna Wargo, Director of Planning and Zoning*

**Narrative**

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. The legislation 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.

Additionally, the Board referred to the Planning Commission a text amendment application, received on January 10, 2022, from Chris Schubert, Esq., on behalf of his client, AT&T, for further review. On February 28, 2022, Planning Commission directed staff to research the proposed Wireless Communication Facilities ordinance and include amendments for compliance with Act 50. Provided with the agenda is a draft amendment to the WCF with proposed edits, using track changes with **green** text, to §22-5B01—Design Standards, §27-303—Traditional Town Development, §27-710—Wireless Communication Facilities, §27-1102. Definitions, §27-205.1. Rural Agricultural (RA), §27-205.2. Rural Residential (RR), §27-205.3. Agricultural Research (AR), §27-205.4. Forest/Game Land (FG), §27-205.13. General Commercial (C), §27-205.14. Industrial (I), and §27-205.15. Light, Industry, Research and Development (IRD) proposed by Planning Commission based on research and peer review of other Pennsylvania Municipalities, as well as inclusion of amendments for compliance with the Small Wireless Facilities Deployment Act (Act 50) that was adopted in June 2021. The **blue** amendments reflect Planning Commission’s recommendations in response to the application submitted.

Planning Commission reviewed this draft at their regular meeting, held on March 28, 2022, and recommended the draft ordinance amendment to the Board of Supervisors. Staff is prepared to review the proposed draft ordinance amendment and answer questions.

**Staff Recommendation**

That the Board of Supervisors **receive and discuss** how they want to proceed.

**4. APPLICATION FOR MODIFICATION/WAIVER – CENTRE ANIMAL VETERINARIAN HOSPITAL** 15 minutes  
*Jenna Wargo, Director of Planning and Zoning*

**Narrative**

Tussey Tracks, LLC, owner of Centre Animal Veterinary Hospital, has requested a modification/waiver from Section 22-5A09 –Streetscape Design Standards. Located at 1518 West College Avenue, this plan is located in the Terraced Streetscape Zoning District. Section 22-5A09 of the Ferguson Township Code of Ordinances requires a specific set of design standards for the streetscape.

Design Standards:

- 12 foot sidewalks, scored or stamped, to ADA standards
- 2-foot paver accent
- 4’x24’ planter bed with a minimum of one street tree
- Streetlights at pedestrian-scale, period-lighting on decorative poles that incorporate hardware for banners/planters
- “Site Furnishings”: benches, trash and recycling, bike racks, bus shelters and free standing planters
- Streets perpendicular to West College shall provide for similar treatments but at a smaller scale.

Since the Terraced Streetscape Zoning District Standards and design guidelines will be re-examined in the upcoming zoning rewrite, and the applicant is proposing to maintain the existing 6’ sidewalk around the property, staff is recommending approval of the request. Planning Commission reviewed this application at the March 28, 2022, regular meeting and recommended approval of the request.

*Recommended Motion: That the Board of Supervisors grant the Application for Consideration of a Modification/Waiver for Section 22-5A09 for the Tussey Tracks – Centre Animal Land Development Plan.*

**Staff Recommendation**

That the Board of Supervisors **approve** the Application for Consideration of a Modification/ Waiver from Section 22-5A09.

**5. ORCHARD SQUARE FINAL LAND DEVELOPMENT PLAN** 30 minutes  
*Jenna Wargo, Director of Planning and Zoning*

**Narrative**

The land development plan proposes the construction of a 19,856 square foot commercial/retail shopping center with associated parking and utilities. As proposed, there will be 3 retail store fronts and 113 parking spaces, including 5 ADA handicap spaces. The retail spaces are proposed to be 10,722 square feet, 6,483 square feet and 2,566 square feet.

Planning Commission reviewed the final land development plan at the March 14, 2022, regular meeting and recommended conditional approval of the final land development plan. A link to the final plan has been provided below.

[Orchard Square Final Land Development Plan](#)

*Recommended Motion: That the Board of Supervisors approve the Orchard Square Final Land Development Plan pending outstanding staff comments included in the Director of Planning & Zoning memorandum dated March 29, 2022.*

**Staff Recommendation**

That the Board of Supervisors **conditionally approve** the Orchard Square Final Land Development Plan.

- 6. REVIEW OF PARKING ANALYSIS/STUDY - TAX PARCEL 24-433-007-000** 20 minutes  
*Jenna Wargo, Director of Planning and Zoning*

**Narrative**

Penn Terra Engineering, Inc., on behalf of their client, MP Machinery, has submitted a Parking Analysis/Study for a potential land development plan. Tax parcel 24-433-007-0000, located at 2161 Sandy Drive, MP Machinery is proposing an addition to its existing structure in an effort to provide additional storage and testing areas. The current plan proposes 8,088 square feet to be added to the building. Since this proposed use is not included within the Required Off-Street Parking Table, per Chapter 22-5C01.1.B.92, the parking shall be determined through a parking analysis/study for Planning Commission to review and recommend the required parking for this project.

As a result of the November 2019 Comprehensive Update, §22-5C01.1.B.92 was a new addition to the Subdivision and Land Development Ordinance and this is the first time the Board of Supervisors is reviewing a request like this.

Planning Commission reviewed the parking analysis at the March 14, 2022, regular meeting and recommended the applicant provide 3 additional parking spaces on site, for a total of 27 parking spaces.

*Recommended Motion: That the Board of Supervisions approve the Ferguson Township Planning Commission's recommendation of 3 additional parking spaces be required, for a total of 27 spaces on site, for the 8,088 square foot addition.*

**Staff Recommendation**

That the Board of Supervisors **approve** the recommendation to add three (3) additional spaces to the addition.

- 7. AWARD OF CONTRACT 2022-C7A – FUEL** 5 minutes  
*David Modricker, Director of Public Works*

**Narrative**

On March 29, 2022, bids were opened publicly and read aloud for contract 2022-C7a Fuel. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves the purchase of gasoline and diesel fuel in bulk shipments. Provided with the agenda is a memorandum from David Modricker, Public Works Director, dated March 30, 2022, recommending award of the contract.

*Recommend Motion: That the Board of Supervisors award Contract 2022-C7a Fuel to Nittany Oil Company in accordance with their bid in the amount of \$111,949.50.*

**Staff Recommendation**

That the Board of Supervisors **award** Contract 2022-C7a Fuel.

**8. AWARD OF CONTRACT 2022-C7C MATERIALS - ASPHALT AND AGGREGATE** 5 minutes  
*David Modricker, Director of Public Works*

**Narrative**

On March 29, 2022, bids were opened publicly and read aloud for contract 2022-C7c Materials - Aggregate and Asphalt. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves the purchase of stone delivered to the Township building and the purchase of asphalt at the plant. Provided with the agenda is a memorandum from David Modricker, Public Works Director, dated March 30, 2022, recommending award of two separate contracts.

*Recommend Motion: That the Board of Supervisors award items 1, 2, 3, and 4 (aggregate) to Hanson Aggregates Pa. LLC, in the amount of \$19,840.00; and award items 5, 6, 7, and 8 (asphalt) to HRI, Inc., in the amount of \$59,800.00, all under Contract 2022-C7c in accordance with their bids.*

**Staff Recommendation**

That the Board of Supervisors **award** Contract 2022-C7c Materials-Asphalt and Aggregate as recommended.

**9. PRELIMINARY MARKETING PACKAGE FOR LOT ON BLUE COURSE DRIVE PRESENTED TO FERGUSON TOWNSHIP** 15 minutes

**Narrative**

Provided with the agenda is a preliminary marketing package prepared by Trombley Real Estate on behalf of their client, owners of property located along Blue Course Drive, Tax ID Parcel 24-001B,026-,0000. The owners of the property are in support of the concept of Songbird Sanctuary Park and offer the Township an opportunity to exclusively discuss the possibility of a sale to Ferguson Township, if desired by the Board. The Board is asked to determine if there is interest in having staff investigate the property and present at a future executive session a cost-benefit analysis.

*Recommend Motion 1: That the Board of Supervisors direct staff to investigate the property and present a cost-benefit analysis at a future meeting.*

*Recommend Motion 2: That the Board of Supervisors decline the invitation to discuss the possibility of a purchase of the lot on Blue Course Drive.*

**Staff Recommendation**

That the Board of Supervisors **receive and discuss** the preliminary marketing package prepared by Trombley Real Estate on behalf of their client.

**X. COMMUNICATIONS TO THE BOARD**

**XI. CALENDAR ITEMS – March/April**

- a. Coffee & Conversation, Saturday, April 16, Discovery Space
- b. Ferguson Township Upcoming Meetings
  - 1. Planning Commission, April 11, 15
  - 2. Board of Supervisors Worksession, April 12

3. Parks & Recreation Committee, April 14
4. Tree Commission, April 18
5. Pine Grove Mills Small Area Advisory Committee, April 28

## **XII. ADJOURNMENT**

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**  
**Strategic Plan Update**  
**Worksession Minutes**  
**Tuesday, March 8, 2022**  
**2:00 p.m.**

**ATTENDANCE**

The Board of Supervisors held a worksession that continued the discussion of the Strategic Plan Update on Tuesday, March 8, 2022, as a hybrid meeting. In attendance were:

<b>Board:</b>	Laura Dininni, Chair Patty Stephens Tierra Williams Hilary Caldwell	<b>Staff:</b>	Centrice Martin, Interim Township Manager Jenna Wargo, Planning/Zoning Director Dave Modricker, Public Works Director Chris Albright, Chief of Police
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Others in attendance included: Faith Norris, Recording Secretary; Art Reede, Resident; Ryan Hamilton, Resident; Mark Kunkle, Resident.

- I. CALL TO ORDER**  
Ms. Dininni called the Tuesday, March 8, 2022, worksession to order. Roll call was taken and there was a quorum.
- II. CITIZENS INPUT**  
There were no comments.
- III. UNFINISHED BUSINESS**
  - 1. CONTINUED DISCUSSION OF THE STRATEGIC PLAN UPDATE**

Financial Stability

Ms. Martin reviewed the proposed objectives and action steps. The program allows for scenario-based modeling that can be utilized;

Ms. Dininni discussed investment of tying in the regional component of municipal services – visually and verbally in this section. Synchronize efforts of internal controls collaboratively.

Ferguson Township will be a community with a mix of land uses that maintains a diverse tax base and supports high quality of life.

Ms. Wargo discussed objectives under item C. Specifics were noted on some categories, i.e., taxes, preservation of historic buildings, services to the Township and utilizing local businesses and regional municipal services. Ms. Wargo noted economically speaking to utilize local businesses vs. big box stores for office supplies to keep the money local. Ms. Dininni confirmed with staff that the funds can be used anywhere in the district for the workforce housing ordinance and look for possible expansion in the future. Ms. Dininni agreed on the conceptualization of funds.

Ms. Martin stated that Chief Albright did a collaborative process that reviewed ways to save money and manage/minimize costs.

Economic Development.

Ms. Martin noted that Township departments were tasked with goals and objectives for this section. Mr. Modricker suggested reviewing this section in the 2014 action plan to see if there were objectives to keep for current action steps. Ms. Martin discussed the proposed development of a

pandemic economic recovery response plan. Ms. Dininni and Ms. Martin discussed examples of promoting and supporting local business and residents under the proposed objective, Leverage information systems for enhanced livable, sustainable, and resilient community.

Ms. Wargo discussed the next topic that encompassed encouraging a diverse economic base and a business climate that is nurturing to new businesses in Ferguson Township. Ms. Dininni noted how some new local business owners have complimented how well the staff work with them and asked how to advertise those quotes directly. Redevelopment and Economic Development discussion followed and to possibly tie this in to the Pine Grove Mills Small Area Plan Committee. Discussion followed on proposed murals/public art/other activities for the objective, Maintain and create quality of life factors that attract residents.

#### Growth Management/Redevelopment.

Ms. Wargo reviewed objectives. Ms. Dininni clarified that there are additional steps needing completed for Zoning and Subdivision ordinance land development plans.

Ms. Dininni noted to review the incorporated goal 10 of the 2014 Strategic Plan at a future discussion.

#### Environmental Stewardship.

Mr. Modricker reviewed the objectives. Mr. Modricker suggested adding, 1) Water Quality related to the Township's Pollutant Reduction Plan for the Chesapeake Bay Watershed, and 2) incorporate Renewable Energy Action Steps into the Capital Projects for development similar to the solar array on the Public Works Building.

Staff discussed letter f. that should go above i. in this section; g. and h. objectives in between were provided by the Police Department. Mr. Modricker continued discussion on g. and h. objectives regarding electric and hybrid vehicles. Public Works staff continues to investigate options for their larger trucks.

Ms. Dininni suggested adding to vehicles "*and equipment*" to g. and h objectives.

#### Sustainable Development

Ms. Wargo reviewed the principals for this objective. Topics discussed were under development opportunities for community gardening and urban agriculture. Ms. Dininni liked the emphasis on working with the HOAs.

#### Best Management Practices

Staff discussed the objectives. Under the objective Continuous Improvement Chief Albright discussed accreditation requirements, policies, setting up a partnership with Patton Township on electronic forensics, and regional needs to share resources. He further discussed training, advertising, recruitment, and retention. Mr. Modricker noted the Chief's discussion items could be extended to other departments. Mr. Modricker reviewed Capital projects objectives.

Ms. Williams asked if the Township has a say in the types of training for its officers. Chief Albright reviewed in detail what the state mandates for training requirements. The Township does set training requirements outside of the state's core requirements.

Ms. Dininni brought the conservation back to Capital projects. She asked about building out this objective in regards to adequate staffing to include planning of Capital projects while acknowledging regional efforts along with aligning it with the Township's financial responsibilities.

Mr. Modricker reviewed Maintenance and Work orders/scheduling. He discussed Asset Management; i.e., Stormwater, roads, trees, traffic signals, building systems, etc..., to determine conditions to keep in operating order and to adequately prepare the Capital Improvement Plan (CIP).

Ms. Stephens asked who is responsible for keeping track of Township signs. Mr. Modricker stated the Township inventories the signs inside the Township's boundary, and then assigns ownership as an attribute. Some signs are PennDOT's responsibility and some are the Township's responsibility. Ms. Stephens noted concern for a hole left by a sign removed on Aaron Drive and Atherton Street that could impale someone. Mr. Modricker will check into the issue.

Next objectives under BMP discussed under letters k and l. Possibly integrate into the Strategic Plan.

Next objectives under BMP discussed under m –p. Ms. Martin noted once the Strategic Plan is adopted a BMP suggestion has been made to continue giving regular progress updates in some capacity.

#### Participatory Government

Chief Albright did an overview of current and future outreach efforts; i.e., Baileyville Grange Fire Safety event, CentreRides- bicycle lights for distribution, bicycle and other Township sponsored events.

Ms. Williams inquired about using universal digital keys for identification in regards to child safety. Discussion followed on kid care and elderly identifiers / contact information. Chief Albright noted that we could explore options.

#### Diverse Community...to foster community involvement

Ms. Wargo read the objectives. She keyed on resident guides for new homeowners and how to identify new renters coming into the Township and getting a resident guide to renters as well.

Item iv – Provide opportunities to public to participate at public meetings in a hybrid and safe format. Allow flexibility in meeting formats in person and remote based on community transmission rates of COVID-19.

Item v – Promote ABCs. Ms. Dininni noted she supports this objective of engaging the ABCs.

#### Promotion of Municipal Identity

Item a – Mr. Modricker noted this item is for consideration. To be seen as other than “State College Area”; benefit of locals or visitors; what is our brand; our diversity – crossing the border from Town and Gown to Agriculture, open space and forests.

Item b – Ms. Wargo built off of item a and read the objectives. Community of distinctiveness of place, strong place brand. Topics: audit brand; engage audiences; create alignment between businesses and community. Mr. Modricker discussed a gateway from the proposed objectives, i.e., Mobility Study for Pine Grove Mills – how or what are we branding PGM / Township? Chief Albright suggested to bring back the Open House (Dunking machine!) and use social media more.

#### Partnerships and Regional Thinking

Ms. Wargo read the objectives.

Ms. Dininni suggested adding to the objective, “Maintain a working relationship with the COG *in a manner that does not duplicate, is efficient and cost effective.*”

Reviewed last four proposed objectives that piggybacked on the continuation of maintaining working relationships. This included social services and private entities. Chief Albright elaborated on these objectives.

The last objective discussed was maintaining shared Records Management System. Working through current issues.

Ms. Martin and Ms. Dininni thanked staff for working through the objectives and to the Board for the opportunity for collaboration and feedback. Ms. Dininni noted Mr. Peter Melan’s presentation is coming up at the next Board Meeting on March 15. The draft was sent to the Board with recommended actions. Specific discussion at the next meeting will include the Diversity Equity and Inclusion goal and areas to build out/action steps under staff recommendations.

Extra thanks went to Ms. Wargo and Ms. Martin for their extended efforts.

**IV. CALENDAR ITEMS – MARCH – as noted on agenda**

**V. ADJURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 3:26 p.m.

Respectfully submitted,

Centrice Martin, Interim Township Manager  
For the Board of Supervisors

## FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting  
Tuesday, March 15, 2022

### ATTENDANCE

The Board of Supervisors held its second regular meeting of the month on Tuesday, March 15, 2022 as a virtual zoom meeting. In attendance were:

<b>Board:</b>	Laura Dininni, Chair	<b>Staff:</b>	Centrice Martin, Acting Township Manager
	Lisa Strickland, Vice Chair		Eric Endresen, Finance Director
	Hillary Caldwell		Dave Modricker, Director of Public Works
	Patty Stephens		Jenna Wargo, Director of Planning and Zoning
	Tierra Williams		Chris Albright, Chief of Police
			Brian Greene, Police Officer
			Cherese Greene, Police Officer

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Ferguson Township Planning Commission; Charima Young, Ferguson Township Resident; Ford Stryker, University Area Joint Authority; Chris Rogan, Ferguson Township Resident; Peter Melan, Chief Consultant at Polity

### I. CALL TO ORDER

Ms. Dininni called the Tuesday, March 15, 2022, regular meeting to order at 7:00 p.m.

Ms. Martin 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 virtual meeting via Zoom with space available in the Township 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. The chat feature has been turned off. C-NET is recording as well. Ms. Martin took Roll Call and there was a quorum.

Due to technical difficulties, Vice Chair Strickland temporarily took over the meeting.

### II. CITIZENS INPUT

There were no comments.

### III. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the February 8, 2022 Board of Supervisors Worksession and the March 1, 2022, Board of Supervisors Regular Meeting Minutes. Ms. Caldwell seconded the motion. The motion passed unanimously.

### IV. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT

#### a. University Area Joint Authority Report

Mr. Mark Kunkle, UAJA Board representative noted that the report is provided in the agenda packet.

Ms. Strickland reported that she is the other member of the UAJA and reviewed the Meeks Lane Act 537 Plan Special Study. Ms. Strickland stated that the study will come back to the Land Use

and Community Infrastructure Committee in April. If any Board member has comments/feedback, please contact Ms. Strickland.

Ms. Dininni stated that she has no preference at this time for the UAJA plan.

## V. SPECIAL REPORTS

### a. COVID-19 Local Response Report – Centrice Martin, Interim Township Manager

Ms. Martin reported that there has not been changes in the operational aspect of the Township from the last update. Ms. Martin noted that the [CDC](#) released an interactive map to track the cases and Centre County is in the low category. Residents can order free home COVID-19 tests through the Federal Government. Centre County has 31,026 positive cases with approximately 341 deaths. There have been 86,551 reported negative cases reported on the PA COVID-19 Dashboard for Centre County. Across the Commonwealth, the cases have reached 2,297,484 and there have been 43,909 deaths. Centre County full vaccination rate shows that 94,460 residents have been fully vaccinated with approximately 14,139 having received one dose. The County vaccination rate is at 69.5%. Mount Nittany Medical Center has 3 positive patients in their care ranging in ages from 58 to 89 years of age. 2 of the 3 hospitalized were unvaccinated. Ms. Martin thanked the community for their patience and understanding as we recover from the pandemic.

### b. Diversity, Equity, and Inclusionary Initiatives – No Report.

### c. Township and Fiscal Responsibility – Welcome Officer Greene and Officer Greene, Update on the Emergency Management Services Legislative Breakfast

Chief Albright introduced the two new Ferguson Township Police Officers. Chief Albright noted it is a unique situation because the two officers are siblings. Chief Albright noted that Brian Greene received his bachelor's degree in Criminal Justice from Lock Haven University and honorably served in the Air National Guard. Officer Brian Greene was a police officer at Lock Haven City Police Department. Officer Cherese Green earned a Bachelor of Science in Social Services from Lock Haven University and has held several positions in social services including a mental health case worker for Centre County. The officers will start their 14-week field training.

Ms. Dininni thanked the officers for their willingness to serve the community.

Ms. Stephens updated the Board on the Emergency Management Services Legislative Breakfast and noted the EMS is in crisis due to funding and personnel issues.

Ms. Williams was in attendance and suggested more education to the public regarding the differences between the paramedics, the EMS, and the Quick Response System. Ms. Williams noted that they are all funded differently.

Ms. Dininni noted in the Finance Committee it was discussed that some of the municipalities contributed to Centre Life Link from their budgets and suggested to meet on a regional level for coordinated support. Ms. Stephens reported that the message was received by the state and county level.

### d. Community And Economic Development – No Report

### e. Environment – Snetsinger Butterfly Garden (SBG) – No Report

Ms. Dininni reported that there was an Executive Session on March 8<sup>th</sup> on matters of personnel.

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

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

All reports are included in the agenda packet.

#### **a. Land Use and Community Infrastructure Committee**

Ms. Strickland highlighted the Broadband Internet Study; Bike Plan; Bike Month; Meeks Lane Pump Station; and the Comprehensive Plan.

#### **b. Finance Committee**

Ms. Dininni noted that her report is in the packet.

#### **c. Climate Action and Sustainability Committee**

Ms. Caldwell reported that they endorsed the Solsmart Designation Certification and requested staff to look into becoming a gold Solsmart Designation.

Ms. Strickland and Ms. Dininni asked how the discussion on trash collection went. Ms. Caldwell reported that it went smoothly. Ms. Dininni expressed concerns with the 6:00 a.m. start time to collect trash due to noise.

#### **d. Parks Capital Committee**

Ms. Dininni highlighted the Whitehall Road Regional Park and Project Manager, and the review of the CIP.

## **VII. STAFF REPORTS**

All reports are included in the agenda packet.

#### **a. Interim Township's Manger's Report**

Ms. Martin shared that the ABC Picnic is tentatively confirmed for June 2. More information will become available in the future.

Ms. Strickland thanked Ms. Martin for the work on the Radio Park Elementary School/Cherry Lane zone. Ms. Dininni concurred with Ms. Strickland and asked if there was any interest with the Crossing Guard position. Ms. Martin stated that Mr. Modricker deserves credit for the extra work at the Radio Park Elementary School. Ms. Martin reported there was one inquiry for the position.

#### **b. Public Works Director Report**

#### **c. Planning and Zoning Report**

#### **d. Chief of Police**

## **VIII. UNFINISHED BUSINESS**

### **a. Public Hearing Ordinance - Zoning and Subdivision & Land Development Amendments**

Ms. Wargo reported that in November 2019, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the comprehensive amendments, staff have been tracking errors and omissions while interpreting the ordinances and

is recommending additional amendments to address these issues. Provided with the agenda are the draft amendments to each chapter as provided and reviewed by all local, regional, and county reviewers, as well as the redlined version.

Public Hearing – There were no comments.

Ms. Stephens moved that the Board of Supervisors **adopt** the ordinance amending Chapter 16, Parks and Recreation, Part 1, Section 106 and 107, Chapter 22, Subdivision and Land Development, and Chapter 27, Zoning by amending sections as described in the attached exhibits. Ms. Caldwell seconded the motion.

Ms. Dininni thanked staff for their hard work. Ms. Dininni asked for clarification with Chapter 17-107C regarding permits and food trucks. Ms. Wargo reported that the background check requirement was removed. Ms. Wargo stated that it will be clearer in the resolution once the ordinance is adopted. Ms. Dininni expressed concerns about the process for food trucks to obtain a permit and noted the problem hasn't been solved. Ms. Williams asked what the differences are other than the background checks and concurred with Ms. Dininni that the problem isn't solved. Ms. Wargo stated that currently it is the same process where they start at the Township and then they go to Parks and Rec. for approvals. Ms. Wargo shared that her goal is to work with Pam Salokangas to figure out and simplify the process.

Ms. Stephens asked for the title of background checks. Ms. Wargo reported that it is the Child Abuse Clearance, PA State Police Criminal Record, and the FBI Record. Ms. Wargo stated they cost approximately \$70.

Ms. Williams and Ms. Dininni shared confusion regarding the possible denial of a permit from the Township. Ms. Dininni asked staff to investigate.

ROLL CALL: MS. DININNI – YES: MS. STEPHENS – YES: MS. STRICKLAND – YES: MS. WILLIAMS: YES: MS. CALDWELL – YES

The motion passed unanimously.

b. Continued Discussion – Strategic Plan Update

Ms. Martin reported that in attendance is Mr. Peter Melan to present the final draft of the 2022 Ferguson Township Strategic Plan which is provided within the agenda packet.

Mr. Melan opened the floor for discussion.

Ms. Williams questioned the language with Promotion of Municipal Identity. Ms. Williams thanked Mr. Melan for the diversity language throughout the document.

Ms. Dininni requested to include the results of the survey and the number of participants from all the public meetings. Mr. Melan will include. Under the appendices, Ms. Dininni requested to integrate staff feedback into the main document. Ms. Martin noted that there were additional staff feedback, and it would be helpful to have additional time for feedback. Ms. Martin suggested forming a subcommittee to allow for 1-2 further review of the appendices and feedback. Mr. Melan agreed to provide support to the Board without additional fees.

Ms. Strickland moved that the Board of Supervisors **accept** the draft Strategic Plan Update and form a subcommittee to review and comment for a final update to be reviewed by the Board at the next work session prior to adoption. Ms. Caldwell seconded the motion.

Ms. Dininni, Ms. Strickland, Ms. Williams, and Ms. Caldwell volunteered to be on the subcommittees. There will be two to avoid a quorum.

The motion passed unanimously.

## IX. NEW BUSINESS

### 1. Consent Agenda

- a. Donation request by Discovery Space
- b. Special Event Request – Central Cycling Classic Special Event Application
- c. Contract 2021-C18 Homestead Play Equipment Payment Application: \$25,333.53

Ms. Dininni pulled Item B. – Special Event Request from the consent agenda.

Ms. Stephens moved that the Board of Supervisors **approve** A and C of the Consent Agenda. Ms. Williams seconded the motion. The motion passed unanimously.

### 2. Request for Modification/Waiver – Rogan/264 Sycamore Drive Land Development Plan Lighting

Ms. Wargo reported that Penn Terra Engineering, Inc., on behalf of their client, has requested a waiver from §22- 401.1.C.1.(g)—Lighting and Landscaping Plan. This section of the ordinance requires the applicant to provide a lighting plan sheet, and a landscaping plan sheet. Since this land development plan is proposing a single-family home and included in the draft Subdivision and Land Development Ordinance amendments, these requirements are proposed to be exempt for single-family homes. Staff is not recommending any conditions to be included with the request. Planning Commission reviewed the application at the February 14th meeting and recommended approval of the waiver from §22-401.1.C.1.(g)—Lighting and Landscaping Plan.

Ms. Stephens moved that the Board of Supervisors **grant** the waiver from §22- 401.1.C.1.(g)—Lighting and Landscaping Plan. Ms. Williams seconded the motion. The motion passed unanimously.

### 3. Consideration of Sycamore Preliminary/Final Land Development Plan

Ms. Wargo reported that On December 13, 2021, Penn Terra Engineering, Inc., submitted, on behalf of their client, the Rogan/264 Sycamore Drive Preliminary/Final Land Development Plan. The applicant is proposing to construct a single-family home on the 7.566-acre lot. The residential home is required to submit a land development plan because it is proposed in an area identified as having steep slopes. The parcel is located within the Single-Family Residential (R1) zoning district. On October 4, 2021, the applicant was granted a modification from §22-301— General, to permit this plan to proceed as a Preliminary/Final land development plan. Ferguson Township Planning Commission reviewed this plan at the February 28 meeting and recommended approval.

Ms. Caldwell moved that the Board of Supervisors conditionally **approve** the Rogan/264 Sycamore Drive land development plan subject to the conditions described in the Planning Director's memorandum dated March 8, 2022. Ms. Strickland seconded the motion. The motion passed unanimously.

### 4. Request for Variance/Zoning – 901 Teaberry Lane

#### a. **REQUEST FOR VARIANCE – 901 TEABERRY LANE (T.P. 24-118-117-0000**

Ms. Wargo noted that provided with the agenda is a copy of an application submitted by Charles Allen for a property located at 901 Teaberry Lane (T.P. 24-118-117-0000). The applicant requesting a variance from §27-701.3.C.(1)—Floodplain Conservation to replace in-kind, an existing patio and stairs. The zoning ordinance prohibits all new construction or development (including substantial improvements) in the floodplain.

Ms. Dininni asked if the pavers are permeable and if not, Ms. Dininni would vote to oppose because it would entail further encroachment. Mr. Modricker noted that he was not sure, but typically patio blocks are impervious. Ms. Wargo stated that the Zoning Hearing Board will review to permit the variance to replace in-kind the existing patio and the additional request to expand the patio. If the applicant can show in the public meeting that there are no signs of water coming up, it could be approved, but Ms. Wargo stated again it's up to the Zoning Hearing Board. Ms. Dininni stated that after further discussion, she would remain neutral but would like further information in the future.

Ms. Strickland stated that she is leaning towards not being neutral due to the floodplain issue and the need to be consistent. Ms. Strickland requested an explanation from staff for remaining neutral. Ms. Wargo stated she likes staying neutral in cases where there is an in-kind repair of what is there. Ms. Dininni is in favor of approving the in-kind repairs but not the expansion. Ms. Wargo can attend the Zoning Hearing Board to relay that the Board approves the existing but not the expansion. After hearing about the retaining walls, Ms. Strickland stated she would remain neutral.

Ms. Williams moved that the Board of Supervisors remain **neutral** on the variance request. Ms. Stephens seconded the motion. The motion passed unanimously.

#### 5. Contract 2022-C6 – Curb and Ramp Upgrades

Mr. Modricker reported that on March 8, 2022, bids were opened publicly and read aloud for contract 2022-C6, Curb and Ramp Upgrades. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves concrete curb and ramp upgrades to meet ADA (Americans with Disability Act) requirements for sections of roads that are planned for microsurfacing in 2022. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer dated March 8, 2022 recommending award of the contract.

Four (4) bids were received as follows:

Wolyniec Construction - \$125,597.50  
LandServ, Inc - \$148,803.45  
Glenn O. Hawbaker - \$182,454.15  
HRI, Inc. - \$289,480.60

Ms. Stephens moved that the Board of Supervisors **award** Contract 2022-C6, Curb and Ramp Upgrades, to Wolyniec Construction, Inc. in accordance with their bid in the amount of \$125,597.50. Ms. Williams seconded the motion. The motion passed unanimously.

#### 6. Reject Bid and Cancel Contract 2022-C4 – Pavement Repairs

Mr. Modricker reported that on March 1, 2022 bids were opened publicly and read aloud for contract 2022-C4. The bid was advertised in the Centre Daily Times and was sent to potential bidders. The contract involves pavement base repair at various locations on roads throughout the Township. The work is to be done in advance of microsurfacing certain roads. Provided with the agenda is a memorandum from Ryan Scanlan, Assistant Township Engineer dated March 7, 2022, recommending the contract not be awarded. The contract price to do the work is twice the Engineer's estimate to perform the work. A review of historical pricing for the same work performed

by FTPW forces indicates the work can be performed more cost effectively inhouse. FTPW will make time in the schedule to perform this base repair work prior to contract microsurfacing.

Ms. Caldwell moved that the Board of Supervisors **reject** the bid for Contract 2022-C4 Pavement Repairs and cancel the contract. Ms. Williams seconded the motion.

Ms. Caldwell stated that she would have a hard time voting to approve anything for Glenn O. Hawbaker due to the theft of wages from his employee. Mr. Modricker stated that there was legal action taken and they do hold prequalification's to bid. Mr. Modricker noted that one of the Township's contract requirements is that they are to be PennDot prequalified. If their prequalification is revoked, they won't be an eligible bidder. Mr. Modricker didn't reject the bid due to their indiscretions.

The motion passed unanimously.

#### 7. Special Event Request – Central Cycling Classic Special Event Application

Ms. Dininni stated that she strongly supports the event, but the signs are being placed in the Township's right-of-way. Ms. Dininni suggested revising the application to ensure that communication of the sign ordinance is conveyed. Also, Ms. Dininni asked if the Dept. of Health and Neighborhood Services at the Borough need to be notified. Ms. Martin stated that staff should be able to revise the application, but if not, she will place on the April 5<sup>th</sup> Board meeting agenda. Ms. Dininni asked if the applicant could be notified to remind them how to go about posting signs.

Ms. Stephens moved that the Board of Supervisors **approve** the permit application for the Central Cycling Classic Special Event. Ms. Strickland seconded the motion. The motion passed unanimously.

### X. COMMUNICATIONS TO THE BOARD

Ms. Williams invited the Board to participate in the Day of Unity Remembering Osaze Osagie on March 20<sup>th</sup>.

Ms. Dininni received communication about dog feces on the only walking path in Pine Grove Mills. We may hear more about solving the problem in the future.

Ms. Dininni received a question from a resident about permit requirements. The resident wanted to know if a permit is required for replacement windows in multi-family housing units. Ms. Dininni found out from the Code Director that you do not need a permit and was surprised a permit isn't required.

Ms. Dininni received a stormwater fee complaint from a farmer and will follow-up with them.

Ms. Dininni received a complaint about the fill pile off North Nixon. Ms. Dininni will follow up with Ms. Wargo to learn where this would fall in the zoning code.

### XI. CALENDAR ITEMS – MARCH

- a. Fire Safety Event at Baileyville Community Hall was postponed due to snow
- b. Coffee & Conversation, Saturday, April 16, Discovery space
- c. Ferguson Township upcoming committee meetings:
  1. Planning Commission - Monday, March 28
  2. Tree Commission - March 21
  3. Pine Grove Mills Small Area Advisory Committee - March 24, April 28

4. Planning Commission, March 28, April 11, 25
5. Parks & Recreation Committee, April 14

**XII. ADJOURNMENT**

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Centrice Martin, Acting Township Manager  
of the Board of Supervisors

DRAFT



## memo

TO: Ferguson Township Board of Supervisors

CC: Centrice Martin, Interim Township Manager  
Louwana Oliva, CATA Executive Director/CEO

FROM: John C. Spsychalski, Representative to the Centre Area Transportation Authority (CATA)

DATE: April 5, 2022

SUBJECT: CATA First Quarter 2022 Report

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### **January 24, 2022 Reorganizational Board Meeting**

- Election of Officers for 2022
- Adoption of 2022 Meeting Schedule
- Appointment of CCMPO Technical and Coordinating Committee Representatives

### **February 15, 2022 Work Session**

- On-Demand Work Plan for FY 2022/23 – The board received information about plans to move towards trip-by-trip ADA eligibility determinations, as recommended by PennDOT. This will be investigated in the coming year in consultation with CATA’s ADA Advisory Committee.
- Human Resources Technological Work Plan – The board received a presentation on the implementation of CATA’s new payroll and human resources software.
- Legislative Update – The board received an update on legislative advocacy efforts and anticipated federal and state funding levels for FY 2022/23.
- Strategic Planning Work Plan – Consideration was given to whether it might be time to embark on the next strategic planning process, given that CATA is in year seven of its current ten-year Strategic Plan. A board work session on strategic planning will be convened upon completion of the Reimagine CATA study.

### **February 28, 2022 Regular Board Meeting**

- Recognition of Certified Operator Trainers – CATA’s adopted Public Transportation Agency Safety Plan (PTASP) requires that all bus operators who participate in training activities complete a formal instructor certification program. CATA’s inaugural group of TAPTCO-certified Operator Trainers was introduced and congratulated by the board.

- Update on Public Transportation Agency Safety Plan (PTASP) Activities – The board received information on a formal mentoring program for new bus operators that will be included in CATA’s FY 2022/23 work program.
- CATA Board of Directors Job Description, Requirements, and Expectations and Board Member Agreement – The board approved an update to the 2014 CATA Board of Directors Job Description and Expectations to reinforce the responsibilities and expectations of CATA board members.
- Collective Bargaining Agreement – The board ratified a new three-year collective bargaining agreement with the membership of AFSCME Local 1238 to cover the period of March 1, 2022 through February 28, 2025.
- Human Resources Department Update – The board received an update on activities aimed at alleviating the current staffing crisis, including a wide-ranging multi-media advertising campaign, participation in career and hiring fairs, and future potential partnerships with the Central Pennsylvania Institute of Science & Technology (CPI) and other technical/vocational schools for a CATA-specific maintenance training program.

### **March 15, 2022 Work Session**

- Service Concepts/Recommendations – The board received a presentation on a new service concept for fall 2022 that would restore a level of service to areas where fixed route service is currently reduced or suspended through the introduction of connector routes and two new microtransit zones. Other proposed service concepts include redefined late night and Sunday service and restoration of scheduled mid-day express service. Details on all proposed service changes can be found on the CATA website at <https://catabus.com/proposed-fall-service/>. It should be noted that CATA’s ability to implement the full complement of service concepts in August depends on having sufficient bus operators to operate the services listed. If not, CATA will continue to operate as-is throughout the fall (with the addition of redefined Sunday service to be reintroduced in May as approved at the March 28 board meeting), and this plan will be reconsidered for implementation in January 2023.
- Fare and Contract Recommendations – The board was presented with fare and contract recommendations for the draft FY 2022/23 budget. There will be no changes to non-contract passenger fares.
- FY 2022/23 Local Match Shares – The board authorized correspondence to each of the member and non-member municipalities and PSU that outlines the proposed creation of a standalone committee for developing a new local match shares formula that could be ready for CATA board approval prior to municipal budget preparation in fall 2022 and that asks for municipal support of a flat 5% increase in local match shares for FY 2022/23 for both member and non-member municipalities.

### **March 28, 2022 Regular Board Meeting**

- Introduction – Mr. Lon Beck, newly appointed CATA board representative for State College Borough, was introduced to the board and staff.

- Reinstatement of Sunday Service – The board approved reinstating a redefined Sunday service on **CATABUS** and **CATARIDE** that uses the NV and RP routes and a shortened version of the new College Avenue Connector (details at <https://catabus.com/proposed-fall-service/>), effective May 8, 2022.
- Fare Collection Project Update – The board received a presentation on considerations to be examined as part of a Request for Proposals (RFP) for consultant services to assist in the creation of a comprehensive RFP for the procurement of a new fare collection system.
- Purchase of Two 60’ Articulated Buses – The board authorized the purchase of two 60-foot CNG-powered articulated transit buses from New Flyer of America using PennDOT grant funding originally awarded in FY 2018/19. This will bring CATA’s fleet of articulated buses to eight.
- Public Hearing on Proposed Service Changes – The board authorized staff to schedule a public hearing on proposed fall 2022 service changes for Thursday, April 14, 2022, from 4:30-6:30 p.m. at the Schlow Centre Region Library. Comments can also be provided on the CATA website, via email to [comments@catabus.com](mailto:comments@catabus.com), and by calling CATA’s Customer Service Center at (814) 238-2282 through Tuesday, April 19.
- Fleet Plan Update – The board received a report detailing the status of CATA’s fleet of fixed route, paratransit, microtransit, vanpool, and service vehicles. This information will serve as the basis for preparing CATA’s FY 2022/23 capital grant application to PennDOT later this year.

The 2022 meeting schedule, current agenda, and approved minutes of all regular CATA Board of Directors meetings since 2015 are available at <https://catabus.com/about-cata/board-of-directors/board-directors-meetings/>.

To: Centrice Martin, Ferguson Township; Jasmine Fields, Tom Fountaine, State College Borough; Betsy Whitman, Patton Township  
Cc: Ilona Ballreich, Penn State Sustainable Communities Collaborative  
From: Lara B. Fowler, Penn State Law, Penn State Institutes of Energy & the Environment  
Re: Progress Report on Sustainable Communities Collaborative project on single use plastics  
Date: March 15, 2022

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Management of single use plastics is a question raised by multiple local jurisdictions in Centre County, including Ferguson and Patton Townships and the Borough of State College. This question is currently being examined by students in Penn State Law's Negotiation and Dispute Resolution Design Course (EXPR 936), which includes 36 students. All students are graduate students pursuing different degrees: a law degree (JD), a master of laws (LL.M.- for international students), or a master's of international affairs through the School of International Affairs. Because management of something like single use plastics spans multiple jurisdictional boundaries, it raises questions pertinent to negotiation theory and practice.

This is an interim update; a full report of findings will be provided later this semester. In the meantime, you are welcome to share this update with others who may be interested.

#### Background:

In 2019, students in this same course examined management of single use plastic bags for Ferguson Township. They interviewed multiple local stakeholders, including interested residents, businesses, officials, and more. They also researched how other jurisdictions addressed this issue.

Students made a number of key findings in 2019:

- A. Different communities, states, and countries have handled concerns about issues associated with plastic bags in a number of ways: voluntary programs, fees or incentive programs, and outright bans. In some areas, there has been a transition in approach from fees to bans. In contrast, some states have enacted a "ban on bans" prohibiting local government action.
- B. Any plastic bag management approach for Ferguson Township alone may be challenging because of the nested nature of communities and retail within this region; a regional approach to plastic bag management may be more effective and easier to implement.
- C. Communication with major stakeholders will be key to finding the right solution for Ferguson Township: "the residents of Ferguson want to know what is happening but they also want to be able to share their thoughts and opinions along the way in the process." At the same time, local businesses also need to be engaged in this process.
- D. A number of people in Ferguson Township have strong opinions about the proposed ordinance. One way to dissipate negative feelings about a single-use plastic bag ordinance starts with the use of the word "ban." Students instead used "plastic bag management" as a way to frame their work and questions.

For additional detail on the 2019 findings, see the attached appendices, which include a short summary and presentation shared with the Ferguson Township Board of Supervisors, and three student reports (one on plastic bag "bans," one on fees, and one on voluntary measures). These reports now contain outdated material but provide a good starting point.

As Ferguson Township and other local jurisdictions were considering taking action on single use plastic bags in 2019, the Pennsylvania Assembly enacted a moratorium on local governments' ability to do so. In March 2021, study results revealed the widespread presence of microplastics in local Centre County waterways.<sup>1</sup> In December 2021, the statewide moratorium on local action expired.

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<sup>1</sup> Geoff Rushton, Study Finds Microplastics in 100% of Tested Pennsylvania Waterways — Including 4 in Centre County, StateCollege.com (March 3, 2021), available online at <https://www.statecollege.com/study-finds-microplastics-in-every-sampled-pennsylvania-waterway-including-4-in-centre-county/>.

In late 2021 and early 2022, both Ferguson Township and the Borough of State College passed a resolution requesting staff to draft an ordinance on single use plastic management. In January 2021, the Ferguson Township Board of Supervisors requested an update of the work conducted in 2019 and a more regional approach to this question. The Borough of State College and Patton Township representatives also agreed to a more regional approach, with other local jurisdictions welcome to participate if interested.

Current process:

For students in this year’s class, we are updating the work done before and broadening the context to a more regional level and to single use plastics more generally defined (not necessarily just plastic bags). The current project has three overall phases: 1) background and context; 2) research on how other jurisdictions have handled this question, and 3) interviews with interested stakeholders.

Phase I: First, we have been working to familiarize students with background and context on managing single use plastics at a local level while also learning about negotiation theory. We began with how local governments work in Pennsylvania and in the Centre County region. This included a discussion with Centrice Martin (Ferguson Township), Jasmine Fields (State College Borough), and Betsy Whitman (Patton Township). We then discussed waste management in general and plastics in particular with Amy Schirf (Centre County Waste and Refuse Authority) and Shelly Mato (Centre Council of Governments). During this discussion, we brainstormed who might be interested in managing single use plastics, what issues might be present, and what potential options for management might be. At the same time, students have been learning about negotiation theory and then practicing through a series of role plays, including a role play on waste management in a fictional location. We are now transitioning into the next two phases.

Phase II & III: During March and into early April as needed, students will be researching and/or updating research on how other jurisdictions have approached single use plastic management and interviewing local stakeholders for their views. For the research, students will use a template that includes the information listed below, with approximately 36 jurisdictions to be examined. Our goal is to create concise summaries of this information (no more than 2-3 pages long). If you would like us to research particular jurisdictions or add additional categories, please let us know.

Research template:

Category	Description	Example from 2019 research
Jurisdiction	Name, location, population	Bedford, MA. Population 13,000.
Action taken	Ordinance, regulation/law, voluntary [Include link to language if available]	Ordinance banning single use plastic bags
Definition	How is single use plastic defined? What does it include?	Bags defined as thinner than 2.5 mils
Exemptions	Any exemptions	Unclear from research
Transition	What was the process of transitioning into this program?	Businesses could use existing stock until effective date; after this date, no further distribution allowed
Operation	How is the program handled day to day? If money is involved (i.e., a bag fee, how is it handled)?	Unclear from research
Enforcement	If included as an element, how is enforcement handled? Who addresses issues of concern?	Unclear
Covid	How did the pandemic affect this program, if at all?	Unclear
Other	Anything else notable	

In addition, we have started to identify a list of potential stakeholders to interview. Pam Adams, Sustainability Coordinator with the Centre Region Council of Governments, provided us with an initial list which we are then expanding.

Potential interviewees include people in following categories:

- Local government: elected officials, Township/Borough staff, County commissioners
- Council of Government staff
- Businesses: grocery stores, convenience stores, restaurants, other retail
- Non-governmental organizations: environmental groups, CBICC, State College Downtown Improvement District, other
- Penn State: food services, residence halls, other
- Health care: doctor's offices, hospital, medical facilities
- Apartment complexes
- Interested residents

Draft script/questions (subject to change):

- Introduction: who the interviewer is, why they are conducting the interview
- What are your perspectives on single use plastics such as plastic bags or other types of plastics that are only used once?
- Do you use or manage single use plastics [in your business]? If so, how?
- Any thoughts of how they should be managed, or considerations in management?
- If some action is taken, any thoughts on how a transition should be managed?
- [Other questions you may wish us to ask]

If you have particular people or organizations you want us to interview, please let us know; we are asking each student to interview at least 2 people. We also welcome those who would like to talk with us; someone interested in being interviewed can reach out to us via my email below.

We will compile both the research and the interviews into a summary. Our plan is to have a draft summary completed by April and we plan to participate in the Sustainable Communities Collaborative spring expo on April 27th.

If you or others have questions, please feel free to contact me; my email is [lb10@psu.edu](mailto:lb10@psu.edu). In the meantime, a list of attachments for background information is below.

Attachments:

- A. May 2019 Summary Memo to Ferguson Township Board of Supervisors
- B. May 2019 Presentation to Ferguson Township Board of Supervisors
- C. Student analysis #1: Single Use Plastic Bag Reduction Information and Analysis: Bans
- D. Student analysis #2: The Issue of Managing Single-Use Plastic Bags in Ferguson Township by imposing a fee structure.
- E. Student analysis #3: To Ban or Not to Ban: Examining Possible Plastic Bag Management Structures for Ferguson Township (examining bans and other voluntary measures)

**Attachments re: Single Use Plastic Bag Management from  
2019 Sustainable Communities Collaborative project**

- A. May 2019 Summary Memo to Ferguson Township Board of Supervisors
- B. May 2019 Presentation to Ferguson Township Board of Supervisors
- C. Student analysis #1 (2019): Single Use Plastic Bag Reduction Information and Analysis: Bans
- D. Student analysis #2 (2019): The Issue of Managing Single-Use Plastic Bags in Ferguson Township by imposing a fee structure.
- E. Student analysis #3 (2019): To Ban or Not to Ban: Examining Possible Plastic Bag Management Structures for Ferguson Township (examining bans and other voluntary measures)

## Attachment A: 2019 Memo to Ferguson Township

To: Ferguson Township Supervisors  
From: Lara Fowler, Penn State  
Cc: Dave Pribulka, Ferguson Township Manager  
Ilona Ballreich, Sustainable Communities Collaborative  
Re: Sustainable Communities Collaborative Project on Plastic Bags  
Date: Friday, May 17, 2019

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Thank you for the chance to brief you on Monday, May 20, 2019 as part of the Sustainable Communities Collaborative project on plastic bags. This provides a brief overview of the class and project results; a longer report with more detail is forthcoming.

Class overview: Negotiation and disputes resolution design (EXPR 936) is a class for law and master's level students. The goal of the class is to help students learn principles of negotiation and think about how to design systems to help resolve disputes using mechanisms other than a court. For this class, students had the choice of a group or individual project; most students selected a group project. Three of around 5 students groups focused on the question of plastic bags in Ferguson Township.

Process for this project: Manager Dave Pribulka provided us with the Nov. 2018 petition to ban plastic bags in Ferguson Township and a number of people to talk with. Students also toured the Township, including a stop at a local grocery store; during this tour, we met with Mr. Pribulka. Students set up and conducted interviews and researched how other communities have handled plastic bags. Finally, they identified potential process steps for how the Township might approach this topic going forward.

### Key findings:

1. Different communities, states, and countries have handled concerns about issues associated with plastic bags in a number of ways: voluntary programs, fees or incentive programs, and outright bans. In some areas, there has been a transition in approach from fees to bans. In contrast, some states have enacted a "ban on bans" prohibiting local government action.
2. Any plastic bag management approach for Ferguson Township alone may be challenging because of the nested nature of communities and retail within this region; a regional approach to plastic bag management may be more effective and easier to implement.
3. Communication with major stakeholders will be key to finding the right solution for Ferguson Township: "the residents of Ferguson want to know what is happening but they also want to be able to share their thoughts and opinions along the way in the process." At the same time, local businesses also need to be engaged in this process.
4. A number of people in Ferguson Township have strong opinions about the proposed ordinance. One way to dissipate negative feelings about a single-use plastic bag ordinance starts with the use of the word "ban." Students instead used "plastic bag management" as a way to frame their work and questions.

This synopsis includes a table with key stakeholders and their interests; brief considerations related to voluntary structures, fees, and bans, and potential process considerations.

Potential stakeholders	Potential Interests
Petition signers (~80 people)	<ul style="list-style-type: none"> <li>• Protect local/global environment (waste; fossil fuel impact)</li> <li>• Pass the ordinance into law</li> <li>• Educate public in Ferguson Township</li> <li>• Generate income for Ferguson Township environmental fund</li> <li>• Be heard and to adhere to political values</li> </ul>
Township residents (~19,000) <ul style="list-style-type: none"> <li>• Seniors, students, other</li> <li>• Those below poverty line, on fixed budgets</li> <li>• Employees, employers</li> </ul>	Collective perspective unknown. Interviewees noted the following: <ul style="list-style-type: none"> <li>• Preserve the local environment</li> <li>• Avoid spending money on bags; avoid tax increases</li> <li>• Carry items conveniently at point of sale</li> <li>• Be heard and adhere to political values</li> </ul>
Retailers: <ul style="list-style-type: none"> <li>• Small (e.g., gas station, ProCopy, Wiscoy)</li> <li>• Large (e.g., Giant, Weiss)</li> <li>• Farmers market</li> <li>• Restaurants (take out)</li> <li>• Potential entrepreneurs</li> </ul>	Business interests: <ul style="list-style-type: none"> <li>• Profit, serve customers efficiently, preserve clientele</li> <li>• Advertise through the use of printed plastic bags</li> <li>• Assess plastic bag management if no existing corporate protocol</li> </ul> Concerns about bag “ban”: <ul style="list-style-type: none"> <li>• Impact of transition; cost of alternative; shopping more expensive</li> <li>• Meaningful benefit to the environment (paper or reusable bags also have environmental impact)</li> <li>• Differential impact to customers (e.g., lower/fixed income); concern about customer reaction</li> <li>• Differential impact across region (Giant, Weiss in other areas)</li> <li>• Displacement of customers</li> </ul> Other considerations: <ul style="list-style-type: none"> <li>• Voluntary programs exist (e.g., Wiscoy bag reuse; Giant recycling)</li> <li>• Bag management promotes envt’l, saves cost of bag purchasing</li> <li>• If bag management enacted, transition to new system needed</li> <li>• Consistent regional approach helpful for larger retailers</li> <li>• Opportunity to be heard, engage</li> </ul>
Consumers who shop within Ferguson Township	Education on impact of bags Access to bags to carry out goods, reuse of bags
Ferguson Township <ul style="list-style-type: none"> <li>• Elected officials</li> <li>• Township manager, staff</li> </ul>	<ul style="list-style-type: none"> <li>• Serve Ferguson Township citizens and businesses</li> <li>• Address petition while hearing interests from all perspectives</li> <li>• Meet Community Bill of Rights, envt’l stewardship goals</li> <li>• Cooperate with other regional governments (e.g., State College)</li> <li>• Serve as a regional leader, avoid potential litigation</li> <li>• If bag management strategy enacted, need for education, implementation, and enforcement (staff time, resources)</li> </ul>
Surrounding communities, Centre Region COG	Borough of State College also petitioned Opportunity to learn from each other Regional reputation, lead in environmental issues
Bag manufacturers	Local company (Helix Poly Inc.) in Milesburg- impact to workers Plastics: 3 <sup>rd</sup> most profitable industry in U.S.
Waste handlers	Ability to recycle plastic bags into useable products Recycling rate of bags
Media	Heated issues generate interest, stories

In interviewing and researching how communities have managed plastic bags, there are a range of alternatives: voluntary, fees, and bans. In addition, they started to explore potential process steps. Finally, students looked at what is happening elsewhere. These are outlined below; more details will be provided in the full write up.

#### Considerations for voluntary mechanisms:

- Existing voluntary mechanisms already in place (reuse of plastic bags ~1000 bags/week in one business; voluntary recycling); concern about eroding voluntary practices
- Allows businesses to address their particular needs (paper bags, some plastic)
- Consumers can already choose to use reusable bags
- Education is important. Before becoming the first borough in PA to impose plastic bag/ straw restrictions, Narberth, PA engaged heavily with the local community and held numerous events to get businesses and people to reduce the use of plastic, including educational events in partnership with local waste facilities, an art installation, and public meetings. Six months after agreeing on the ordinance, Cyndi Rickards, Narberth Council, pointed out that education was a crucial part of getting the action passed without significant objections.

#### Considerations for fees:

- Impose the same fee for all retailers or combine fee with free reusable bags
- Impose an ordinance where businesses must agree upon a fee within a certain range
- Impose an ordinance with a planned increase in the fee imposed up to a certain level of fee/or a certain level of consumption (i.e.-X number of bags consumed a year like in Europe)
- Create a forum to have the businesses adopt a voluntary fee that they all agree upon

#### Considerations for bans:

- Often the result of citizen actions; enacted by town votes, committees, or local legislation
- Once enacted, allowed for businesses to use up remaining stock by set date
- Variation in enforcement, including fines, remedial action (who, how enforced important)
- Some bans addressed more, including plastic straws (with disability exemptions)
- Ban in one community potentially confusing given the structure of local governments

#### Process related considerations or steps:

- Some action needed: six months since petition; letters to the editor, online postings increasing
- Need for education: benefits, costs of actions, share petition.
- Communication with a range of stakeholders, including consumers, retailers
- Seek input through a range of mechanisms to hear from more residents, businesses: comment box, survey, mailer, town hall, hearings, vote
- Communicate with other communities that have implemented plastic bag management strategies (what's worked or not; obstacles not considered; community reaction?)
- Communicate and coordinate with surrounding governments (Centre Region Council of Governments): share information, potential approaches
- Study environmental benefit and impacts of different management actions
- Develop monitoring program for businesses prior to implementation (# of bags used; # of customers bringing reusable bags or asking for paper; # of reusable bags sold over time)
- Consider developing a pilot project: incentives for voluntary reductions
- Develop proposed metrics and criteria for what a successful program might include

Example approaches from elsewhere:

There is significant activity across the United States, with approximately 160 communities across the U.S. enacting some sort of bag management approach. Students focused on communities of approximately similar size to see what actions might have been pursued. Within Pennsylvania, Narbeth has recently adopted a fee for bags.

Community	Population	Action taken	Year enacted
Narbeth, PA	~4,000	\$0.10 fee per bag used by consumers. Ordinance also banned plastic straws (exception for disability).	2018
Bedford, MA	~13,000	Full bag ban on single use plastic bags thinner than 2.5 mils	2017
Chestertown, MD	~5,000	Full ban on all single use plastic bags except for takeout or biodegradable bags; fines on businesses for violations.	2007
Lewisboro, NY	~12,000	Full ban on plastic bags; fee of \$0.15 per paper bags	2018
Brattleboro, VT	~12,000	Full ban on single use plastic bags; retailers may provide paper bags. Citizen petition led to vote.	2018
Kenmore, WA	~20,000	Full ban on single use plastic bag; retailers can provide recycled paper bags for \$0.05/bag. Exemptions for produce and restaurant take out bags.	2018

Other example actions:

- Statewide ban on single use plastic bags: California (2016); New York (2019)
- Statewide ban on bans by local governments: ~12 states, including most recently TN
- European Union legislation (2015) aimed at reducing bags/person; states free to enact measures to meet reduction goal. Ireland enacted charge, reduced bags from 328/consumer/year to 18.
- European Union (2019) enacted new ban of most single use plastics (e.g., cutlery, plates, straws, drink stirrers, products made from oxo-degradable plastic; expanded polystyrene).
- Retailers like Kroger (2018) have announced phasing out of single use plastic bags by 2025; goal to become “zero waste business.”

## Attachment B- Presentation to Ferguson Township, May 2019

# Ferguson Township: Management of Single-Use Plastic Bags

May 20, 2019

Lara Fowler (lbf10@psu.edu)

- Penn State Law
- Penn State Institutes of Energy & the Environment



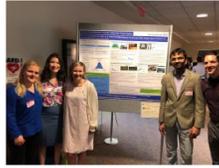
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## “Negotiation & Disputes Resolution Design” Students Examined Plastic Bag Management as part of a Sustainable Communities Collaborative Project



- Penn State’s Sustainability Institute hosts the Sustainable Communities Collaborative
- Negotiation & Dispute Resolution Design

- 39 students (including 14 int’l students and 1 from School of Int’l Affairs)
- 4 end of term projects



- Course goals:
  - Learn about negotiation and designing systems to better manage disputes
  - Think about how to apply what they learned in the real world



2

## Ferguson Township & the Plastic Bag Petition



- Fall 2018 Petition by Township Residents
  - Ban on single use plastic bags
  - Enactment of fee of \$0.25/each single use plastic bag at point of purchase
  - Education at point of sale
  - 6 months to implement program
  - Petition also submitted to the Borough of State College at the same time
- Township hearing on Nov. 20, 2018
- Request for assistance under the Sustainable Communities Collaborative, Jan. 2019

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## Student process

- Review petition
- Tour:
  - Local grocery store
  - Discussion with Manager Dave Pribulka
- Interviews
- Research
  - Stakeholders
  - Issues
  - Range of options: ban, fee/tax, incentives
  - What other communities/states are doing
  - Potential legal issues
- Draft summaries (3 groups, 3 summaries)– combining into 1 right now



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## Range of stakeholders and range of interests, part 1

Potential stakeholders	Potential Interests
<b>Petition signers (~80 people)</b>	<ul style="list-style-type: none"> <li>• Protect local/global environment (waste; fossil fuel impact)</li> <li>• Pass the ordinance into law</li> <li>• Educate public in Ferguson Township</li> <li>• Generate income for Ferguson Township environmental fund</li> <li>• Be heard and to adhere to political values</li> </ul>
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<b>Retailers:</b> <ul style="list-style-type: none"> <li>• Small (e.g., gas station, ProCopy, Wiscovy)</li> <li>• Large (e.g., Giant, Weiss)</li> <li>• Farmers market</li> <li>• Restaurants (take out)</li> <li>• Potential entrepreneurs</li> </ul>	<b>Business interests:</b> <ul style="list-style-type: none"> <li>• Profit, serve customers efficiently, preserve clientele</li> <li>• Advertise through the use of printed plastic bags</li> <li>• Assess plastic bag management if no existing corporate protocol</li> </ul> <b>Concerns about bag "ban":</b> <ul style="list-style-type: none"> <li>• Impact of transition; cost of alternative; shopping more expensive</li> <li>• Meaningful benefit to the environment (paper or reusable bags also have environmental impact)</li> <li>• Differential impact to customers (e.g., lower/fixed income); concern about customer reaction</li> <li>• Differential impact across region (Giant, Weiss in other areas)</li> <li>• Displacement of customers</li> </ul> <b>Other considerations:</b> <ul style="list-style-type: none"> <li>• Voluntary programs exist (e.g., Wiscovy bag reuse; Giant recycling)</li> <li>• Bag management promotes environmental reputation, saves cost of bag purchasing</li> <li>• If bag management enacted, transition to new system needed</li> <li>• Consistent regional approach helpful for larger retailers</li> <li>• Opportunity to be heard, engage</li> </ul>

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## Range of stakeholders and range of interests, part 2

Potential stakeholders	Potential Interests
<b>Consumers who shop within Ferguson Township</b>	Education on impact of bags Access to bags to carry out goods, reuse of bags
<b>Ferguson Township</b> <ul style="list-style-type: none"> <li>• Elected officials</li> <li>• Township manager, staff</li> </ul>	<ul style="list-style-type: none"> <li>• Serve Ferguson Township citizens and businesses</li> <li>• Address petition while hearing interests from all perspectives</li> <li>• Meet Community Bill of Rights, environmental stewardship goals</li> <li>• Cooperate with other regional governments (e.g., State College)</li> <li>• Serve as a regional leader, avoid potential litigation</li> <li>• If bag management strategy enacted, need for education, implementation, and enforcement (staff time, resources)</li> </ul>
<b>Surrounding communities, Centre Region COG</b>	Borough of State College also petitioned Opportunity to learn from each other Regional reputation, lead in environmental issues
<b>Bag manufacturers</b>	Local company (Helix Poly Inc.) in Milledale - impact to workers Plastics: 3 <sup>rd</sup> most profitable industry in U.S.
<b>Waste handlers</b>	Ability to recycle plastic bags into useable products Recycling rate of bags
<b>Media</b>	Heated issues generate interest, stories

6

### Options for managing bags: incentives

- Highlight and reward voluntary practices underway at local stores
- Regional approach possible
  - Desire by businesses to be seen as leaders
  - Work with other regional stores (Trader Joe's uses paper bags only)
  - Penn State, Going Green System
- Avoid potential lawsuits?



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### Options for managing bags: fees/taxes

- Impose the same fee for all retailers or combine fee with free reusable bags
- Impose an ordinance where businesses must agree upon a fee within a certain range
- Impose an ordinance with a planned increase in fee imposed up to certain level of fee/or a certain level of consumption (i.e. X amount of bags consumed a year like in Europe)
- Create a forum to have businesses adopt voluntary fee that they all agree upon

#### Narberth Becomes First Pennsylvania Town to Pass Plastic Straw and Bag Restriction, Lawmakers Want Statewide Restriction

A statewide ban is in the works thanks to two local lawmakers  
By Noah Caruso  
Published Oct 11, 2018 at 9:18 PM | Updated at 7:09 AM EDT on Oct 20, 2018

8

### Options for managing bags: outright ban

- Many were the result of citizen action
- Typically allowed for businesses to use up remaining stock
- Many specified whether fines would be applied
- Most were implemented by town votes, committees, or local "legislation"
- Some were accompanied by other bans, like plastic straws
- However, some states enacting a "ban on bans"



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## Proposed Process Steps

- Open communication with residents: host open forum?
- Discuss potential action with businesses
- Reach out to communities that have implemented bans
- Study costs of implementation
- Coordinate with other regional governments
- Evaluate environmental impact
- Establish timeline for implementation
- Determine method for enforcement
- Seek measurable feedback on action

Appendix C:  
Student Analysis #1: Single Use Plastic Bag Reduction Information and Analysis: Bans

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SINGLE USE PLASTIC BAG REDUCTION INFORMATION AND  
ANALYSIS: BANS?

Student Group #1

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# Introduction

## Ferguson Township

Ferguson Township is a home rule municipality, formerly a township, in Centre County, Pennsylvania, United States. Ferguson Township covers an area of 47.2 square miles and is home for 19,316 residents. The area is known for most of the agricultural research for the Pennsylvania State University. Around 77 residents in the township observed that single use plastic bags have a detrimental effect on the health and welfare of our oceans and all life on earth, and have requested under Article 1, Section 27 – Environmental Clause of the Pennsylvania Constitution and Environmental Community Bill of Rights for an amendment to Home Rule Charter which would ban the use of single use plastic bags throughout Ferguson Township. To support their actions, the community has also identified that over 160 communities in the United States already have ordinance in support of banning single use plastic.

As per their petition, the organizing group asked that a fee of \$0.25 be imposed for each single use plastic bag purchased. The targeted businesses being all retail stores, restaurants, pharmacies, and farmers markets. The petitioners further proposed that the funds be used to compensate the businesses and educate the community: specifically that \$0.10 be paid to the township for environmental protection and education and the remaining \$0.15 be retained by business to help cover the cost of collection and disbursement. The group also wished to require that any excess funds earned by the businesses be transferred to an environmental protection and education fund for each business. The petitioners further suggest that businesses be permitted to offer alternative recyclable brown paper bags at the cost of \$0.10 to cover their cost and encourage customers to carry their own bags.

The Petition indicates that by 2050 there will be more plastic by weight than fish in oceans. They state that there is a plastic garbage patch now estimated to be 3 times the size of France and stories deep within the Pacific Gyre, between CA and HI. Petitioners also state that they would be open to a ban on the use of plastic straw, stirrers, expanded foam (Styrofoam), single use cups and take out boxes. The petitioners are interested in reducing the dependence on fossil fuels, harvesting of fossil fuels, and reducing greenhouse gas emissions; they want to incorporate these actions into any proposed legislation. They further urge reducing unnecessary use of all plastics.

Currently, there is no legislation regulating the usage of single use plastic bags in Ferguson Township.

## Single Use Plastic Bags

Every year, consumers in the United States use over one-hundred billion single use plastic bags. Single use plastic bags are extremely convenient and offered in most shopping locations for customers to carry away goods they have purchased. As their names imply, these bags are often used once and then disposed of by the consumer. In fact, single use plastic bags see an average of twelve minutes of use before disposal by consumers. While these bags are recyclable, less than 3% of single use plastic bags are recycled in the United States; the majority of disposed bags end up in waterways, landfills, or pollution in communities. The pollution of single use plastic bags threatens fish and animal life because they consume the plastics and are poisoned by the consumption. Further, animals which consume the plastics can later be consumed by humans, spreading the

poisonous consumption throughout the food chain. Additionally, the chemicals released by decomposing plastics can also poison soil and create areas of infertility, destroying a community's ability to produce crops.

## Objectives

The objective of this document is to explore the potential issues and stakeholders in an action to reduce the number of single use plastic bags and will identify processes of other communities which have implemented a full ban on single use plastic bags.

## Methodology

This document focuses on the implementation of a full ban on single use plastic bags. This is not to suggest that a ban of single use plastic bags is the only option or the best option. This document will lightly explore alternatives to a ban on single use plastic bags. Additionally, two other documents will be generated by Dr. Fowler's Negotiation and Dispute Resolution Design students which will focus on communities which have instituted fee-based plans and incentive-based plans aimed at reducing the consumption and usage of single use plastic bags.

This document examines locations similar to Ferguson Township and identifies the actions and issues which may be faced by Ferguson Township in implementing a full ban on single use plastic bags. This analysis is broken down into several parts. First, we will examine the approaches of other locations which have banned single use plastic bags. Then, we will explore the impact of those bans on consumers. Third, we will examine the impact of those bans on consumers. Fourth, we will examine the impact of those bans on governments. Finally, we will offer some thoughts on the implementation process and measuring criteria of a ban on single use plastic bags. Throughout this document, we have kept the negotiation checklist in mind and applied the relevant principles to each interest group.

## Existing Plastic Bag Bans

While the petition submitted by the people of Ferguson referenced many locations with plastic bag bans, such as Austin, TX, Boston, MA, Chicago, IL, and Los Angeles, CA, this document will examine a different set of locations and the actions taken in those communities. The communities selected for review are more comparable to Ferguson Township in their population size and general geographical location. Ferguson Township covers an area of 47.2 square miles and is home for 19,316 residents.

## Comparable Communities with Bag Bans

### Bedford, MA

Bedford, Massachusetts, has a population of approximately 13,000, which is roughly comparable to Ferguson Township's 19,316. In this community, as in most, their full bag ban specifically applies to single use plastic bags thinner than 2.5 mils (thousandth of an inch). This ban essentially bans all bags that are traditionally used at checkout counters. Businesses were permitted to continue their use of plastic bags until an effective date, so there was an opportunity for them to deplete their stock. After that date, no plastic bags were permitted to be given to consumers. *Collings, Jesse, "Bedford Town Meeting Approves Plastic Bag Ban," www.WickedLocal.com, March 28, 2017.*

### Chestertown, MD

Chestertown, Maryland has a population of 5,000. While the population size is not comparable, this town is being examined because it affected the two major grocery stores within its district. Ferguson

similarly has three major grocery stores in its district. In Chestertown, there is a full ban on all single use plastic bags, with the exception of take-out bags and biodegradable bags. The Community further created fines for each time the ordinance was violated, instituting a \$100.00 fine for a first-time offense and \$200.00 fines for subsequent violations. It is important to note that these are not simply fees allowing businesses to continue using plastic bags, but fines meant to be punishment; the fines deter businesses from continuing to use plastic bags since paying fines would not be a successful business model for them. *Trash Free Maryland, "Chestertown Bans Plastic Bags," www.trashfreemaryland.org, August 11, 2007.*

### **Lewisboro, NY**

Lewisboro, New York, has a population of approximately 12,411, which is roughly comparable to Ferguson Township's 19,316. In this community, there is a full ban on all single use plastic bags. The initiative began with the Sustainability Committee and was officially voted on by the Town Board. The initiative does allow for paper bags to be used, but they carry a \$0.15 fee per bag. Which seems to be in line with their initiative since they ultimately want retailers to move to reusable bags only. *Brown, Jeremy "Lewisboro Bans Plastic Bags; Paper Bags to Cost 15 Cents," www.TapInto.net, Marschhauser, July 9, 2018.*

### **Brattleboro, VE**

Brattleboro, Vermont, has a population of approximately 12,046, which is roughly comparable to Ferguson Township's 19,316. In this community, there is a full ban on all single use plastic bags. Similar to our own Ferguson Township, Brattleboro's initiative began with a citizen created petition and ultimately landed in a 1,034 – 317 town vote. Retailers are permitted to provide paper bags to consumers, but they may not provide any plastic bags. Brattleboro has seen great success with this initiative since its inception nearly a year ago, and the town is hopeful that Vermont will see a statewide ban on single use plastic bags soon. *Mayes, Chris "Bag Ban 'Smooth and Successful,'" www.reformer.com, Brattleboro Reformer, Oct. 10, 2018.*

### **Kenmore, WA**

Kenmore, Washington, has a population of approximately 20,460, which is roughly comparable to Ferguson Township's 19,316. On January 1, 2019, Kenmore instituted a full ban on single use plastic bags. Retailers are permitted to provide recycled paper bags to consumers for a \$0.05 fee (per bag). The ordinance includes exemptions for specialty in-store plastic bags like produce bags and restaurant takeout bags. Further, the ordinance allows for low-income residents with government vouchers to be exempted from paying the \$0.05 paper bag fee. Kenmore worked closely with the non-profit Zero Waste Washington and engaged directly with retailers who will be affected by the ordinance. This example is especially helpful since it addresses many of the potential issues that come with a bag ban or fee scheme, and was newly implemented—allowing for Ferguson to observe whether the ban was/is successful and identify issues that may come up in the first year. *Bothell-Kenmore Reporter, "Kenmore Council Adopts Plastic Bag Ordinance," www.bothell-reporter.com, April, 17 2018.*

### **Narberth, PA**

Narberth, Pennsylvania has a population of approximately 4,353. While the population size is not comparable, this town is located within Pennsylvania, and it is the only township in Pennsylvania that has officially addressed the use of single use plastic bags. Narberth did not implement a full ban on plastic bags, but instead levied their usage by instituting a \$0.10 fee per bag used by consumers. This ordinance passed unanimously during a Borough Council Meeting and was met with applause upon its adoption. The ordinance also banned plastic straws but created a caveat for individuals with disabilities requiring the usage of straws. Narberth is hopeful that their decision will spark similar decisions in other towns in Pennsylvania. *Lopez, Xavier "Narberth Businesses Nixing Plastic Bags,*

*Straws as Ban Kicks in,” www.whyy.org, April 8, 2019. Heinze, Justin “Narberth Passes PA’s First Ordinance Restricting Plastics,” www.Patch.com, October, 18 2018.*

## The State of California

The population of California is a massive 39.56 million, which is clearly not comparable with Ferguson’s population of 19,316. However, we thought it was important to include their take on the plastic bag ban since they are the only state with a statewide ban on single use plastic bags. Before the ban, California used 13 billion plastic bags annually. So far, they have seen the change they were hoping for, and compliance has been successful. Replacing plastic bags with reusable bags was made easier by legislation that specifically identifies the requirements of what constitutes a “reusable bag.” Since one of the issues that may come with a bag ban is identifying what products should be used instead of single use plastic, California’s description/requirements may be useful. *Los Angeles Times, “It’s Been a Year Since California Banned Single-Use Plastic Bags. The World Didn’t End,” www.latimes.com, November 18, 2017.*

## Patterns

In examining each of these communities and the actions they took in reducing the number of single use plastic bags being used within their communities, several patterns emerged:

First, almost all of the bans were a result of citizen action and were implemented by town votes, committees, or local “legislation.” In the majority of cases, the bans were a result of a concerned community coming together and agreeing to take an action. This tells us that the voice of the community will be especially important in any action that will be taken.

Second, the bans typically allowed for businesses to use up remaining stock. In these cases, a future date was selected for the ban to go into effect, permitting businesses to attempt to use the remaining stock they had on hand or to find other methods to deplete their stock such as transfer or disposal. This tells us that it will be important to work with the businesses within Ferguson to create a timetable that would be feasible for them to actually implement any attempt to reduce the usage of single use plastic bags within communities.

Third, the ordinances implementing the bans specified whether fines would be applied. These ordinances laid out the consequences for continued use and specified what remedial action would be taken in the event that a business or individual continued to use single use plastic bags in spite of the ordinance. This tells us that it will be important to ensure that fees and fines are appropriated considered and explicit in any action taken. It further tells us that it will be important to consider how the ordinance will be enforced and who will be responsible for enforcing it.

Fourth, some of the bans were accompanied by other bans, like plastic straws. While banning other plastic items is not a requirement in an action taken to reduce the number of single use plastic bags, this information tells us that may be an opportune time for a concurrent effort to consider and implement actions to reduce other types of single use plastics.

## Community Stakeholders

This portion of the document is dedicated to identifying individuals or groups who have an interest in any legislation that would impact plastic bags. Any action taken to address the objectives of Ferguson Township in reducing the number of plastic bags should look to identify the impact that the action will have on these parties. This section will also attempt to identify the major stakeholders or key groups that would need to be involved in any legislation.

## Ferguson Township Stakeholders

Naturally, Ferguson Township stakeholders will be impacted by any action and should have their voices heard in any action. The petition submitted had near 80 signatures, but there are over 19,000 residents of Ferguson. It will be important to gather the input of the community and engage them in such a decision. Further, any action limiting the distribution of plastic bags will impact the people of Ferguson. It will impact their shopping habits, potentially forcing them to carry reusable bags or potentially causing them to patron stores outside of the township boundaries in order to avoid the changes. An action that does not make a change could also lead to a response from the community if they are made to feel like they have not been heard.

For stakeholders in Ferguson Township, there are several subdivisions which will be important to consider. Namely: students, the middle class, those below the poverty line, entrepreneurs, and employees. As for students, the middle class, and those below the poverty line, it will be important to consider how the ban will impact their ability to shop within Ferguson Township. Removal of free single use plastic bags will create a situation in which these community members must spend additional money in order to transport goods which are already being purchased on a budget. Entrepreneurs may be less inclined to start businesses within a township with a ban on plastic bags because it will create additional expenses for their startup. Members of the community employed by local businesses may face unemployment or restricted work hours as employers within the community reduce expenditures to compensate for the removal of single use plastic bags

## Consumer Impact

From the perspective of the consumer, there will always be positive and negative feedback to topics such as this one, however, time should not be wasted arguing back and forth of which is better. Instead, we must remember that the key objective is not which is better than the other, but what will be easier to implement that will satisfy all interested parties. Although the majority of the claims are for the ban, it is important to know and understand the concerns of all consumers, whether positive or negative, because even if a program is implemented to ban plastic bags it could be futile if it is only being followed by those who support the program. Education and the full understanding of the topic and why it is of concern is just as important for the consumer as it is for those creating the program. The consumer needs to be properly educated about why they should limit, and ultimately eliminate, use of plastic bags because only then will they begin to truly understand the severity of the issue and how it could impact their lives and the future lives of others. Before a program can be created and implemented it is necessary to know and understand the concerns of the consumers since they are one of the main interested groups. Their interests and areas of concern can be summarized under two main concerns from the consumers regarding plastic bags: impact on environment and impact on the consumer.

Those who are for the ban are those who are concerned most about the impact on the environment. There are 4 main areas when discussing the impacts of the environment. First, plastic bags are a big contributor to pollution of our land and our water. Due to the light-weight form of plastic bags, they are easily picked up by wind and be carried into lakes, rivers, and oceans which pollutes the water and also can be mistaken as food by animals, which lead to the animal being harmed or killed. Second, plastic bags are made from non-renewable resources that pollute the air and contribute to climate change. The majority of plastic bags are made of a substance that is derived from crude oil refining and natural gas processing, both of which are non-renewable fossil fuel-based resources. Through the extraction and production of these resources' greenhouse gases are emitted that contribute to global climate change. Third, plastic bags almost never decompose thus furthering the pollution of our land and water. Typically, plastic bags do not properly decompose due to not being in the proper type of environment. If they do decompose, they can take up to 1,000 years to breakdown because they are made from very resistant synthetic polymers. Even if they do breakdown, this just

means the plastic is broken up into tiny microscopic pieces that are deposited in the soil which in turn harms our own health because we use that soil to grow food or that soil contaminates the waterways where we get our food. Lastly, it is costly to pay for and to clean up after plastic bags. Plastic bags are not easy to recycle since most of the recycling facilities do not have the ability nor the capacity to recycle them. In fact, many recycling facilities consider them to be the number one contaminant and removal from the recycling stream costs municipalities close to \$1 million a year. (see GreenTumble. "10 Reasons Why Plastic Bags Should Be Banned." <https://greentumble.com/10-reasons-why-plastic-bags-should-be-banned/>)

As for concerns of the consumers protesting the ban, they are concerned with how the ban will negatively impact consumers. The main concern regarding the ban is its negative impact on jobs and economy. It is claimed that plastic bag bans will make grocery shopping more expensive with no meaningful impact on the environment to back them up. By requiring consumers to purchase reusable bags, or possibly be charged to use plastic bags, puts those in low- or fixed-income families at a disadvantage making their lives harder. Additionally, the ban threatens thousands of U.S. manufacturing jobs because the ban would ultimately put plastic bag manufacturers out of business and those employees out of jobs. Another claim by protestors is that banning the plastic bag won't help the environment enough to counter the negative impact, if not create bigger problems, for working families and seniors on low or fixed incomes. Plastic bags are claimed to be the most environmentally friendly option at the checkout because they are considered to be 100% recyclable through drop-off bins located in grocery stores and they are highly reusable. Furthermore, bans have not shown to be an effective way of reducing litter, waste or marine debris but instead are shown to heap unfair costs on low-and fixed income families and add more restriction for businesses. Lastly, banning plastic bags mean more money and time will be used to find other alternatives to replace plastic bags which again makes the ban more of a hassle than helpful. In the end the environment and the people do not benefit. (see Bag the Ban. "Learn the Facts." <https://www.bagtheban.com/learn-the-facts/>)

These are just a few positive and negative concerns regarding the ban of plastic bags and is by no means the complete picture of the issue. This is just barely scratching the surface of the entire issue as it is likely there are other specific concerns based on the locality of the consumer. Though plastic bag bans are being implemented globally, it is important to reach out to your specific community to determine their concerns because the concerns addressed in the other programs may not be of the same legitimacy of those in your specific community. Communication between the Ferguson Township and its community will be a necessary first step to ensure that the interests of all consumers are heard. If not already done, a detailed letter should be sent to the entire community addressing the issue and how it is being handled, that way those in the community who may not be aware of the issue but who are interested in voicing their opinion are able to be a part of the process. To achieve optimal communication, there should be several different options available to the community provide their input on the topic. Such options could be as simple as a comment box located in a place that is frequented the most by the community or could be a bit more complex like holding several town halls for people to personally and publicly express their interests and ideas. Either way, making sure there are plenty of options for the community to communicate their interests is essential for the successful creation and implementation of the ban. Otherwise, if the community feels as though they do not have a say in the ban it could jeopardize any kind of relationship that had been or could be established between the Township and its community.

## Business Impact

There are several businesses in Ferguson Township that would be impacted by a ban on single use plastic bags, such as Weiss, Giant, ProCopy, and Wiscoy for Animals. It will likely have an impact on their businesses in a variety of ways. Businesses will likely be concerned about their costs, competition, and the satisfaction of their customers. Further, businesses which have plans

implemented or that have already taken steps toward reducing their usage of plastic bags may feel as if their efforts have been disregarded.

Single use plastic bags are low cost solutions for businesses who need to provide customers with a way to carry products out of the store. A ban on their usage would require stores to find alternatives to either provide or sell to customers. Studies of areas with plastic bag bans suggest that alternative solutions can cost business owners between 40% and 200% more to provide than standard single use plastic bags. Further, businesses may have concerns on the impact of a plastic bag ban on the low-income individuals and families who will now bear the burden of purchasing alternative bagging solutions, such as reusable totes, from the businesses (see Plastics Industry Association, *How Plastic Bag Bans Impact the Economy*, <https://www.thisisplastics.com/economic-impact/how-plastic-bag-bans-impact-the-economy/>).

The businesses in Ferguson Township could see a decrease in both their overall number of customers and their average income per customer. With the way the jurisdictions in the Centre County region are divided, many businesses which are close to one another may be in different jurisdictions. This issue may be best illustrated by grocers within the town boundaries. A ban on single use plastic bags could prevent a grocer within Ferguson Township from providing its customers with plastic bags while a grocer just up the road, in a different jurisdiction, would be able to provide their customers with the plastic bags. In this scenario, it is possible that consumers will choose to patron the store which can provide them with free plastic bags with which to carry their groceries. This financial impact would lead to an overall decrease in consumers for the grocer within Ferguson Township. Further, without the ability to provide free plastic bags to their customers, grocers will need to rely on alternatives such as paper bags or reusable bags which customers must purchase to use. This could lead to customers choosing to purchase fewer items, whether for the purpose of having to carry fewer items in less effective bags or to avoid the costs of having to purchase multiple reusable bags. Additionally, without the ability to provide plastic bags to their customers, businesses may also have to bear the burden of increased customer dissatisfaction within their stores. (see Plastics Today, *The Economic Effect of Plastic Bag Bans*, <https://www.plasticstoday.com/content/economic-effect-plastic-bag-bans/35843076718443>)

A ban on single use plastic bags could impose a disadvantage on the businesses within Ferguson Township. The disadvantage would be in the form of nearby competition not having to conform to the ban on plastic bags. With the way the different jurisdictions within the Centre County region are divided, many businesses which are close to one another may be in different townships and potentially subject to different rules. This disadvantage imposed on the businesses of Ferguson could lead to their departure from the Township or discourage future businesses from deciding to open a location within the Ferguson Township. The Township will need to look at ways to mitigate this concern, whether it be through coordination with the surrounding townships or through a program alleviating the disadvantage in some other way. (see Plastics Today, *The Economic Effect of Plastic Bag Bans*, <https://www.plasticstoday.com/content/economic-effect-plastic-bag-bans/35843076718443>)

Some businesses in Ferguson Township have already begun taking steps toward reducing their usages of single use plastic bags. This information is important because it shows that the businesses in the community are interested in reducing single use plastic bag usage, but also presents a challenge to Ferguson Township. If the action taken by the Township does not incorporate feedback from the businesses or if it fails to acknowledge the steps taken by the businesses, an ordinance could put a divide between the businesses and the townships.

## Specific Businesses within Ferguson Township

Three businesses within Ferguson Township have already taken steps toward reducing the impact of single use plastic bags on the community. Examples include ProCopy, Wiscoy for Animals, and Giant. ProCopy generally provides its customer base with paper bags. The business only uses plastic bags for very large items or for printed products that require protection from moisture. This business has expressed concern that the petitioners also wish to target paper bags and the feasibility of other packaging products for the business. Wiscoy for Animals does not purchase plastic bags, but instead receives pre-used plastic bags as donations. The business then provides these bags to customers who patron the store. Giant has pushed the usage of reusable bags within their stores. The business further encourages recycling of plastic bags and provides a drop-off bin for used plastic bags to be recycled. They state that they send out six to eight garbage bags worth of single use plastic bags to be recycled per day.

## Government Interests

This section will identify several concerns and issues that may be presented to the government of Ferguson Township should they implement a complete ban on single use point of service plastic bags. The purpose is not to tell the government how to act, rather what interests should be considered as they act. As any potential ban is discussed, the government should keep in mind the needs of the people as well as local businesses, with the goal of fostering open communication and transparency throughout the process.

There are several interests Ferguson Township government should consider as it attempts to address a potential ban of single use point of service plastic bags. First, the Township has an interest in protecting and listening to residents who reside within the Township. This interest extends to both the permanent population and more temporary populations (renters, students). Environmental goals have the potential to impact future generations, not only in terms of quality of life, but also decisions about whether to live within the Township's boundaries.

Similarly, the Township has an interest in fostering business relationships within the Township. The current businesses in the Township may not be impacted by a plastic bag ban. However, businesses do need to be aware of potential action and their concerns should be considered by the Board of Supervisors before moving forward. As with residents, any action could encourage or discourage the future decisions of businesses, both small and large, to choose Ferguson Township as a home. At the same time, there are many businesses that are more environmentally conscience and environmental concerns play an important role for many consumers. By implementing a plastic bag ban, it could attract these types of businesses.

Next, the Township has an interest in maintaining its reputation of environmental stewardship. The Township has taken steps to protect water and air quality as well as implement green infrastructure requirements. By doing so, the Township has indicated the importance of environmental concerns and built a reputation of acting to protect the environment. In considering an ordinance to ban single use plastic bags, the Township will likely want to consider whether this ordinance will contribute to these goals.

Additionally, the Township has an interest in cooperating with the other municipalities in the region on this issue. An apparent concern may be consumer confusion. As there is a large student population, many from other states, it could become confusing to try and remember to which businesses you must bring reusable bags. Additionally, State College Borough is facing a similar petition. By working together, the overall impact could be more meaningful and provide a consistent experience on the part of consumers.

As a counterpoint to regional cooperation (or in the event regional cooperation is not possible), Ferguson Township may want to consider if there is a benefit to acting on its own and not waiting for the region to act. This could take the form of attracting new businesses or residents to the town. It could also further establish Ferguson Township's environmental goals and considerations. It could also reflect positively on the Township for being willing to listen, accept, and act upon a petition brought by a resident.

The Township also has an interest in avoiding costly litigation. Litigation may arise in several ways. If the petition is not dealt with as required by the charter, this could open the door to litigation. As an example of what could happen the Texas Supreme Court recently struck down a municipal plastic bag ban on the ground that they were preempted by state solid waste disposal statutes. See *City of Laredo v. Laredo Merchant's Ass'n*, 550 S.W.3d 586 (Tex. 2018). Ferguson Township would be just the first municipality in Pennsylvania to pass an outright ban. (As note above, Narberth, PA has passed an ordinance requiring businesses to charge ten cents per plastic bag and banned plastic straws outright.) Whether Ferguson wants to be a potential test case is a relevant issue. Finally, the way the ordinance is crafted could create potential litigation. For example, a government ordinance that only applies to grocery stores (Giant and Weis), and not electronics stores (Best Buy) could potentially violate the equal protection clause of the Constitution.

The Township should also consider the costs associated with implementation of a ban. The township will likely need to consider costs associated with studying the environmental impact, the business impact, and gathering resident opinions. Additionally, should an ordinance banning the use of single use plastic bags be implemented, what are the costs associated with enforcement? Does Ferguson need to hire someone to enforce the ordinance, or is this something that could be handled by a current employee?

Ferguson Township should also understand that there are timing interests involved with action. Several other cities that have implemented plastic bag bans have provided businesses with time to use their remaining stock and/or acquire enough reusable bags for customers to purchase. Additionally, with the makeup of the Board of Supervisors in an unsettled state right now, perhaps it makes more sense to address this issue after the next election.

## Process and Measuring Criteria

### Proposed process steps

The following set of process steps are intended to be actions that may be helpful in guiding the Township as it addresses the petition and considers whether or not to implement a plastic bag ban. The process steps should be seen more as a guide—than requirements—the township may find helpful in overcoming issues and concerns.

### Communication

We recommend that the Township open communication about the possibility of a plastic bag ban. First, it would be helpful to have the contents of the petition communicated to each business located within the Township, along with a phone number/email address of an individual that can answer questions and explain that nothing has been decided yet, but it is something the Township is exploring.

Second, it would be helpful to open communication with the residents of the Township. The petition itself represent the stated interests of approximately 80 of 19,000 residents. Before making any decisions, the township council should solicit opinions from the community. This may take the form of townhall meetings/public forums, surveys of the township, or a mailer explaining the proposal and providing residents with a phone number/email address where residents can provide opinions about support or opposition.

Third, it would be helpful to continue communication with the other municipalities in the area and Centre Region Council of Governments. As stated above, an ordinance banning plastic bags may be something that the COG works on together, in order to avoid complications with disparate ordinances between communities. In the event that the COG is unwilling to work together for the region, we recommend Ferguson Township be open to sharing data with other communities in the region that are considering similar ordinances.

Fourth, we recommend that Ferguson Township communicate with other communities that have implemented plastic bag bans. Through this communication, Ferguson Township can better understand potential conflicts and concerns that may not have been addressed by this report or by residents or businesses. The communication with other communities could include questions such as: what has worked; what hasn't worked; what are some obstacles that arose that you didn't consider prior to implementation; and how did the community react to the ordinance? There is a benefit to having as much information as possible and certainly other communities that have dealt with this process will have valuable insight. Provided above are several examples of similar communities that have acted against plastic bags and their insight could prove invaluable.

## **Study**

We recommend that Ferguson Township evaluate the environmental benefit of a plastic bag ban ordinance as part of the process before deciding to implement a bag ban. By doing this, the township could use the information to determine if the benefit to the environment would offset other potential concerns. An evaluation of environmental benefit could be the job of a third-party consultant hired by the city. This evaluation could consider all the relevant information and provide a neutral platform upon which the Township could act or not act.

Another recommendation involves implementing some type of monitoring program among the businesses prior to implementation. This could take the form of businesses keeping track of how often customers bring reusable bags or ask for paper bags instead of plastic. It could also take the form of asking businesses to keep track of the number of reusable bags sold over a period of time. By gathering more information, the Township can put itself into a better position to act.

We also recommend that Ferguson township study how they are going to enforce a plastic bag ban ordinance. This includes consideration of fines or fees; who is going to collect the fee; and ensuring compliance with the ordinance.

## **Timing**

We recommend that the Board of Supervisors provides a timeline of when it will act on the petition. Since the petition was brought to the attention of the Township in November, six months have passed with few steps to addressing the petition. This potentially escalated the issue as evidenced by letters published in the newspaper and Facebook commentary. By providing a timeline of when and how the petition will be dealt with, the Township can show residents that it is considering the issue, and is transparent about how long it is expected to take.

Additionally, in the event of passing a ban ordinance, we recommend that the Board of Supervisors work with local business to establish an appropriate timeline with local businesses that would allow them to use up plastic bags in stock and be prepared with alternatives. As part of this process, we recommend the Township consider a pilot program prior to an ordinance. With a pilot program, businesses could voluntarily stop using plastic bags or receive some kind of incentive from the township to do so. This would give businesses an opportunity to work toward implementation of an ordinance, without the threat of fines or other action. It would also give consumers time to develop more sustainable shopping habits.

## Proposed Measuring Criteria

With any objective, it is important to find ways to quantify and measure the steps taken to achieve the objective. In regards to reducing the number of single use plastic bags being used within Ferguson Township, the implemented solution could be measured by:

- Comparing the total usage of single use plastic bags by businesses before and after the action;
- Comparing the total usage of single use plastic bags by consumers before and after the action;
- Comparing the total amount of pollution in the township attributable to single use plastic bags before and after the action;
- Comparing the total amount of general pollution in the township before and after the action;
- Comparing the total usage of single use reusable, biodegradable, or cotton/hemp bags by businesses before and after the action;
- Comparing the total usage of reusable, biodegradable, or cotton/hemp bags by consumers before and after the action;
- Polling the community's perception of usage amounts of single use plastic bags by businesses before and after the action;
- Polling the community's perception of pollution in the township attributable to single use plastic bags before and after the action;
- Comparing the total patronage of businesses within Ferguson Township before and after the action;
- Comparing the total patronage of businesses within Ferguson Township to surrounding townships before and after the action.

**Appendix D:**

Student Group #2:

The Issue of Managing Single-Use Plastic Bags in Ferguson Township by imposing a fee structure.

May 8th, 2019

*Negotiation and Dispute Resolution*

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# INTRODUCTION

In this Paper, we will be addressing the issue of plastic bags consumption and its environmental and economic impact in State College region, based on the recommendations and perspectives mentioned in the “request for an ordinance banning single-use Plastic Bags at point-of Purchase” petition filed to the Ferguson Township, Centre County, Pennsylvania. This analysis focuses on the potential use of fees but also touches on other ways communities have addressed this issue.

## BACKGROUND

### Environmental Impact of Plastic Bags

Plastic bags are not biodegradable and are not capable of being decomposed by bacteria into natural materials without causing harm.<sup>1</sup> Instead plastic bags photodegrade, meaning they break down into smaller and smaller toxic pieces and can take anywhere from 400 to 1000 years to break down.<sup>2</sup> These smaller toxic pieces contaminate soil and waterways and can enter the food web of animals. This can be life threatening for animals and a huge hazard for cattle and hog farmers, who count on their animals for their livelihood. The plastic bags tend to get into the soil and release toxic particles. The toxic particles can be damaging to the soil itself, but also any animals that might be grazing in the area. The animals can subsequently ingest these wayward plastic bags, leading to choking and a buildup of plastic waste in their intestinal systems.<sup>3</sup>

About one third, 20 billion pounds, of plastic produced today is used for short term purposes, such as grocery store bags.<sup>4</sup> These bags are not always discarded using the appropriate channels and even if they are, the plastics take so long to degrade that they continue to be a part of the solid waste problem.<sup>5</sup> The amount of floating plastics in the world’s ocean increases more and more with each passing day. At this point there is a Plastic Trash Vortex that floats along in the North Pacific Ocean. The Vortex is now estimated to be twice the size of Texas. Regardless, whether you live in an urban environment or rural farmland the impact on plastic bag usage has a tremendous effect on the harmony of your environment.<sup>6</sup>

### U.S. Plastic Bag Regulations and Purposes:

In modern times, there has been an increased push nationally for alternative sources of bagging beyond single use plastic bags. Currently, two states have created an outright ban on single use plastic bags. In 2019 the state of New York activated “the second statewide ban, after California,” which banned bags in 2016.<sup>7</sup> These states are following a vocal group that aims to reduce waste and ocean pollution that come from the single use plastic bags. In addition to New York and California, “Hawaii also effectively has a ban in place, since all the state’s counties bar such single-use bags”.<sup>8</sup> While these are the only states to have an outright ban on single use bags, other major cities including Seattle, Chicago, and Boston, have passed local legislation banning the bags.<sup>9</sup>

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<sup>1</sup> <https://ntepa.nt.gov.au/waste-pollution/plastic-bag-ban/environmental-impacts>

<sup>2</sup> *Id.*

<sup>3</sup> <https://greenerideal.com/news/environment/0613-how-do-plastic-bags-affect-our-environment/>

<sup>4</sup> <https://conservingnow.com/plastic-bag-environmental-impact/>

<sup>5</sup> *Id.*

<sup>6</sup> <https://www.bagtheban.com/learn-the-facts/environment/>

<sup>7</sup> Jesse McKinley, *Plastic Bags to Be Banned in New York; Second Statewide Ban, After California*, *The New York Times*, <https://www.nytimes.com/2019/03/28/nyregion/plastic-bag-ban-.html>, (Last seen, May 8, 2019).

<sup>8</sup> *Id.*

<sup>9</sup> Jeff Guo, *A Plastic Bag Lobby Exists, and it’s Surprisingly Tough*, *The Washington Post*, <https://www.nytimes.com/2019/03/28/nyregion/plastic-bag-ban-.html>, (Last seen, May 8, 2019).

The switch from single use plastic bags is not only being adopted by states and cities, but also by major grocery retailers as well. Kroger, America's largest supermarket chain, has announced that it will discontinue the use of all single use plastic bags in its stores by 2025.<sup>10</sup> Kroger's ultimate goal is to become a "zero waste business".<sup>11</sup> When Kroger's phase out of single-use grocery bags is fully implemented, the waste generated by these bags at stores will drop by 123 million pounds per year.<sup>12</sup> It is unclear whether or not other large chain grocery stores will follow in the footsteps of Kroger, but the wise money says they will. The move by Kroger is great for public relations and makes the company seem in tune with growing environmental concerns and the chorus of environmentally concerned shoppers.

Alternatively, some cities that have not instituted a complete ban have instead implemented a fee or tax on the bags that is paid by consumers. Meanwhile, other states are moving in the opposite direction and fighting attempts by their cities to ban the plastic bags. Tennessee's governor Bill Lee recently prepared to sign a bill that would ban local governments from regulating certain plastic bags and utensils.<sup>13</sup> "Eleven other states have already enacted similar so-called "bans on bans."<sup>14</sup> The fierce debate concerning the banning of single use plastic bags appears to be far from settled.

### **Economic impacts of Single-use Plastic bag bans**

The economic aspect of single-use plastic bags bans and other plastic products bans from straws to dishware, have been a controversial subject whether to retailers, manufacturers or even customers.<sup>15</sup>

The plastic manufacturing has been ranked as the 3<sup>rd</sup> biggest and most profitable industries in the United States. It has provided employment to 1.1 million people between 1980 and 2005. The same period (from 1980 throughout 2005), witnessed the plastic industry contribution to the real earnings of 118% which ranged from USD\$48 billion - USD\$106 billion. Moreover the shipments in the plastic manufacturing industry in America, is estimated for USD\$341 million.<sup>16</sup>

In conclusion, the United States is one of the most effective countries in manufacturing plastic contributing in the environmental issues from global warming to climate change we're facing now. Therefore it's also one of the most dependent countries on plastic manufacturing from its annual earnings to the employment satisfactory it provides.

Based on many US plastic bags ban experiences, like California statistics and studies, had shown that zero of any plastic manufacture had shut down due to the ban, and several of them emerged and adjust their bag manufacturing according to consumers' request. At first glance this post-ban emerge in the bags manufacturing can seem unjustly costly affecting leaving sustained negative impacts on retailers and manufacturers. However, based on the California ban experience, studies have shown that manufacturers and retailers have been using the slight raise in imposed paper bag fees and pre-plastic ban fees to bear the cost of manufacturing reusable bags. A study released by San Francisco's Office of Economic Analysis reported that impacted retailers would enjoy a 3.3 Million\$ savings over the course of the year due to the strict ban, due to forgone purchasing costs of single use bags.

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<sup>10</sup> Rodney McMullen, *Kroger, America's Largest Supermarket Chain, Bids Farewell to the Plastic Shopping Bag*, USA Today, <https://www.usatoday.com/story/opinion/2018/08/23/kroger-plastic-bag-ban-reusable-recycle-straws-environment-column/1061723002/>, (Last seen, May 8, 2019).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> <https://www.usnews.com/news/best-states/tennessee/articles/2019-03-28/tennessee-bill-to-stop-local-plastic-bag-bans-heads-to-gov>, Last seen, May 8, 2019).

<sup>14</sup> *Id.*

<sup>15</sup> UN. Environment and W.R.I July 2018 Report.

<sup>16</sup> "Plastic Manufacturing Industry", EconomyWatch, June 2010.

However, some short term losses were conducted in the impacted ban California jurisdiction zones, a decrease in the amount of 3.3 in sales occurred, while those zones which weren't impacted by the ban enjoyed a 3.4 sales increase.<sup>17</sup>

Lastly, we must mention that there's a slight increase in consumers' cost on reusable bags sell in retailers stores<sup>18</sup>. However, consumers benefit of buying those bags once a year, instead of paying a recurring fee for paper or plastic bags.

### **Managing Single-Use Plastic Bags Around the World:**

Countries all over the world are considering different ways of reducing the use of single-use plastic bags. The main motivation is to reduce litter, in particular marine litter. Methods for reducing single use (lightweight) plastic bags include outright bans and the imposition of fees for using them.<sup>19</sup> Over 60 countries worldwide have imposed varying degrees of bans, while over 30 have imposed a charge per bag<sup>20</sup>. In addition to this there are also smaller localities that have taken their own initiatives (cities, townships, counties).

The European Union is one of the most progressive legislators in the area of reducing marine litter and managing plastic waste. In 2015 the EU adopted legislation with the aim to reducing consumption of lightweight plastic bags (Plastic Bag Directive 94/62/EC). The Directive obliges the member states to reduce the average annual use of plastic bags per person to 90. This number must drop to 25 by 2025. The member states are free to choose what measure they take to reach this goal. It may be to impose charges or an outright ban, or voluntary agreements with the private sector.<sup>21</sup> Some member states have been very effective to follow this up. Denmark and Finland the average consumption of plastic bags per person was 4 bags in 2017.<sup>22</sup> Ireland introduced a charge on plastic bags in 2002 when the average consumption was 328 plastic bags per person annually. In 2016/2017 this number had fallen to 18.

The plastic bag directive was followed up with a ban of the most used single-use plastics earlier this year, in March 2019.<sup>23</sup> This legislation includes a ban on the most common marine litter such as plastic cotton buds, cutlery, plates, straws, drink stirrers, sticks for balloons, as well as products made of oxo-degradable plastic and expanded polystyrene that ends up as tiny plastic fragments in the environment.<sup>24</sup>It also includes other measures to reduce consumption plastic.

This recent legislation is part of a larger plastic strategy to achieve a circular economy where products are made and used in a more sustainable way. The long-term goal for the internal market is that all plastic packaging is reusable by 2030. The main aims of the plastic strategy is to a) make recycling profitable for business, b) curb plastic waste, c) stop littering at sea d) drive investment and innovation and e) spur change across the world.<sup>25</sup>

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<sup>17</sup> The National Center for Policy Analysis (NCPA) Report, August 2012.

<sup>18</sup> Based on 450,691 households, as reported in the 2010 Census.

<sup>19</sup> Xanthus, Dirk; Walker, Tony R. (2017). "International policies to reduce plastic marine pollution from single-use plastics

<sup>20</sup> Wikipedia, The Free Encyclopedia. Phase-out of lightweight plastic bags. (March 1st 2019),

<sup>21</sup> European Commission – Magazine Environment. Breaking bag habits. (11/24/2017),

<sup>22</sup> European Commission – Magazine Environment. Breaking bag habits. (11/24/2017),

[https://ec.europa.eu/environment/efe/themes/waste/breaking-bag-habits\\_en](https://ec.europa.eu/environment/efe/themes/waste/breaking-bag-habits_en) [Cited 04/03/2019].

<sup>23</sup> European Commission. Circular Economy: Commission welcomes European Parliament adoption of new rules on single-use plastics to reduce marine litter. (03/27/2019), see also [http://europa.eu/rapid/press-release\\_STATEMENT-19-1873\\_en.htm](http://europa.eu/rapid/press-release_STATEMENT-19-1873_en.htm)

<sup>24</sup> European Commission Press Release. Plastic Waste: a European strategy to protect the planet, defend our citizens and empower our industries. (January 16th 2018), see also [http://europa.eu/rapid/press-release\\_IP-18-5\\_en.htm](http://europa.eu/rapid/press-release_IP-18-5_en.htm)

<sup>25</sup> European Commission Press Release. Plastic Waste: a European strategy to protect the planet, defend our citizens and empower our industries. (January 16, 2018), see also [http://europa.eu/rapid/press-release\\_IP-18-5\\_en.htm](http://europa.eu/rapid/press-release_IP-18-5_en.htm).

The legislative measures have taken into account what products have suitable alternatives to the single-use plastic products. This is an effort to balance the interests of the environment and short-term interests of consumers. The products that are banned are the ones that are considered to have reasonable alternatives. The products without reasonable alternative are instead subject to rigorous recycling measures and a long-term goal of reduced consumption.

## **NEGOTIATION CHECKLIST FOR MANAGING SINGLE USE PLASTIC BAGS IN FERGUSON TOWNSHIP BY IMPOSING A FEE**

### **1. The Issue:**

Managing single use plastic bags by imposing a fee/tax in order to reduce plastic waste.

### **2. Ferguson Township Stakeholders and their respective interests:**

The following section is a list of potential stakeholders and their potential interests in the issue. In addition to the interest listed there is presumably a general interest in preserving the environment by reducing the consumption/waste of plastic.

#### **2.1.1. Elected officials:**

##### **2.1.2 Interests**

Elected officials in the Township are likely concerned with re-election, both from those constituents that want to see action on managing plastic bags, but also those which may be impacted negatively by an ordinance that restricts their life or business in any way in the short term. Thus, they will be looking to both seem enterprising and not do anything too rash that may backfire in the next election.

#### **2.2.1 Prospective supervisors/elected officials:**

##### **2.2.2 Interests**

Potential officials, such as the persons who may want to replace the current leader of the Board of Supervisors, will be looking to find an option that the general community are pleased with and therefore help their election.

#### **2.3.1 Employees at Ferguson Township/management:**

##### **2.3.2 Interests**

The employees of Ferguson Township, such as the manager, are interested in a smooth process where heated emotions or interests do not disrupt the functioning of the township generally. They will also be interested in knowing what the new board would like to do with the situation, such that a township adopts a sustainable process that is not thrown out when the next board is elected.

#### **2.4.1 Constituents:**

##### **2.4.2 Interests:**

The Constituents will have a variety of interests depending on whether they work at a business that may be affected, whether they for practical reasons must use a plastic bag, or whether they work at a plastic factory and is therefore afraid of their job, or whether they cannot pay for the extra fee that may be imposed on the plastic bags. They will be concerned with cost, what the alternatives to plastic bags are, and how an ordinance like a plastic bag fee will impact their business. This will affect their choice in whom they vote for and how they participate in Ferguson Township.

Those who are environmentally concerned, such as the petitioners, will be looking for action and interested to see both what the current and future board of supervisors do about it.

All constituents, and especially those with a certain level of stake in the issue, will likely be interested in how the process of a potential ordinance/solution is conducted; whether they get a voice, whether the process seems fair and thought-through and whether this issue is something that eventually divides or brings the community together.

### **2.5.1 Consumers:**

#### 2.5.2 Interests:

The consumers of affected retailers will have a variety of interests, depending on who they are. Most consumers will be concerned with what the solution means to them in a cost-perspective. Those with more money will be less concerned with a fee compared with those who are less affluent. Generally the consumers will be interested in what the alternative to buying a more expensive plastic bag is. Whether the reusable bags are long-lasting, if they are available at the retailer and what the cost is.

The consumers may also generally be interested in knowing what the revenue from the extra fee, if it is imposed, is put towards.

### **2.6.1 Businesses**

#### 2.6.2 Chains: interests

- Large chains, such as Giant, will be interested to know how an ordinance may impact their business, and whether this solution chosen is easy for them to implement. If a similar ban to Californian is implemented, where it may be easier for them to implement the change than if a solution that is completely different is chosen. If they have more than one business in the area, then they will be interested in a region wide solution. Their interests will both be to think about cost, but also appeal to environmentally concerned consumers.

#### 2.6.3 Local retailers, small and large: Interests

Local retailers, such as Weis, Pro Copy, and Wiscoy for animals, gas stations, and take away restaurants etc., will similar to the chains be concerned with cost, and also whether an ordinance or regulation may create problems for them across different townships. Small businesses will likely also be even more cost concerned than the chains, and have less familiarity with plastic bag-management than the chains that are located in areas where there is a sort of ban or there has been talk about it for a long time. For several of the businesses interviewed they were concerned that a regulation or ordinance would impede their business and also undermine the efforts they are already doing to reduce the consumption of single-use plastic bags. Thus, they will want to be consulted in any process to ban or impose a regulation to reduce the single-use plastic bag. They will also be concerned with what the consumers think about it and therefore likely interested to be informed about their interest and kept in the loop and consulted during a process.

#### 2.6.4 Hilex Poly, Inc. and Employees

- Helix Poly is not a business in Ferguson Township, but in the same region. It both produces and recycles plastic bags. Any ordinance that seeks to reduce the use of single-use plastic bags will naturally impact this company. This company will be interested in keeping its business, and thus interested to know if any of its products can replace the single use plastic bags, such as long lasting plastic bags/biodegradable bags. Employees will be interested in whether the plastic bag management solution endangers their jobs in any way.

#### 2.4.7 Businesses in State College Borough

A business class worked with State College Borough to gauge the general sentiment of businesses in that jurisdiction towards a plastic ban. These are some of their findings:

- 86% utilize plastic bags
- 57 % would be willing to sell reusable bags
- 71 % would be provide incentives to consumers to use alternatives to plastic bags
- 86 % would provide an in-store recycling receptacle for single-use plastic bags
- 42 % would be supportive of a plastic bag ordinance

#### 2.7.1 Institutions

##### 2.7.2 Penn State University

- Penn State University is not located in Ferguson Township per se, but has students, faculty, and staff who live in Ferguson and are environmentally concerned. The University is, according to one of our interviewees from the planning commission, one of the reasons why Centre Region prides them for being progressive on these kinds of issues. Thus, if Ferguson Township takes steps to reduce plastic bags this may be an initiative that the University would like to support and publicise.

#### 2.8. 1 Centre County

##### 2.8.2 The Different Jurisdictions:

The jurisdictions that make up Centre County are closely interlinked by business and infrastructure. Any measure imposed on the businesses in one municipality, like Ferguson Township, will likely affect the other townships either because they have the same kind of business, because their constituents shop in Ferguson or because they are looking to manage single-use plastic bags. In the case of State College Borough, they are at the moment researching what a plastic bag ordinance would look like in their jurisdiction and how that may impact the businesses and other stakeholders. The other jurisdictions would therefore likely be interested in what Ferguson Township decides to do or not to do and also why. In the case of State College Borough we also know that they would be interested in cooperating with Ferguson to find a joint solution.

##### 2.8.2 Centre County Council of Governors/regional planning commission/other communal communication forums:

There are several collaborative bodies within centre region that meet and would therefore be a forum where the discussions about managing single use plastic bags could come up. These groups will be interested in preserving constructive collaboration between the municipalities/boroughs and try to find solutions that benefit the wider region.

#### 2.9.1 The Media

##### 2.9.2 Interests

The media is involved in this issue as both the petitioners and the Board of Supervisors have written opinions on the topic in the local new paper. The media's interest in this is both to cover what is going on in the community, but also to generate clicks and thus revenue. Heated issues are usually a click-bait, which means that the media could be interested in keeping the tensions high in this conflict, at least be available if any of the stakeholders feel like venting their frustration publicly.

#### 3. Alternatives:

Alternatives to imposing a fee on single use-plastic bags in order to reduce consumption could be 1) do nothing 2) suspend the process to wait for other jurisdictions to take action and learn from them or a state-wide solution 3) impose a direct ban 4) go for a purely voluntary solution where businesses and consumers choose their own way, possibly facilitated through a Ferguson Township-

communication channel 5) incentivise the consumers to choose alternatives to plastic bags without imposing any fee on the bags themselves.

#### **4. Options:**

##### **4.1 Options to manage single-use plastic bags with a fee structure:**

- Impose the same fee for all retailers
- Combine a fee with free reusable bags
- Impose an ordinance where the businesses must agree upon a fee within a certain range
- Impose an ordinance with a planned increase in the fee imposed up to a certain level of fee/or a certain level of consumption (i.e. x-amount of bags consumed a year like in Europe)
- Create a forum to have the businesses adopt a voluntary fee that they all agree upon

##### **5. Objective standards/criteria that may help evaluate the options:**

###### **5.2 Look to other countries/townships/regions with a fee-structure.**

- Look at the solution adopted in other US-regions, i.e. what fee they imposed, what the alternatives they provide are, and whether the alternatives are free/how much they cost
- Several of the European countries have imposed a fee with great success, i.e. Ireland.
- Consult international research on the impact of imposing a fee/tax on a commodity
- Consult with other boroughs, such as State College to see how they choose to manage plastic bags
- Consult other regions that have sought to reduce single-use plastic bags, but imposed a different measure than a fee. See California, New York and European Union.

###### **5.3 How to Create Objective Standards:**

- Do a local survey of all stakeholders on whether they support a fee-structure.

#### **6. Communication**

##### **6.2 What questions should we ask to stakeholders?**

- Are you open to an ordinance that seeks to reduce plastic bags?
- Would you be open to the plastic bag fee?
- Would you change your habit if plastic bags were taxed?
- Would reusable bags be an alternative you would consider?
- How would a fee impact your economy?
- What measures are you taking at the moment to reduce consumption of plastic bags, if any?

##### **6.3 What messages do we want to send?**

- That we (Ferguson Township) are open to mitigate the problem of plastic waste and seek to do it in a sustainable manner, taking all stakeholders perspectives into account.
- That we seek to adopt a sustainable solution and therefore seek to review all different options and alternatives to reduce consumption of single-use plastic.

#### **7. Relationship:**

Current relationship between the stakeholders:

- Not all stakeholders have been in contact with each other. For these, like the businesses' relationship to the Ferguson Township management and elected officials could therefore be characterised as expectant. Most of the community has likely heard about the petition, as there have been multiple articles in the local newspaper. These articles originate both from the petitioner and from the Board of Supervisors.

- Between the Board of Supervisors and the Petitioners this media discussion has revealed that the petitioners feel that their call for action has not been heard, while the Board feels that their efforts for the environment are ignored. The need to talk to each other through the media implies that the contact between the two parties is failing.
- As far as we have understood there has also been a hefty discussion at a Facebook group between some of the decision makers in the Ferguson Township. To our knowledge, tensions have been rising as persons are calling each other out on who cares the most, or the least, about the environment.

How would we like it to be?

- To facilitate a dialogue where the parties can reach a solution they are all comfortable with, the relationship needs to be open and forthcoming. Ideally one would want to reach a situation where the stakeholders are able to listen to each other and feel like they are heard from the other party.

What can we do to get it from A to B?

- Avoid venting the conflict publicly, or in a social medium
- Talking directly to each other, perhaps in a neutral location with a mediator.

#### **8. Commitment:**

- The commitment Ferguson Township has made to its constituents is to consider any petition brought forth. They are neither obliged to do what the petition requests nor to take any concrete action. Only committed to review it.

## **FINDINGS**

### **1.3. Process Steps**

The student group acknowledged that any negotiation process that is implemented needs to be feasible. The feasibility will dictate whether Ferguson will realistically be able to proactively tackle the plastic bag issues that exist. However, the main issue does not lie with the residents. Ferguson Township received a petition from its residents that outlined a need for a ban on plastic bag usage within the Township. In an effort to match the energy of the petition and move towards a reduction of plastic bag usage, the student group theorized the creation of a tax on plastic bags that would motivate individuals to look for more environmentally friendly alternatives. Ferguson Township might be a mostly rural area, but it but the unique make-up of Centre County, which is where Ferguson is located, makes it difficult to implement a fee structure.

Centre County, Pennsylvania is home to over one hundred thousand people, and houses over twenty different jurisdictions, one of which is Ferguson Township.<sup>26</sup> Ferguson Township is bracketed by Halfmoon Township, Patton Township, College Township, Harris Township, State College Borough, and Huntington County.<sup>27</sup> All of these jurisdictions operate independently of each other; implementing their own ordinances that govern their separate section of land.<sup>28</sup> These ordinances not only affect the residents that live within a given jurisdiction but also have an impact on the businesses that operate within them. Before instrumenting a tax on plastic bags there are several issues that should be addressed first.

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<sup>26</sup> <https://www.centrehistory.org/centre-countys-townships-and-boroughs/>

<sup>27</sup> <http://www.twp.ferguson.pa.us/>

<sup>28</sup> *Id.*

## 1. Communication

From the research put forward there is a breakdown in communication between the residents of Ferguson and the government body. In one newspaper article, a resident felt that the Township's supervisors were "indifferent to citizen's concerns about plastic pollution and climate change."<sup>29</sup> Although the article continued by explicating on why this resident was incorrect, it can be assumed that this resident is not alone in feeling this way. It is likely that the individuals who initially signed the petition are now left bereft from the lack of communication that followed. Altogether the tone of the newspaper article would not have helped the miscommunication issues that have arisen. The tone of the article suggested that residents who feel the same as this resident are incorrect in their assumptions. Instead of providing clarity, the article used an almost circular argument to frame the Townships supervisors in a positive light. A good way to combat this tonal issue would be through media training.

Media training is a specialized form of communications training that "helps media-facing individuals to anticipate reporter behavior, avoid common traps, and confidently focus on their message."<sup>30</sup> The media can tend to dramatize conflicts in order to sell stories. Unfortunately, this conflict oriented reporting can have an adverse effect on the individuals who engage with the stories. It often leads these individuals to thinking the worst and jumping to conclusion. Media training would allow the representatives of the Townships to keep the residents of the Townships abreast of what is happening. Media training would also allow for the logical and precise transfer of information. With a topic as delicate as a reduction in plastic bag usage, communication is key. Through media training someone can become a "more effective communicator."<sup>31</sup> "Once properly trained [anyone] can handle any interview the media throws [their] way."<sup>32</sup> However, the techniques learned through media training can aid the Townships in dealing with not only reporters, but also the residents seeking answers. The Township's representatives can communicate more directly with residents by implementing more frequent information sessions with petitioners and other methods of communication.

To lower the negative feelings brewing amongst the residents and ensure that the progression towards managing plastic bags is smooth, there needs to be more open channels of communication. By ensuring that there is more frequent and informative communication between residents and the Township, there is less of a likelihood of confusion and frustration building between the parties. One Planning Commission Representative for Ferguson stated that "the residents of Ferguson want to know what is happening but they also want to be able to share their thoughts and opinions along the way in the process."<sup>33</sup> The communication need not be through a formal information session. There are numerous other ways that would be faster and more efficient. An example of this would be through frequent updates to the Township's website and social media pages. By utilizing social media the Township would have more avenues whereby they could reach the residents.

How often would communication be necessary for the residents? What is the best medium to use to reach the maximum number of residents? What type of information would be the most important to communicate? The students identified numerous important questions that need to be addressed before moving forward with more efficient communication.

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[https://www.centredaily.com/article229064759.html?fbclid=IwAR09Ga2q93kSGEtDUslInn6yTLsTy7YIYBXCmB4w6gv1Z7\\_BdvhndDqe0jY](https://www.centredaily.com/article229064759.html?fbclid=IwAR09Ga2q93kSGEtDUslInn6yTLsTy7YIYBXCmB4w6gv1Z7_BdvhndDqe0jY)

<sup>30</sup> <https://mediaworksgroup.com/what-is-media-training/>

<sup>31</sup> <https://everything-pr.com/media-training/>

<sup>32</sup> *Id.*

<sup>33</sup> Interview notes.

## 2. Cooperation Between Jurisdictions

As expressed by a Ferguson Township Planning Commission member noted, “if Ferguson is the only Township to implement a ban/ordinance this would cause trouble for businesses treated differently in the same area.”<sup>34</sup> Businesses could be put in the position where they have to adhere to a tax ordinance that some individuals who live in other jurisdictions would have no knowledge of. This issue would be especially trying for businesses who are unfortunately situated in such a way that they are bisected by two communities. This has the potential to lead to turbulent confusion and could cause customers to avoid certain stores to avoid the tax.

It is important to get ahead of these potential issues to lessen the negative implications that could be associated with trying to reduced plastic use. To accomplish this, it is imperative that to strengthen the cooperation between local governments. The students became aware of State College’s interest in also implementing an ordinance to reduce plastic bag usage. Although Ferguson has a different governing body, this does not bar them from reaching out to State College. More communication between the two could lead to a more uniformed ordinance, which could lessen the adverse effect on businesses that conduct business in both.

Besides simply working with State College, one interviewee also discussed moving further up the hierarchy to erase problems that could arise by working towards a regional solution. A regional solution could be adopted through the Centre County Council of Government’s General Forum. The General Forum is where the Centre County Supervisors meet once a month. The General Forum has the authority to take action on behalf of the Centre County region, though local jurisdictions would have to adopt their own ordinances.<sup>35</sup>

Although these forums have no authority to put a regulation in place, it would still be helpful to conduct more discussions focused on the topic at issue. By making the possibility of an ordinance more visible, this reducing the chance that residents will be caught unawares. Another way to accomplish this would be to reach out to for a recommendation to the Board of Supervisors to introduce the single-use plastic bag tax ordinance as a referendum on the ballot in an upcoming interview.<sup>36</sup> This would allow everyone to have an opportunity to decide on the passage of this ordinance instead of only relying on the people who signed the petition.

## 3. Implementation

One interviewee also saw potential issues that could arise because of a fee structure. They anticipate customers “grabbing bags, using the self-checkout...becoming belligerent enough to avoid paying the fee.”<sup>37</sup> If the fee for the plastic bags was too small then if someone was to “steal” the plastic bags, the loss would be so insignificant that it would not be feasible to pursue criminal prosecution.<sup>38</sup> Businesses might also feel the pressure from a customer who refuses to pay the bag tax, and decide to simply bypass the tax in order to deescalate the situation. As the interviewee stated, the tax has to be significant enough that residents will notice and be motivated to bring in alternatives, such as reusable cotton bags.

There are ways to use popular businesses or activities in order to incentivize people to use alternatives to plastic bags.

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<sup>34</sup> Interview notes.

<sup>35</sup> Interview notes.

<sup>36</sup> Interview notes.

<sup>37</sup> Interview notes.

<sup>38</sup> Interview notes.

However, it is highly unlikely that the vast majority of business patrons would behave in this manner. Most individuals are law abiding and when properly informed about the fee structure of the bags would comply with the rules. This is the reason that people generally do not walk through grocery stores eating grapes or trail mix without paying. Customers know what is free and what is stealing. Stores like Aldi and Save-A-Lot do not offer plastic bags for free and the customers are fully aware that there is a fee for all plastic bags used to bag groceries. Stores such as these allow customers to select the number of bags they would like and add them to the overall purchase. Once customers have been informed through advertisement, signage, and the employees that are processing their order, virtually all will make an informed decision to either purchase the plastic bags within the fee structure plan or to provide their own reusable bags.

There are way to use popular businesses or activities in order to incentivize people to use alternatives to plastic bags. For example, the Memphis Zoo and Kroger have teamed up and unveiled “a specialty brand of reusable bags designed with faces of some of the most favorite animals at the zoo”.<sup>39</sup>The bags will be sold exclusively at Kroger grocery stores. Partnerships such as these can open an entirely new stream of revenue for local organizations, businesses, and social clubs that allow their logos, photos, or images to be used on the reusable bags. By selling the bags exclusively at Kroger it also creates the opportunity for Kroger to have increased revenue since customers can only get the zoo animal bags at their particular grocery store. Other rival grocery stores can create similar partnerships and help to generate traffic in their stores as well. Lastly, the idea of sustainability is attractive to multiple stakeholders as exemplified by the partnership between the Zoo and the Kroger grocery chain. Michele Correia, Director of Development with the Memphis Zoo said “It really fits in closely with our sustainability initiatives to help reduce single-use plastics entering the environment and the waste stream. Kroger is going to talk a little about their zero-waste campaign, so it's a perfect partnership, tie-in together.”<sup>40</sup>

There are often unforeseen expenses that come with a fee structured implementation on single use plastic bags. The usual expenses in this type of issue deal with the taxes, lost jobs, and possible loss of customers to the prospective businesses. However, some additional issues can often go unnoticed during the planning stages. An example of this for consideration is who will pay to have the fee structured implementation enforced and regulated. When an undertaking like this occurs there has to be a department responsible for making sure that rules are being followed, penalties are being enforced, and revenues are collected. This can either be implemented by adding the responsibility to an already established department of the local/city government or by creating a new department. Either option will likely involve hiring additional staff or increasing the workload of existing staff. This can create an unplanned expense or additional burden to the staff and it must be evaluated moving forward.

## CONCLUSION

Based on the pre-mentioned sections, we believe that a fee structure to reduce the use of single use plastic bags, would be the most convenient and efficient mechanism to be adopted by both of the townships as a first step towards a complete plastic bags ban.

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<sup>39</sup> Istvan Bardos, Memphis Zoo and Kroger unveil specialty brand of reusable bags LOCALMEMPHIS (2019), [https://www.localmemphis.com/news/local-news/memphis-zoo-and-kroger-unveil-specialty-brand-of-reusable-bags/1934009981?fbclid=IwAR2VqpA9rRfQKpmVEf03mkbtyGLF01c0dP0mLEowzqRbbnGdfuGT\\_RW1Knw](https://www.localmemphis.com/news/local-news/memphis-zoo-and-kroger-unveil-specialty-brand-of-reusable-bags/1934009981?fbclid=IwAR2VqpA9rRfQKpmVEf03mkbtyGLF01c0dP0mLEowzqRbbnGdfuGT_RW1Knw) (last visited May 1, 2019).

<sup>40</sup> *id.*

**Student Group #3: To Ban or Not to Ban:**  
**Examining Possible Plastic Bag Management Structures for Ferguson Township**  
(examining bans and other voluntary measures)

**I. Introduction**

Concerned citizens proposed a petition to Ferguson Township’s Board of Supervisors “requesting an ordinance banning [s]ingle-[u]se [p]lastic [b]ags at point-of purchase.” While the petition did not include exact wording for an ordinance, the petitioners list a series of changes they would like to see implemented, including: (1) businesses will charge a fee of 25 cents for each single-use plastic bag used at point-of-purchase, (2) businesses offering paper bags may offer only those made of 100% recycled material (a minimum of 40% post-consumer waste), and (3) businesses will place signs at all registers introducing the ordinance and informing shoppers about the dangers of single-use plastic bags. The petitioners say they would like this ordinance to apply to all retail stores, restaurants, pharmacies, and farmers’ markets.

Through research and interviews, we heard many viewpoints pertaining to plastic bags, environmental education initiatives (like the proposed sign at the register), and fee structures. We learned about alternatives already in place at some business establishments - from paper bags, to reusing plastic bags, to boxes. We looked most closely at ideas for voluntary actions that can be taken - with or without the encouragement of local governance - to achieve some of the environmental goals of this petition. We interviewed local business owners about what steps they currently take to limit waste from single-use plastic bags. We also explored incentive-based programs, looking to what has been done in other areas to motivate people against using plastic bags. Through researching what has worked and what has failed in other communities, exploring the effects of single-use plastic bags and the restriction of such bags, and meeting with local stakeholders, the Board of Supervisors can best decide what makes sense for Ferguson Township.

**II. Discussion**

As part of Ferguson Township’s response to the petition, our group spent time researching plastic bags’ effect on the environment, interviewing local business owners and community leaders, and reviewing possible alternatives to the petition. Our research showed us there are many ways to handle the issue of single-use plastic bags, such as: an outright ban, a fee-based system, or voluntary or incentive-based systems. We present to the Township a review of the issues and some of possible options for dealing with plastic bag use to respond to this petition. Specifically, we examine how Ferguson Township may either allow businesses to voluntarily address some of the environmental waste issues that can accompany the use of plastic bags, or similarly, how Ferguson Township may establish incentives for individuals and businesses to reduce single-use plastic bag consumption.

Communication with major stakeholders will be key to finding the right solution for Ferguson Township. A number of people in Ferguson Township have strong opinions about the proposed ordinance. One way to dissipate negative feelings about a single-use plastic bag ordinance starts with the use of the word “ban.” The petitioners requested a system that acts as more of a fee on single-use plastic bags rather than a ban. We propose options that focus on single-use plastic bag “management.” To avoid confusion, we propose that one discussing this issue with major stakeholders could use the word “ban” only when truly discussing a ban. We explore some major stakeholders and their corresponding interests in Table 1.

Table 1:

Stakeholders	Interests
Petitioners	<ul style="list-style-type: none"> <li>• To protect the local and global environment,</li> <li>• To pass the ordinance into law,</li> <li>• To educate the public in Ferguson Township,</li> <li>• To generate income for a Ferguson Township environmental fund,</li> <li>• To be heard,</li> <li>• To adhere to political values</li> </ul>
Residents of Ferguson Township	<ul style="list-style-type: none"> <li>• To preserve the local environment,</li> <li>• To avoid spending money on bags,</li> <li>• To carry items conveniently at point of sale,</li> <li>• To avoid increasing local taxes,</li> <li>• To be heard,</li> <li>• To adhere to political values</li> </ul>
Ferguson Township Board of Supervisors	<ul style="list-style-type: none"> <li>• To serve Ferguson Township,</li> <li>• To address the petition as presented to the Board,</li> <li>• To hear the concerns of citizens on all sides of the issue,</li> <li>• To adhere to political values</li> </ul>
Large Businesses (Weis, Giant)	<ul style="list-style-type: none"> <li>• To profit,</li> <li>• To serve customers efficiently and preserve clientele,</li> <li>• To advertise through the use of printed plastic bags,</li> <li>• To assess plastic bag management if the company has no existing corporate protocol,</li> <li>• To adhere to political values</li> </ul>
Hilex Poly, Inc. and Employees	<ul style="list-style-type: none"> <li>• To profit and prevent loss,</li> <li>• To employ, and maintain employment of, residents of Centre County,</li> <li>• To minimize reputational impacts,</li> <li>• To adhere to political values</li> </ul>
Small Businesses (Pro Copy, Wiscoy for Animals, Exxon Gas Station, etc.)	<ul style="list-style-type: none"> <li>• To choose a plastic bag management that fits their own business,</li> <li>• To comply with strict local business ordinances already in place and as proposed,</li> <li>• To assess cost, profit, and the impact on customers,</li> <li>• To choose what signs and messages are displayed,</li> <li>• To be heard,</li> <li>• To adhere to political values</li> </ul>
Neighboring Jurisdictions	<ul style="list-style-type: none"> <li>• Esp. Centre County Council of Governments (State College, Patton, College, Halfmoon, Harris)</li> <li>• To serve consistently the citizens of Centre County,</li> <li>• To learn from neighboring townships,</li> <li>• To adhere to political values</li> </ul>

The Borough of State College	<ul style="list-style-type: none"> <li>• To serve the Borough of State College,</li> <li>• To address a similar petition presented to the Board of Supervisors in the Borough,</li> <li>• To learn from Ferguson Township,</li> <li>• To adhere to political values</li> </ul>
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Each of these stakeholders and their corresponding interests respond to the main issue arising from the petition: the impact of single-use plastics on the environment. The petition represents the voices of parts of the Township’s citizenry who want to promote a clean environment free of plastic waste and educate the public on the effects of single-use plastic waste. However, other members of Ferguson Township do not share a desire to “ban” the use of single-use plastics. Stakeholders such as Pro Copy, and the Exxon gas station on W. Aaron Dr. oppose the petition as presented to the Board of Supervisors. Pro Copy, for example, opposes a “ban” on paper bags (paper bags are included in the petition’s “ban”) because the business uses paper bags for customers. The opposition suggests that the petition may be too strident.

Another stakeholder, Hilex Poly, Inc., located in Bellefonte, PA, manufactures single-use plastic bags and, as of 2015, employs at least 160 people who live in Centre County, PA. The impact of single-use plastic bag management in the form of a local ordinance may endanger the jobs and well-being of a significant number of people if the environmental movement becomes a trend in the region. The proposed ordinance would only affect Ferguson Township, but individuals in the county whose interests align with Hilex Poly, Inc. may oppose change for commercial or political reasons. In general, opposition from the large and small businesses and how to mitigate the interests to the interests of the petitioners and the local community comprise a second major issue.

One way to gauge more of the interests of Ferguson Township as a whole could be to create educational and discussion fora. These fora have an added benefit: to eliminate misconceptions about the environmental impact of single-use plastics and to build momentum toward progress of any kind by including a broader set of interests. The results of the petition could therefore be tailored to the greater community.

Centre County also holds several other communities that may face the same issues in the future. The Borough of State College will likely entertain a similar ordinance to manage single-use plastics. Both Ferguson Township and the Borough of State College are members of the Centre Region Council of Governments and the results of any ordinances will impact the three other governmental organizations. A proposed ordinance could operate more effectively if the ordinance were consistent with, or similar to, the outcome in neighboring jurisdictions. Thus, a third major issue entails how Ferguson Township will work with neighboring jurisdictions toward a consistent result that represents the interests of a greater community. Please see Table 2 for a summary of the major issues.

Table 2:

<b>Major Issues</b>
1. How will Ferguson Township address the environmental waste concerns that arise from the use of single-use bags to address the petition?
2. How will Ferguson Township mitigate conflicts that arise from varied interests of the petitioners, large and small businesses, and the local community?
3. Will Ferguson Township impact the laws and consumer habits of neighboring Townships, and how will the Centre Region Council of Governments react to the proposed ordinance?

### III. Alternatives and Options

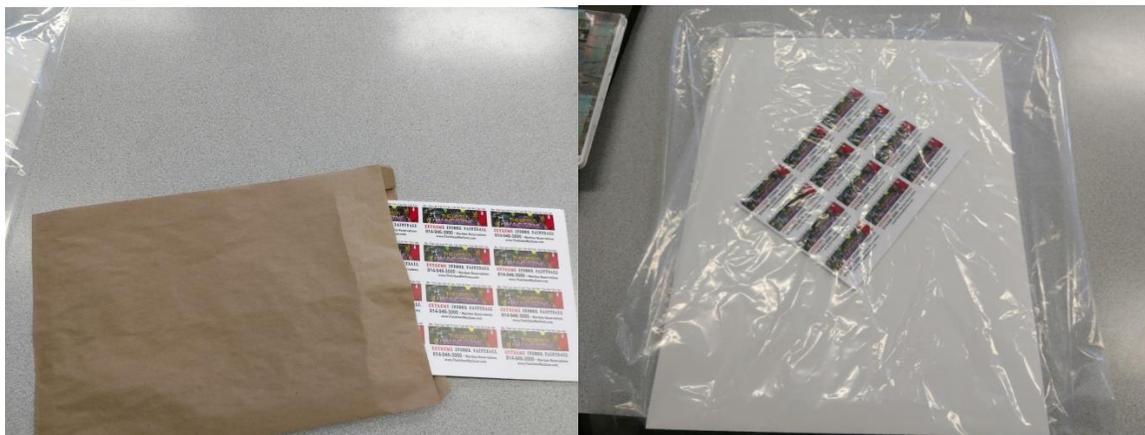
#### A. Take No Official Action; Allow Businesses and Consumers to Make Their Own Choices and Come Up with Their Own Solutions

##### a. Business Owners

One alternative to the proposed petition is to allow businesses owners and consumers the freedom to choose how to handle environmental waste concerns and react to the interests at play. Many of the business owners in Ferguson Township already contemplate the issue of waste from single-use plastic bags and manage in their own way.

A business we interviewed recycles single-use plastic bags from other establishments; customers bring the business plastic bags from grocery stores or other retail establishments, and the business reuses them. The business owner estimates that about 1,000 reused plastic bags cycle through her establishment every week. Each year, the business owner also gives away several thousand reusable bags as a gift to her customers. The business owner says these are her regular practices; she believes in sustainability and maximizing resources and has never bought plastic bags. The business owner opines that charging people for plastic bags or banning plastic bags altogether is not necessary. Her practices are a better option for her business and her customers.

Another Ferguson Township business owner made a voluntary decision to forego plastic bags. His business offers customers paper bags or boxes for most purchases. If he uses plastic bags, the items are too big or heavy for paper bags or need protection from moisture. Below are pictures of the paper bags the business owner uses most often and the plastic bags he uses for heavier items or items that must be protected.



This business owner was frustrated to hear that the petition calls for a restriction on paper bags as well as plastic. His paper bags are not made of 100% recycled material as the petition proposes. He reasons that the quality of 100% recycled paper bags is considerably worse than other paper bags. He also researched the paper-making process and found that significant unexpected waste results by making paper from 100% recycled material. Because paper bags are biodegradable, he feels he has addressed some of the environmental concerns the petitioners care about while serving client base well. The business owner believes that paper bags are a better solution than single-use plastic bags and that he should be allowed to continue using them.

Other businesses in Ferguson Township encourage recycling of single-use plastic bags by maintaining recycling bins at the front of the establishment. Some sell reusable bags. Local businesses

argue that the decision to customize solutions to environmental and business issues to fit the needs of their business belongs to the business. What works for one business may not work for another.

**b. Consumers**

If Ferguson Township enacts no ordinance, consumers will have the freedom to choose how they react to the environmental issues and the issue of convenience when shopping. The decisions made by consumers may shape the market and the decisions of business owners.

Now, consumers can choose to use complimentary plastic bags. They can choose to buy reusable bags or bring reusable bags with them to the business. At least one establishment offers consumers paper bags or boxes. However, business owners say consumers will be frustrated and even angry about a fee or a ban on plastic bags.

**c. Conclusion**

One alternative to enacting an ordinance entails giving consumers and business owners the ability to choose what works best for them without local government involvement. Positive reactions about issues and positive dialogue could occur organically. Businesses may limit waste as the business implements environmentally friendly systems that work best for the business. Not all businesses may get on board, but those that do will do so willingly and with a positive, helpful outlook on the environmental issues in question. Our readers should note that the risks associated with this alternative may include disgruntled petitioners and concerned citizens. Ultimately, the public should be an indicator of how Ferguson Township must react to the petition.

**B. Create a Township-Based Incentive Program or Programs to Reduce the Use of Plastic Bags at Point-of-Purchase**

**a. Introduction**

The second alternative we have been exploring is non-legislative government action. This category of options includes information campaigns and different schemes for encouraging citizens and businesses to reduce the use of plastic bags and plastic in general. Unlike statutory measures, these actions are not mandatory. Instead, they aim to incentivize people to act in a particular manner. Incentive programs may also include a reward for the people who behave accordingly.

Advocates of government-based incentive programs claim they are a way of reconciling doing nothing with imposing mandatory measures. By seeking to strike a balance between demanding the people to act a certain way and the effect of imposing that particular measure, these policies' aims to be proportional. In the scale below, public action of this character would be on the left side of the spectrum.



**b. Education and Public Awareness**

One form of government-based incentive programming could include educating the public about the effects plastic has on the environment. Such programs usually seek to enlighten a community on the impact of plastic use, how to reduce consumption of plastic or both. For example, last fall, local governmental agencies in Erie County and the Department of Conservation and Natural Resources introduced a new touring event called “Plastic Pollution Solution: One Small Change” at the Tom Ridge Environmental Center.<sup>[1]</sup> The exhibit was free, and part of a more prominent public awareness program

initiated by the county.<sup>[2]</sup> Among other things, Erie also started a Twitter campaign and held environmental events.<sup>[3]</sup>

Another example is Narberth, PA. Before becoming the first borough in Pennsylvania to impose plastic bag and plastic straw restrictions, Narberth engaged heavily with the local community and held numerous events to get businesses and people to reduce the use of plastic, including educational events in partnership with the local waste facilities, an art installation, and public meetings. Six months after agreeing on the ordinance, Cyndi Rickards from the Narberth Council pointed out that education was a crucial part of getting the action passed without significant objections.

### **c. Incentives and Reward Programs**

Local government can also encourage and incentivize people and businesses to eliminate single-use plastics and start using more environmentally friendly substitutes. This course of action may involve simple encouragement, like the non-binding city council resolution Lancaster passed last summer that encourages businesses to be environmentally friendly.<sup>[4]</sup> As mentioned above, Erie County created events and a hashtag on Twitter for people to share their passion to be environmentally friendly. Although not a formalized reward system, one could argue that the campaign served a similar purpose, in so far as participants receive social recognition and confirmation for their commitment.

### **d. Conclusion**

The consensus among people where single-use plastic reduction measures have been enacted seems to be that action needs to be introduced gradually. Erie, Narberth, Lancaster, and other counties and states have all started with soft and easy programs, such as public awareness campaigns and progressively imposed more demanding, yet effective measures, i.e. fees on plastic bags. Ferguson Township would be advised to follow the same blueprint but should also consider going as far as Narberth and imposing a fee structure on plastic bags. Studies show that a minor tax per bag is far more effective than having a reward scheme.<sup>[5]</sup>

In conclusion, Ferguson Township should develop a progressive and comprehensive plan to reduce the use of plastic, employing different types of measures. Whether the end-goal of that plan should be the enactment of a fee should be discussed further.

## **IV. Process Recommendations Going Forward**

Considering the above research, we propose the following process recommendations. We tailored these recommendations to assist Ferguson Township in addressing the petition, in finding the right strategy for single-use plastic bag management, in ensuring that stakeholders feel heard, in educating constituents and local businesses, and in promoting regional cooperation. The process recommendations provided are suitable to be enacted independently or in combination, at the discretion of Ferguson Township's Board of Supervisors.

### *Process Option 1: Assess Strategies and Potential Impacts and Outcomes*

The focus of this report has been on voluntary measures to manage plastic bag consumption, either by use of incentives and encouragement from the local government, or by "doing nothing" and leaving the fate of plastic bag management up to market forces, businesses, and citizen engagement.

There are, however, other strategies that are worth considering, both individually and in combination with the measures we have suggested in this report. These include an outright ban of single-use plastic bags, implementing fees for single-use bags at point of purchase, or shaping the behavior of businesses and plastic bag manufacturers through the use of taxes or tax-cuts.

The question that remains unanswered is what strategy fits Ferguson Township the best. As such, a potential next step is to further research the strategies that have been presented, and what potential impacts and outcomes they may have if implemented in Ferguson Township.

The Board of Supervisors may start by assessing the likelihood of change if the Township decides to “do nothing,” or try out an incentive structure. The Board could do so by interviewing the businesses that are likely to be affected to hear about their motivation, or lack thereof, for reducing the consumption of single-use plastic bags on their own accord.

The Township may benefit from informing the local businesses about changes implemented by others. For example, one business we interviewed reused bags that customers bring to the store. Plenty of other businesses have pledged to reduce their plastic consumption, such as Starbucks, Nestlé, Unilever, Hilton, and American Airlines (see more examples [here](#)).<sup>[6]</sup> These corporate examples may serve as inspiration for local businesses who are interested in changing, but who do not want an ordinance or tax forcing particular amendments on them.

When assessing a local business’s desire to make voluntary changes, the Township may provide information on other “easy” courses of action that may bring about change. A business may, for instance, start asking customers if they “want a bag” at point of purchase. This change in attitude towards giving out plastic bags freely may make customers reconsider their needs. Additionally, local businesses wanting to make a change may consider implementing a reward scheme for customers who use reusable bags by giving them stamps that lead up to a discount or free product. In Patton Township, Trader Joe’s places a customer’s name and phone number in a raffle for a gift card when the customer brings reusable bags.

Another preliminary assessment the Township may want to make before choosing a strategy is how different single-use plastic management styles are likely to be received by different stakeholder groups. As listed in this report, there are many stakeholders who have strong opinions on how single-use plastic bags should be managed. For any given strategy to work, it is important that it has sufficient support by stakeholder groups. For this reason, the Township should survey how the different strategies are likely to be received if implemented. This may be done by identifying representatives in each stakeholder group and sending them an online survey researching their attitudes to different plastic bag management strategies. Once the results are in, the Township may analyze the results and consider what strategy might be the most fruitful going forward.

### *Process Option 2: Facilitate Stakeholder Engagement, Conversation, and Mutual Education*

On the topic of stakeholders, a vital process step is to facilitate conversation and mutual education between stakeholder groups. On one hand, the Township has received a petition which requires a respectful response. On the other hand, the proposed ordinance may threaten other constituents’ livelihood. As such, it is crucial that all relevant stakeholders are taken seriously, feel heard, and ideally, listen to each other to find a solution all parties feel comfortable with moving forward.

The Township should identify who the relevant stakeholder groups are (please see Table 1) and facilitate discussion fora where all may raise concerns. As is often the case, it may be difficult to promote stakeholder attendance at meetings. To avoid low participation, the Township could engage local media, Penn State University, local social clubs, communities of faith, and businesses to publicize the meetings taking place.

The meetings should initially be an opportunity for stakeholders to meet, converse, and voice their concerns. It might be a good idea to use a neutral mediator who can help ensure the conversation is productive. If possible, the Township should ensure that unbiased educators are present who can answer questions about effects of single-use plastic and what alternatives exist for dealing with them.

To ensure meetings with stakeholders are going to be productive, find a forum that is fit to facilitate conversation. The Township should consider whether the conversation is more or less productive when stakeholders meet in large assemblies or in smaller groups of chosen representatives from the stakeholder groups.

Eventually, if a strategy has not already been chosen, stakeholders should be included in the decision-making process. At the described meetings, the Township may present stakeholders with the different alternatives that are under consideration (such as a ban, a fee structure, incentives, or an unrestricted market) to hear their input. Collaborative design approaches where stakeholder engagement is a priority are known to gain more traction and have higher success rates.

If physical meetings seem ambitious, the Township should make it easy for stakeholders to voice their opinions on the options by other means. In addition to providing information on the management options that exist, the Township may set up a hotline, a designated email address, a website, or social media accounts where stakeholders can let their voices be heard. This would make it easy for the Township to collect data on what strategy has support among the stakeholders. If the meetings prove unsuccessful, the Township may consider educational events for interested stakeholders.

#### *Process Option 3: Educational events and citizen engagement*

The Township may benefit from organizing educational events that are not perceived as didactic. For instance, several documentary movies concern the impact of single-use plastic on the earth. The Township may consider arranging viewings of such movies in local venues around State College, followed by a discussion with knowledgeable people who are able to answer questions in a neutral way. Such events may become more attractive if volunteers provide hors d'oeuvres.

Regardless of the management structure the Township chooses, citizens and “green businesses” can promote their agenda through social media and educating friends, colleagues, and family about the impacts of single-use plastics. Businesses that have stopped using plastic bags can use scientific facts to promote and encourage citizens to spread the word through use of hashtags and reviews. If some businesses become known as “green,” the business may attract new customers and persuade other businesses to move in the same direction.

#### *Process Option 4: Regional Engagement and Cooperation before Deciding what to Implement from the Petition*

Regional cooperation within the county should be attempted under any alternative or option listed here. Due to the unusual local government structure in the region, Ferguson Township should aim to liaison with neighboring townships on how to best manage the use of single-use plastics. If neighboring townships are not already considering implementing single-use plastic management measures, they may be interested in the research and experience Ferguson Township has acquired during these processes.

When more neighboring townships address plastic bag management in a uniform way, the region may persuade other Pennsylvania businesses to voluntarily change their management systems to conform with the region. Thus, Ferguson Township should facilitate a conversation and maintain a positive outlook on future cooperation with interested neighboring communities.

#### *Process Option 5: Partner with the Sustainable Communities Collaborative*

Finally, we would suggest the continued use of the SCC as a resource to promote environmental education and conduct further research on how to best handle plastic management in Ferguson Township.

#### References:

- [1][https://events.dcnr.pa.gov/event/plastic\\_pollution\\_solution\\_one\\_small\\_change#.XLPnri3Mw\\_U](https://events.dcnr.pa.gov/event/plastic_pollution_solution_one_small_change#.XLPnri3Mw_U)
- [2]<http://www2.erie.gov/environment/index.php?q=single-use-bag-pollution#slideshow>
- [3]<https://twitter.com/hashtag/ErieBYOBag?src=hash>
- [4]<https://local21news.com/news/local/lancaster-is-encouraging-businesses-to-not-use-plastic-bags>

[5] <https://wagner.nyu.edu/files/faculty/publications/Homonoff%20-%20Can%20Small%20Incentives%20Have%20Large%20Effects.pdf>

[6] <https://www.unenvironment.org/news-and-stories/story/what-are-businesses-doing-turn-plastic-tap>

**FERGUSON TOWNSHIP**  
**REGIONAL AND ABC MEETING REPORT**  
(One Meeting Report Per Form)

1. **NAME OF MEETING ATTENDEE(S):** Mark Garlicki

2. **REPORTING ON**  
**WHICH COMMITTEE:** Spring Creek Watershed Comm.      **DATE:** 3/16/2022

3. **REQUIRES COMMENTS BACK TO BOARD OF SUPERVISORS:**     YES             NO

If YES, describe briefly:

4. **BRIEF OVERVIEW OF MEETING:**

Vice-Chair Joanne Tosti-Vasey conducted the meeting.

The previous meeting minutes were approved.

Educational Topic: was postponed; the presenter could not make it.  
(Land-use impacts on stream hydrology and temperature in the Spring Creek Watershed by Lexie Orr)

One Water Plan: A watershed-wide collaboration to protect and guide development within the watershed in an environmentally, economically, and socially beneficial manner. Phase III of the Plan, which will be a 50-year road map, is moving forward with the following actions: 1) establishing a working group, 2) writing a plan proposal, and 3) searching for grant funding. One Water Plan video presentation is available at: <https://bit.ly/SCWCMarch2022>

Atlas Project: The SCWC "Atlas Project" is the outreach arm of the Commission and houses a vast amount of information about the landscape and community within the watershed, all aimed at increasing the public's awareness of this vital resource. The information includes art, articles, interactive mapping and much more, see the website here: <https://www.springcreekwatershedatlas.org/>

Groundwater Symposium: An on-line presentation event sponsored by Penn State on May 5th in celebration of National Drinking Water Week. Register at: <https://iee.psu.edu/events/pennsylvania-groundwater-symposium>

Next SCWC Meeting: May 18, 2022

5. **LINK TO COG COMMITTEE**  
**MEETING AGENDA:** \_\_\_\_\_

## Spring Creek Watershed Commission

March 2022

Hybrid – In-Person and Via Zoom

March 16, 2022 SCWC Meeting

Time: March 16, 2022 07:00 PM Eastern Time (US and Canada)

In-Person;

Bellefonte Borough Council Chambers

236 W. Lamb Street

Bellefonte, PA 16823

Zoom Connection: This

<https://us02web.zoom.us/j/89897415182?pwd=QU5uRVp1UWhKRTRVSkZPUStCd1NIQT09>

- 1) **Call to Order:** Vice-Chair Joanne Tosti-Vasey will call the meeting to order
- 2) **Introduce members:** – Establish which municipalities are present and who the new/returning representatives/alternates are for each municipality. Circulate membership list for confirmation and any needed updates.
- 3) **Citizen Comments:** The public is invited to address the Commission on items not on the agenda. (5 minutes per commentary). Electronic copy of comments may be submitted to SCWC & will be added to meeting minutes.
- 4) **Approval of minutes,** Approval of January 2022 draft minutes (attached)
- 5) **Educational Topic** - Introduction by Doug Mason, Education Committee
  - *Land-use impacts on stream hydrology and temperature in the Spring Creek Watershed* by Lexie Orr
- 6) **Old Business:**
  - One Water Report:**
    - i. Status update on project to establish Phase III Working Group – Executive Committee members
    - ii. One Water Plan video presentation uploaded to YouTube for public viewing - available at <https://bit.ly/SCWCMarch2022>
    - iii. Potential funding source updates – Joanne Tosti-Vasey
  - Atlas Project updates – Bob Carline**
    - iii. Current Status
    - iv. Award proposal from the Atlas Workgroup – status

## **Education Committee updates – Doug Mason and Jasmine Fields**

Educational Topics for remainder of 2022

### **o Confirmed presentations**

- May: Tony Butta – *Climate Modeling of the Spring Creek Watershed in light of increasing extreme weather*
- July: Carolyn Hatley & Sarah Kania -- *The Senior Environmental Corps Program & other volunteer opportunities available through Clearwater Conservancy*
- September: PSU Professor Lauren McPhillips – *Walnut Springs Constructed Wetland in the Borough*
- November: Kimberlie Gridley – tentative title *Pennsylvania's One Water Task Force*

## **SCWC Facebook Page – Izen Lingenfelter**

### **Reminder: Groundwater Symposium, May 5th – Bill Sharp**

Registration scholarships for Commission members and alternates approved.

The complete Symposium agenda and registration available later in March at <https://iee.psu.edu/events/pennsylvania-groundwater-symposium>

In celebration of National Drinking Water Week, Penn State Extension, the Master Well Owner Network, and the Pennsylvania Department of Environmental Protection along with numerous other sponsors and partners are seeking presenters and sponsors for the 2022 Pennsylvania Groundwater Symposium to be held online. The PA Groundwater Symposium provides a forum for researchers, students, professionals, and educators working in the groundwater field to exchange information and promote the protection of groundwater resources throughout the state. The day-long symposium will include a mix of recorded and live sessions. Plenary and concurrent session speakers will address numerous important groundwater issues in Pennsylvania. Registrants can also receive continuing education credits for attending all sessions.

## **7) New Business:**

## 8) Financials -UPDATE

a. **Reports:** January and February – Bill Sharp, Jon Eaton

### December 2021

Project Fund: Debit:	\$0.00	Credit:	\$00.00	Balance:
\$2,015.63				
General Fund: Debit:	\$0.00	Credit:	\$2228.60	Balance:
\$28,093.24				

### January 31st 2022

Project Fund: Debit:	\$0.00	Credit:	\$0.00	Balance:
\$2,150.63				
General Fund: Debit:	\$66.70	Credit:	\$358.10	Balance:
\$28,384.64				

[Credit = Potter Twp]

### February 28th 2022

Project Fund: Debit:	\$0.00	Credit:	\$0.00	Balance:
\$2,150.63				
General Fund: Debit:	\$0.00	Credit:	\$0.00	Balance:
\$28,384.64				

**9) Once Around the Watershed:** Members are asked to share relevant water related news from their municipality.

### 10) Remaining Meetings for 2022:

May 18, 2022  
July 20, 2022  
September 21, 2022  
November 16, 2022

CNET coverage of this meeting is sponsored by Ferguson Township.

The meeting will be rebroadcast on C-NET channel 7 at the following times:

Wednesday, March 30 - 9:30 p.m.  
Friday, April 1 - 2:00 a.m.  
Saturday, April 2 - 8:00 a.m.  
Sunday, April 3 - 4:00 p.m.

Joanne Tosti-Vasey is inviting you to a scheduled Zoom meeting.

Topic: SCWC Meeting

Time: Every 2 months on the Third Wed, 6 occurrence(s)

May 18, 2022 07:00 PM

Jul 20, 2022 07:00 PM

Sep 21, 2022 07:00 PM

Nov 16, 2022 07:00 PM

Please download and import the following iCalendar (.ics) files to your calendar system.

Monthly:

<https://us02web.zoom.us/j/89101330467?pwd=eVNINDk1T2xacWxLWFJWWmF5azJuQT09>

Join Zoom Meeting

<https://us02web.zoom.us/j/89101330467?pwd=eVNINDk1T2xacWxLWFJWWmF5azJuQT09>

Meeting ID: 891 0133 0467

Passcode: 677245

One tap mobile

+13017158592,,89101330467#,,,,\*677245# US (Washington DC)

+13126266799,,89101330467#,,,,\*677245# US (Chicago)

Dial by your location

+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 929 205 6099 US (New York)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

+1 669 900 6833 US (San Jose)

Meeting ID: 891 0133 0467

Passcode: 677245

Find your local number: <https://us02web.zoom.us/u/kUY3bPIN>

**CRCOG / REGIONAL MEETING REPORT**

(One Meeting Report Per Form)

1. **NAME OF MEETING ATTENDEE(S):** Laura Dininni

2. **REPORTING ON WHICH COMMITTEE:** COG Executive      DATE: 3-22-22

3. **REQUIRES COUNCIL COMMENTS BACK TO COMMITTEE:**       YES       NO

If YES, describe briefly:

4. **BRIEF OVERVIEW OF MEETING:**

The only item discussed in depth that was not on the March General Forum agenda was the refuse and recycling pilot project to change the collection start time.

The lack of concern for rural residents who currently have the earliest start times and conflict with bear population was discussed.

I advocated strongly for consideration of minor route adjustments BEFORE the pilot kicks off as to not initiate a potentially long lasting and dangerous pattern of instigating resident interaction with bear, as they tend to imprint quickly to potential food sources, this change will result in likely increased conflict between bear and hauler employees and residents as bear are most active at night and pre dawn and this is the time the proposed move would affect in the rural area of Ferguson Township.

Specifically looking at Ferguson Township's refuse collection:

- Monday: Park Forest area, which includes some Ferguson Township addresses.
- Thursday: Collection begins with the more populated areas of Ferguson (mostly developments near Pine Grove Mills) before moving into Pine Grove Mills proper and then west.
- Friday: Collection rural, beginning near the intersection of Tadpole Rd and West Whitehall with customers along that section of W. Whitehall, Horseshoe Circle, and the Fairbrook and Ramblewood developments, then move into far West Ferguson. These residential areas in West Ferguson ARE THE MOST LIKELY TO ENCOUNTER BEAR. Neighborhoods engulfed in wildlands is characteristic of these areas.

The current Friday route is problematic for the time change. The area where it begins is residential BUT still very rural and in deep bear country, extremely close to State Gamelands 176, in the middle of prime bear and wildlife habitat.

5. **LINK TO COG COMMITTEE MEETING AGENDA:** \_\_\_\_\_

#### **4. OVERVIEW CONTINUED:**

The time change creates further likelihood of human/ bear interaction as many will be more likely to put trash out the night before, or drag it down just before dawn when bears are very active.

A slight rearrangement of the Ferguson routes PRIOR to pilot implementation would result in these rural areas being served later in the day and increase the ability for residents to observe game commission warnings to not put their trash out overnight, thereby deterring bears. This pilot will be in prime bear activity time of year. A minor initial accommodation in route will help ensure success and preserve residents' ability to keep themselves and their neighborhoods safe along with the service providers.

The staff decision maker is considering this minor but important request, to make a minor change in route to ensure resident safety while ensuring service provider safety during this pilot.

# CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: [www.crcog.net](http://www.crcog.net)

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## EXECUTIVE COMMITTEE

Hybrid Meeting

March 22, 2022

12:15 PM

GENERAL MEETING INFORMATION	
<u>RSVP</u>	To ensure an overall quorum of members, please let us know how you intend to participate: <a href="https://us02web.zoom.us/meeting/register/tZYvc-itpz8qGNWKaelxtjo7dcoGomtluXFI">https://us02web.zoom.us/meeting/register/tZYvc-itpz8qGNWKaelxtjo7dcoGomtluXFI</a>
Remote Participants	<b>To attend via Zoom:</b> <a href="https://us02web.zoom.us/meeting/register/tZYvc-itpz8qGNWKaelxtjo7dcoGomtluXFI">https://us02web.zoom.us/meeting/register/tZYvc-itpz8qGNWKaelxtjo7dcoGomtluXFI</a> To attend this meeting by phone: +1 929 205 6099   Meeting ID: 822 4159 4021
In-Person Participants	<b>COG Building – Forum Room</b> 2643 Gateway Drive, State College, PA 16801
Meeting Contact: Scott Binkley   email: <a href="mailto:sbinkley@crcog.net">sbinkley@crcog.net</a>   814-235-7818	
<p style="text-align: center;"><a href="#">Click HERE to locate the AGENDA and ATTACHMENTS</a> <i>Should you desire to annotate any attachments you must download them first.</i></p>	

- To simplify meeting management and to ensure that all attendees have equal ability to participate, the Chat feature has been disabled on the Zoom platform. A recording of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants that are attending remotely remain muted with their video turned off unless recognized to speak. To reduce audio interference, please remain off speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. For additional information on COG Voting Procedures, click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#). Written public comment or requests to speak to the Executive Committee for items not on the agenda, and requests to comment on specific agenda items listed below, may be submitted in advance by emailing [sbinkley@crcog.net](mailto:sbinkley@crcog.net).
- To access agendas and minutes of previously held meetings, and to learn more about the COG Executive Committee on our website, please click [HERE](#).

## EXECUTIVE COMMITTEE

Hybrid Meeting  
March 22, 2022  
12:15 PM

### AGENDA SUMMARY

1.	CALL TO ORDER AND ROLL CALL
2.	PUBLIC COMMENTS
3.	NEW AGENDA ITEMS
4.	CONSENT AGENDA
CA-1	Approval of Minutes: February 22, 2022 - Executive Committee Meeting
CA-2	Draft Resolution to Designate May as Bike Month
CA-3	National Library Week Proclamation
CA-4	SolSmart Designation Certification
CA-5	Revision of COG Budget Process
CA-6	Technical Advisory Group for CAAP Implementation
CA-7	Updating Centre Region Bike Plan Maps and Tables to Reflect Current Conditions
5.	COMMUNICATIONS PROCEDURE
6.	PILOT PROGRAM TO CHANGE THE REFUSE AND RECYCLING COLLECTION START TIME
7.	EXECUTIVE DIRECTOR'S REPORT
8.	OTHER BUSINESS
9.	CALENDAR
10.	HELPFUL REFERENCE LINKS
11.	ADJOURNMENT

## CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3  
State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

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### EXECUTIVE COMMITTEE

Hybrid Meeting  
March 22, 2022  
12:15 PM

### AGENDA

1. CALL TO ORDER AND ROLL CALL

Chair Francke will convene the meeting. Mr. Binkley will take a roll call of committee members.

2. PUBLIC COMMENTS

Chair Francke will invite members of the public to comment on any items not already on the agenda (five minutes per person time limit please). Comments relating to specific items on the agenda should be deferred until that point in the meeting. Submitted comments will be read into the record by the Recording Secretary at the appropriate time in the meeting.

3. NEW AGENDA ITEMS

Executive Committee members may request additional items of business be added to this meeting's agenda. If approved by a majority vote of the members, the proposed new agenda item(s) will be added at an appropriate place on the agenda at the discretion of the Chair. Ideally, items for future agendas should be proposed to the Executive Committee through your municipal representative.

4. CONSENT AGENDA (Action)

The following items listed on the Consent Agenda portion of the Executive Committee agenda may be approved with a single motion by the Executive Committee unless a Committee member or member of the public requests that an item be removed from the Consent Agenda for a question or further discussion.

CA-1 APPROVAL OF MINUTES

**Enclosed** is a copy of the minutes of the February 22, 2022, Regular Executive Committee meeting.

*Approval of this item approves the listed minutes of previous meetings.*

## CA-2 DRAFT RESOLUTION TO DESIGNATE MAY AS BIKE MONTH

This item asks the Executive Committee to consider a LUCI Committee recommendation to forward Resolution 2022-2 to the General Forum recommending that May 2022 be designated as Bike Month at its March 28, 2022, meeting.

Bicycling and walking activities continue to grow in popularity and importance in the Centre Region and all the Region's municipalities are actively engaged in planning and implementing projects to facilitate bicycling and walking. In December 2020, the Centre Region was elevated from a bronze to a silver-level Bicycle Friendly Community. The designation recognizes the importance of bicycling and walking, and the expanding nature of the Region's network of bike and pedestrian facilities.

COG staff is requesting that draft Resolution 2022-2 (*enclosed*) be adopted by COG designating May 2022 as Bike Month. The resolution will also recognize May 16 to 22, 2022 as Bike to Work Week, and May 20, 2022, as Bike to Work Day and Centre Region Spring Bike Anywhere Friday.

These bike designations would complement the activities of the individual municipalities and COG in planning and implementing projects and programs that support bicycling and walking in the Region. The League of American Bicyclists has also awarded the Bicycle Friendly Business designation to State College Borough, Patton Township, and COG.

These awards are indicative of the progress being made to expand the role of bicycling and walking in the community. To continue the effort to raise awareness of these modes of transportation, staff requests that the LUCI Committee forward the request to the Executive Committee for the COG General Forum to receive and approve the draft resolution.

*Approval of this item will place it on the March 28, 2022, General Forum Consent Agenda for approval.*

## CA-3 NATIONAL LIBRARY WEEK PROCLAMATION

This item requests that the Executive Committee recommend that the General Forum endorse the *enclosed* proclamation recognizing April 3-9, 2022, as Library Week in the Centre Region.

Research has revealed that by the mid-1950s, Americans were spending significant amounts of time listening to the radio, watching TV, and playing musical instruments. Through concern that people were not reading enough, in 1954 a non-profit book committee was established by the American Library Association (ALA) and the American Book Publishers. National Library Week was first sponsored in 1958, and the weeklong event was developed with the intent to motivate people to read as well as to support and show appreciation to their local libraries.

The yearly affair is also doubly sponsored by the American Library Association (ALA) who decided that this week be observed every April. When first set out, the aims of this week were described as ambitious. Some goals were thought to be overzealous. Things like, expecting this week to improve American household incomes and health, and helping to develop strong and happy family lives.

National Library Week also occurs during Support Teen Literature Day, School Library Month, and National Bookmobile Day. The first theme ever in 1958 was “Wake up and Read!” The libraries expected to observe National Library Week are non-specific and much broader. This includes school libraries, local libraries, academic libraries, university libraries, and much more.

National Library Week, from April 3 to 9, allows us to promote our Schlow Centre Region Library and its employees and volunteers. Libraries are pivotal to society and celebrating them means celebrating our community. This National Library Week let’s look back on our love for the smell inside an old book, and wholeheartedly thank our local public libraries.

*Approval of this item will place it on the March 28, 2022, General Forum for a presentation and approval.*

#### CA-4 SOLSMART DESIGNATION CERTIFICATION

This item requests that the Executive Committee consider allowing Pam Adams, COG Sustainability Planner time at the March 28, 2022, General Forum meeting to present for their consideration, an application for COG to become a SolSmart- Designated Community.

SolSmart is a U.S. Department of Energy funded program that recognizes communities that have taken key steps to address local barriers to solar energy and foster the growth of mature local solar markets. Additional information can be found here: <https://solsmart.org/>.

As reported at the Climate Action and Sustainability Committee’s February 14, 2022 meeting, CRPA staff has been informed by our SolSmart representative, Courtney Ferraro, that COG is ready to apply for designation and because of the actions taken over the past two years, COG could qualify for Silver Designation. There are 424 communities across the nation and 20 in Pennsylvania that have received a SolSmart designation of bronze, silver, or gold.

In January 2020, the Public Services & Environmental Committee endorsed COG’s commitment to become a SolSmart-Designated Community and receive no-cost technical assistance. **Enclosed** is the letter providing our Solar Statement, which was the first step in the designation process. This statement is included under local government initiatives on the new Go Solar in the Centre Region website: <https://bit.ly/gosolarcr>.

For the past two years, SolSmart’s national team of experts has provided no-cost technical assistance to help CRPA staff in the process of improving solar market conditions, making it faster, easier, and more affordable for our residents and businesses to install solar energy systems. These efforts are also helping staff to increase the efficiency of local processes related to solar development, which can save our local government time and money. **Enclosed** is the COG scorecard coversheet that was compiled by Ms. Ferraro that explains the categories for credit and corresponding COG actions.

*Approval of this item will place it on the March 28, 2022, General Forum Consent Agenda for approval.*

#### CA-5 REVISION OF COG BUDGET PROCESS

At the February 10, 2022, Finance Committee meeting, the Committee discussed (see the **enclosed** minutes) the refinement of COG budget documents, the use of the existing budget process, the development of the budget, and the review/comments from the municipalities during the budget process that led to the desire to update the COG budget process to make it a more collaborate exercise.

During late 2021 and early 2022 COG Agency Directors worked together and presented to the Finance Committee at its February meeting the **enclosed** updated draft recommendation for the budget process. The changes were two-fold, first, there are recommendations to provide additional information (such as 5-year staffing and study plans) in the documents, and second, there was an attempt to change timing to reduce the number of concurrent steps that occur. A synopsis of the changes is as follows:

- A. Internal Process - New Programs/Initiatives are discussed by the Executive Director, Finance Director, and Agency Directors - January 1 - February 28
- B. Facilities Committee Process - For Facilities Condition Assessments to be included in the Capital Improvement Program (CIP), they must be approved by the Facilities Committee at their March meeting - March 1
- C. Municipal Process - The CIP will be developed and submitted to the Municipalities for review and comment - March 1 - June 1
- D. Municipal Process - The Program Plan will be developed and submitted to the Municipalities for review and comment - April 1 - August 1
- E. Finance Committee Process - The Detailed Budget will be developed and submitted to the Finance Committee for review and comment - July 1 - October 13
- F. Municipal Process - The Summary Budget will be developed and submitted to Municipalities for review, comment, & approval - October 13 - December 31

The Executive Committee is asked to consider endorsing and referring the draft COG Budget Process to the General Forum as the recommended process for staff and the participating municipalities to follow as forwarded by the Finance Committee at its March 10, 2022, meeting.

*Approval of this item will place it on the March 28, 2022, General Forum Consent Agenda for acceptance.*

#### CA-6 TECHNICAL ADVISORY GROUP FOR CAAP IMPLEMENTATION

This item asks that the Executive Committee consider a request from the Climate Action and Sustainably Committee to forward to the General Forum a recommendation to form the next volunteer technical advisory group to assist the Sustainability Planner and CAS Committee with the implementation of the Centre Region Climate Action and Adaptation Plan (CAAP).

The former CAAP Technical Advisory Group (TAG) completed its mandate with the adoption of the CAAP on November 22, 2021, and was disbanded at the end of 2021. The CAAP TAG met monthly since September 2019 and has been an invaluable resource to CRPA staff while developing the CAAP. They recommended the formation of another technical advisory group to assist with the implementation phase of the CAAP.

The CAAP is a comprehensive roadmap identifying pragmatic, fiscally responsible actions to reduce the community's greenhouse gas (GHG) emissions 45% by 2030 and adapt to the changing climate conditions. To determine the most effective, efficient, and impactful ways to implement the actions in the CAAP further work is needed. The purpose of the new technical advisory group would be to convene individuals who can assist the Sustainability Planner and relevant COG Committees by providing additional expertise and analysis of technical issues to create an implementation strategy for the CAAP.

The CRPA recommends forming a CAAP Implementation Technical Advisory Group (TAG) of 7 – 9 members that can start meeting regularly over the next year to develop a detailed level of actions needed to implement the CAAP through 2025. The Implementation Strategy should provide recommendations on the following:

1. Specific roadmap of the actions needed in the next several years
2. Approaches for creating community action
3. Resources and funding needed for implementing the actions
4. Impact of the actions (including co-benefits)
5. Strategies for funding the actions

**Enclosed** is a draft outline of the new CAAP Implementation TAG. If the Executive Committee supports the formation of a new technical advisory group for the implementation of the CAAP the item could be forwarded to the General Forum for consideration.

*Approval of this item will place it on the March 28, 2022, General Forum Consent Agenda for approval.*

#### CA-7 UPDATING CENTRE REGION BIKE PLAN MAPS AND TABLES TO REFLECT CURRENT CONDITIONS

Since the adoption of the Centre Region Bike Plan in 2015, some of the Region's municipalities have constructed new bicycle facilities, adopted Bike Plans, and amended Municipal Official Maps to include or remove bicycle facilities. At the time the Bike Plan was adopted, COG did not establish a process to perform bicycle facility updates to the existing Plan regularly. Because the maps and tables are outdated, CRPA staff recommended that they be updated to reflect current conditions. At the September 2, 2021, joint meeting of the COG PSE and TLU Committees, members authorized CRPA staff to revise the Bike Plan maps and tables. Since that time, CRPA has worked with municipal and Penn State Transportation Services staff to update existing and proposed facilities for each municipality and the University Park Campus, so they accurately reflect the changes that have been completed over the past six years.

At the February 3, 2021, LUCI meeting, staff provided information on the revised draft maps and tables that include bike facilities that were constructed, and facilities approved via formal action by municipal governing bodies or included in adopted plans or Municipal Official Maps. Committee members were asked to provide any specific questions or comments to municipal staff no later than February 17, 2022. CRPA coordinated with municipal staff and the tables were revised as follows:

- The tables indicate which projects were constructed or removed by municipal action.
- The source of proposed facilities is noted at the top of the table.
- The tables are dated and the reference to the 2022 Update was removed.

The revised Draft Centre Region Bike Plan Bicycle Facilities Maps and Tables for the Centre Region, Centre Region municipalities, and Penn State are available in the agenda packet SharePoint folder “Item CA-7 Bike Plan Documents”.

At its March 3, 2022, meeting, the LUCI Committee recommended that the Executive Committee forward this item to the General Forum for consideration to approve revisions to the Centre Region Bike Plan maps and tables at its March 28, 2022, meeting.

*Approval of this item will place it on the March 28, 2022, General Forum Consent Agenda for approval.*

**Consent Agenda Approval Motion:**

*“That the Executive Committee approves items CA-1 – CA-7 as listed on the March 22, 2022, Executive Committee Consent Agenda.”*

**All municipalities should vote on this motion.**

5. **COMMUNICATIONS PROCEDURE (Discussion/Action)** – Presented by Eric Norenberg

In 2021, the COG External Communication Policy was created. The current policy is enclosed.

At its February 28, 2022, meeting the current procedure was presented to the General Forum and members were asked to consider if any modifications of the existing procedure were needed and if so to provide direction to the Executive Committee.

At the February meeting of the General Forum, members reviewed the duties of the Executive Committee as outlined in the COG Articles of Agreement. No members made any motion related to any desire to alter or modify the duties of the Executive Committee, nor were there any motions made related to the creation of new policy/procedure for recommendations from COG Committees.

The general feedback that was received at the February 28 meeting on the process was:

- Mr. Graham expressed his concern that recommendations traveling up through the committees were not always coming before the General Forum for consideration when requested for a vote or being sent back to the committee from which it originated.

- Mr. Graham and Mr. Lord requested that all position statements on behalf of the entire COG either come before the General Forum or when urgency or other circumstances may not allow, that statements be sent on behalf of the Executive Committee and not the entire General Forum when the opportunity to debate them as an entire body is not an option.
- Ms. Dininni indicated that communication could be improved upon as it relates to the cancellation of meetings and that she was in favor of further reviewing the policy to address:
  - Distinctions of matters that are routine vs. non-routine
  - Distinctions of matters that are urgent vs. non-urgent
- It was the consensus of General Forum members to continue to allow the Executive Committee to further review, update, and strengthen COG's External Communications Policy as needed.

Executive Committee members are asked to review the noted feedback on the External Communications Policy and provide any additional recommendations on updating the policy to staff.

6. PILOT PROGRAM TO CHANGE THE REFUSE AND RECYCLING START TIME  
(**Informational**) – Presented by Eric Norenberg

At its March 14, 2022, meeting the Climate Action and Sustainability Committee discussed and supported a request by Waste Management (WM) and the Centre County Recycling and Refuse Authority (CCRRA) to begin collecting materials at 6:00 AM instead of 7:00 AM during the summer months. This change would begin on the Tuesday after Memorial Day and end on the Friday before Labor Day this year as a pilot program, with an evaluation taking place in September.

Both WM and the CCRRA offered the following points in support of the proposed schedule change:

- This change allows both WM and CCRRA to begin summertime curbside collection one hour earlier through the hottest days in consideration of their drivers and operators.
- The summer months include periods of excessive heat when collection crews from WM and the CCRRA must work into the peak heat of the day. Because this excessive heat does not occur on a regular basis, the crews do not have the opportunity to acclimatize to it.
- The schedule shift is part of the Region's climate change adaptation. For example, the average number of days above 90 degrees between Memorial and Labor Days in central Pennsylvania is 21, but in 2020 there were 35 and in 2021 there were 32. So, in the past two years, over one-third of the days in this period recorded high temperatures and a high heat index.
- The Memorial Day to Labor Day time frame is likely to be one that residents will remember easily, avoiding the confusion and/or disruption temporary changes would cause and the difficulty in communicating last-minute changes.
- Residential refuse and recycling weights are greater through the summer months. Therefore, collection operatives are working harder in the summer months.
- Both WM and CCRRA have specific protocols in place to provide worker safety in the heat, but operators still experience heat exhaustion on very hot days. This change allows operators to

shift work to cooler times of the day as the daily high temperature usually occurs from 3-5 PM when incoming solar radiation equals outgoing heat energy.

(**Enclosed** are the slides prepared for the CAS Committee meeting that includes data and background information for the preceding points.)

Additional information:

- The purpose of the pilot this year is to enable staff and the haulers to better understand any issues and to gauge residents' concerns before considering making a permanent schedule change for every summer. By gathering information on issues and complaints (both resolved and any that are unresolved), staff will have actual data for future decisions, rather than our guessing. Staff has asked that municipalities relay any complaints to the COG Refuse and Recycling Administrator so that they can be tracked and responded to.
- The COG Solicitor reviewed the contract between Waste Management and the COG and determined that a schedule change such as this is an administrative decision under the authority of the COG Executive Director.
- The COG Refuse and Recycling Administrator will utilize billing insert newsletters and the COG and municipal websites and newsletters to let residents know of the change. (This will accompany the regular advertisements regarding Memorial Day and Labor Day holiday changes.)
- WM will issue call/email blasts to alert customers as well. Due to the success of the post-card mailers, WM now has this contact information for over 98% of residential accounts.

Prior to the CAS Committee meeting, the Executive Director reviewed the proposal with Municipal Managers, in addition to the COG Solicitor. Accordingly, given the positive feedback from the CAS Committee and others consulted by the Executive Director, the schedule change has been authorized as a pilot for the summer of 2022.

7. EXECUTIVE DIRECTOR'S REPORT (Informational) – Presented by Eric Norenberg

The Executive Director will update the Executive Committee on other items of current interest.

- As requested by the Executive Committee, staff has developed an improved, standardized project status report for COG Committees and the General Forum. The draft version is available for the Executive Committee's review and feedback by visiting <https://bit.ly/3vZP8Zs>. The list is still being populated, so a few additional items will be added prior to inclusion on the General Forum agenda. It is planned that this item will join the links to the other Helpful Reference Links at the end of every agenda (see item 10. below).

If time allows the following presentation will be provided during the time set aside for Agency Director Reports at the March 28, 2022, General Forum meeting:

- Ms. Collens will provide an update on the Schlow Centre Region Library website.

8. OTHER BUSINESS

- A. Matter of Record - The next meeting of the Executive Committee is scheduled to be a hybrid meeting on **Tuesday, April 19, 2022, at 12:15 PM.**
- B. Matter of Record - At its March 14, 2022, meeting, the Climate Action and Sustainability Committee (CAS) supported CRPA staff drafting an “Expression of Interest” (EOI) to the International Council for Local Environmental Initiatives (ICLEI) Action Fund, which is a climate action funding opportunity to assist local climate action while addressing inequality. ICLEI is a global network of local governments that promotes sustainable forms of development and management. The EOI is a statement of interest only, it does not require any financial or resource commitment. The EOI is due April 11, 2022. On May 11, 2022, ICLEI will send invitations to selected organizations to apply for the Action Fund. At that time, CRPA staff will assess what is required for a full proposal and bring the item forward as determined by the COG External Communication Policy. More information can be found here: <https://icleiusa.org/climate-action-funding-opportunity-action-fund/>.
- C. Matter of Record - On March 11, 2022, Trish Meek, Senior Planner from the CRPA and State College Borough Mayor Ezra Nanes conducted an interview for the WPSU program “Take Note”. The interview focused on planning for pedestrian and bike safety, providing equity for historically underserved areas of the community, and effectively planning for infrastructure to improve active transportation in State College Borough and the Region. The interviewees talked about how active transportation can potentially lead to improved outcomes in public health, safety, inclusivity, and other positive outcomes in the community. You can listen to the interview here: <https://bit.ly/3q7bg0e>.
- D. Matter of Record - The Parks and Recreation Governance Special Committee meets on the 4th Wednesday of each month at 8:30 AM at the COG building and via Zoom. For agendas, minutes, and additional information for this Special Committee please go to: <https://www.crcog.net/parksgovernance>.
- E. Matter of Record - To watch an informational session on the Centre Region Council of Governments (COG) please go to <https://www.crcog.net/orientation>. This video is designed to provide an informational overview of COG, its operations, and its agencies. If you have questions regarding this video please contact COG Executive Director, Eric Norenberg at [enorenberg@crcog.net](mailto:enorenberg@crcog.net).

## 9. CALENDAR

A calendar with upcoming COG committee, General Forum, and municipal meetings can be found by clicking the following link: [COG and Municipal Meeting Overlay Calendar](#)

## 10. HELPFUL REFERENCE LINKS

Repositories of helpful COG information have been assembled for use by elected officials, COG staff, and others:

- Governance policies, procedures, and other related documents can be viewed on SharePoint by clicking [here](#) or going to <https://www.crcog.net/governance>.
- Updates on current COG Studies and Projects can be found by clicking [here](#) or going to <https://bit.ly/3vZP8Zs>.
- The Whitehall Road Regional Park project site facilitates easy access to documents, resources, and current information about the project. Staff continues to develop and update the site which can be found at <https://www.crcog.net/wrrpinfoguide>.
- COG Facilities Reference information can be found at: <https://bit.ly/3qnEbMA>. The Facilities Committee uses this information as a collection point and serves as a resource for new members of the Committee as well as others. Please contact Lou Brungard at [lbrungard@crcog.net](mailto:lbrungard@crcog.net) for access.

## 11. ADJOURNMENT

### ENCLOSURES

<u>Item #</u>	<u>Description</u>
CA-1	February 22, 2022 - Regular Executive Committee Meeting Minutes
CA-2	Draft Resolution 2022-2 Designating May as Bike Month
CA-3	National Library Week Proclamation
CA-4a	COG SolSmart Statement Letter - 1.16.20 signed
CA-4b	SolSmart Designation COG Scorecard Application
CA-5a	February 10, 2022 - Finance Committee Meeting Minutes
CA-5b	Finance Committee Budget Process Draft Recommendation
CA-6	I-TAG Outline Draft
CA-7	Item CA-7 Bike Plan Documents
05	COG Communications Procedure
06	Slides for Waste Management Start Time Change

**CRCOG / REGIONAL MEETING REPORT**

(One Meeting Report Per Form)

1. **NAME OF MEETING ATTENDEE(S):** Laura Dininni

2. **REPORTING ON WHICH COMMITTEE:** COG Parks Governance Ad Hoc      **DATE:** 3-38-22

3. **REQUIRES COUNCIL COMMENTS BACK TO COMMITTEE:**       YES       NO

If YES, describe briefly:

4. **BRIEF OVERVIEW OF MEETING:**

Reviewed:

1. What is an Authority?
2. What is an Authority allowed to do?
3. What is an Authority not allowed to do?
4. What do our Parks Authority's governing docs say it is allowed to do?
5. What do our Parks Authority's governing docs say is not allowed to do?

Discussed: What do we want our Park Authority to do?

Major discussion w no conclusion but primary focus of discussion was CRPRA By Laws passage.

What the By Law passage says:

"The Authority:

- Shall have full responsibility for the administration of operations and capital projects as approved by the COG General Forum."

When you read it like this:

The Authority:

- Shall have full responsibility for the administration of regional park operations and regional park capital projects as approved by the COG General Forum.

It makes sense and also accurately represents the current structures functioning.

There are issues to explore within governance of this part of the system but they differ from issues in the interaction around the municipal part of the system.

When you read it like this, it doesn't make sense or represent the current structures functioning.

The Authority:

- Shall have full responsibility for the administration of municipal park operations and municipal park capital projects as approved by the COG General Forum.

5. **LINK TO COG COMMITTEE MEETING AGENDA:** \_\_\_\_\_ 

# CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: [www.crcog.net](http://www.crcog.net)

## PARKS AND RECREATION GOVERNANCE SPECIAL COMMITTEE

Hybrid Meeting

March 23, 2022

8:30 AM

GENERAL MEETING INFORMATION	
<u>RSVP</u>	To ensure an overall quorum of members, please let us know how you intend to participate: <a href="https://us02web.zoom.us/meeting/register/tZwuf-Gtqj4rH9y0_sxSdHh5w0WI5aDvyFni">https://us02web.zoom.us/meeting/register/tZwuf-Gtqj4rH9y0_sxSdHh5w0WI5aDvyFni</a>
Remote Participants	<b>To attend via Zoom:</b> <a href="https://us02web.zoom.us/meeting/register/tZwuf-Gtqj4rH9y0_sxSdHh5w0WI5aDvyFni">https://us02web.zoom.us/meeting/register/tZwuf-Gtqj4rH9y0_sxSdHh5w0WI5aDvyFni</a> To attend this meeting by phone: +1 929 205 6099   Meeting ID: 883 8854 5158
In-Person Participants	<b>COG Building – Forum Room</b> 2643 Gateway Drive, State College, PA 16801
Meeting Contact: Scott Binkley   email: <a href="mailto:sbinkley@crcog.net">sbinkley@crcog.net</a>   814-235-7818	
<p style="text-align: center;"><a href="#">Click HERE to locate the AGENDA and ATTACHMENTS</a> <i>Should you desire to annotate any attachments you must download them first.</i></p>	

- To simplify meeting management and to ensure that all attendees have equal ability to participate, the Chat feature has been disabled on the Zoom platform. A recording of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants that are attending remotely remain muted with their video turned off unless recognized to speak. To reduce audio interference, please remain off speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. For additional information on COG Voting Procedures, click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#). Written public comment or requests to speak to the Committee for items not on the agenda, and requests to comment on specific agenda items listed below, may be submitted in advance by emailing [sbinkley@crcog.net](mailto:sbinkley@crcog.net).
- To access agendas and minutes of previously held meetings, and to learn more about the COG Parks and Recreation Governance Special Committee on our website, click [HERE](#).

## PARKS AND RECREATION GOVERNANCE SPECIAL COMMITTEE

Hybrid Meeting  
March 23, 2022  
8:30 AM

### AGENDA SUMMARY

1.	CALL TO ORDER AND ROLL CALL
2.	PUBLIC COMMENTS
3.	NEW AGENDA ITEMS
4.	APPROVAL OF MINUTES
5.	BACKGROUND INFORMATION REVIEW
6.	WHAT DO WE WANT OUR PARKS AND RECREATION AUTHORITY TO DO?
7.	WHAT DO WE WANT OUR PARKS AND RECREATION AUTHORITY TO NOT DO?
8.	OTHER BUSINESS
9.	CALENDAR
10.	HELPFUL REFERENCE LINKS
11.	ADJOURNMENT

# CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3  
State College, PA 16801  
Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

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## PARKS AND RECREATION GOVERNANCE SPECIAL COMMITTEE

Hybrid Meeting  
March 23, 2022  
8:30 AM

### AGENDA

1. CALL TO ORDER AND ROLL CALL

Chair Francke will convene the meeting. Ms. Light will take a roll call of committee members.

2. PUBLIC COMMENTS

Chair Francke will invite members of the public to comment on any items not already on the agenda (five minutes per person time limit please). Comments relating to specific items on the agenda should be deferred until that point in the meeting. Submitted comments will be read into the record by the Recording Secretary at the appropriate time in the meeting.

3. NEW AGENDA ITEMS

Committee members may request additional items of business be added to this meeting's agenda. If approved by a majority vote of the members, the proposed new agenda item(s) will be added at an appropriate place on the agenda at the discretion of the Chair. Ideally, items for future agendas should be proposed to the Parks and Recreation Governance Special Committee through your municipal representative.

4. APPROVAL OF MINUTES

**Enclosed** is a copy of the minutes of the February 9, 2022, Parks and Recreation Governance Special Committee meeting.

5. BACKGROUND INFORMATION REVIEW (Discussion) – Presented by Chair Francke

For the March meeting, members were asked to review materials provided on the Special Committee's SharePoint site to prepare for a discussion to answer the following background questions about the Centre Region Parks and Recreation Authority and its responsibilities. Please refer to the **links** to documents that delve deeper into the overview and background of

the Authority for review by the Special Committee. Following are the background questions that were reviewed since the first meeting of the Committee and members will report on their findings:

1. What is an Authority?
2. What is an Authority allowed to do?
3. What is an Authority not allowed to do?
  - [Chapter 56 – Pennsylvania Municipal Authorities Act \(PA MAA 2018-2020\)](#)
  - [Changes to the Pennsylvania Municipal Authorities Act \(PA MAA Changes\)](#)
4. What do our Parks Authority’s governing docs say it is allowed to do?
5. What do our Parks Authority’s governing docs say is not allowed to do?
  - Authority Governing Documents
    - [Articles of Agreement and By-Laws](#)
    - [Municipal Ordinances](#)
    - [Non-Profit Documents](#)

6. WHAT DO WE WANT OUR PARKS AND RECREATION AUTHORITY TO DO?  
(Discussion) – Presented by Chair Francke

Based on the questions asked and answered in the prior agenda item, the Special Committee is asked to discuss the question, “What do we want our Authority to do?”

7. WHAT DO WE WANT OUR PARKS AND RECREATION AUTHORITY TO NOT DO?  
(Discussion) – Presented by Chair Francke

Based on the questions asked and answered during agenda item 5., the Special Committee is asked to discuss the question, “What do we want our Authority to not do?”

8. OTHER BUSINESS

- A. Matter of Record – The next meeting of the Parks and Recreation Governance Special Committee is scheduled to be a hybrid meeting on **Wednesday, April 27, 2022, at 8:30 AM.**

9. CALENDAR

A calendar with upcoming COG committee, General Forum, and municipal meetings can be found by clicking the following link: [COG and Municipal Meeting Overlay Calendar](#)

10. HELPFUL REFERENCE LINKS

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- Updates on current COG Studies and Projects can be found by clicking [here](#) or going to <https://bit.ly/3vZP8Zs>.
- Staff has established a SharePoint site to share background information, documents, etc. with the members of the Parks and Recreation Governance Special Committee. As the work of the Committee proceeds, additional information will be added as well as draft documents that are being reviewed. Please contact Pam Salokangas at [psalokangas@crcog.net](mailto:psalokangas@crcog.net) for site access.
- The Whitehall Road Regional Park project site facilitates easy access to documents, resources, and current information about the project. Staff continues to develop and update the site which can be found at <https://www.crcog.net/wrrpinfoguide>.
- COG Facilities Reference information can be found at: <https://bit.ly/3qnEbMA>. The Facilities Committee uses this information as a collection point and serves as a resource for new members of the Committee as well as others. Please contact Lou Brungard at [lbrungard@crcog.net](mailto:lbrungard@crcog.net) for access.

11. ADJOURNMENT

ENCLOSURES

<u>Item #</u>	<u>Description</u>
04	February 9, 2022 – Parks and Recreation Governance Special Committee Meeting Minutes

# CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: [www.crcog.net](http://www.crcog.net)

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## FACILITIES COMMITTEE

Hybrid Meeting

April 5, 2022

8:30 AM

GENERAL MEETING INFORMATION	
<u>RSVP</u>	To ensure an overall quorum of members, please let us know how you intend to participate: <a href="https://us02web.zoom.us/meeting/register/tZEvceCorDIvHteWcfo5a3BMN_B1hIm_1F5y">https://us02web.zoom.us/meeting/register/tZEvceCorDIvHteWcfo5a3BMN_B1hIm_1F5y</a>
Remote Participants	To attend via Zoom: Follow the link that is provided with your registration. To attend this meeting by phone: +1 929 205 6099   Meeting ID: 849 9635 3180
In-Person Participants	<b>COG Building – Forum Room</b> 2643 Gateway Drive, State College, PA 16801
Meeting Contact: Lou Brungard   email: <a href="mailto:lbrungard@crcog.net">lbrungard@crcog.net</a>   814-272-1449	
 <a href="#">04 - April 2022 - Facilities Committee Agenda Packet Folder</a> <i>Should you desire to annotate any attachments you must download them first.</i>	

- The chat feature for this meeting will be limited to remote participants being able to communicate with meeting hosts. A recording of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants that are attending remotely remain muted with their video turned off unless recognized to speak. To reduce audio interference, please remain off of speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. For additional information on COG Voting Procedures, click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#).

## CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3  
State College, PA 16801  
Phone: (814) 231-3077 Fax: (814) 231-3083 Website: [www.crcog.net](http://www.crcog.net)

---

### FACILITIES COMMITTEE

Hybrid Meeting  
April 5, 2022  
8:30 AM

Written public comment or requests to speak to the Facilities Committee for items not on the agenda, and requests to comment on specific agenda items listed below, may be submitted in advance by emailing [sbinkley@crcog.net](mailto:sbinkley@crcog.net) or [lbrungard@crcog.net](mailto:lbrungard@crcog.net)

### AGENDA

1. CALL TO ORDER AND ROLL CALL

Chairperson Hartle to open the meeting. Mr. Brungard will briefly review meeting guidelines and perform roll call.

2. PUBLIC COMMENTS

Members of the public are invited to comment on any items not already on the agenda (five minutes per person time limit please). Comments relating to specific items on the agenda should be deferred until that point in the meeting. Submitted comments will be read into the record by the Recording Secretary at the appropriate time in the meeting.

3. NEW AGENDA ITEMS

Facilities Committee members may request additional items of business be added to this meeting's agenda. If approved by a majority vote of the members, the proposed new agenda item(s) will be placed on the agenda at the discretion of the Chair. Ideally, items for future agendas should be proposed to the Facilities Committee through your municipal representative.

4. APPROVAL OF MINUTES

**Enclosed** is a copy of the minutes (ATTACHMENT 001) of the February 1, 2022, Facilities Committee Meeting.

**All members may vote to approve the meeting minutes, including new members.**

5. WHITEHALL ROAD REGIONAL PARK PROJECT UPDATE: Presented by Mr. Lou Brungard and Ms. Pam Salokangas

This update will focus on current state, upcoming milestones, project management tools, and overall progress.

6. MILLBROOK MARSH NATURE CENTER SPRING CREEK EDUCATION BUILDING PHASE 2 AND THE WELCOME PAVILION UPDATE: Presented by Ms. Pam Salokangas and Mr. Brungard

This update will focus on current state, status of bidding process, and overall design update.

7. CIP PLANNING PROCESS AND CAPITAL BUDGET UPDATE: Presented by Mr. Brungard and Mr. Viglione

This update will focus on the amended process changes and tools created to facilitate a planning process that includes recommendations from Facility Condition Assessments, previous CIP Planning and additional future projections.

8. COG BUILDING OWNERSHIP TRANSFER: Presented by Mr. Brungard

During the General Forum Meeting on September 27, 2022 staff was directed to develop required documents that would be used as instruments to transfer ownership of the COG Building to the Centre Region Council of Governments as the end of the lease, May 15, 2028. This discussion will focus on the DRAFT documents and the process steps remaining to present at the April 2022 General Forum Meeting.

9. OTHER BUSINESS

10. CALENDAR

A calendar with upcoming COG committee, General Forum, and municipal meetings can be found by clicking the following link: [COG and Municipal Meeting Overlay Calendar](#)

11. ADJOURNMENT



**Interim Manager's Report  
April 5, 2022**

1. At the Regular Meeting, held on February 15<sup>th</sup>, the Board asked for regular updates on options for the intersection of Martin Street and Cherry Lane. SCASD is agreeable to a night lighting option and a 15-mph school zone. Staff is prepared to provide a cost estimate for Board's consideration during the development of the 2023-2028 Capital Improvement Plan.
2. I will be out of the office beginning Thursday, April 14<sup>th</sup> and returning on Tuesday, April 19<sup>th</sup>. Since I will be out of state, I am appointing David Modricker, Director of Public Works, to serve as Acting Manager in my absence.
3. Planning Director, Zoning Administrator, Township Engineer, and I met with the Council of Government (COG) Executive Director, COG Centre Region Parks and Recreation (CRPR) Director, and COG Facilities Coordinator to discuss the reduced scope of work to Whitehall Road Regional Park - Phase 1 development. Ferguson staff will review the stormwater analysis for the changes to grading to inform on the process review for approval process.
4. The Township was contacted by a resident residing in the Centre Region expressing interest in farming the property owned by Ferguson Township. The property is comprised of 100 acres with approximately 50 acres marked for development of Whitehall Road Regional Park – Phase 1. Staff will present additional details and possibly options to the Board at a future meeting.
5. On March 2, 2022, the Centre Region Managers, except for Harris Township Manager, met with the Ms. Louwana Oliva, Executive Director of CATA, to discuss and consider proposed local operating match shares. Provided with my report is a copy of the letter from Ms. Oliva along with the proposed 2022/23 CATA formula breakdown by municipality as of now. At a future meeting, Ms. Oliva will attend to present and answer questions as the Board considers.
6. A meeting with the Interim Manager and the Solicitor was held with Chair Dininni to review the noise ordinance provisions that previously were referenced by the Board to oppose earlier start time for refuse collection.

7. Subcommittee meetings were held on March 25, 2022, with Supervisors Williams and Strickland, as well as on March 29 with Supervisor Dininni, to discuss the strategic plan update. Supervisors will prepare comments for the goals. Interim Township Manager will add the proposed objectives and action steps by staff to the draft Strategic Plan Update for a review and discussion at a future work session.
8. A meeting was held with the Finance and Tax Director, Interim Manager, Hinton Associates, and the Hartman Group Representative to discuss the implementation of a Multi-Factor Authentication (MFA) policy and rollout plan for Ferguson Township email account holders.
9. I attended another informative Public Employer Labor Relations Advisory Service (PELRAS) Conference that provided comprehensive training on increasingly complex issues in managing within local government environments.
10. The Parks and Recreation Committee met on March 10<sup>th</sup>. The agenda items include a status update on the Recreation, Parks, and Open Space Plan Update and a review of the drafted amendments on the Ferguson Township Official Map.
11. I attended the Alpha Fire Company Annual Award Banquet, held on Saturday, March 26. Provided with my report is the award banquet booklet. Names not indicated on the banquet booklet include the following: 1. Most Improved Firefighter: Patrick Kasper 2. Firefighter of the Year: James Pletcher 3. Spirit Award: Sarah Kollat
12. The Township received Irene Miller Wetzer's resignation, effective March 10, 2022. Staff will begin advertising the Authorities, Boards, and Commission (ABC) vacancies late spring or early summer.

## Martin, Centrice

---

**From:** Martin, Centrice  
**Sent:** Thursday, March 31, 2022 2:17 PM  
**To:** Norris, Faith  
**Subject:** Fwd: [Ferguson Township PA] Street sweeping (Sent by Melvin and Emma Westerman, wez@psu.edu)

**From:** Contact form at Ferguson Township PA <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>  
**Date:** March 31, 2022 at 2:04:36 PM EDT  
**To:** "Martin, Centrice" <[cmartin@twp.ferguson.pa.us](mailto:cmartin@twp.ferguson.pa.us)>  
**Subject:** [Ferguson Township PA] Street sweeping (Sent by Melvin and Emma Westerman, [wez@psu.edu](mailto:wez@psu.edu))  
**Reply-To:** [wez@psu.edu](mailto:wez@psu.edu)

Hello cmartin,

Melvin and Emma has sent you a message via your contact form (<https://www.twp.ferguson.pa.us/user/28/contact>) at Ferguson Township PA.

If you don't want to receive such e-mails, you can change your settings at <https://www.twp.ferguson.pa.us/user/28/edit>.

Message:

Kudos to Steve McDonald and the street sweeper driver who made a second trip to do our block after I arranged to get the owners of parked vehicles to move them. This is the kind of services for residents that has been the hallmark of the Public Works Dept.

Also, I appreciate the monthly brush removal. There seems to always be something that needs trimmed or cut down....



March 18, 2022

Via Email

Ms. Centrice Martin  
Interim Township Manager  
Ferguson Township  
3147 Research Drive  
State College, PA 16801

Dear Centrice:

Over the last year, CATA has been working through two issues concerning local match shares.

First is how we gain consensus on local operating and capital match shares. Currently, that is done through the COG Finance Committee. However, there are now members of that committee from municipalities not served by CATA, as well as municipalities that pay into local match who are not part of COG. Additionally, state regulations require that CATA get a resolution from each municipality where CATA operates any level of service to certify their share of the local match. This results in CATA meeting with the COG Finance Committee, followed by additional meetings at the COG General Forum, and then going to every municipality receiving public transit service and going through the approval process again to obtain the signed resolution.

Second is the addition of CATAGO microtransit services in some communities, and the possibility that additional communities may be impacted in the future. The current formula for determining local match shares is based solely on fixed route bus service. If we are to remain with service-related factors in the local match shares formula, a new formula is needed that can better move with CATA as public transportation changes to best meet community needs and that includes all CATA's service types. Additionally, the inclusion of service-related factors in the formula creates confusion, as the local match amount is not based on service levels, but rather is a legislated amount set in relation to the funding level CATA receives from the state.

Following discussions with and concurrence by the municipal managers, CATA would like to move to a new process for determining local match shares by forming a committee comprised of the municipal managers from all the communities CATA serves, as well as a representative from Penn State Transportation Services, to assist CATA on the issues above. Work could begin as soon as the committee is formed so that a recommendation could be made to the CATA board for acceptance prior to October 2022. This would allow for the respective CATA board representative or CATA staff to make presentations to the various elected officials in time for municipal budgeting processes. The committee would then meet at least annually, based on need. For instance, in recent years the overall capital contribution has been set triennially.

Due to the ongoing impacts of the COVID pandemic, and to allow the time needed for a committee to make the above decisions, we recommend that a flat five percent increase across all

municipalities continue for one additional year for CATA's fiscal year beginning July 1, 2022. Attached is a table that illustrates what each municipality would pay.

Please let me know of your intent to assign a committee participant, as well as your agreement with the five percent increase as illustrated in the attached table, by April 20, 2022.

Should you have any questions, please contact me by phone at 814-238-2282 extension 5156 or by e-mail at loliva@catabus.com.

Sincerely,

A handwritten signature in blue ink that reads "Louwana S. Oliva". The signature is fluid and cursive, with a large initial "L" and "O".

Louwana S. Oliva  
Executive Director/CEO

Attachment: FY 2022/23 CATA Formula Breakdown by Municipality

cc: CATA Board of Directors

## 2022/23 CATA Formula Breakdown by Municipality

Funding Partner	Partner	2021/22 Cost	2022/23 Cost	\$ Change
	Penn State University	\$171,434	\$180,006	\$8,572

Contracted Municipalities	Municipality	2021/22 Individual Cost	2022/23 Individual Cost	\$ Change
	Spring Township	\$28,878	\$30,322	\$1,444
	Bellefonte Borough	\$24,162	\$25,371	\$1,209
	Benner Township	\$5,893	\$6,188	\$295

Member Municipalities	Municipality	2021/22 Cost	2022/23 Cost	\$ Change
	State College Borough	\$133,054	\$139,707	\$6,653
	Ferguson Township	\$123,786	\$129,976	\$6,190
	Patton Township	\$101,181	\$106,240	\$5,059
	College Township	\$81,012	\$85,063	\$4,051
	Harris Township	\$33,164	\$34,822	\$1,658



## Centre Region Council of Governments

### *REGIONAL REFUSE AND RECYCLING PROGRAM*

[www.crcog.net/refuse](http://www.crcog.net/refuse)

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2643 Gateway Drive, Suite 4 • State College, PA 16801-3092  
Phone: (814) 234-7198 • Fax: (814) 231-3083 • Email: [recycler@crcog.net](mailto:recycler@crcog.net)

March 15, 2022

To: Municipal Managers, Municipal Communications Staff

From: Centre Region COG Refuse and Recycling

Re: Change in Collection Time – Summer 2022

The Centre Region Council of Governments will pilot a program changing the start time for both refuse and recycling collection for this coming summer. This pilot allows Waste Management (WM) and the Centre County Recycling and Refuse Authority (CCRRA) to begin collecting materials at 6:00 a.m. instead of 7:00 a.m. between Memorial Day and Labor Day. This will start on Tuesday, May 31, 2022, and end on Friday, September 2, 2022.

Residents are reminded to have all refuse and recycling to the curb by 6:00 a.m. from Memorial Day to Labor Day. While there are no plans to change residential routes, sometimes haulers must reroute due to road construction, accidents, and other emergencies. Haulers will not return later in the day if materials are not out when the trucks come for collection.

The intent of the pilot program this summer is to assess the success of the change and to more fully understand the benefits and any issues that arise, before permanent changes are considered. Following the end of the project, the COG CAS Committee and the Executive Director will review feedback from residents, municipalities, WM, and CCRRA in September. Please direct residents to communicate any issues or concerns to the COG Refuse and Recycling Program by either calling 814-234-7198 or emailing [recycler@crcog.net](mailto:recycler@crcog.net).

We appreciate any assistance your township can provide in getting this message to residents through municipal newsletters and other avenues for communication. We will provide you with a schedule for releasing social media posts as well closer to the start of the pilot.

Thank you,

Shelly G. Mato  
Refuse and Recycling Program Administrator



March 29, 2022

Ms. Centrice Martin, Interim Township Manager  
Ferguson Township  
3147 Research Drive  
State College, PA 16801

**RE: Diane Kerly Welcome Pavilion Support Letter**

Dear Centrice:

As part of the funding plan for the construction of the Diane Kerly Welcome Pavilion at Millbrook Marsh Nature Center, the Centre Region Parks and Recreation Authority (CRPRA) has been awarded a \$166,800 grant from the Pennsylvania Department of Conservation and Natural Resources (DCNR) as part of their Community Conservation Partnerships Program. This grant supports 25% of the \$652,100 total project cost and allows the CRPRA to move forward with construction of the facility to include four accessible restrooms, benches, water fountains, water bottle filling station, bulletin board, brochure rack, wayfinding signage, and a rain barrel and cistern stormwater management system. The remaining \$485,300 of project funding has generously been pledged by The Hamer Foundation; no municipal contributions are requested for this project.

We are writing to request a project support letter to demonstrate Ferguson Township's endorsement for the construction of the welcome pavilion, which is a DCNR grant requirement. It would be most helpful to receive this letter by April 13, 2022, if possible. You are welcome to email the letter to Melissa Kauffman at [mkauffman@crcog.net](mailto:mkauffman@crcog.net) or you may let us know that it is ready for pick up at your office.

We are excited about this project and will continue to provide progress updates. If you have any questions regarding the DCNR grant, project timeline, or budget for the Diane Kerly Welcome Pavilion, please do not hesitate to contact us.

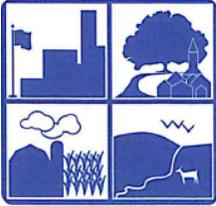
Sincerely,

Handwritten signature of Pamela J. Salokangas in black ink.

Pamela J. Salokangas, CPRP, CPSI  
Director

Handwritten signature of Melissa M. Kauffman in black ink.

Melissa M. Kauffman  
Nature Center Supervisor



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## TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-238-3454  
[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

---

April xx, 2022

Ms. Irene Wetzel  
149 Wyoming Avenue  
PA Furnace, PA 16865

Re: Zoning Hearing Board Resignation

Dear Irene:

The Ferguson Township Board of Supervisors accepted your resignation notification from the Zoning Hearing Board at their Regular Meeting on Tuesday, April 5, 2022, with appreciation for your service to the ZHB and the Township.

There may be other opportunities for community volunteering that are presented that you may want to participate in at a later time. Please feel free to consider these as they may become available.

Sincerely,

Centrice Martin  
Interim Township Manager

c: Jeff Ressler, Township Zoning Administrator  
Correspondence file

## ACTIVE MEMBERS

Vincent Agresto  
Ahmed Al-Thenyan  
Steven Bair  
Andrew Bartholomay  
Louis Berrena Jr.  
Brian Bittner  
Aaron Brooks  
Brian Buehler  
William Burnett  
Kyle-David Byrne  
Jacob Chase  
Randy Clouser  
Stanley Clouser Jr.  
Geoffrey Cornish  
Matthew Dale  
Edward DeMeter  
Jarod Depp  
Anthony Domenic  
John Domico  
Christopher Doty  
Glenn Dry  
Michael DuBois  
Michael Eckenrode  
Mathew Farre  
Michael Faustina  
David Felice  
Wesley Fouse  
Ryan Fulkerson  
Theodore Gabriel  
Ryan Galanaugh  
Henry Gambocurta  
Scott Given  
Damien Gueho  
Arvind Gupta  
Buck Harpster  
Dennis Harris  
Antonio Haynes  
Lydia Hersh  
Ryan Hockenberry  
Mark Jermusyk  
Todd Johnson  
Patrick Kasper  
Shawn Kauffman

Daniel Kearney  
Zachary Keyes  
Jonathan Kim  
Joshua Kollat  
Sarah Kollat  
Robert Kurzinger Jr.  
Dan Lestz  
Clifford Lutz  
William Markle  
Jeffrey Martin  
Patrick McGinn  
Robert Nese  
Richard Neumann  
Casey Norris  
Michael Orokos  
Nicholas Pagotto  
Svend Pedersen  
Kenneth Peters  
Andrew Prestia  
Carmine Prestia Jr.  
Robert Prior  
Thomas Ranson  
Andrew Richards  
Charles Robinson  
Philip Rosenthal  
Gerald Ross  
Claudia Rudisill  
William Ryan  
Jessica Rymdeika  
Christian Santiago  
Francis Schreiner  
Joseph Schuessler  
Soudip Sen  
Donald Stine Jr.  
Lori Stratton  
Timothy Townsend  
Jason Troup  
Susan Venegoni-Lestz  
Alan Venesky  
James Watkins  
Janet Welsh  
Christopher Williams  
Joseph Wirtz

Jeffrey Witmer  
Ronald Witmer  
Jacob Zavrotny  
Ryan Zdenek  
Zachary Zotti

### Type 4 Support/HMRT

Stephen Brown  
Bruce English  
Gregory Guise  
Nathan Harner  
Rick James  
Valerie Klein  
Michael Levandoski  
Rev. Paul McReynolds  
Connie Rachau  
Jonathan Risley  
Albert Roza  
Rev. Lori Steffensen  
Steven Triebold  
Jeffrey Watson Jr.  
Matthew White

# Annual Awards Banquet



**Saturday, March 26, 2022**  
**Rolling Rails Lodge**  
**6:00 PM**

**\*\*\* WELCOME \*\*\***

**INVOCATION**

**DINNER**

**Menu**

Appetizers:

Bacon Wrapped Scallops  
Blackened Chicken Crostini  
Cranberry Glazed Meatballs  
Tortilla Topped with Guacamole & Shrimp  
Meat & Cheese Board

Dinner:

Carved Roasted Sirloin  
Parmesan Crusted Chicken  
Shrimp Scampi Pasta  
Gruyere Cheese Scalloped Potatoes  
Roasted Mixed Vegetables  
Tossed Green Salad & Bread  
Bread Pudding, Cupcakes, Pies, Cookies & Brownies  
Coffee, Decaffeinated Coffee and Hot Tea

**PROGRAM**

**INTRODUCTION OF ADMINISTRATIVE OFFICERS**

President Shawn Kauffman

**INTRODUCTION OF LINE OFFICERS**

Chief Jason Troup

**INTRODUCTION OF LIFE MEMBERS AND GUESTS**

Clifford Lutz

**STATE COLLEGE FIREMEN'S RELIEF  
ASSOCIATION OFFICERS**

**President:** Richard Harris

**Vice President:** Richard Fitzgerald

**Secretary:** Carmine Prestia Jr.

**Treasurer:** Dennis Hampton

**Director:** G. Steven Foster

**Director:** Ronald Witmer

**Director:** Todd Johnson



*DJ & Photo Booth  
provided by  
Nittany Entertainment*

## **ALPHA FIRE COMPANY OFFICERS**

**President:** Shawn Kauffman

**Vice President:** Brian Bittner

**Treasurer:** Ronald Witmer

**Secretary:** Svend Pedersen

**Financial Secretary:** John Domico

**Trustee:** Joseph Wirtz

**Trustee:** Matthew Dale

**Trustee:** Jeffrey Martin

## **CHIEFS**

**Chief:** Jason Troup

**First Assistant Chief:** Louis "Tony" Berrena Jr.

**Second Assistant Chief:** Todd Johnson

**Assistant Chief of Field Services & Operations:** Rusty Schreiner

**Assistant Chief of Training & Operations:** Dennis Harris

## **CAPTAINS**

**Engine Captain:** Michael Eckenrode

**Truck Captain:** Randy Clouser

**Rescue Captain:** Robert Nese

**Health & Safety Officer:** Svend Pedersen

**Fire Police Captain:** Charles "Marv" Robinson

## **LIEUTENANTS**

**Engine Lieutenant:** Christopher Williams

**Engine Lieutenant:** Daniel Kearney

**Engine Lieutenant:** Patrick McGinn

**Truck Lieutenant:** Wesley Fouse

**Rescue Lieutenant:** Zachary Keyes

**Fire Police Lieutenant:** Theodore Gabriel Sr.

**Fire Police Lieutenant:** Joseph Wirtz

**Fire Police Lieutenant:** Donald Stine Jr.

**COMPANY AWARDS**  
**2021 SERVICE AWARD RECIPIENTS**

.....  
**FIVE YEARS OF SERVICE**

G. Andrew Bartholomay  
Aaron Brooks  
Donald Stine Jr.  
Janet Welsh

**TEN YEARS OF SERVICE**

John Domico  
Theodore Gabriel Sr.  
Mark Jermusyk

**FIFTEEN YEARS OF SERVICE**

Andrew Richards

**TWENTY YEARS OF SERVICE**

Matthew Dale  
Ronald Witmer

**TWENTY-FIVE YEARS OF SERVICE**

Dennis Harris

**THIRTY YEARS OF SERVICE**

Robert Kurzinger

**FIFTY YEARS OF SERVICE**

Richard Harris

.....  
**2021 MOST IMPROVED FIREFIGHTER**

*to be announced*

**RONALD F. ROSS FIRE FIGHTER OF THE YEAR**

*to be announced*

**WILLIAM "PAP" LOWER SPIRIT AWARD**

*to be announced*

**OTHER SPECIAL RECOGNITION**

*to be announced*

## Martin, Centrice

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**From:** "Ressler,Jeff" <[jressler@twp.ferguson.pa.us](mailto:jressler@twp.ferguson.pa.us)>  
**Date:** March 10, 2022 at 2:14:01 PM EST  
**To:** "Martin, Centrice" <[cmartin@twp.ferguson.pa.us](mailto:cmartin@twp.ferguson.pa.us)>  
**Subject:** FW: Resignation

Hi Centrice,

Please see the email below from Irene Miller. She had served on the Zoning Hearing Board.

Thanks,

Jeffrey S. Ressler  
Zoning Administrator  
Ferguson Township  
3147 Research Drive  
State College, PA 16801

**From:** Miller, Irene <[imiller@twp.ferguson.pa.us](mailto:imiller@twp.ferguson.pa.us)>  
**Sent:** Thursday, March 10, 2022 2:12 PM  
**To:** Twomley,Michael <[mtwomley@twp.ferguson.pa.us](mailto:mtwomley@twp.ferguson.pa.us)>  
**Cc:** Ressler,Jeff <[jressler@twp.ferguson.pa.us](mailto:jressler@twp.ferguson.pa.us)>  
**Subject:** Resignation

---

Good Afternoon,

Unfortunately, I am submitting my resignation at this time. Thank you for the opportunity to serve.

- Irene

On Feb 28, 2022, at 1:59 PM, Twomley,Michael <[mtwomley@twp.ferguson.pa.us](mailto:mtwomley@twp.ferguson.pa.us)> wrote:

Dear Board Members,

At this time we have one hearing scheduled for March 22<sup>nd</sup> at the regular time. Please let me know whether or not you will be able to attend as soon as you can. This will also be our annual re-organization meeting.

Thank you,

mike

Michael Twomley  
Chairman  
Zoning Hearing Board



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# TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801

Telephone: 814-238-4651 • Fax: 814-238-3454

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## **Public Works Director's Report to the Board of Supervisors (BOS) for the regular meeting on April 5, 2022**

1. **Public Works Road Crew Activities** Activities have varied for the past weeks based on the weather including winter operations and preparation for spring road operations and completion of work orders, sod damage repair, replacement of the roof on a dugout at Sylvi Field. The first round of brush collection and the first round of leaf collection for the year starts April 4<sup>th</sup>.
2. **Arborist and Ferguson Township Tree Commission (FTTC) Activities-** The Tree Commission will meet again on April 18<sup>th</sup>. An Arbor Day celebration is planned on Saturday, April 30<sup>th</sup> to include a "pop-up arboretum" at Tudek Park, tree planting, and other activities.
3. **Pine Grove Mills Mobility Study:** A public meeting (via Zoom and in person) is planned for Monday, April 18<sup>th</sup> starting at 4pm.
4. **Stormwater** – The Stormwater Implementation Committee continues to meet internally weekly to discuss and address any stormwater fee related issues and concerns. The contractor cleaning and video assessing storm pipes has encountered more heavy pipe cleaning than anticipated.
5. **Admin Building HVAC** – The rooftop direct outside air unit (DOAU) or energy recovery unit providing fresh air exchange has failed, parts are no longer available, and a replacement unit is necessary. Staff has not been successful obtaining quotes and contacted 4 different vendors numerous times. Quotes are acceptable for work estimated to be less than \$25,000. Feedback from one vendor included questions regarding electrical connections, structural connections, and connectivity to the building automation system for HVAC. Staff then contacted Barton Associates for design assistance to prepare a contract to bid the work. While no estimate for work has been prepared, it is anticipated final costs including design, construction, and connection to the building automation system could be in the \$50,000 - \$70,000 range.
6. **Work Orders and Asset Management** – TRAIRS subcommittee meetings with COG and the consultant are ongoing.
7. **Paver** – Each year, in the spring, staff inspects the road surface conditions, documents the conditions in Paver software, and subsequently uses the data for development of the 5 year Capital Improvement Plan.
8. **Contract 2016-C11 Traffic Signal Performance Metrics** – A pre-construction meeting for this project was held 2/17/2022 with Wyoming Electric and Signal Company and PennDOT. This project includes interconnecting our traffic signals using radio signals to allow for more efficient

and timely optimization of signals from the Township office and PennDOT's Traffic Management Office. Work is to be completed this summer.

9. **Contract 2018-C20 Park Hills Drainageway** – Final design, permitting, and utility relocation design continues. To progress this project to construction in 2022, final design must be complete, and easements acquired for stormwater and construction. [Draft easement plats were reviewed by staff on 3/30/22. Once finalized, the easement plats will be provided to the Township appraiser.](#)
10. **Contract 2019-C21 Pine Grove Mills Street Light Conversion:** Design work continues to interconnect the 25 ornamental street lights on Pine Grove Road and the 10 street lights on Nixon Road and install power disconnects to allow FTPW to work on and repair the lights. Work also includes the replacement of the street light tops (luminaires) on Pine Grove Road with new 2700K LED fixtures. Prior to putting the project out to bid, a permit is necessary from PaDOT.
11. **Contract 2020-C4 Suburban Park** This project includes features shown in the master plan including play equipment, a perimeter walk path, restoration of a stream channel, installation of bridges. Upon approval of the plan prepared by the Engineering Section by the Assistant Manager and Park and Rec Committee, the project will progress.
12. **Contract 2020-C18 Science Park and Sandy Drive Signal Design** – Design work continues. This project is expected to go to bid and construction in 2022.
13. **Contract 2021-C1 Harold Drive** –This project includes reconstruction of a section (east) of Harold Drive, and drainage improvements taking into consideration any wetland impacts. [Bids will be opened on April 5<sup>th</sup>.](#)
14. **Contract 2021-C16 Chesapeake Bay Pollutant Reduction Plan (CBPRP) Design and Permitting** – In compliance with our MS4 permit and CBPRP, certain projects need to be advanced through the design and permitting phase.
15. **Contract 2021-C18 Homestead Park Play Equipment Installation** – This project includes redesign and installation of a play set at an accessible location and an alternative for fall protection. [Work remaining includes installation of the poured in place fall surface, concrete sidewalk, parking lot pavement adjustments.](#)
16. **Contract 2022-C1 Street Improvement Projects (in town)** –This contract includes primarily paving and some related curb, stormwater, and ancillary improvements to (or sections of) the following roads: **W. Aaron Drive, N. Allen Street, Circleville Road, Park Crest Lane, Research Drive, Sleepy Hollow Drive.** [Bids will be opened on April 12<sup>th</sup>.](#)
17. **Contract 2022-C2 Street Improvement Projects (west end)**– This contract includes primarily paving and some related stormwater, and ancillary improvements to **Marengo Road, Oak Glenn Road, W. Whitehall Road** from Tadpole Road through the Meadows, **Old Gatesburg Road** from Science Park Road to Nixon Road. [Bids will be opened on April 12th.](#)
18. **Contract 2022-C3 Cured in Place Pipe Lining** – This project includes repairing corrugated metal storm pipes with a pipe liner allowing pipe repair from the inside without the need for

digging. The contract is prepared based on a completed video assessment of the pipes. The process includes ultraviolet light cured in place pipe lining. The project is planned for bidding in June.

19. **Contract 2022-C5 Storm Sewer Cleaning and Video Assessment** – [Refer to action item on BOS agenda for further discussion on this contract.](#)
20. **Contract 2022-C6 Concrete curb and ADA ramp upgrades** – [Work was awarded to Wolyniec Construction.](#)
21. **Contract 2022-C7 a Fuel** – [Refer to separate award recommendation memo.](#)
22. **Contract 2022-C7c Asphalt and Aggregate** – [Refer to separate award recommendation memo.](#)
23. **Contract 2022-C8 Pavement Markings** – [Bid\(s\) for this project were opened on March 8<sup>th</sup>. Staff is reviewing the bid and will prepare a recommendation memo to the BOS for the second regular meeting in April.](#)
24. **Contract 2022-C9 Microsurfacing** – This work is bid each year and typically performed in late July when school is out of session and temperatures are favorable for this type of work. Work includes the placement of two layers of a slurry of fine aggregate, minerals, asphalt emulsion and water on the pavement surface as a preventative maintenance measure to cost effectively extend the life of the pavement. The project may be bid in 2 sections: one in town and one on the westernmost roads. Advertisement of bids is expected in late March.
25. **Contract 2022-C10 Sealcoat bikepaths** – Certain bikepaths and multi-use paths are sealcoated to extend the life of the asphalt path. In advance of work, FTPW will edge and sweep the paths, seal any cracks, and repair the asphalt as needed. Work is performed in the summer months. This project is expected to be bid in April.
26. **Contract 2022-C11 Sidewalk Repairs** – FTPW Engineering Section will inspect a portion of the public sidewalks each year. Property owners are sent notices to fix deficient sidewalk sections and given an opportunity to fix it themselves or have the Township perform the work by contract and bill the property owner.
27. **Contract 2022-C12 Traffic Signal LED Replacements** – Signal LEDs are replaced approximately every 7 years.
28. **Contract 2022-C13 Traffic Signal UPS Batteries** – Batteries are needed in the event of power outages and are replaced at the end of their useful life.
29. **Contract 2022-C14 Signal Luminaire Conversion** – Staff will continue its evaluation of traffic signals with high pressure sodium luminaires as candidates for conversion to LED resulting in energy savings and longer lasting lighting.
30. **Contract 2022-C15 Street Tree Pruning** – Each year a certain number of street trees are pruned to include shaping while they are young, clearance over sidewalks and roadways, deadwood removal as the trees mature, and hazard mitigation.

31. **Contract 2022-C16 Audible Pedestrian Signal (APS) Push Buttons** – This project (in design) includes upgrades to the traffic signals at the College/Bristol intersection and the College/Blue Course intersection to install audible pedestrian signals. An APS provides audible information along with the visual indicators to let blind pedestrians know when to safely cross an intersection.
32. **Contract 2022-C17 Guide Rail Replacement** – Quotes are obtained to replace certain sections of guiderail as needed.
33. **Contract 2022-C18 Johnson Road Drainage Improvements** – This project involves relocating stormwater flow near the intersection of Johnson Road and Whitehall Road to lessen impacts on a residential property on lot septic system. Work must be coordinated with Rock Spring Water to determine impacts to the water line. Work is in the design phase.
34. **Contract 2022-C19 FTPW Building 3 Roof Repair** -The existing rubber roof on FTPW building 3 has failed and the roof needs replaced. Staff is evaluating options including shingles, metal, and rubber. Consideration is being given to structural support for any future solar installation and a white color to lessen urban heat island impacts.
35. **Contract 2022-C20 Green Light Go (GLG) Round 6 Radar Detection Upgrades** – For the 6<sup>th</sup> year, staff has been successful securing this grant to offset the majority of the cost to install radar detection at traffic signals, replacing the in ground loop detectors. After careful consideration and consultation with PennDOT, and given the scope, pricing, and location of this work, the GLG radar detection upgrades will be performed by change order to contract 2016-C11.
36. **Contract 2022-C21 Pine Grove Mills bike and pedestrian Improvements (survey and design) (subject to grant award)** – Subject to a grant award for construction, funding is in place to begin survey and design of certain bike and pedestrian improvements as outlined in the grant application.
37. **Contract 2022-C22 Playground Safety and Update Program** – Each year funding is provided to update playground equipment found to be deficient based on playground inspections.
38. **Contract 2022-C23 Pine Grove Mills Lighting Design (18 new lights)** – Work includes the design of new ornamental lights in Pine Grove Mills mostly to the west of the flashing light. Work has not yet started on the design of this project.



# TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-238-3454  
[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

## PLANNING & ZONING DIRECTOR'S REPORT

Tuesday, April 5, 2022

### PLANNING COMMISSION

The Planning Commission met February 28, 2022, to review the draft amendment to §27-710—Wireless Communications Facilities, and an application for a modification/waiver.

### LAND DEVELOPMENT PLANS AND OTHER PROJECTS

1. Active Plans are listed below for the Board of Supervisors (3/29/2022).
  - **The Peace Center/Cemetery—Islamic Society Land Development Plan**  
(24-004-078C-0000)
  - **Farmstead View Subdivision**  
(24-022-306-0000)
  - **Orchard Square Land Development Plan**  
(24-004-067F-0000)
  - **Tussey Tracks (Centre Animal Hospital) Land Development Plan**  
(24-019-0074-0000)
  - **Centre Volunteers in Medicine (CVIM) Land Development Plan**  
(24-433-022-0000)
  - **264 Sycamore Drive Land Development Plan**  
(24-009A-254-0000)
  - **Fusion Japanese Steakhouse**  
(24-015-038-0000)
  - **IMBT Subdivision Plan**  
(24-004-017A-0000)
  - **1004/1006 West College Ave Vertical Mixed-Used Preliminary Land Development Plan**  
(24-002A-057-0000/24-002A-056-0000)
2. PZ Staff attended TRAIRS Implementation Committee meetings hosted by Centre Region Code and the Township's Planning Commission meeting.
3. PZ Director attended the PELRAS Conference, the Centre County Affordable Housing Study sessions, met with Hanna Martin (PSATS) to discuss the Township's Tree Preservation and Protection Ordinance and met with Missy Schoonover to discuss the Township's Workforce Housing Program.
4. PZ Staff and Township Engineer met with representatives from Centre Region Parks and Recreation to discuss the Whitehall Road Regional Park land development plan and representative from Fusion Japanese Steakhouse.

5. Community Planner and PZ Director attended the Municipal/CRPA Joint Meeting and Pine Grove Mills Small Area Plan Advisory Committee meeting.
6. PZ Director and Interim Township Manager attended the Route 45 Getaways! Meeting.
7. PZ Staff attended the Township's Planning Commission Meeting.
8. PZ Director and Zoning Officer met with Centre County's Planning Director to discuss a potential subdivision plan.

## **ZONING HEARING BOARD**

Zoning Hearing Board met March 22, 2022, to hear the following variance request:

Charles W. Allen—901 Teaberry Lane (24-118-117-0000), zoned Planned Residential Development (PRD), is requesting a variance from §27-701.3.C (1) Floodplain Conservation. The applicant is proposing to replace stairs and patio that are located in the floodplain. The Zoning Hearing Board **tabled** the decision until a future meeting.

## **PROFESSIONAL SERVICES AGREEMENT**

THIS IS AN AGREEMENT made as of [REDACTED] between Ferguson Township and MACKIN ENGINEERING COMPANY ("MACKIN").

MACKIN will provide professional services in connection with the preparation and completion of the Terraced Streetscape Zoning District Rewrite hereinafter called the "PROJECT".

In consideration of the mutual covenants contained herein and other good and valuable consideration, MACKIN and Ferguson Township hereby agree as follows:

### **Standard of Care**

MACKIN will use its best efforts to perform the services, provided hereunder in a manner consistent with that level of care and skill ordinarily exercised by other members of MACKIN'S profession currently practicing in the same locality under similar conditions. Unless specifically set forth herein, no other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document presented by MACKIN.

Execution of this Agreement by MACKIN and Ferguson Township constitutes Ferguson Township's written authorization for MACKIN to begin providing its services.

### **SERVICES OF MACKIN ENGINEERING COMPANY**

#### **Scope of Work**

MACKIN shall perform the professional services for the PROJECT as described in Exhibit A.

#### **Additional Services**

Additional services beyond those specified in Exhibit A of this Agreement, and if said services are customarily provided by MACKIN, when authorized by Ferguson Township, shall so instruct MACKIN, and MACKIN shall perform or obtain from others such services and will be compensated for the Additional Services in accordance with rates in Exhibit C.

### **Ferguson Township's RESPONSIBILITIES**

#### **Authorized Representative**

Ferguson Township designates the following authorized representatives to make all decisions on Ferguson Township's behalf when requested to by MACKIN. The following shall be available on an on-call basis as required by MACKIN and shall be called in the order listed herein:

Name: Jenna Wargo, AICP Planning and Zoning Director  
Telephone: 814-238-4651  
Email Address: Jwargo@twp.ferguson.pa.us

Name: Centrice Martin  
Telephone: 814-238-4651  
Email Address: cmartin@twp.ferguson.pa.us

Ferguson Township shall furnish a revised listing, in writing, to MACKIN when any changes affecting this listing are made.

### **Information Provided By Others**

Ferguson Township shall obtain and deliver to MACKIN the information listed in Exhibit B and any other relevant information that may affect or assist MACKIN in the performance of MACKIN'S services hereunder. MACKIN shall review all information and shall provide an opinion of the accuracy or reliability of such information. Ferguson Township acknowledges that if the information is, in the opinion of MACKIN, inaccurate or unreliable, then MACKIN may be required to perform additional services and will be compensated for the additional services in accordance with Fee Schedule.

## **SCHEDULE**

### **Timeliness of Performance**

MACKIN will perform the services described in this Agreement within        days of the execution of this Agreement.

### **Schedule Changes**

If the period of time indicated in this Agreement by which services are to be completed is changed through no fault of MACKIN, the amount of compensation provided for in this Agreement shall be subject to equitable adjustment which is evoked only when the change will impact MACKIN'S provision of services. Further, if Ferguson Township requests changes in the Scope of Services, extent or character of the PROJECT, the time for performance of MACKIN'S services may be adjusted by MACKIN, when mutually agreed upon by both parties.

### **Suspension of Services**

If the PROJECT is suspended for more than thirty (30) calendar days in the aggregate, MACKIN shall be compensated for services performed and charges incurred prior to receipt of notice to suspend and, upon resumption, an equitable adjustment in fees to compensate MACKIN for, among other things, reasonable costs incurred as a result of such delay or suspension and reactivation. In addition, there shall be an equitable adjustment in the PROJECT schedule based on the delay caused by the suspension. Any equitable adjustment to the PROJECT schedule shall be mutually agreed upon by both parties.

If Ferguson Township fails to make payments when due or otherwise is in breach of the Agreement, MACKIN may suspend the PROJECT upon five (5) calendar days' notice to Ferguson Township. MACKIN shall have no liability whatsoever to Ferguson Township for any costs or damages as a result of such suspension caused by any breach of this Agreement by Ferguson Township.

## **COMPENSATION**

### **Methods of Payment for Services and Expenses**

#### **Basic Services**

Ferguson Township shall pay MACKIN for services as described in Exhibit A , a lump sum fee of \$39,840. MACKIN will not exceed this budget without prior written approval.

#### **Additional Services**

Ferguson Township shall pay MACKIN for Additional Services performed or furnish on an hourly fee basis in accordance with MACKIN'S current Fee Schedule which is attached as Exhibit C.

#### **Reimbursable Expenses**

The current lump sum budget includes Reimbursable Expenses expected to be incurred by MACKIN in the performance of services under this Agreement.

### **Other Provisions Concerning Payments**

MACKIN will prepare and send Ferguson Township monthly invoices showing charges for services, reimbursable expenses, and Sub Consultant fees to date less payments received, and the net amount owed.

Charges for Basic Services provided will be based on MACKIN'S estimate of the percent completion of the Basic Services multiplied by the total lump sum fee indicated above.

Charges for Additional Services will be invoiced separately from Basic Services on a monthly basis.

Ferguson Township shall pay MACKIN the full amount of every invoice within

sixty (60) calendar days of the date of the invoice. Accounts remaining unpaid sixty (60) calendar days after the invoice date shall be subject to a monthly service charge of 1.5% (or the legal rate) on the then unpaid balance.

If any invoice payment is not received by MACKIN within sixty (60) calendar days of the date of the invoice, MACKIN may, without waiving any claim or right against the Ferguson Township, terminate the performance of the services under this AGREEMENT.

#### Invoice Adjustments

Payment of invoices is in no event, subject to unilateral discounting setoffs, and/or back-charges by Ferguson Township, and payment is due for work, or agreed upon expenses as defined in the scope of work, performed prior to any such suspension or termination of this Agreement by either party.

### **MISCELLANEOUS**

#### **Notices**

Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page of this Agreement (as modified in writing from time to time by such party) and given personally, by regular registered, or certified mail, by facsimile, or by a nationally recognized overnight carrier service. All notices shall be effective upon the date of receipt.

#### **Assignment**

Neither Ferguson Township nor MACKIN may assign, sublet, or transfer any rights hereunder or interest (including, but without limitation, payments that may become due or that are due) in this Agreement without the express written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

#### **Corporate Protection**

It is intended by the parties to this Agreement that MACKIN'S services in connection with the PROJECT shall not subject MACKIN'S individual employees, officers, or directors to any personal legal exposure for the risks associated with this PROJECT. Therefore, and notwithstanding anything to the contrary contained herein, Ferguson Township agrees that as the Ferguson Township's sole and exclusive remedy, any claim, demand, or suit shall be directed and/or asserted only against MACKIN, a Pennsylvania corporation, and not against any of MACKIN'S employees, officers or directors.

#### **Fiduciary Responsibility**

Ferguson Township acknowledges that neither MACKIN nor any of MACKIN'S Sub Consultants has offered any fiduciary service to Ferguson Township and no fiduciary responsibility shall be owed to Ferguson Township by MACKIN or any of MACKIN'S Sub Consultants, as a consequence of MACKIN'S entering into this Agreement with Ferguson Township.

### **Certifications, Guarantees and Warranties**

MACKIN shall not be required to sign any documents that would result in MACKIN having to certify, guarantee or warrant the existence of conditions whose existence MACKIN cannot ascertain. Ferguson Township also agrees not to make resolution of any dispute with MACKIN or payment of any amount due to MACKIN in any way contingent upon MACKIN'S signing any such certification.

### **Changed Conditions**

Ferguson Township shall rely on MACKIN'S judgement as to the continued adequacy of this Agreement in light of occurrences or discoveries that were not originally contemplated by or known to MACKIN. Should MACKIN call for contract renegotiation, MACKIN shall identify the changed conditions necessitating renegotiation of the Agreement. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.

### **Delivery of Electronic Files**

By accepting and utilizing any drawings or other data on any form of electronic media generated and provided by MACKIN, Ferguson Township covenants and agrees that all such drawings and data are instruments of service of MACKIN, who shall be deemed the author of the drawings and data, and shall retain all common law, statutory law and other rights, including copyrights. Ferguson Township and MACKIN agree that any CADD files and/or GIS files prepared by either party shall conform to the specifications listed in Exhibit D. The electronic files submitted by MACKIN to Ferguson Township are submitted for an acceptance period of thirty (30) calendar days. Any defects Ferguson Township discovers during this period will be reported to MACKIN and will be corrected as part of MACKIN'S Basic Scope of Services. Correction of defects detected and reported after the acceptance period will be compensated for as Additional Services.

Ferguson Township agrees, to the fullest extent permitted by law, to indemnify and hold MACKIN harmless from any damage, liability or cost including reasonable attorney's fees and costs of defense, arising from any changes made by anyone other than MACKIN.

Project files and final deliverables for the project will become property of the Ferguson Township and MACKIN as stated in Exhibit D.

### **Limitation of Liability**

To the fullest extent permitted by law, and notwithstanding any other provision of the Agreement, the total liability, in the aggregate, of MACKIN and MACKIN'S Sub Consultants, to Ferguson Township and anyone claiming by, through or under Ferguson Township, for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the services provided under this Agreement from any cause or causes, included but not limited to the negligence, professional errors or omissions, strict liability or breach of contract or warranty express or implied of MACKIN or MACKIN'S Sub Consultants, shall not exceed the total compensation received by MACKIN under this Agreement or \$100,000, whichever is less.

To the fullest extent permitted by law, and notwithstanding any other provision in this Agreement, MACKIN and MACKIN'S Sub Consultants shall not be liable to Ferguson Township or anyone claiming by, through or under Ferguson Township for any special incidental, indirect or consequential damages whatsoever, arising out of, resulting from or in any way related to the services provided under this Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, professional errors or omissions, strict liability, breach of contract or warranty expressed or implied of MACKIN or MACKIN'S Sub Consultants.

Subject to and limited by the provisions agreed to by Ferguson Township and MACKIN above, and to the fullest extent permitted by law, MACKIN'S total liability to Ferguson Township and anyone claiming by, through or under Ferguson Township for any claim, cost, loss or damages caused in part by the negligence of MACKIN and in part by the negligence of Ferguson Township or any other negligent entity or individual, shall not exceed the percentage share that MACKIN'S negligence bears to the total negligence of Ferguson Township, MACKIN and all other negligent entities and individuals determined on the basis of comparative negligence principles. Ferguson Township further agrees to hold harmless MACKIN from and against any such claim, cost, loss or damages but only to the extent of the percentage share that Ferguson Township's negligence bears to the total negligence of Ferguson Township, MACKIN and all other negligent entities and individuals determined on the basis of comparative negligence principles.

### **Extension of Protection**

Ferguson Township agrees to extend any and all liability limitations and indemnifications provided by Ferguson Township and MACKIN to those individuals and entities MACKIN retains for performance of the services under this Agreement, including but not limited to MACKIN'S officers and employees and their heirs and assigns, as well as MACKIN'S Sub Consultants and their officers, employees, heirs and assigns.

### **Third Party Beneficiaries**

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either Ferguson Township or MACKIN. MACKIN'S services under this Agreement are being performed solely for Ferguson Township's benefit, and no other entity shall have any claim against MACKIN because of this Agreement or the performance or nonperformance of services hereunder.

### **Dispute Resolution**

Ferguson Township and MACKIN agree to negotiate in good faith for a period of thirty (30) calendar days from the date of notice of all disputes between them prior to exercising their rights under law.

### **Certificate of Merit**

Ferguson Township shall make no claim against MACKIN for professional negligence, either directly or in a third-party claim, until Ferguson Township provides to MACKIN a certification prepared and signed by an independent consultant currently practicing the same discipline as MACKIN and licensed in the Commonwealth of Pennsylvania. To be valid, the certification shall identify: 1) the name, business address, telephone number, and license number of the individual completing the certification; 2) the method used to establish the standard of care against which MACKIN'S performance was evaluated; and 3) each error or omission the certifier contends is a violation of the standard of care and discuss what MACKIN should have done to have maintained the standard of care. Said certificate shall be presented to MACKIN at least thirty (30) calendar days before the filing of any claim or institution of any judicial or arbitration proceeding against MACKIN.

### **Termination**

It is understood that either shall have the right to terminate this Agreement at any time upon thirty (30) days written notice and upon the condition that full payment in accordance with the state Fee Schedule in Exhibit B is made to MACKIN for services performed to the date of termination.

### **Severability**

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon Ferguson Township and MACKIN, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

### **Interpretation**

Limitations on liability and indemnities in this Agreement are business understandings between the parties and shall apply to all the different theories of recovery, including breach of contract or warranty, tort (including negligence), strict or statutory liability, or any other cause of action. These limitations on liability and indemnities will not apply to any losses or damages that have

been found by a trier of fact to have been caused by MACKIN'S sole or gross negligence or MACKIN'S willful misconduct. "Parties" means Ferguson Township and MACKIN, and their officers, partners, employees, agents or Sub Consultants. The parties also agree that Ferguson Township will not seek damages in excess of the contractually agreed limitations indirectly through suits with other parties who may join MACKIN as a third-party defendant.

**EXHIBITS**

This Agreement is subject to the provisions of the following Exhibits which are attached to and made a part of the Agreement.

Exhibit A, "The Scope of Work of Mackin Engineering Company", consisting of X pages.

Exhibit B, "Information to be Provided by Ferguson Township", consisting of one (1) page.

Exhibit C, "Fee Schedule of Mackin Engineering Company", consisting of one (1) page.

Exhibit D, "CADD and Electronic File Specifications", consisting of one (1) page.

This Agreement constitutes the final and complete agreement between Ferguson Township and MACKIN in respect of the PROJECT. It supersedes all prior or contemporaneous communications representations, or agreements, whether oral or written, relating to the subject matter of this Agreement. Execution of this Agreement signifies that each party has read the document thoroughly and is satisfied. Amendments to this Agreement shall not be binding unless made in writing and signed by Ferguson Township and MACKIN.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first above written.

Ferguson Township

MACKIN ENGINEERING COMPANY

By: \_\_\_\_\_

By: \_\_\_\_\_

Dean I. Mackin  
Chief Executive Officer  
Date of Signature: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Address for giving notices:

Ferguson Township  
3147 Research Drive  
State College, PA 16801

Address for giving notices:

MACKIN ENGINEERING COMPANY  
103 Technology Drive, Suite 200 Pittsburgh, PA 15275

# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
2/9/2022

**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.**

**IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).**

<b>PRODUCER</b> Edgewood Partners Insurance Center, Inc. 301 Grant Street, Suite 470 Pittsburgh, PA 15219	<b>CONTACT NAME:</b> <table style="width: 100%; border: none;"> <tr> <td style="border: none;"><b>PHONE (A/C, No, Ext):</b></td> <td style="border: none;"><b>FAX (A/C, No):</b></td> </tr> <tr> <td colspan="2" style="border: none;"><b>E-MAIL ADDRESS:</b></td> </tr> </table>	<b>PHONE (A/C, No, Ext):</b>	<b>FAX (A/C, No):</b>	<b>E-MAIL ADDRESS:</b>	
<b>PHONE (A/C, No, Ext):</b>	<b>FAX (A/C, No):</b>				
<b>E-MAIL ADDRESS:</b>					
<b>INSURER(S) AFFORDING COVERAGE</b>					
<b>INSURER A:</b> Continental Casualty Company	NAIC # 20443				
<b>INSURER B:</b> National Fire Insurance Co of Hartford	20478				
<b>INSURER C:</b> Great American Insurance Company	16691				
<b>INSURER D:</b>					
<b>INSURER E:</b>					
<b>INSURER F:</b>					

**COVERAGES** **CERTIFICATE NUMBER:** 66683325 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> FLOOR LOC <input type="checkbox"/> JECT OTHER:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B6045352084	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<input checked="" type="checkbox"/> <b>AUTOMOBILE LIABILITY</b> <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B6045352070	11/1/2021	11/1/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> <b>UMBRELLA LIAB</b> <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B6045352098	11/1/2021	11/1/2022	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
B	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> Y/ N ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? N (Mandatory in NH) If yes, describe under		<input checked="" type="checkbox"/>	WC656533173	11/1/2021	11/1/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
C	Professional Liability			DPP4203730	8/19/2021	8/19/2022	\$1,000,000 Ea. Claim/\$1,000,000 Aggregate
A	Property			B6045352084	11/1/2021	11/1/2022	BPP - \$424,483, Special Form

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

Evidence of Coverage

<b>CERTIFICATE HOLDER</b> Mackin Engineering Company RIDC Park West 103 Technology Drive, Suite 200 Pittsburgh PA 15275-1015	<b>CANCELLATION</b> SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE <div style="text-align: right; font-family: cursive;">Sean K Andreas</div> Sean Andreas
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**ACORD 25 (2016/03)**

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# Terraced Streetscape Zoning District Rewrite Proposal

FERGUSON TOWNSHIP, PA

Contact Person: Brandi Rosselli, Manager - Community Planning | [brosselli@mackinengineering.com](mailto:brosselli@mackinengineering.com)  
103 Technology Dr, Suite 200, Pittsburgh, PA • [mackinengineering.com](http://mackinengineering.com) • 412.788.0472

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*“ I WANT TO EXPRESS MY HEARTFELT THANKS TO MACKIN FOR AN EXCELLENT JOB OF LEADING THIS PROJECT TO COMPLETION. I AM VERY PLEASED AND PROUD OF THE WORK YOU FOLKS DID. I CAN ASSURE YOU THE COMPREHENSIVE PLAN DOCUMENT AND SUBSEQUENT ZONING ORDINANCE WILL GET A LOT OF USE OVER THE NEXT SEVERAL YEARS! ”*

*- WALT STOUT, BOARD CHAIRMAN  
WASHINGTON TOWNSHIP SUPERVISORS*

On behalf of our principals, Dean Mackin (CEO) and Steve Janosko (President), Mackin Engineers and Consultants (Mackin) is excited to submit the enclosed proposal for the Terraced Streetscape Zoning District Rewrite. We understand that this project will be focused on innovative techniques to update the existing regulations for this particular zoning district.

In order to provide the best possible service to you, we have assembled a highly qualified team of professionals specifically tailored to address the tasks anticipated for this planning process. Our Planning Team is comprised of in-house certified community planners, landscape architects and engineers. We have added E. Holdings, Inc., a certified DBE firm, to our Team to assist with community engagement, GIS mapping, and graphic design.

We trust that the enclosed submission conveys our experience, expertise and ability to update the Terraced Streetscape Zoning District. In applying industry-leading concepts and approaches to a community-led process to find consensus on a shared vision and priorities, we can help Ferguson Township prepare for future development/redevelopment in this area.

This project will be led out of our Pittsburgh office at 103 Technology Drive, Suite 200, Pittsburgh, PA 15275. If we can provide further information or if you have questions, please feel free to contact me at 412.788.0472 or [brosselli@mackinengineering.com](mailto:brosselli@mackinengineering.com).

Sincerely,



Brandi Rosselli, AICP  
Manager - Community Planning

## PROJECT UNDERSTANDING

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### **IT'S NOT ENOUGH TO DEVELOP A USABLE LAND USE ORDINANCE. OUR APPROACH WILL DELIVER AN ORDINANCE THAT IS PRACTICAL AND ACHIEVES THE DESIRED RESULT.**

Land Use Ordinances are the most effective way to implement a community's vision. Ferguson Township adopted their latest Strategic Plan in 2017, was part of the Centre Region Comprehensive Plan in 2013 and underwent a full zoning update in 2019. This process will specifically look at the Terraced Streetscape District (TSD) to develop regulations and tools to encourage economic development and a mixed use, walkable area. Mackin is in the process of completing a similar project for Millcreek Township in Erie County. The Township had adopted a Comprehensive Plan, Embrace Millcreek, in 2018 and hired Mackin in September of 2019 to update their Zoning Ordinance and Subdivision and Land Development Ordinance (SALDO).

In the update of the TSD, our Mackin Planning Team will ensure that what is developed is consistent with the requirements of the Pennsylvania Municipalities Planning Code (MPC), Act of 1968, P.L. 805, No. 247 as reenacted and amended, other applicable laws, and current standards and practices of relevant professional organizations. In addition, we will facilitate a process that thinks outside the box and looks at regulations and techniques that provide innovative and creative ways to manage land use in this gateway area while providing appropriate options for land owners and developers.

### **ZONING ORDINANCES ARE NOT ONE-SIZE-FITS-ALL.**

Ferguson Township can rest assured that it will not receive a boilerplate document. While many communities face similar issues, no two are exactly alike. While we will draw on our experience in working in similar areas, the ordinance and regulations will be tailored to meet the unique needs and desires of the TSD in Ferguson Township following the information about the project outlined in the Request for Proposals.

## PROJECT TASKS

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### **TASK I: INITIAL REVIEW, ANALYSIS AND PROJECT INTRODUCTION**

The project will be begin with the following efforts by the Mackin Team:

- Existing Regulations: Review of the exiting regulations and design guidelines for the TSD. Once the initial review is complete, our team will conduct virtual stakeholder interviews (up to 20 individual stakeholders/organizations), as outlined in the RFP, will be interviewed to gather additional information for the project and the updates that are needed.
- Field Views: The Mackin Team will conduct a site visit with Township staff to fully understand current, on the ground existing conditions within the district as well as context for how it fits into the surrounding areas and previous planning/zoning efforts. These field views will supplement the information being gathered through the document review and outreach

- Outreach: We will prepare a press release as well as project materials for the Township to post on its website and social media sites. The overall goal of the this initial outreach is to inform and educate the public as to what the project is, why the Township is undertaking it, the zoning rewrite, general schedule, and promote upcoming opportunities to participate.
- **ESTIMATED HOURS: 60 hours**

## TASK 2: PUBLIC PROCESS

- Mapping: Utilizing GIS data from the Township, we will create the base zoning map and include other layers as needed to convey the proposed concepts to the community. Our team will update the zoning districts as needed to reflect proposed changes. If desired, we can create an online map using ArcGIS Web MapBuilder to allow for an interactive map.
- Engagement: Community engagement will be led by E. Holdings, Inc. Our engagement efforts are based on the belief that people whose lives are affected by planning and investment decisions have a right to be involved in the decision-making process and to influence the choices that are made. We engage the community in order to yield diverse voices and new ideas as well as give the public a sense of ownership in the developed solutions. Our goals for engagement embody the following principles:
  - **Inform and educate the public.** Create a comprehensive, equitable, and inclusive engagement plan that includes a wide variety of techniques for interested parties to become involved.
  - **Make and build connections.** Identify opportunities and facilitate two-way conversations to build relationships between the Township and stakeholders (public and private interests - including Penn State University, State College Borough, and property owners) throughout the planning process.
  - **Engage the public and encourage continued participation.** Engage interested persons in planning issues by making them relevant, removing barriers to participation, and communicating in clear, compelling language and through visuals.
  - **Use input to shape planning efforts and the final plan.** Communicate how the public's contribution will influence decisions. Ensure that the public's contribution will influence decision-making.



### Biweekly Staff Meetings

We propose to conduct online progress meetings with Township staff on a biweekly basis (via Zoom, Teams, or similar format). These meetings help to keep the project on task and serve to coordinate upcoming engagement efforts as well as review documents and provide input.

## Design Charette

We propose to host a design charette with key stakeholders and property owners from the neighborhood. The workshop would be a half-day event and we would work with the Township staff to determine whom should be invited to participate. The overall goal will be to review the priorities identified through previous engagement efforts and how those priorities can be addressed through zoning regulations. Our team will facilitate detailed conversations that are designed to understand the neighborhood vision and goals, current challenges (real or perceived) to implementing the neighborhood vision, and sketch desired building form and public space improvements.

## Neighborhood Meetings/Workshops

We propose to host two (2) neighborhood meetings/workshops to ensure that everyone who lives in the Township has the opportunity to provide input into the zoning rewrite; however, the focus will be on inviting the stakeholders and property owners within the proposed district. We will work with Township staff and stakeholders to determine the best location and format for the meetings. We can help identify venues that are accessible, ideally located with the right facilities and adequate size. We will design display materials and collateral specifically tailored to each event, ensuring that participants can easily understand and meaningfully engage in whatever way is most productive for a particular stage of the project. We also recommend either live-streaming these meetings or posting the full recordings, along with a summary, on the Township website, along with a feedback form, for those that cannot attend.

We can also adapt to changing situations including any restrictions that may occur due to the COVID-19 pandemic.

If large public gatherings are not possible, we are prepared to host the meetings online. Our team has extensive experience hosting online meetings, using a variety of tools and platforms.

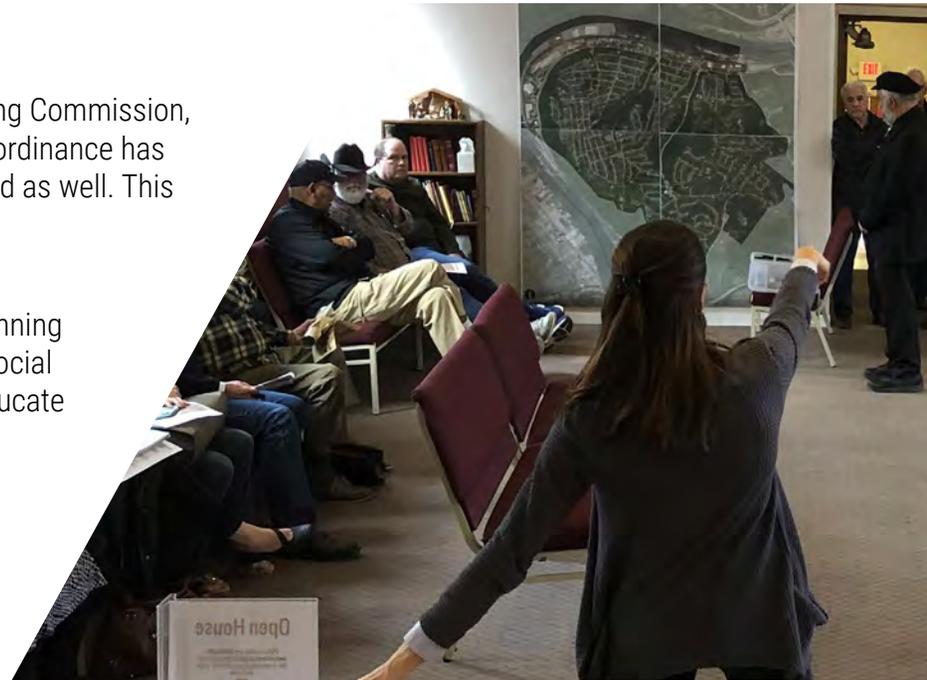
## Planning Commission Presentation

We will present our findings and recommendations to the Ferguson Township Planning Commission, at the conclusion of the design charette and neighborhood meetings, once the draft ordinance has been prepared. We will invite the all of the stakeholders and property owners to attend as well. This meeting is proposed to be in person, but can be held online if necessary.

## Online Engagement

Engagement during Covid has taught us how invaluable an online presence is for planning projects. Our team will provide content for the Township to post on its website and social media accounts at key intervals during the zoning rewrite, designed to inform and educate residents about the project; collect input on draft findings, opportunities, and needs; promote upcoming events (meetings, surveys, etc.) and spark vital neighborhood conversations about the project. Examples of recent project websites created by E. Holdings, Inc. can be found online at <https://nexttransit.network/> and <https://www.gettingaroundzville.com/>.

- **ESTIMATED HOURS: 140 hours**



### TASK 3: DRAFTING THE CODE

Once all the initial review and feedback is completed and collected, the Mackin Team will prepare the necessary pieces to amend the TSD within the Ferguson Township Zoning Ordinance. This amendment will include :

- Overview: To include a clear understanding of the district and its purpose as well as appropriate definitions, regulations, process for development and redevelopment, etc.
- Regulating Plan: Graphics and illustrations depicting location of key features and requirements of the district including streets, public spaces, and building standards. Our team includes a graphic designer to ensure that the regulations are visually represented and easy to understand.
- Building Form Standards: Building form standards will also be created to illustrate the desired building form, placement, and other urban elements.
- Additional Standards: Any other illustrations or standards including landscaping, parking, etc. as necessary. We understand that design standards currently regulate redevelopment projects and will review and incorporate as needed.

We will also ensure that the TSD update will fit seamlessly into the Township’s existing zoning ordinance and will meet all the requirements of the PA Municipalities Planning Code.

- **ESTIMATED HOURS: 88 hours**

### TASK 4: REFINING THE CODE

Once the updates are finalized for the TSD, the Mackin Team will make the following presentations:

- First Draft: Present the draft and gather comments from Planning Commission and Township Boards and Committees.
- Second Draft: Make necessary revisions from previous presentation and present back to Planning Commission so they may provide a recommendation to approve to the Township Board of Supervisors.

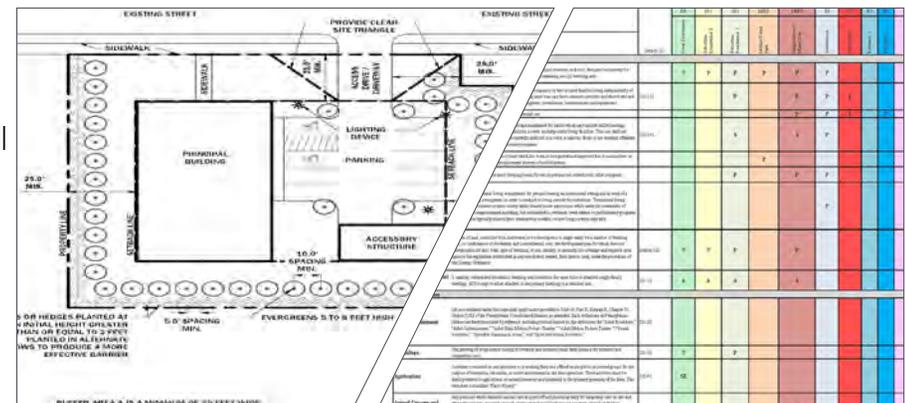
- **ESTIMATED HOURS: 32 hours**

### TASK 5: APPROVAL PROCESS

After Planning Commission provides their recommendation the Mackin Team will provide the following:

- Presentation of final draft TSD to Board of Supervisors at a Public Hearing
- Provide up to two rounds of revisions after the presentations are complete.
- Provide assistance, as needed, to Township staff regarding the adoption process.

- **ESTIMATED HOURS: 32 hours**



## About

# Mackin

Serving clients since 1960, Mackin Engineers & Consultants remains a leader in the consulting field. We have two office locations. Our headquarters is in the Pittsburgh area, which is where the Terraced Streetscape Zoning District Update will be prepared, and a satellite office located in Harrisburg. Although our roots lie in providing engineering services, we have grown to offer a wide range of professional consulting services, including community planning for both public and private sector clients in Pennsylvania, Ohio, West Virginia and Maryland. MACKIN has been providing planning services to municipalities for over 20 years. Our experience includes more than 30 ordinance projects, including full rewrites, amendments, and enforcement.

MACKIN'S multi-disciplinary approach to planning projects has proven successful as evidenced by an established track record of our clients' implementation of recommendations developed through these efforts. Our planning philosophy is to facilitate a process that is unique to each project. As such, we believe our approach will provide communities with the most appropriate strategies to address priority issues in a manner consistent with their goals and objectives.



### PROJECT MANAGER

**BRANDI ROSSELLI, AICP**

*MANAGER - COMMUNITY PLANNING*

Brandi is the Manager of the Community Planning Department, with over 19 years of planning experience. Brandi will serve as Project Manager and lead the overall community planning effort. Her responsibilities include overseeing the planning department staff as well as the overall management of all department projects.



### DAN BOWLING

*COMMUNITY PLANNER*

Dan has worked on a number of planning projects with Mackin, assisting with background research, public outreach activities and mapping. His experience includes comprehensive plans, ordinances and GIS analysis. Dan will provide general planning support for this project.



### MATT LOKAY, RLA, ASLA

*SENIOR LANDSCAPE ARCHITECT*

As a Senior Landscape Architect with over 15 years experience, Matt has worked extensively in multiple phases of land development and landscape architecture projects for a variety of non-profits and public agencies. Matt brings his design experience to help visually depict desired future conditions as part of planning projects. Matt will lead the urban design and building form standards for this project.

## About

# E. Holdings

To supplement our team, Mackin has added E. Holdings, Inc. (EHI) as a subconsultant. EHI will provide lead the community engagement, geoanalytics, and graphic design tasks as well as provide general planning support for the Terraced Streetscape Zoning rewrite.

EHI is a for-profit minority business enterprise (MBE), based in Pittsburgh, PA. Our unique blend of industry experts work with clients, communities, and stakeholders to develop and implement innovative solutions for a variety of projects, from large scale public works through small community projects that enhance day to day life.

Sharing information and ideas with a diverse population is a complex process that requires crafting messages through multiple mediums. At E. Holdings, Inc. our community engagement team develops strategies tailored to each audience it serves; in order to accommodate not only the type of information to be shared, but to address potential cultural, economic, gender, and societal differences. Our expanding team brings a depth and breadth of experience to all of our clients.

In addition, our data analysis experts in our GeoAnalytics Department provide our clients customized solutions to support asset management, planning, and emergency management needs. Our team prides itself on delivering high quality, flexible, resilient data utilizing an array of software and technology.



**AMY WILES, AICP**  
*MANAGER OF PLANNING + DESIGN*

Amy's professional experience crosses a variety of disciplines, ranging from county and multi-municipal comprehensive plans and land use ordinances (zoning and subdivision and land development) to specialized planning studies and community engagement efforts for large infrastructure programs. Amy will lead the community engagement, geoanalytics and graphic design tasks as well as provide general planning support.



**MELISSA CREIGHTON**  
*GEOANALYTICS ASSOCIATE*

Melissa's expertise is in creating and maintaining databases that solve problems. She actively looks for ways to improve data processing procedures to facilitate the use of quality assured data in organizational planning. Melissa has experience working in both the public and private sectors utilizing GIS and will provide support for all mapping tasks.



**PAIGE NEALER**  
*GRAPHIC DESIGNER*

Paige Nealer specializes in bringing ideas to life through graphic design. She prides herself on being the bridge of communication that connects the general public to important issues that may affect them. She has designed materials from the ground up for planning and development projects. Paige will be responsible for designing meeting and online materials as well as assisting with graphics and illustrations for the zoning rewrite.

## PETERS TOWNSHIP ZONING UPDATE (2017)

Figure TC.4: Dimensional Requirements in the TC: McMurray Town Center District

Dimension	Requirement
Minimum Gross Lot	≥ 1,780 sq ft (0.5 acre)
Maximum Dwelling Units/Acre	Not Limited
Minimum Floor Area Ratio (FAR)	1
Minimum Lot Frontage at Building Line	25'
Principal Building Setbacks	<ul style="list-style-type: none"> <li>• No Maximum</li> <li>• Combining lots permitted</li> </ul>
Along E. McMurray Road:	<ul style="list-style-type: none"> <li>• 20' minimum/25' max (for purposes of courtyards, etc.)</li> <li>• Buildings/facades shall be articulatory and/or facade elevated</li> </ul>
Along Pinar Lane:	<ul style="list-style-type: none"> <li>• 50' minimum</li> </ul>
Interior Local Str:	<ul style="list-style-type: none"> <li>• 0' - 5' Build to</li> <li>• Buildings/facades in setback, 2' encourage</li> </ul>
4 Story Bul:	<ul style="list-style-type: none"> <li>• Only per McMurray</li> <li>• 4' min</li> <li>• 2' min</li> <li>• 2' min</li> </ul>
Minimum Principal Building Setbacks (Side)	5'
Minimum Principal Building Setbacks (Rear)	5'

Mackin updated the Peters Township Zoning Ordinance to implement their newly adopted Comprehensive Plan, with a focus on incorporating Form Based Codes for mixed use areas and walkable districts and evaluating the impact of proposed regulations by creating 3D models of what neighborhoods would look like if built according to the proposed dimensional requirements.

The full Peters Township Zoning Ordinance can be accessed [online](#).

**Key staff:** Brandi Rosselli, AICP

**Project reference:** Ed Zuk, Planning Director / 724-260-5759 / [EJZuk@peterstownship.com](mailto:EJZuk@peterstownship.com)

## CITY OF HERMITAGE ZONING UPDATE (2021)



Mackin prepared Hermitage 2030, the City's Comprehensive Plan update, and subsequently updated the City's zoning ordinance to implement the plan. The zoning update focused on implementing the plan's vision to create a Vibrant Center, a Healthy Community, Thriving Neighborhoods, Complete Corridors and a Prosperous Economy.

Mackin worked with City staff, Planning Commission, Board of Commissioners, and a steering committee to consolidate zoning districts, create a more user-friendly ordinance, and establish regulations to encourage redevelopment within the newly established City Center District to create a more dense, walkable town center.

**Key staff:** Brandi Rosselli, AICP, Amy Wiles, AICP\*, and Matt Lokay, RSLA

*\* Amy worked on this project when she was employed with Mackin*

**Project reference:** Jeremy Coxe, Director, Planning & Development / 724-981-0800 x1265 / [jcoxe@hermitage.net](mailto:jcoxe@hermitage.net)

## COLLIER TOWNSHIP ZONING UPDATE (2015)



Mackin updated Collier Township's Zoning Ordinance and Subdivision and Land Development Ordinance to implement their newly adopted comprehensive plan update. As part of the update, Mackin established design standards for permitted commercial uses within the R-4 Residential/Gateway District. The Township subsequently hired Mackin in early 2021 to assist with a zoning amendment to address issues arising from educational facilities in residential districts.

**Key staff:** Brandi Rosselli, AICP, Amy Wiles, AICP\*, and Matt Lokay, RSLA

*\* Amy worked on this project when she was employed with Mackin*

**Project reference:** Bob Caun, Director, Planning, Zoning & Land Development / 724.430.1210 x 4308 / [bcaun@colliertwp.net](mailto:bcaun@colliertwp.net)

<b>DESCRIPTION</b>	<b>HOURS</b>	<b>RATE</b>	<b>TOTAL</b>
<b>TASKS</b>			
<b>TASK 1: INITIAL REVIEW, ANALYSIS &amp; PROJECT INTRODUCTION</b>			
Manager, Community Planning	16	\$145	\$2,320
Community Planner	20	\$80	\$1,600
E Holdings	24	\$130	\$3,120
<b>Subtotal</b>	<b>60</b>		<b>\$7,040</b>
<b>TASK 2: PUBLIC PROCESS</b>			
Manager, Community Planning	24	\$145	\$3,480
Community Planner	40	\$80	\$3,200
Senior Landscape Architect	16	\$100	\$1,600
E Holdings	60	\$130	\$7,800
<b>Subtotal</b>	<b>140</b>		<b>\$16,080</b>
<b>TASK 3: DRAFTING THE CODE</b>			
Manager, Community Planning	16	\$145	\$2,320
Community Planner	40	\$80	\$3,200
Senior Landscape Architect	8	\$100	\$800
E Holdings	24	\$130	\$3,120
<b>Subtotal</b>	<b>88</b>		<b>\$9,440</b>
<b>TASK 4: REFINING THE CODE</b>			
Manager, Community Planning	8	\$145	\$1,160
Associate Project Manager, Community Planning	16	\$90	\$1,440
E Holdings	8	\$130	\$1,040
<b>Subtotal</b>	<b>32</b>		<b>\$3,640</b>
<b>TASK 5: APPROVAL PROCESS</b>			
Manager, Community Planning	8	\$145	\$1,160
Associate Project Manager, Community Planning	16	\$90	\$1,440
E Holdings	8	\$130	\$1,040
<b>Subtotal</b>	<b>32</b>		<b>\$3,640</b>
<b>TOTAL</b>	<b>352</b>		<b>\$39,840</b>

If any tasks are requested by the Township that are outside of the agreed upon scope of work, Mackin would bill the Township from our official fee schedule, which would be provided at the time of the request. No additional tasks would be billed until they are approved in writing by the Township and Mackin.

# APPENDICES

RESUMES & FORMS



**BRANDIROSSELLI, AICP**  
*MANAGER - COMMUNITY PLANNING*

YEARS AT • YEARS  
MACKIN • IN INDUSTRY

**14:20**

Brandi is the Manager of the Community Planning Department, with over 20 years of planning experience. Her responsibilities include overseeing the Planning Department staff as well as the overall management and review of all department projects, assignment of personnel to projects, and workload distribution.

### EDUCATION

- Washington & Jefferson College - BA, Sociology
- University of Pittsburgh - Master of Urban & Regional Planning

### REGISTRATIONS/ AFFILIATIONS

- American Institute of Certified Planners
- PA Chapter of the American Planning Association

### PROJECT EXPERIENCE

- Lawrence County Comprehensive Plan - Client: Lawrence County
- Greene County Comprehensive Plan - Client: Greene County
- Fayette County Comprehensive Plan - Client: Fayette County
- Washington County Comprehensive Plan - Client: Washington County
- Warren County Comprehensive Plan - Client: Warren County
- Lawrence County Greenways Plan - Client: Lawrence County
- City of Connellsville Comprehensive Plan and Walk/Bike Audit (Washington County, PA) – Client: Connellsville Redevelopment Authority
- Greene County Comprehensive Parks, Recreation, Trails/Greenways Plan – Client: Greene County
- Lawrence County Multi-Modal Corridor Plan – Client: Lawrence County
- Canal Place Heritage Area Management Plan Update (Allegheny County, MD) – Client: City of Cumberland
- Lycoming County Corridor Management Plan - Client: Lycoming County



**DAN BOWLING**  
COMMUNITY PLANNER

YEARS AT MACKIN • YEARS IN INDUSTRY

1:2

Dan has worked on a number of planning projects with MACKIN, assisting with background research, public outreach activities and mapping. His experience includes comprehensive plans and GIS analysis and mapping.

### EDUCATION

- Pennsylvania State University - BS, Geography (Minor, Environmental Inquiry)

### PROJECT EXPERIENCE

- Plain Grove Comprehensive Plan and Zoning Ordinance (Lawrence County, PA) - Client: Plain Grove Township
- City of Warren Comprehensive Plan and Zoning Ordinance (Warren County, PA) - Client: City of Warren
- Loch Lynn Heights Comprehensive Plan (Garrett County, MD) - Client: Town of Loch Lynn Heights
- Warren County Comprehensive Plan - Client: Warren County
- Washington County Comprehensive Plan - Client: Washington County

### ADDITIONAL RELATED EXPERIENCE\*

- Utilized satellite imagery and remote sensing for Duquesne Light's ROWs
- Identified, inspected, and evaluated trees and brush along utility lines
- Provided inspection results to clients/property owners with recommendations.
- Planned, directed, and coordinated the activities of assigned tree clearance crews and discussed/negotiated line-clearance crew access issues
- Served as a liaison between clients, tree crews, and client customers
- Collected daily data analysis of wastewater and soil samples
- Wrote field reports indicating the status of field samples
- Collected data using remote sewer cameras in order for GIS team to map out a new sewer system
- Monitored construction projects and determined cost of materials/labor
- Mapped out where water flow accumulation occurs in order to decrease flooding chance

*\* denotes work completed with another firm*



**MATT LOKAY, RLA, ASLA**  
*SENIOR LANDSCAPE ARCHITECT*

YEARS AT • YEARS  
MACKIN • IN INDUSTRY

**6:19**

As a Senior Landscape Architect with 19 years experience, Matt has completed multiple phases of land development and landscape architecture projects for a variety of non-profits and public agencies. His experience includes conceptual renderings, park and trail planning, and environmentally sensitive and sustainable design/construction project management.

### EDUCATION

- Pennsylvania State University - BA, Landscape Architecture

### REGISTRATIONS/ AFFILIATIONS

- Registered Landscape Architect
- American Society of Landscape Architect

### PROJECT EXPERIENCE

- Peters Township Zoning Ordinance Update (Washington County, PA) - Client: Peters Township
- Collier Township Zoning Ordinance Update (Allegheny County, PA) - Client: Collier Township
- City of Hermitage Zoning Ordinance Update (Mercer County, PA) - Client: Borough of Hermitage
- Bethel Park Comprehensive Plan and Zoning Ordinance Update (Allegheny County, PA) - Client: Bethel Park
- Connellsville Comprehensive Plan and Bike/Walk Audit (Fayette County, PA) - Client: Connellsville Redevelopment Authority
- Municipal Engineering and Design Services for the Oil City Marina (Venango County, PA) – Client: City of Oil City
- Oil Creek Water Trail Feasibility Study (Crawford & Venango Counties, PA) – Client: Titusville Redevelopment Authority



**AMY WILES, AICP**  
*MANAGER OF PLANNING + DESIGN*

YEARS AT • YEARS  
EHI • IN INDUSTRY

**1:20**



**e.holdings**  
Connecting People + Place

Amy's professional experience crosses a variety of disciplines, ranging from county and multi-municipal comprehensive plans and land use ordinances (zoning and subdivision and land development) to specialized planning studies, such as wayfinding master plans, as well as parks, recreation, trails and greenways plans. She has been employed by E. Holdings for less than one year and has over 19 years of professional experience.

### EDUCATION

- Pennsylvania State University - BS, Administration of Justice/Sociology

### REGISTRATIONS/ AFFILIATIONS

- American Institute of Certified Planners
- PA Chapter of the American Planning Association - Southwest Section Secretary & Professional Development Officer Representative

### PROJECT EXPERIENCE

- Port Authority Long Range Transportation Plan, Allegheny County, PA
- Community Visioning Study, East Hills & Lincoln-Lemington-Belmar, Pittsburgh, PA
- Cantini Mosaic Re-Conceptualization Study, Pittsburgh, PA
- City of Pittsburgh Housing Needs Assessment, Pittsburgh, PA
- Zionsville Wayfinding Master Plan, Zionsville, IN
- Downtown Wayfinding Plan, City of Estes Park, CO
- Lawrence County Comprehensive Plan\*
- Fayette County Comprehensive Plan\*
- Greene County Comprehensive Plan\*
- City of Hermitage Comprehensive Plan & Zoning Ordinance Update, Mercer County, PA\*
- City of Monessen Comprehensive Plan Update, Westmoreland County, PA\*
- City of Fairmont Comprehensive Plan, Marion County, WV\*
- City of Weirton Comprehensive Plan, Brooke & Hancock Counties, WV\*

*\* denotes work completed with another firm*



**e.holdings**  
Connecting People + Place



**MELISSA CREIGHTON**  
*GEOANALYTICS ASSOCIATE*

**YEARS AT  
EHI** • **YEARS  
IN INDUSTRY**

**3:4**

Melissa's expertise is in creating and maintaining databases that solve problems. She actively looks for ways to improve data processing procedures to facilitate the use of quality assured data in organizational planning. Melissa has experience working in both the public and private sectors utilizing GIS, most notably managing leased assets, right of ways, land records, and real estate appraisals in spatial databases.

### EDUCATION

- Indiana University of Pennsylvania  
- BA, Geography, Environmental/GIS

### PROJECT EXPERIENCE

- Port Authority Long Range Transportation Plan, Allegheny County, PA
- Community Visioning Study, East Hills & Lincoln-Lemington-Belmar, Pittsburgh, PA
- Zionsville Wayfinding Master Plan, Zionsville, IN
- Stormwater CCTV and Investigation, The Pittsburgh Water and Sewer Authority, Pittsburgh, PA
- Washout Manhole Disconnection Evaluation Project, PWSA, Pittsburgh, PA
- Asset Management, Crown Castle, Canonsburg, PA
- Real Estate Data Technician, Tyler Technologies, Washington, PA
- Archival Mine Mapping Projects, Indiana University of Pennsylvania Institute for Mine Mapping, Archival Procedures, and Safety (IMAPS), Indiana, PA



e.holdings  
Connecting People + Place



**PAIGE NEALER**  
*COMMUNICATIONS & MARKETING*

YEARS AT • YEARS  
EHI • IN INDUSTRY

**2:12**

Paige Nealer specializes in bringing ideas to life through marketing and graphic design. She prides herself on being the bridge of communication that connects the general public to important issues that may affect them, their families, and their community. She has coordinated events, created education pieces, and designed materials from the ground up for both promotional and marketing use.

### EDUCATION

- Edinboro University - BFA, Graphic Design

### PROJECT EXPERIENCE

- Port Authority Long Range Transportation Plan, Allegheny County, PA
- Community Visioning Study, East Hills & Lincoln-Lemington-Belmar, Pittsburgh, PA
- Cantini Mosaic Re-conceptualization Study, Pittsburgh, PA
- Zionsville Wayfinding Master Plan, Zionsville, IN
- Downtown Wayfinding Plan, City of Estes Park, CO
- Rebrand and Organizational Style Guide Development, Housing Authority of the City of Pittsburgh (HACP), Pittsburgh, PA
- Housing Opportunity Fund (HOF) Annual Report, Urban Redevelopment Association (URA), Pittsburgh, PA
- Active Allegheny Connector Study for Transit Oriented Development, Castle Shannon Borough, PA

## **PROFESSIONAL SERVICES AGREEMENT**

THIS IS AN AGREEMENT made as of (INSERT DATE) between Ferguson Township and MACKIN ENGINEERING COMPANY ("MACKIN").

MACKIN will provide professional services in connection with the preparation and completion of the Terraced Streetscape Zoning District Rewrite hereinafter called the "PROJECT".

In consideration of the mutual covenants contained herein and other good and valuable consideration, MACKIN and CLIENT hereby agree as follows:

### **SECTION 1 - GENERAL**

#### **1.1 Standard of Care**

MACKIN will use its best efforts to perform the services, provided hereunder in a manner consistent with that level of care and skill ordinarily exercised by other members of MACKIN'S profession currently practicing in the same locality under similar conditions. Unless specifically set forth herein, no other representation, express or implied, and no warranty or guarantee is included or intended in this Agreement, or in any report, opinion, document presented by MACKIN.

#### **1.2 Titles**

The titles used in this Agreement are for general reference only and are not part of the Agreement.

#### **1.3 Effective Date**

The Effective Date of this Agreement is specified in the introductory paragraph above.

#### **1.4 Execution and Authorization**

Execution of this Agreement by MACKIN and CLIENT constitutes CLIENT'S written authorization for MACKIN to begin providing its services under the PROJECT.

#### **1.5 Definitions**

- 1.5.1 "Agreement" means this Agreement between CLIENT and MACKIN for professional services including those exhibits listed in Section 7 of this Agreement.
- 1.5.2 "Basic Services" means the services to be performed for or furnished to CLIENT by MACKIN described in Section 2.1 of this Agreement.
- 1.5.3 "Additional Services" means the services to be performed for or furnished to CLIENT by MACKIN described in Section 2.2 of this Agreement.
- 1.5.4 "Equitable Adjustment" means an adjustment to the agreement price or the delivery schedule based upon a change resulting from actions of the CLIENT which compensates MACKIN for actual costs, plus reasonable profit (except for suspensions), and overhead.
- 1.5.5 "Fiduciary Services" means the obligations, including the duty of loyalty and the duty of care, that fiduciaries provide to entrustors in regard to property, assets, or power that public policy encourages.
- 1.5.6 "Sub Consultant" means a person or entity having a contract with MACKIN to perform or furnish Basic or Additional Services as MACKIN'S independent professional associate or consultant engaged directly on the PROJECT.
- 1.5.7 "Reimbursable Expenses" means the actual expenses incurred by MACKIN or MACKIN'S Sub Consultants directly in connection with the performance or furnishing of Basic or Additional Services. Such expenses may include, but is not limited to transportation, lodging, subsistence, and photography.

## **SECTION 2 - SERVICES OF MACKIN ENGINEERING COMPANY**

### **2.1 Basic Services**

MACKIN shall perform the professional services for the PROJECT as described more fully in Exhibit A.

### **2.2 Additional Services**

If CLIENT wishes MACKIN to perform services in addition to those specified in Exhibit A of this Agreement, and if said services are customarily provided by MACKIN, CLIENT shall so instruct MACKIN, and MACKIN shall perform or obtain from others such services and will be compensated for the Additional Services in accordance with Section 5.1.2.

**SECTION 3 – CLIENT’S RESPONSIBILITIES**

**3.1 Authorized Representative**

CLIENT designates the following authorized representatives to make all decisions on CLIENT'S behalf when requested to by MACKIN. The following shall be available on an on-call basis as required by MACKIN and shall be called in the order listed herein:

Name:  
Telephone:  
Fax:  
Email Address:

Name:  
Telephone:  
Fax:  
Email Address:

CLIENT shall furnish a revised listing, in writing, to MACKIN when any changes affecting this listing are made.

**3.2 Information Provided By Others**

CLIENT shall obtain and deliver to MACKIN the information listed in Exhibit B and any other information that CLIENT becomes aware of that may affect or assist MACKIN in the performance of MACKIN'S services hereunder. MACKIN shall review all information and shall provide an opinion of the accuracy or reliability of such information. CLIENT acknowledges that if the information is, in the opinion of MACKIN, inaccurate or unreliable, then MACKIN may be required to perform additional services and will be compensated for the additional services in accordance with Section 5.1.2.

**SECTION 4 - TIMES FOR RENDERING SERVICES**

**4.1 Timeliness of Performance**

MACKIN will perform the services described in this Agreement within **INSERT TIMEFRAME** of the execution of this Agreement.

**4.2 Schedule Changes**

If the period of time indicated in this Agreement by which services are to be completed is changed through no fault of MACKIN, the amount of compensation provided for in this Agreement shall be subject to equitable adjustment which is evoked only when the change will impact MACKIN'S provision of services. Further, if CLIENT requests changes in the Scope of Services, extent or character of the PROJECT, the time for performance of MACKIN'S services may be adjusted by MACKIN, when mutually agreed upon by both parties.

#### **4.3 Suspension of Services**

If the PROJECT is suspended for more than thirty (30) calendar days in the aggregate, MACKIN shall be compensated for services performed and charges incurred prior to receipt of notice to suspend and, upon resumption, an equitable adjustment in fees to compensate MACKIN for, among other things, reasonable costs incurred as a result of such delay or suspension and reactivation. In addition, there shall be an equitable adjustment in the PROJECT schedule based on the delay caused by the suspension. Any equitable adjustment to the PROJECT schedule shall be mutually agreed upon by both parties.

If CLIENT fails to make payments when due or otherwise is in breach of the Agreement, MACKIN may suspend the PROJECT upon five (5) calendar days' notice to CLIENT. MACKIN shall have no liability whatsoever to CLIENT for any costs or damages as a result of such suspension caused by any breach of this Agreement by CLIENT.

### **SECTION 5 - PAYMENTS TO MACKIN**

#### **5.1 Methods of Payment for Services and Expenses**

##### **5.1.1 Basic Services**

CLIENT shall pay MACKIN for Basic Services performed or furnished under Section 2.1, a lump sum fee of **INSERT FEE**.

##### **5.1.2 Additional Services**

CLIENT shall pay MACKIN for Additional Services performed or furnished under Section 2.2 on an hourly fee basis in accordance with MACKIN'S current Fee Schedule which is attached as Exhibit C.

##### **5.1.3 Reimbursable Expenses**

The current lump sum budget includes Reimbursable Expenses expected to be incurred by MACKIN in the performance of services under this Agreement.

## **5.2 Other Provisions Concerning Payments**

### **5.2.1 Preparation of Invoices**

MACKIN will prepare and send CLIENT monthly invoices showing charges for services, reimbursable expenses, and Sub Consultant fees to date less payments received, and the net amount owed.

Charges for Basic Services provided will be based on MACKIN'S estimate of the percent completion of the Basic Services multiplied by the total lump sum fee indicated in Section 5.1.1 of this Agreement.

Charges for Additional Services will be invoiced separately from Basic Services on a monthly basis. Invoices for Additional Services will show actual hours worked in the billing period for each personnel classification performing the Additional Services multiplied by the appropriate Fee Schedule rate from Exhibit C of this Agreement. The Fee Schedule in Exhibit C is only valid for the dates shown and will be updated on a periodic basis by MACKIN. Said updates to Exhibit C will be provided to CLIENT for the duration of the Project.

### **5.2.2 Late Charges**

CLIENT shall pay MACKIN the full amount of every invoice within sixty (60) calendar days of the date of the invoice. Accounts remaining unpaid sixty (60) calendar days after the invoice date shall be subject to a monthly service charge of 1.5% (or the legal rate) on the then unpaid balance.

### **5.2.3 Collection Costs**

In the event legal action is necessary to enforce the payment provisions of this Agreement, MACKIN shall be entitled to collect from CLIENT any judgment or settlement sums due, reasonable attorney's fees, court costs and expenses incurred by MACKIN in connection therewith and, in addition, the reasonable value of MACKIN'S time and expenses spent in connection with such collection action, computed at MACKIN'S prevailing fee schedule and expense policies.

### **5.2.4 Termination of Services**

If any invoice payment is not received by MACKIN within sixty (60) calendar days of the date of the invoice, MACKIN may, without waiving any claim or right against the CLIENT, terminate the performance of the services under this AGREEMENT.

#### 5.2.5 Invoice Adjustments

Payment of invoices is in no event, subject to unilateral discounting setoffs, and/or back-charges by CLIENT, and payment is due for work, or agreed upon expenses as defined in the scope of work, performed prior to any such suspension or termination of this Agreement by either party.

### **SECTION 6 - MISCELLANEOUS**

#### **6.1 Notices**

Any notice required under this Agreement will be in writing, addressed to the appropriate party at the address which appears on the signature page of this Agreement (as modified in writing from time to time by such party) and given personally, by regular registered, or certified mail, by facsimile, or by a nationally recognized overnight carrier service. All notices shall be effective upon the date of receipt.

#### **6.2 Governing Law**

It is the intention of the Parties to this Agreement that this Agreement and the performance under this Agreement, and all suits and special proceedings under this Agreement, be construed in accordance with and governed, to the exclusion of the law of any other forum, by the laws of the Commonwealth of Pennsylvania, without regard to the jurisdiction in which any action or special proceeding may be instituted.

Any litigation that may be required shall take place in the Erie County Court of Common Pleas.

#### **6.3 Assignment**

Neither CLIENT nor MACKIN may assign, sublet, or transfer any rights hereunder or interest (including, but without limitation, payments that may become due or that are due) in this Agreement without the express written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement.

#### **6.4 Corporate Protection**

It is intended by the parties to this Agreement that MACKIN'S services in connection with the PROJECT shall not subject MACKIN'S individual employees, officers, or directors to any personal legal exposure for the risks associated with this PROJECT. Therefore, and notwithstanding anything to the contrary contained herein, CLIENT agrees that as the CLIENT'S sole and exclusive remedy, any claim, demand, or suit shall be directed and/or asserted only against MACKIN, a Pennsylvania corporation, and not against any of MACKIN'S employees, officers or directors.

#### **6.5 Fiduciary Responsibility**

CLIENT acknowledges that neither MACKIN nor any of MACKIN'S Sub Consultants has offered any fiduciary service to CLIENT and no fiduciary responsibility shall be owed to CLIENT by MACKIN or any of MACKIN'S Sub Consultants, as a consequence of MACKIN'S entering into this Agreement with CLIENT.

#### **6.6 Certifications, Guarantees and Warranties**

MACKIN shall not be required to sign any documents that would result in MACKIN having to certify, guarantee or warrant the existence of conditions whose existence MACKIN cannot ascertain. CLIENT also agrees not to make resolution of any dispute with MACKIN or payment of any amount due to MACKIN in any way contingent upon MACKIN'S signing any such certification.

#### **6.7 Changed Conditions**

CLIENT shall rely on MACKIN'S judgement as to the continued adequacy of this Agreement in light of occurrences or discoveries that were not originally contemplated by or known to MACKIN. Should MACKIN call for contract renegotiation, MACKIN shall identify the changed conditions necessitating renegotiation of the Agreement. If terms cannot be agreed to, the parties agree that either party has the absolute right to terminate this Agreement.

#### **6.8 Delivery of Electronic Files**

By accepting and utilizing any drawings or other data on any form of electronic media generated and provided by MACKIN, CLIENT covenants and agrees that all such drawings and data are instruments of service of MACKIN, who shall be deemed the author of the drawings and data, and shall retain all common law, statutory law and other rights, including copyrights. CLIENT and MACKIN agree that any CADD files prepared by either party shall conform to the specifications listed in Exhibit D. The electronic files submitted by MACKIN to CLIENT are submitted for an acceptance period of thirty (30) calendar days. Any defects CLIENT discovers during this period will be reported to MACKIN and will be

corrected as part of MACKIN'S Basic Scope of Services. Correction of defects detected and reported after the acceptance period will be compensated for as Additional Services.

CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold MACKIN harmless from any damage, liability or cost including reasonable attorney's fees and costs of defense, arising from any changes made by anyone other than MACKIN.

Project files and final deliverables for the project will become property of the CLIENT and MACKIN as stated in Exhibit D.

## **6.9 Limitation of Liability**

6.9.1 To the fullest extent permitted by law, and notwithstanding any other provision of the Agreement, the total liability, in the aggregate, of MACKIN and MACKIN'S Sub Consultants, to CLIENT and anyone claiming by, through or under CLIENT, for any and all claims, losses, costs or damages whatsoever arising out of, resulting from or in any way related to the services provided under this Agreement from any cause or causes, included but not limited to the negligence, professional errors or omissions, strict liability or breach of contract or warranty express or implied of MACKIN or MACKIN'S Sub Consultants, shall not exceed the total compensation received by MACKIN under this Agreement or \$100,000, whichever is less.

6.9.2 To the fullest extent permitted by law, and notwithstanding any other provision in this Agreement, MACKIN and MACKIN'S Sub Consultants shall not be liable to CLIENT or anyone claiming by, through or under CLIENT for any special incidental, indirect or consequential damages whatsoever, arising out of, resulting from or in any way related to the services provided under this Agreement from any cause or causes, including but not limited to any such damages caused by the negligence, professional errors or omissions, strict liability, breach of contract or warranty expressed or implied of MACKIN or MACKIN'S Sub Consultants.

6.9.3 Subject to and limited by the provisions agreed to by CLIENT and MACKIN in Sections 6.9.1 and 6.9.2 above, and to the fullest extent permitted by law, MACKIN'S total liability to CLIENT and anyone claiming by, through or under CLIENT for any claim, cost, loss or damages caused in part by the negligence of MACKIN and in part by the negligence of CLIENT or any other negligent entity or individual, shall not exceed the percentage share that MACKIN'S negligence bears to the total negligence of CLIENT, MACKIN and all other negligent entities and individuals determined on the basis of comparative negligence principles. CLIENT further agrees to hold harmless MACKIN from and against any such claim, cost, loss or damages but only to the extent of the percentage share that CLIENT'S negligence bears to the total negligence of CLIENT, MACKIN and all other negligent entities and individuals determined on the basis of comparative negligence principles.

## **6.10 Extension of Protection**

CLIENT agrees to extend any and all liability limitations and indemnifications provided by CLIENT and MACKIN to those individuals and entities MACKIN retains for performance of the services under this Agreement, including but not limited to MACKIN'S officers and employees and their heirs and assigns, as well as MACKIN'S Sub Consultants and their officers, employees, heirs and assigns.

#### **6.11 Third Party Beneficiaries**

Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either CLIENT or MACKIN. MACKIN'S services under this Agreement are being performed solely for CLIENT'S benefit, and no other entity shall have any claim against MACKIN because of this Agreement or the performance or nonperformance of services hereunder.

#### **6.12 Dispute Resolution**

CLIENT and MACKIN agree to negotiate in good faith for a period of thirty (30) calendar days from the date of notice of all disputes between them prior to exercising their rights under law.

#### **6.13 Certificate of Merit**

CLIENT shall make no claim against MACKIN for professional negligence, either directly or in a third-party claim, until CLIENT provides to MACKIN a certification prepared and signed by an independent consultant currently practicing the same discipline as MACKIN and licensed in the Commonwealth of Pennsylvania. To be valid, the certification shall identify: 1) the name, business address, telephone number, and license number of the individual completing the certification; 2) the method used to establish the standard of care against which MACKIN'S performance was evaluated; and 3) each error or omission the certifier contends is a violation of the standard of care and discuss what MACKIN should have done to have maintained the standard of care. Said certificate shall be presented to MACKIN at least thirty (30) calendar days before the filing of any claim or institution of any judicial or arbitration proceeding against MACKIN.

#### **6.14 Attorneys' Fees**

In the event of any litigation arising from or related to the services provided under this Agreement, the prevailing party will be entitled to recovery of all court costs and attorney's fees allowed by law.

#### **6.15 Termination**

The obligation to provide further services under this Agreement may be terminated:

- 6.15.1 For cause, by either party upon thirty (30) calendar days' written notice in the event of substantial failure by the other part to perform in accordance with the terms hereof through no fault of the terminating party. Notwithstanding the foregoing, this Agreement will not terminate as a result of such substantial failure if the party receiving such notice begins, within seven (7) calendar days of receipt of such notice, to correct its failure to perform and proceeds diligently to cure such failure within no more than thirty (30) calendar days of receipt thereof.
- 6.15.2 For cause, by MACKIN upon seven (7) calendar days' written notice if MACKIN believes that MACKIN is being requested by CLIENT to furnish or perform services contrary to MACKIN'S responsibilities as a licensed professional.
- 6.15.3 For cause, by MACKIN upon seven (7) calendar days' written notice if MACKIN'S services are delayed or suspended for more than ninety (90) calendar days for reasons beyond MACKIN'S control.
- 6.15.4 For convenience by CLIENT upon thirty (30) calendar days' written notice.
- 6.15.5 In the case of termination under Sections 6.15.2 or 6.15.3, MACKIN shall have no liability whatsoever to CLIENT for any costs or damages as a result of such termination.

**6.16 Survival**

All express representations, indemnifications or limitations of liability made in or given in this Agreement will survive the completion of all services of MACKIN under this Agreement or the termination of this Agreement for any reason.

**6.17 Severability**

Any provision or part of the Agreement held to be void or unenforceable under any law or regulation shall be deemed stricken, and all remaining provisions shall continue to be valid and binding upon CLIENT and MACKIN, who agree that the Agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision that comes as close as possible to expressing the intention of the stricken provision.

**6.18 Interpretation**

Limitations on liability and indemnities in this Agreement are business understandings between the parties and shall apply to all the different theories of recovery, including breach of contract or warranty, tort (including negligence), strict or statutory liability, or any other cause of

action. These limitations on liability and indemnities will not apply to any losses or damages that have been found by a trier of fact to have been caused by MACKIN'S sole or gross negligence or MACKIN'S willful misconduct. "Parties" means CLIENT and MACKIN, and their officers, partners, employees, agents or Sub Consultants. The parties also agree that CLIENT will not seek damages in excess of the contractually agreed limitations indirectly through suits with other parties who may join MACKIN as a third-party defendant.

**SECTION 7 - EXHIBITS**

**7.1** This Agreement is subject to the provisions of the following Exhibits which are attached to and made a part of the Agreement.

7.1.1 Exhibit A, "The Scope of Services of Mackin Engineering Company", consisting of X pages.

7.1.2 Exhibit B, "Information to be Provided by CLIENT", consisting of one (1) page.

7.1.3 Exhibit C, "Fee Schedule of Mackin Engineering Company", consisting of one (1) page.

7.1.4 Exhibit D, "CADD and Electronic File Specifications", consisting of one (1) page.

**7.2** This Agreement (consisting of pages 1 to 10, inclusive and the Exhibits identified above) constitutes the final and complete agreement between CLIENT and MACKIN in respect of the PROJECT. It supersedes all prior or contemporaneous communications representations, or agreements, whether oral or written, relating to the subject matter of this Agreement. Execution of this Agreement signifies that each party has read the document thoroughly and is satisfied. Amendments to this Agreement shall not be binding unless made in writing and signed by CLIENT and MACKIN.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement to be effective as of the date first above written.

FERGUSON TOWNSHIP

MACKIN ENGINEERING COMPANY

By: \_\_\_\_\_

By: \_\_\_\_\_

Dean I. Mackin  
Chief Executive Officer

Date of Signature: \_\_\_\_\_

Date of Signature: \_\_\_\_\_

Address for giving notices:

INSERT CLIENT  
INSERT ADDRESS

Address for giving notices:

MACKIN ENGINEERING COMPANY  
103 Technology Drive, Suite 200  
Pittsburgh, PA 15275



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/9/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Edgewood Partners Insurance Center, Inc. 301 Grant Street, Suite 470 Pittsburgh, PA 15219	CONTACT NAME:	
	PHONE (A/C, No, Ext):	FAX (A/C, No):
	E-MAIL ADDRESS:	
INSURER(S) AFFORDING COVERAGE		NAIC #
INSURER A : Continental Casualty Company		20443
INSURER B : National Fire Insurance Co of Hartford		20478
INSURER C : Great American Insurance Company		16691
INSURER D :		
INSURER E :		
INSURER F :		

INSURED  
Mackin Engineering Company  
103 Technology Drive, Suite 200  
Pittsburgh PA 15275-1005

**COVERAGES**

CERTIFICATE NUMBER: 66683325

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B6045352084	11/1/2021	11/1/2022	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B6045352070	11/1/2021	11/1/2022	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$0	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	B6045352098	11/1/2021	11/1/2022	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N	N/A	WC656533173	11/1/2021	11/1/2022	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$500,000 E.L. DISEASE - EA EMPLOYEE \$500,000 E.L. DISEASE - POLICY LIMIT \$500,000
C	Professional Liability			DPP4203730	8/19/2021	8/19/2022	\$1,000,000 Ea. Claim/\$1,000,000 Aggregate
A	Property			B6045352084	11/1/2021	11/1/2022	BPP - \$424,483, Special Form

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Evidence of Coverage

**CERTIFICATE HOLDER**

Mackin Engineering Company  
RIDC Park West  
103 Technology Drive, Suite 200  
Pittsburgh PA 15275-1015

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Sean Andreas

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ACORD 25 (2016/03)

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## EXHIBIT B

### INFORMATION TO BE PROVIDED BY CLIENT

This is Exhibit B, consisting of one (1) page, referred to in the Agreement made on \_\_\_\_\_ by and between FERGUSON TOWNSHIP (CLIENT) and MACKIN ENGINEERS & CONSULTANTS (MACKIN) providing for professional services. Following is a list of the information to be provided by CLIENT to MACKIN to be considered in the services to be provided under this Agreement:

1. Existing plans or studies
2. Existing ordinances - zoning, subdivision, land development, etc.
3. Any mapping for the Township in electronic format or in hard copy that will be used to prepare base mapping for the project.
4. A list of Project Steering Committee Members and their name, address, telephone number, email address and other pertinent contact information.
5. A list of elected officials, Planning Commission members, Zoning Hearing Board members, and relevant Staff and their name, address, telephone number, email address and other pertinent contact information.
6. Any potential stakeholders and their name, address, telephone number, email address and other pertinent contact information.
7. Any other information deemed pertinent, and mutually agreed upon, by the CLIENT and MACKIN that will be used in the completion of this project.

**EXHIBIT C**

**FEE SCHEDULE OF MACKIN ENGINEERING COMPANY**

This is Exhibit C, consisting of one (1) page, referred to in the Agreement made on \_\_\_\_\_ by and between the FERGUSON TOWNSHIP (CLIENT) and MACKIN ENGINEERS & CONSULTANTS (MACKIN) providing for professional services. The Fee Schedule, below, lists the hourly fees for professional services performed by MACKIN'S employees effective January 1, 2022 through December 31,2022.

**SURVEYING SERVICES**

Manager of Land Surveying.....	\$ 140.00
Survey Crew Chief (SCC) .....	110.00
Survey Instrument Operator (SIO) .....	70.00

**CONSTRUCTION INSPECTION SERVICES**

Manager of Construction Services .....	\$ 180.00
QA/QC Construction Engineer.....	135.00
Construction Inspection Manager.....	130.00
Construction Inspection Supervisor (CIS) .....	105.00
Construction Inspector (CI) .....	90.00

**ALL OTHER PROFESSIONAL SERVICES**

Principal.....	\$200.00
Project Director .....	190.00
Transportation Manager .....	180.00
Senior Engineer/Designer.....	147.00
Municipal Manager .....	145.00
Senior CADD Technician .....	130.00
Engineer .....	123.00
Senior Planner .....	95.00
Senior Landscape Architect .....	115.00
Designer .....	99.00
CADD Technician .....	90.00
Landscape Architect .....	86.00
Community Planner.....	80.00
Marketing Coordinator.....	73.00
Administrative Assistant.....	70.00

## EXHIBIT D

### **CADD AND ELECTRONIC FILE SPECIFICATIONS**

This is Exhibit D, consisting of one (1) page, referred to in the Agreement made on \_\_\_\_\_ by and between the FERGUSON TOWNSHIP (CLIENT) and MACKIN ENGINEERS & CONSULTANTS (MACKIN) providing for professional services.

The electronic files or any form of electronic media to be exchanged between the parties of this Agreement are identified below and shall conform to the specifications and requirements also listed below. If CLIENT requests additional electronic files other than those listed below or if CLIENT requests files in a different format than listed below, then CLIENT agrees to compensate MACKIN for the work required to satisfy the request as Additional Services.

MACKIN will provide digital copies of the final ordinance amendment to the CLIENT in Microsoft Word and Adobe / pdf format.

All base mapping will be created using GIS software and delivered in GIS (mapping) files in the latest ArcView format. An electronic file will be provided that contains this information and can be used to reproduce mapping for the project.

All electronic data identified as deliverables will become the property of the CLIENT and will be forwarded upon completion of the project. This data will include text, mapping, graphics, photographs, and other electronic data.

# Accounts Payable

## Checks by Date - Detail by Check Number

User: eendresen  
 Printed: 3/28/2022 10:09 AM



Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
4	11929 IN2267015	TASC 1ST QTR TRUSTEE FEE RHS	02/15/2022		125.00
Total for Check Number 4:				0.00	125.00
26	11566 020922	STONEBRIDGE PROPERTY OWNERS A STORMWATER HOA CREDIT	02/15/2022		481.95
Total for Check Number 26:				0.00	481.95
27	11676 H14210278	WOOD ENVIRONMENT & INFRASTRU FT-SWU PHASE 2 THROUGH 9/24/21	02/15/2022		3,119.50
Total for Check Number 27:				0.00	3,119.50
28	11332 11045	NTM ENGINEERING INC PARK HILLS DRAINAGE RESTORATION	02/25/2022		8,889.41
Total for Check Number 28:				0.00	8,889.41
29	12013 1227	CHESTNUT RIDGE MANOR HOMEOW STORMWATER HOA CREDIT	02/28/2022		856.80
Total for Check Number 29:				0.00	856.80
30	12012 1225	COBBLECREEK MANOR STORMWATER CREDIT HOA	02/28/2022		2,945.25
Total for Check Number 30:				0.00	2,945.25
31	12011 1228	SINGLE FAMILY HOMES OF THE LANI STORMWATER HOA CREDIT	02/28/2022		3,141.60
Total for Check Number 31:				0.00	3,141.60
32	12014 020922	TEABERRY RIDGE HOMEOWNERS M/ STORMWATER HOA CREDIT	02/28/2022		2,195.55
Total for Check Number 32:				0.00	2,195.55
90	10380 2022 2022 2022 2022 2022 2022 2022 2022 2022 2022 2022	FERGUSON TOWNSHIP SUPERVISORS 24-022-,306A,0000- 145 FARMSTEAD LANE 24-004-,063D,0000- 1631 BRISTOL AVE 24-006-,062-,0000- 1210 TADPOLE ROAD 24-432-,031-,0000- 1386 N FOXPOINTE DRIV 24-744-,001-,0000- 126 CINDA DRIVE 24-020-,052-,0000- 101 TIMOTHY LANE 24-004C,173-,0000- 2207 AUTUMNWOOD D/ 24-011-,044-,0000- 101 SUBURBAN AVE 24-455-,050B,0000- 485 AIRPORT ROAD 24-004C,159-,0000- CHARLESTON DRIVE	02/25/2022 VOID		1,865.92 1,982.54 2,719.50 1,399.44 514.50 73.50 116.62 1,399.44 116.62 233.24

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 90:	10,421.32	0.00
91	10381	FERGUSON TOWNSHIP TAX OFFICE	02/25/2022		
	2022	24-744-,001-,0000- 126 CINDA DRIVE			514.50
	2022	24-006-,062-,0000- 1210 TADPOLE ROAD			2,719.50
	2022	24-004-,063D,0000- 1631 BRISTOL AVE			1,982.54
	2022	24-011-,044-,0000- 101 SUBURBAN AVE			1,399.44
	2022	24-020-,052-,0000- 101 TIMOTHY LANE			73.50
	2022	24-004C,159-,0000- CHARLESTON DRIVE			233.24
	2022	24-432-,031-,0000- 1386 N FOXPOINTE DRIV			1,399.44
	2022	24-004C,173-,0000- 2207 AUTUMNWOOD D			116.62
	2022	24-022-,306A,0000- 145 FARMSTEAD LANE			1,865.92
	2022	24-455-,050B,0000- 485 AIRPORT ROAD			116.62
			Total for Check Number 91:	0.00	10,421.32
92	10208 1249	CENTRE REGION COUNCIL OF GOVEI PERMIT TO REPAIR DUGOUT AT LOUIS SIL	02/28/2022 VOID		
				3,500.00	
			Total for Check Number 92:	3,500.00	0.00
93	10208 1249	CENTRE REGION COUNCIL OF GOVEI PERMIT FEE FOR REPAIRS TO DUGOUT AT	02/28/2022		
					87.00
			Total for Check Number 93:	0.00	87.00
94	10208 030422	CENTRE REGION COUNCIL OF GOVEI BUILDING PERMIT	02/28/2022		
					48.00
			Total for Check Number 94:	0.00	48.00
95	10507 157822	HRG INC RECREATION, PARK, OPEN SPACE PLAN U	02/28/2022		
					11,816.52
			Total for Check Number 95:	0.00	11,816.52
104	11035 A-1869-000-0	STATE COLLEGE BOROUGH WATER A BABE RUTH FIELD WATER	02/25/2022		
					22.00
			Total for Check Number 104:	0.00	22.00
125	11332 11103	NTM ENGINEERING INC HAROLD DRIVE WETLAND DELINEATION	02/25/2022		
					1,827.25
			Total for Check Number 125:	0.00	1,827.25
161	11192 3639-FEB22	WEST PENN POWER HAVERSHIRE BLVD	02/28/2022 01.433.036		
					670.90
			Total for Check Number 161:	0.00	670.90
222	10380	FERGUSON TOWNSHIP SUPERVISORS	02/25/2022	VOID	
	2022	24-010-,030A,0000- HERMAN DRIVE			699.72
	2022	24-010-,030-,0000- HERMAN DRIVE			349.86
	2022	24-012-,033-,0000- 425 PARK CREST LANE			3,615.22
	2022	24-001-,014E,0000- 400 HERMAN DRIVE			3,381.98
			Total for Check Number 222:	8,046.78	0.00
223	10381 2022	FERGUSON TOWNSHIP TAX OFFICE 24-010-,030-,0000- HERMAN DRIVE	02/25/2022		
					349.86

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	2022	24-001-,014E,0000- 400 HERMAN DRIVE			3,381.98
	2022	24-012-,033-,0000- 425 PARK CREST LANE			3,615.22
	2022	24-010-,030A,0000- HERMAN DRIVE			699.72
			Total for Check Number 223:	0.00	8,046.78
225	11035 C-1590-159-0	STATE COLLEGE BOROUGH WATER A DOG PARK WATER	02/25/2022		22.00
			Total for Check Number 225:	0.00	22.00
437	11228 0697118 0700949 0702230 070616	AMERICAN ROCK SALT COMPANY LI BULK ICE CONTROL SALT BULK ICE CONTROL SALT BULK ICE CONTROL SALT BULK ICE CONTROL SALT	02/15/2022		2,047.67 3,914.56 1,924.44 2,057.27
			Total for Check Number 437:	0.00	9,943.94
438	11228 022122 0681545 0694363 0695091 0695751 0697741 0698361 0698906 0698907 0699511 0702810	AMERICAN ROCK SALT COMPANY LI BULK ICE CONTROL BULK ICE CONTROL	02/28/2022		2,024.06 1,935.51 3,835.60 3,824.53 1,946.58 3,920.46 1,902.31 5,802.11 2,066.12 1,902.31 3,933.01
			Total for Check Number 438:	0.00	33,092.60
918	11242 1CYT-GFY9-KKPV	AMAZON CAPITAL SERVICES INC LASER PRINTER	02/15/2022		649.00
			Total for Check Number 918:	0.00	649.00
920	10122 10679	BOROUGH OF STATE COLLEGE NEW BUILDING PATH	02/28/2022		660.00
			Total for Check Number 920:	0.00	660.00
921	11818 222567	CIVICPLUS CIVICCMS STNDRD ANNUAL FEE RENEW/	02/28/2022		2,625.00
			Total for Check Number 921:	0.00	2,625.00
922	11675 90163306	GREENFIELD ARCHITECTS LTD DECEMBER 2021 BILLING FOR PW BUILDI	02/28/2022		2,000.00
			Total for Check Number 922:	0.00	2,000.00
923	11809 22042	NEXGEN AUTOMATION INC. NEXGEN HVAC CONTROLS FOR MAIN ME	02/28/2022		6,100.00
			Total for Check Number 923:	0.00	6,100.00
924	11033 100767	STATE COLLEGE BATTERY OUTLET BATTERY BACKUPS	02/28/2022		81.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 924:	0.00	81.00
925	11989 1047	TRAISSR, LLC FERG TWP MS4/STORMWATER	02/28/2022		895.00
			Total for Check Number 925:	0.00	895.00
12265	10183 1243	CENTRE CO RECORDER OF DEEDS RECORDING OF DEED FEES	02/17/2022		18.50
			Total for Check Number 12265:	0.00	18.50
12266	10016 022422	AFLAC INSURANCE WITHHELD	02/15/2022		118.17
			Total for Check Number 12266:	0.00	118.17
12267	11242	AMAZON CAPITAL SERVICES INC	02/15/2022		
	16VF-JVXQ-RJ3H	SHARP HEAVY DUTY PRINTING CALCULA			76.10
	IDPY-KNCMFVY7	BATTERIES			47.99
	IDXJ-YRV9-KR9L	MAGNETIC DRY ERASE MARKERS			11.47
	IH3M-QFPX-4RKW	REGISTER ROLLS			16.45
	ILCH-CDDP-FPGH	PEN REFILL			31.40
	IM1G-F9YN-RRQV	BELT			29.99
	INN1-VXVM-9FGP	SAMSUNG ELEC 870 EVO 2TB 2.5 INCH SA			275.46
	IVT7-NL1L-JFR9	DOCKING STATION			135.98
	IW13-91LQ-QGJ4	BATTERY FOR LOGAN IN ENG			37.98
	CREDIT MEMO	PEN REFILL			-31.40
			Total for Check Number 12267:	0.00	631.42
12268	11239 94468.001 95129	ASAP HYDRAULICS STATE COLLEGE, ASAP HYDRAULIC MOTOR/FITTINGS HYDRAULIC FITTINGS	02/15/2022		706.31 250.26
			Total for Check Number 12268:	0.00	956.57
12269	11376 013121 013121 013121 013121 013121	B&I AUTO SUPPLY FILTERS/BULBS/SENSOR/HEADLIGHT/FIL ANTIFREEZE FILTERS ACD EXHAUST FLUID	02/15/2022		478.56 76.38 50.72 24.04 216.72
			Total for Check Number 12269:	0.00	846.42
12270	11649 1514445 1514446 82046-31303	BABST CALLAND CLEMENTS AND ZC MATTTER: PINE HALL LAND USE APPEAL; MATTTER: TEAM RAHAL OF STATE COLLE FIRST QUATER RETAINER	02/15/2022		387.00 129.00 5,000.00
			Total for Check Number 12270:	0.00	5,516.00
12271	10085 151970	BASTIAN TIRE & AUTO CENTERS TIRES	02/15/2022		117.29
			Total for Check Number 12271:	0.00	117.29
12272	10122 10889	BOROUGH OF STATE COLLEGE WHITEHALL RD/BLUE COARSE DRIVE	02/15/2022		306.39

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12272:	0.00	306.39
12273	10126 213478	BRADCO SUPPLY COMPANY SIGNS	02/15/2022		5,831.95
			Total for Check Number 12273:	0.00	5,831.95
12274	11885 53350	CDI MONTHLY CLOUD HOSTING	02/15/2022		403.58
			Total for Check Number 12274:	0.00	403.58
12275	11656 2022-01	CENTRE REGIONAL PLANNING AGEN REIMBURSEMENT OF CDT AD FOR ACT 53	02/15/2022		134.20
			Total for Check Number 12275:	0.00	134.20
12276	10231 524841	CLEARFIELD WHOLESALE PAPER CO TISSUES/C-FOLD TOWELS/TRASH LINER/I	02/15/2022		1,316.03
			Total for Check Number 12276:	0.00	1,316.03
12277	12007 S045667434.001	COOPER ELECTRIC BOX W/OPEN BOTTOM/BOLTS AND COVEI	02/15/2022		689.02
			Total for Check Number 12277:	0.00	689.02
12278	10281 23076	CROSS RADIATOR & AIR CONDITION STARTER CASE 621 LOADER REPAIRED	02/15/2022		125.00
			Total for Check Number 12278:	0.00	125.00
12279	10282 2C340190	BERGEY'S TRUCK CENTERS PREMIX 6 GALLON	02/15/2022		99.63
			Total for Check Number 12279:	0.00	99.63
12280	10297 12132021-1	DAVIDHEISERS INC NEW TRACKER UNIT AND CALIBRATION	02/15/2022		1,455.00
			Total for Check Number 12280:	0.00	1,455.00
12281	10345 1035386 1035565 1036229 CM1034820	ECKS GARAGE INC BRAKE/CRANKCASE/GASKET COVER/FILT/COLLAR FILTER CORE RETURN	02/15/2022		822.16 69.30 107.92 -421.16
			Total for Check Number 12281:	0.00	578.22
12282	11737 286172	ECO-MAXX USED OIL	02/15/2022		221.00
			Total for Check Number 12282:	0.00	221.00
12283	10366 06-3107	EXCEL PERFORMANCE PRODUCTS LI EXCEL ANTI-FRICTION METAL TREATMEN	02/15/2022		375.80
			Total for Check Number 12283:	0.00	375.80
12284	10398 020122	FIVE STAR INTERNATIONAL, LLC FILTES/ MOTOR MOTOR BLOWER/MOTOR	02/15/2022		817.71

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12284:	0.00	817.71
12285	10409 104832	FRED CARSON DISPOSAL INC. COMMERCIAL RECYCLING/CARDBOARD	02/15/2022		248.56
			Total for Check Number 12285:	0.00	248.56
12286	11288 18361	FRYE'S SWEEPER AND SEWING CENT	02/15/2022		23.99
			Total for Check Number 12286:	0.00	23.99
12287	11286 204P/223-485 X204092991:01 X204093188:01 X204093610:01	HUNTER KEYSTONE PETERBILT, LP VALVE AIR BRAKE WHEEL-ALUM DRYER/RESERVOIR-EXT/VALVE	02/15/2022		70.09 131.83 849.64 1,046.04
			Total for Check Number 12287:	0.00	2,097.60
12288	11253 7907FEB2022	INFRADAPT LLC LOCAL & LONG DIST SERV	02/15/2022		655.68
			Total for Check Number 12288:	0.00	655.68
12289	10568 130652 130652	K & S DISTRIBUTION DIESEL GREASE	02/15/2022		453.60 215.76
			Total for Check Number 12289:	0.00	669.36
12290	10631 021122	DANIEL LEWIS MEAL REIMBURSED LEWIS	02/15/2022		17.65
			Total for Check Number 12290:	0.00	17.65
12291	11943 4473 4474	M & B SERVICES LLC REPLACE PED STUB POLE PUSH BUTTON REPAIR PUSH-BUTTON	02/15/2022		2,961.84 260.00
			Total for Check Number 12291:	0.00	3,221.84
12292	10669 13429 13448	MAXWELL TRUCK & EQUIPMENT LL LIGHT KIT, SNOWPLOW LED PUSHFRAME ASM	02/15/2022		514.99 492.00
			Total for Check Number 12292:	0.00	1,006.99
12293	10203 193229 216917 87863 87863 87863	MCCLATCHY COMPANY LLC AD FOR SEALED BIDS 2022-C14 SEALED BIDS PROJ 2022-C4 AD FOR SEALED BIDS 2022-C5 ZHB MTG DEC 14 BOS MTG DEC 6,7,10,13	02/15/2022		115.30 250.30 223.30 323.20 945.49
			Total for Check Number 12293:	0.00	1,857.59
12294	10701 011022	MILLER WELDING SERVICE SNOWPLOW CABLE GUIDE SPOOLS	02/15/2022		600.00
			Total for Check Number 12294:	0.00	600.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
12295	11807	MODEL UNIFORMS	02/15/2022		
	1581555	PW UNIF 1/13			106.81
	1583741	PW UNIF 1/20			106.81
	1585933	PW UNIF 1/27			106.81
	1588171	PW UNIF 2/3			107.26
	1590377	PW UNIF 2/10			107.26
			Total for Check Number 12295:	0.00	534.95
12296	10712 020122	MONARCH CLEANERS POLICE UNIF CLN	02/15/2022		293.65
			Total for Check Number 12296:	0.00	293.65
12297	11344 176254	PETERSON INDUSTRIES INC. HANDLE FOR REAR DOOR	02/15/2022		76.11
			Total for Check Number 12297:	0.00	76.11
12298	10973 021422	SAMS CLUB / SYNCHRONY BANK MAMBERSHIP RENEWALS	02/15/2022		100.00
			Total for Check Number 12298:	0.00	100.00
12299	10977 S6461600.001	SCHAEDLER YESCO DISTRIBUTION ELECTRONIC PHOTO CONTROL LOCKING	02/15/2022		52.46
			Total for Check Number 12299:	0.00	52.46
12300	11033 100772	STATE COLLEGE BATTERY OUTLET PS 6100 SEALED RECHARGABLE	02/15/2022		27.00
			Total for Check Number 12300:	0.00	27.00
12301	11047 10001291459	STEVE SHANNON TIRE COMPANY INC TIRES	02/15/2022		3,671.16
			Total for Check Number 12301:	0.00	3,671.16
12302	11058 154426	STOVER MCGLAUGHLIN ZONING DECISION TEAM RAHAL/ HFL/CIN	02/15/2022		1,088.00
			Total for Check Number 12302:	0.00	1,088.00
12303	11763 122339208-0001	SUNBELT RENTALS, INC. EQUIPMENT RENTAL	02/15/2022		350.17
			Total for Check Number 12303:	0.00	350.17
12304	11665 84571-00 92527-00	TERMINAL SUPPLY COMPANY LIGHT BAR OPTI-SEAL CONNECTORS	02/15/2022		271.60 74.50
			Total for Check Number 12304:	0.00	346.10
12305	12008 2022-062	TRAFFIC PRODUCTS LLC BULLDOG PUSH BUTTON	02/15/2022		356.00
			Total for Check Number 12305:	0.00	356.00
12306	11136 6193641 6193881	U S MUNICIPAL SUPPLY INC SIGNS SIGNS	02/15/2022		272.23 229.01

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12306:	0.00	501.24
12307	11194 78333597	WEX BANK FUEL	02/15/2022		200.00
			Total for Check Number 12307:	0.00	200.00
12308	10771 2103297 2103297	WITMER PUBLIC SAFETY GROUP INC 9MM LUGER, .40 S&W, 223 REM FEDERAL CARDRIDGE 9MM, PISTOL, 223 F	02/15/2022		1,272.00 948.00
			Total for Check Number 12308:	0.00	2,220.00
12309	10380 2022	FERGUSON TOWNSHIP SUPERVISORS 24-004-,070F,0000- 3147 RESEARCH DRIVE	02/25/2022 VOID	8,629.88	
			Total for Check Number 12309:	8,629.88	0.00
12310	12009 2022	KEYSTONE WATER RESOURCES 2022 SPRING CREEK WATER RESOURCES M	02/25/2022		4,840.00
			Total for Check Number 12310:	0.00	4,840.00
12311	10381 2022	FERGUSON TOWNSHIP TAX OFFICE 24-004-,070F,0000- 3147 RESEARCH DRIVE	02/25/2022		8,629.88
			Total for Check Number 12311:	0.00	8,629.88
12313	11242 11MG-YVLJ-R97Y 1L1P-7P1V-Y91T 1M74-TLWR-VTKR 1XWY-XJCV-FKKJ	AMAZON CAPITAL SERVICES INC BOOTS WRITING PADS/HIGHLIGHTERS/PAPER CL PROJ LAMP BULB GAMING MONITOR	02/28/2022		274.95 176.41 104.97 949.95
			Total for Check Number 12313:	0.00	1,506.28
12314	11376 022822 022822 022822 022822	B&I AUTO SUPPLY OIL FITLERS/FUEL FILTERS WIPER BLADES EXHAUST FLUID/P/S FLUID FLUID	02/28/2022		467.94 155.60 358.86 41.70
			Total for Check Number 12314:	0.00	1,024.10
12315	11390 BT2010018	BAKER TILLY US, LLP PROGRESS BILLING ON 2021 AUDIT OF AC	02/28/2022		8,150.00
			Total for Check Number 12315:	0.00	8,150.00
12316	10100 P90109 P90122 R25173 R25182	BEST LINE EQUIPMENT CARBURETOR BRUSH KNIFE/WASHER/NUT/BOLT COVEF PROPANE CUTTER/UTLRA	02/28/2022		59.49 51.46 54.75 50.98
			Total for Check Number 12316:	0.00	216.68
12317	11702 020122 030122	BLUE KNOB AUTO MONTHLY UNDERCOVER VEHICLE MONTHLY UNDERCOVER VEHICLE	02/28/2022		350.00 350.00

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12317:	0.00	700.00
12318	11990 21X22757	BURGMEIER'S SHREDDING SHREDDING FEE	02/28/2022		260.00
			Total for Check Number 12318:	0.00	260.00
12319	10184 132335 132458	CENTRE COMMUNICATIONS INC BATTERY REPROGRAMING RADIO	02/28/2022		250.56 135.00
			Total for Check Number 12319:	0.00	385.56
12320	11755 2022-06	CENTRE COUNTY GOVERNMENT 2022 CONTRACTED SERVICES FOR PD: FE	02/28/2022		12,343.20
			Total for Check Number 12320:	0.00	12,343.20
12321	10197 1341255	CENTRE COUNTY RECYCLING & REF USED TIRES	02/28/2022		70.50
			Total for Check Number 12321:	0.00	70.50
12322	10201 020422 021822 030422	CENTRE COUNTY UNITED WAY UWAY UWAY UWAY	02/28/2022		26.00 26.00 26.00
			Total for Check Number 12322:	0.00	78.00
12323	10206 3707	CENTRE LIFELINK EMS FLU SHOTS	02/28/2022		603.75
			Total for Check Number 12323:	0.00	603.75
12324	10207 151693	CENTRE REGION CODE ADMINISTRATION FIRE SAFETY PROGRAM LICENSE RENEW.	02/28/2022		180.00
			Total for Check Number 12324:	0.00	180.00
12325	10231 523519	CLEARFIELD WHOLESALE PAPER CO TOWES	02/28/2022		155.35
			Total for Check Number 12325:	0.00	155.35
12326	10142 01312022	CNET 4TH QTR 2021 COMCAST PEG FEES	02/28/2022		2,129.47
			Total for Check Number 12326:	0.00	2,129.47
12327	10241 49371	COLONIAL PRESS #10 WINDOW ENV/#10 REG ENV/#9 REG EN	02/28/2022		1,005.00
			Total for Check Number 12327:	0.00	1,005.00
12328	10243 10007-JAN22	COLUMBIA GAS OF PA INC GAS	02/28/2022		2,549.51
			Total for Check Number 12328:	0.00	2,549.51
12329	10243 20006-FEB22	COLUMBIA GAS OF PA INC PW GAS	02/28/2022		1,909.53

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12329:	0.00	1,909.53
12330	10243 10007-FEB22	COLUMBIA GAS OF PA INC GAS	02/28/2022		2,409.78
			Total for Check Number 12330:	0.00	2,409.78
12331	10244 139804423	COMCAST ETHERNET DEDICATED INTERNET	02/28/2022		1,134.00
			Total for Check Number 12331:	0.00	1,134.00
12332	11760 020322	COMCAST FAX LINES	02/28/2022		127.46
			Total for Check Number 12332:	0.00	127.46
12333	12005 90108219	CUBIC ITS INC UPGRADE TO SYNCHRO + SIMTRAFFIC 11	02/28/2022		2,699.00
			Total for Check Number 12333:	0.00	2,699.00
12334	10282 2C340771 2C340795 2W273890	BERGEY'S TRUCK CENTERS EXHAUST PART EXHAUST PIPE BRAKE CHAMBERS	02/28/2022		25.34 34.53 319.30
			Total for Check Number 12334:	0.00	379.17
12335	10334 3892785	DULTMEIER SALES DISC/TWK8400-1/2	02/28/2022		46.07
			Total for Check Number 12335:	0.00	46.07
12336	10374 7-658-85193	FEDERAL EXPRESS STNDRD OVRNGHT AXON	02/28/2022		120.96
			Total for Check Number 12336:	0.00	120.96
12337	11217 02182022 03042022	FERGUSON TOWNSHIP POLICE ASSOC POLICE UNION DUES WITHHELD POLICE UNION DUES WITHHELD	02/28/2022		380.00 380.00
			Total for Check Number 12337:	0.00	760.00
12338	10380 022822	FERGUSON TOWNSHIP SUPERVISORS TIF TRANS JAN 2022	02/28/2022		60,856.43
			Total for Check Number 12338:	0.00	60,856.43
12339	10396 020122 020122 020122	FISHER AUTO PARTS OIL BELTS/TAIL LIGHT/BELT/FUSE/FILTERS/EX WINDOW MOTORS	02/28/2022		39.06 687.40 258.64
			Total for Check Number 12339:	0.00	985.10
12340	10398 089101571 08P101256 08P101403 08P101576	FIVE STAR INTERNATIONAL, LLC FILTER GEAR/CORE FILTER FUEL FILTER	02/28/2022		12.68 2,225.52 51.48 95.63

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	08P101690	CORE			-631.75
	08P101819	FILTER KIT			189.06
	12P120509	FILTER			131.76
			Total for Check Number 12340:	0.00	2,074.38
12341	11288 030222	FRYE'S SWEEPER AND SEWING CENT SWEEPER BAGS	02/28/2022		9.98
			Total for Check Number 12341:	0.00	9.98
12342	10418 2639992	GALETON SAFETY GLASSES	02/28/2022		139.48
			Total for Check Number 12342:	0.00	139.48
12343	10435 01374	GFOA PA 2022 MEMBERSHIP RENEWAL MILLER	02/28/2022		75.00
			Total for Check Number 12343:	0.00	75.00
12344	10436 83841 83842 83843 83935 83936 84139	GLENN O HAWBAKER INC SNOW REMOVAL SNOW REMOVAL SNOW REMOVAL SNOW REMOVAL SNOW REMOVAL SNOW REMOVAL	02/28/2022		675.00 675.00 1,050.00 450.00 1,200.00 900.00
			Total for Check Number 12344:	0.00	4,950.00
12345	11264 PSO398103-1	GROFF TRACTOR & EQUIPMENT STARTER FOR LOADER	02/28/2022		464.76
			Total for Check Number 12345:	0.00	464.76
12346	11286 X204093154	HUNTER KEYSTONE PETERBILT, LP MANIFOLD	02/28/2022		371.78
			Total for Check Number 12346:	0.00	371.78
12347	10561 2159286	JOHN DEERE FINANCIAL FILTER HEAD	02/28/2022		97.22
			Total for Check Number 12347:	0.00	97.22
12348	10590 185763	KISTLER OBRIEN ENGINEERED SERVICE LABOR	02/28/2022		210.00
			Total for Check Number 12348:	0.00	210.00
12349	10618 9309197833 9309251126 9309253414	LAWSON PRODUCTS INC SIGN BOLTS BOLTS FOR VEHICLES PLOW BOLTS	02/28/2022		662.98 179.97 23.68
			Total for Check Number 12349:	0.00	866.63
12350	11422 68535906 68769593	LINDE GAS & EQUIPMENT INC. HELMET HAZARDOUS MATERIAL CHARGE	02/28/2022		250.00 47.69

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
			Total for Check Number 12350:	0.00	297.69
12351	10762 30968067 30968068	MARCO COPIER LEASE 3553CI COPIER LEASE M3550IDN	02/28/2022		724.96 260.42
			Total for Check Number 12351:	0.00	985.38
12352	11839 INV9663711	MARCO TECHNOLOGIES LLC COPIER LEASE 5052CI	02/28/2022		226.49
			Total for Check Number 12352:	0.00	226.49
12353	10669 S 13638	MAXWELL TRUCK & EQUIPMENT LL BEARING	02/28/2022		35.20
			Total for Check Number 12353:	0.00	35.20
12354	10203 182258 193229 196707 196707 196707 202286 216212 219863 219864 222436 223276	MCCLATCHY COMPANY LLC BOS MTG 12/03/21 SEALED BIDS FOR 2022-C14 STREET TREE BOS SEARCH FOR STORMWATER BOS SEARCH FOR ADM ASSIST BOS SEARCH FOR COMMUNICATION COR BOS BOARD & COMMISSIONS MTG HYBR BOS MTG 2/11 SEALED BIDS 2022-C6 SEALED BIDS 2022-C8 BOS MTG 02/28-3/7 AD BOS MTG 3/1	02/28/2022		191.03 115.30 86.50 86.50 86.50 351.23 226.07 250.30 244.90 690.40 147.23
			Total for Check Number 12354:	0.00	2,475.96
12355	10674 3 6	MCCORMICK TAYLOR INC ES-428 ES-424	02/28/2022		175.00 1,575.00
			Total for Check Number 12355:	0.00	1,750.00
12356	11812 2158265C3908 2158265C3908 2158265C3908	MEDEXPRESS NEW HIRE ARBORIST NEW HIRE PW NEW HIRE POLICE	02/28/2022		136.00 10.00 87.00
			Total for Check Number 12356:	0.00	233.00
12357	11807 1592597 1594811	MODEL UNIFORMS PW UNIF PW UNIF	02/28/2022		107.26 107.26
			Total for Check Number 12357:	0.00	214.52
12358	10373 012822 012822	NITTANY SUPPLY INC. BELT/TRAILER PLUGS/FILTER BATTERY	02/28/2022		211.31 339.98
			Total for Check Number 12358:	0.00	551.29
12359	11332 11967 11967	NTM ENGINEERING INC ES-427 ES-1117	02/28/2022		827.50 165.50

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	11967	ES-424			248.25
	11967	ES-398			331.00
	11967	ES-382			165.50
	11967	ES-341			827.50
	11967	ES-428			751.50
	11967	ES-422			366.25
			Total for Check Number 12359:	0.00	3,683.00
12360	10773 7883903	OLD DOMINION BRUSH COMPANY IN LIMIT SWITCH DOOR LATCH	02/28/2022		103.63
			Total for Check Number 12360:	0.00	103.63
12361	11378 400410173	P & A GROUP MINIMUM ANNUAL FEE FOR FLEX SPEND	02/28/2022		1,250.00
			Total for Check Number 12361:	0.00	1,250.00
12362	11616 10211283	PA MEDIA GROUP AD FOR EMPLOYMENT	02/28/2022		548.83
			Total for Check Number 12362:	0.00	548.83
12363	10798 938211	PA ONE CALL SYSTEM MONTHLY ACTIVITY FEE/EMAIL DELIVER	02/28/2022		20.46
			Total for Check Number 12363:	0.00	20.46
12364	10845 82095-0 82095-0 82095-0 82095-0	PENNSYLVANIA MUNICIPAL HEALTH HEALTHCARE INS EYE INS HEALTHCARE INS DENTAL INS	02/28/2022		76,864.36 614.28 74,616.28 3,458.11
			Total for Check Number 12364:	0.00	155,553.03
12365	10846 020922	PENNSYLVANIA MUNICIPAL LEAGUE L3P MEMBERSHIP FEE	02/28/2022		65.00
			Total for Check Number 12365:	0.00	65.00
12366	11825 013022 72355 72355 72355	PITTSBURGH POST-GAZETTE CREDIT AD FOR COMMUNICATION COORDINATOI AD FOR ADM ASSISTANT AD FOR STORMWATER HIRE	02/28/2022		-37.45 116.66 116.67 116.67
			Total for Check Number 12366:	0.00	312.55
12367	11248 418206	SOLV BUSINESS SOLUTIONS-SAFEGU 1099-NEC/1096 FORMS	02/28/2022		100.40
			Total for Check Number 12367:	0.00	100.40
12368	11017 1462342 1462887 1464197	SOSMETAL PRODUCTS INC MASKS/SHACKLE SCREWS/TUBE COMPOI MASKS SHACKLE SCREW/TAPE/HOSE NOZZLE/EL	02/28/2022		277.06 350.30 491.16
			Total for Check Number 12368:	0.00	1,118.52

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
12369	11029 18-324-27	STAHL SHEAFFER ENGINEERING LL ES-341	02/28/2022		174.80
			Total for Check Number 12369:	0.00	174.80
12370	11045 10179134	STEPHENSON EQUIPMENT INC PRESSURE TRANSD	02/28/2022		269.80
			Total for Check Number 12370:	0.00	269.80
12371	11055 1537704	STONER INC TRIM SHINE/FOAMING CARWASH	02/28/2022		113.30
			Total for Check Number 12371:	0.00	113.30
12372	11763 122969342-0001	SUNBELT RENTALS, INC. EQUIPMENT RENTAL	02/28/2022		400.92
			Total for Check Number 12372:	0.00	400.92
12373	12010 030122	TETRA REFUND OF RE TAXES DUE TO CLERICAL	02/28/2022		1,682.00
			Total for Check Number 12373:	0.00	1,682.00
12374	11113 022422	TRACTOR SUPPLY CREDIT PLAN JACK/COLD SHUT ZINC	02/28/2022		62.97
			Total for Check Number 12374:	0.00	62.97
12375	11159 022822 022822 022822 022822 022822 022822	VERIZON WIRELESS CELL PHONE WITHHOLDING P&Z OEO CELL USE AIRTIME CARD USE POLICE CELL USE HOT BOX USE POLICE CELL PHONE WITHHOLDING	02/28/2022		-10.00 112.25 40.26 67.24 40.01 10.00
			Total for Check Number 12375:	0.00	259.76
12376	11165 31351	VIGILANT SECURITY MONITORING	02/28/2022		749.97
			Total for Check Number 12376:	0.00	749.97
12377	11173 IS07250&A	WALKER & WALKER EQUIPMENT II I BELT/BLADE/BOLTS/ANTISCALP W	02/28/2022		761.52
			Total for Check Number 12377:	0.00	761.52
12378	11726 22060	WATSON DIESEL AIR VALVE	02/28/2022		36.20
			Total for Check Number 12378:	0.00	36.20
12379	11192 0840-FEB22 0873-FEB22 1054-FEB22 1966-FEB22 2239-FEB22 2449-FEB22	WEST PENN POWER WHITEHALL RD/RESEARCH DR WHITEHALL RD/W COLLEGE W COLLEGE AVE 225 SCIENCE PARK RD S WATER ST WESTERLY PKWY BLUE CR	02/28/2022 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036 01.433.036		40.88 8.44 47.05 46.46 47.67 40.78

Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
	2510-FEB22	W CHERRY LN MARTIN ST	01.433.036		61.92
	2691-FEB22	SCIENCE PARK ROAD	01.433.036		46.76
	2711-FEB22	SCIENCE PARK ROAD	01.433.036		54.41
	3377-FEB22	BRISTOL AVE	01.433.036		35.31
	5290-FEB22	1901 CIRCLEVILLE ROAD	01.433.036		78.21
	5727-FEB22	OFFICE COMPLEX	01.409.036		1,695.30
	5843-FEB22	1301 W COLLEGE AVE	01.433.036		52.13
	6113-FEB22	GARAGE/MAINT BLDG	01.409.036		345.26
	6150-FEB22	OLD GATESBURG ROAD	01.433.036		91.61
	6438-FEB22	1209 N ATHERTON ST	01.433.036		36.23
	6651-FEB22	BIKE TUNNEL	01.433.036		159.94
	6725-FEB22	BLDG #3	01.409.036		401.92
	6735-FEB22	N HILLS DR	01.433.036		38.75
	7407-FEB22	PGM-BLINKER-WEST	01.433.036		17.42
	7595-FEB22	1282 N ATHERTON ST	01.433.036		74.38
	7852-FEB22	PGM-BLINKER-EAST	01.433.036		25.22
	7920-FEB22	N ATHERTON ST	01.433.036		31.12
	8100-FEB22	2100 W COLLEGE AVE	01.433.036		41.36
	8136-FEB22	BLUE COURSE DR & HAVENSHIRE DR	01.433.036		51.01
	8506-FEB22	BLUE COURSE DRIVE	01.433.036		14.91
	9110-FEB22	W COLLEGE AVE	01.433.036		44.50
	9608-FEB22	3147 RESEARCH DRIVE	01.433.036		729.68
	9975-FEB22	AARON DR MARTIN ST	01.433.036		30.86
			Total for Check Number 12379:	0.00	4,389.49
12380	11956	WILLIAMSPORT SUN-GAZETTE	02/28/2022		
	659996	AD FOR COMMUNICATION CORDINAOR			89.70
	659996	AD FOR ADM ASSIT			89.70
	659996	AD FOR STORMWATER WORKER			89.70
			Total for Check Number 12380:	0.00	269.10
12381	10771	WITMER PUBLIC SAFETY GROUP INC	02/28/2022		
	2170301.003	BELT			48.00
	2175726	HAT			95.00
	2192795	FLASHLIGHT/BATON/CONCEALMENT			140.00
	2192795.001	FLASHLIGHT/BATON			438.00
			Total for Check Number 12381:	0.00	721.00
12382	11205	WOODRINGS FLORAL GARDENS	02/28/2022		
	716174	FLOWERS FOR PRIBULKA			69.90
	716415	FLOWERS FOR MCDONALD			68.95
			Total for Check Number 12382:	0.00	138.85
12441	11035	STATE COLLEGE BOROUGH WATER A	02/25/2022		
	A-1541-002-0	BUILDING 3 WATER			0.00
			Total for Check Number 12441:	0.00	0.00
2017113	11892	JACOBS ENGINEERING GROUP INC	02/15/2022		
	E3X52102-02	TRAFFIC SIGNAL SYSTEM CONSULTING S			2,986.83
			Total for Check Number 2017113:	0.00	2,986.83
2017114	11910	BARTON ASSOCIATES	02/28/2022		
	52985	PINE GROVE MILLS STREET LIGHT CONS1			750.00
			Total for Check Number 2017114:	0.00	750.00

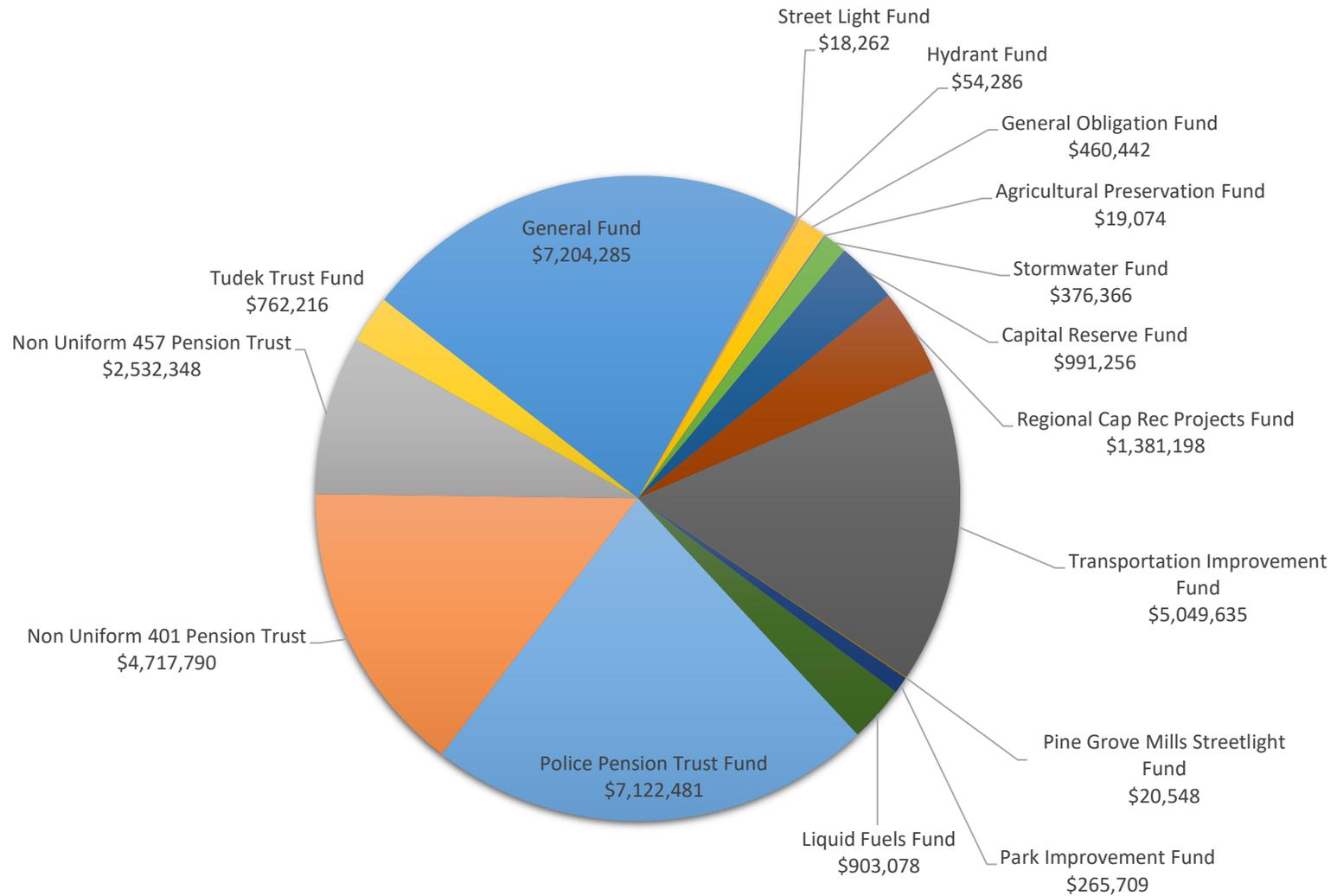
Check No	Vendor No Invoice No	Vendor Name Description	Check Date Reference	Void Checks	Check Amount
2017115	10674 6	MCCORMICK TAYLOR INC PINE GROVE MILLS MOBILITY STUDY	02/28/2022		11,180.00
Total for Check Number 2017115:				0.00	11,180.00
20200942	11192 6563-FEB22	WEST PENN POWER 425 PARK CREST LANE	02/28/2022 93.454.249		160.99
Total for Check Number 20200942:				0.00	160.99
Report Total (151 checks):				30,597.98	471,683.83



# *MONTHLY TREASURERS REPORT*

**JANUARY 2022**

# CASH BALANCES BY FUND - JANUARY 31, 2022



# Ferguson Township Treasurer's Report

January 31, 2022

## Statement of Cash Balances

### General Fund

**Checking**

Jersey Shore State Bank Operating Checking (3245)	3,965,194.72
Jersey Shore State Bank Investment Checking (5531)	2,329,718.13
JSSB Flex Plan Checking (8757)	107,175.25
Ameriserv Money Market 2602	264,284.03
PLGIT General Fund Classs (3017)	334,724.46
PLGIT General Fund Prime (3017)	203,188.69
<b>TOTAL GENERAL FUND</b>	<b>7,204,285.28</b>

### Other Funds

**Fund 02 Street Lights**

JSSB Checking (4836)	18,261.61
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**Fund 03 Fire Hydrant**

JSSB Checking (4844)	54,286.21
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**Fund 16 General Obligation**

JSSB Checking (4852)	460,441.70
JSSB 2019 Bond Checking	0.43

**Fund 19 Agricultural Preservation**

JSSB Checking (4879)	19,073.67
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**Fund 20 Stormwater Fund**

JSSB Checking (1711)	376,366.45
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**Fund 30 Capital Reserve**

Paypal Account	24,859.38
JSSB Checking (Employee Wellness Sinking Fund)(4909)	6,971.17
JSSB Capital Reserve Checking (3555)	163,358.99
JSSB Checking (PW Equipment Sinking Fund)(4895)	507,296.14
JSSB Checking (Bldg Equipment Sinking Fund)(4887)	288,769.93

**Fund 31 Regional Capital Recreation Projects**

JSSB Checking (3547)	1,116,914.46
Ameriserv Money Market 2818	264,284.03

**Fund 32 Transportation Improvement**

JSSB Checking (3539)	4,262,426.99
PLGIT Checking (Class & Plus)(3261)	315,538.74
PLGIT Checking (Prime)(3261)	207,385.14
Ameriserv Money Market 2693	264,284.03

**Fund 33 Pine Grove Mills Street Lights**

JSSB Checking (4917)	20,548.15
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**Fund 34 Park Improvement**

JSSB Checking (4925)	265,708.66
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**Fund 35 Liquid Fuels**

JSSB Checking (4933)	565,088.49
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# Ferguson Township Treasurer's Report

January 31, 2022

## Statement of Cash Balances

PLGIT Checking (Class) (3020)	236,352.99
PLGIT Checking (Prime) (3020)	101,636.71
<b><u>Fund 93 Tudek Memorial Trust</u></b>	
JSSB Checking (4976)	11,230.92
FNB Investments (@market)	170,446.14
Centre Foundation Investments	580,539.02
<b>TOTAL OTHER FUNDS</b>	<b>10,302,070.15</b>
<b>TOTAL NON PENSION FUNDS</b>	<b>17,506,355.43</b>

## Employer Pension Trust Funds

<b><u>Fund 60 Police Pension Trust</u></b>	
JSSB Checking (4941)	29,102.23
PNC Enterprise Checking (9642)	42,680.35
PNC Investments (@market)(includes accrued interest)	7,050,698.30
<b><u>Fund 65 Non Uniformed 401a Pension Trust</u></b>	
JSSB Checking (4968)	33.73
VOYA/TASC-RHS (3922) Employee Retirement Health Savings Trust (@market)	16,861.95
MissionSquare-RHS (801695) Employee Retirement Health Savings Trust (@ ma	0.00
Voya-401 (664582) Employee Pension Investment Trust (@ market)	4,700,894.42
MissionSquare-401 (108860) Employer Pension Investment Trust (@ market)	0.00
<b>TOTAL PENSION TRUST FUNDS</b>	<b>11,840,270.98</b>
<b>GRAND TOTAL</b>	<b>29,346,626.41</b>

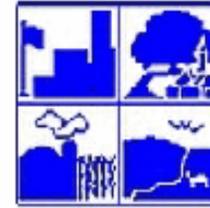
## Employee Pension Trust Funds

<b><u>Fund 66 Non Uniformed 457 Pension Trust</u></b>	
Voya-457 (664581) Employee Pension Investment Trust (@ market)	2,446,612.98
MissionSquare-457 (300747) Employee Pension Investment Trust (@ market)	0.00
IPX-Services IRA ( ) Individual Retirement Accounts (@ market)	82,513.29
MissionSquare-ROTH IRA (706007) Employee Pension Investment Trust (@ mar	3,221.47
<b>TOTAL EMPLOYEE PENSION TRUST FUNDS</b>	<b>2,532,347.74</b>

# Bank Reconciliation

## Uncleared Checks by Fund

User: eendresen  
Printed: 03/30/2022 - 1:42PM  
Checks Before: 01/31/2022



Fund/Check No.	Check Date	Clear Date	System	Vendor/Employee No.	Vendor/Employee Name	Amount
01	GENERAL FUND					
9001	08/22/2019	Uncleared	AP	10263	CORMANS MAIL SERVICE	2,873.11
9183	10/15/2019	Uncleared	AP	11593	HOME DEPOT CREDIT SERVICES	288.05
9272	11/15/2019	Uncleared	AP	10035	ALS TECHNOLOGIES INC	1,145.00
9297	11/15/2019	Uncleared	AP	11253	INFRADAPT LLC	3,221.44
9340	11/29/2019	Uncleared	AP	11855	ANDERSON INDUSTRIAL MACHINERY	769.80
9437	12/31/2019	Uncleared	AP	10035	ALS TECHNOLOGIES INC	1,145.00
9562	01/20/2020	Uncleared	AP	11173	WALKER & WALKER EQUIPMENT II LLC	43.19
9725	02/28/2020	Uncleared	AP	11248	SOLV BUSINESS SOLUTIONS-SAFEGUARD	100.17
9806	03/15/2020	Uncleared	AP	11797	LANDPRO EQUIPMENT LLC	759.15
9874	03/31/2020	Uncleared	AP	11877	RUSSIAN CHURCH OF CHRIST	78.11
9937	04/30/2020	Uncleared	AP	11537	COMMONWEALTH OF PA	50.00
10091	05/31/2020	Uncleared	AP	11490	RECONYX, INC	970.51
10331	08/14/2020	Uncleared	AP	10244	COMCAST	1,050.00
10444	09/15/2020	Uncleared	AP	10208	CENTRE REGION COUNCIL OF GOVERNMENTS	22.50
10602	10/15/2020	Uncleared	AP	10893	PRINT O STAT INC	1,849.00
10774	12/15/2020	Uncleared	AP	10346	ECOLAWN	90.00
10908	01/15/2021	Uncleared	AP	10846	PENNSYLVANIA MUNICIPAL LEAGUE	2,264.32
10915	01/30/2021	Uncleared	AP	11239	ASAP HYDRAULICS STATE COLLEGE, INC	42.99
10920	01/30/2021	Uncleared	AP	11930	BUDS ELECTRIC	437.01
10974	01/30/2021	Uncleared	AP	10493	THE HITE COMPANY	75.84
11001	02/15/2021	Uncleared	AP	10247	COMMONWEALTH OF PA	35.00
11005	02/15/2021	Uncleared	AP	11445	GIANT FOOD STORES LLC	35.00
11013	02/15/2021	Uncleared	AP	10673	MCCARTNEYS INC	86.16
11034	02/15/2021	Uncleared	AP	11192	WEST PENN POWER	955.52
11098	03/31/2021	Uncleared	AP	10120	BORING COURT REPORTING	225.00
11219	04/30/2021	Uncleared	AP	11336	F.O.P. LODGE #37	205.00
11244	04/30/2021	Uncleared	AP	11139	UNIVERSITY AREA JOINT AUTHORITY	39.76
11321	05/31/2021	Uncleared	AP	11946	HUFFMAN CHELSEA	3,009.60
11358	05/31/2021	Uncleared	AP	11948	TANKNOLOGY INC.	588.50
11588	08/31/2021	Uncleared	AP	11751	NITRO SOFTWARE, INC.	749.85

Fund/Check No.	Check Date	Clear Date	System	Vendor/Employee No.	Vendor/Employee Name	Amount
11816	11/15/2021	Uncleared	AP	11930	BUDS ELECTRIC	241.74
11847	11/15/2021	Uncleared	AP	11593	HOME DEPOT CREDIT SERVICES	69.78
12032	11/30/2021	Uncleared	AP	10800	PA POLICE ACCREDITATION COALITION	235.00
12067	12/15/2021	Uncleared	AP	10670	MAYER JONATHAN	760.78
12073	12/15/2021	Uncleared	AP	11999	RESIDENTIAL HOUSING DEVELOPMENT LLC	10,383.62
12098	12/31/2021	Uncleared	AP	10243	COLUMBIA GAS OF PA INC	3,714.05
12111	12/31/2021	Uncleared	AP	11917	HOMAN WAYNE	200.00
12113	12/31/2021	Uncleared	AP	11253	INFRADAPT LLC	4,655.74
12123	12/31/2021	Uncleared	AP	10661	MARTIN JOSH	750.00
12131	12/31/2021	Uncleared	AP	11931	NORTH AMERICAN TRAINING SOLUTIONS INC.	3,271.00
12141	12/31/2021	Uncleared	AP	11006	SLATER SHAWN	47.04
12151	01/15/2022	Uncleared	AP	10031	ALLIED MECHANICAL & ELECTRICAL	216.25
12152	01/15/2022	Uncleared	AP	11242	AMAZON CAPITAL SERVICES INC	445.71
12153	01/15/2022	Uncleared	AP	10784	AMERICAN PLANNING ASSOCIATION-PA CHAPTER	112.00
12154	01/15/2022	Uncleared	AP	10047	AMSOIL INC	373.63
12155	01/15/2022	Uncleared	AP	11377	APA	773.00
12156	01/15/2022	Uncleared	AP	10053	APWA MEMBERSHIP	550.00
12157	01/15/2022	Uncleared	AP	11649	BABST CALLAND CLEMENTS AND ZOMNIR P.C.	84.00
12158	01/15/2022	Uncleared	AP	11702	BLUE KNOB AUTO	350.00
12159	01/15/2022	Uncleared	AP	10122	BOROUGH OF STATE COLLEGE	8,214.94
12160	01/15/2022	Uncleared	AP	11990	BURGMIEIER'S SHREDDING	130.00
12161	01/15/2022	Uncleared	AP	11224	CAMPBELL DURRANT BEATTY PALOMBO & MILLER PC	2,154.93
12162	01/15/2022	Uncleared	AP	11867	CELLEBRITE INC.	4,300.00
12163	01/15/2022	Uncleared	AP	11221	CENTRE AREA TRANSPORTATION AUTHORITY	35,351.25
12164	01/15/2022	Uncleared	AP	10184	CENTRE COMMUNICATIONS INC	548.50
12165	01/15/2022	Uncleared	AP	10215	CHAMBERS WILLIAM	62.72
12166	01/15/2022	Uncleared	AP	11928	CLEARGOV INC	7,000.00
12167	01/15/2022	Uncleared	AP	10234	CLEVELAND BROTHERS EQUIP CO INC	136.63
12168	01/15/2022	Uncleared	AP	10142	CNET	6,998.75
12169	01/15/2022	Uncleared	AP	10244	COMCAST	1,134.00
12170	01/15/2022	Uncleared	AP	11760	COMCAST	130.24
12171	01/15/2022	Uncleared	AP	10282	BERGEY'S TRUCK CENTERS	396.93
12172	01/15/2022	Uncleared	AP	10316	DINCHER & DINCHER TREE SURGEONS INC	58,405.00
12173	01/15/2022	Uncleared	AP	10345	ECKS GARAGE INC	77.87
12174	01/15/2022	Uncleared	AP	11217	FERGUSON TOWNSHIP POLICE ASSOCIATION	1,580.00
12175	01/15/2022	Uncleared	AP	10380	FERGUSON TOWNSHIP SUPERVISORS	74,027.10
12176	01/15/2022	Uncleared	AP	10396	FISHER AUTO PARTS	1,188.25
12178	01/15/2022	Uncleared	AP	10409	FRED CARSON DISPOSAL INC.	501.03
12179	01/15/2022	Uncleared	AP	10491	HINTON & ASSOCIATES	23,205.00
12180	01/15/2022	Uncleared	AP	11253	INFRADAPT LLC	655.63
12181	01/15/2022	Uncleared	AP	11791	JOHNSON CONTROLS FIRE PROTECTION	1,838.00

Fund/Check No.	Check Date	Clear Date	System	Vendor/Employee No.	Vendor/Employee Name	Amount
12182	01/15/2022	Uncleared	AP	10568	K & S DISTRIBUTION	226.80
12183	01/15/2022	Uncleared	AP	10618	LAWSON PRODUCTS INC	169.17
12184	01/15/2022	Uncleared	AP	10631	LEWIS DANIEL	5,694.77
12185	01/15/2022	Uncleared	AP	10644	LOWES COMPANIES INC	190.74
12186	01/15/2022	Uncleared	AP	11704	MADISON NATIONAL LIFE	2,256.17
12187	01/15/2022	Uncleared	AP	10762	MARCO	730.94
12188	01/15/2022	Uncleared	AP	11839	MARCO TECHNOLOGIES LLC	78.00
12189	01/15/2022	Uncleared	AP	10673	MCCARTNEYS INC	258.67
12190	01/15/2022	Uncleared	AP	10203	MCCLATCHY COMPANY LLC	220.23
12191	01/15/2022	Uncleared	AP	10674	MCCORMICK TAYLOR INC	1,982.50
12192	01/15/2022	Uncleared	AP	10679	MCMONAGLE DAVID	26.80
12193	01/15/2022	Uncleared	AP	10692	MIDSTATE TOOL & SUPPLY INC	121.72
12194	01/15/2022	Uncleared	AP	11807	MODEL UNIFORMS	106.81
12195	01/15/2022	Uncleared	AP	10712	MONARCH CLEANERS	172.35
12196	01/15/2022	Uncleared	AP	10757	NITTANY ENERGY	25,400.00
12197	01/15/2022	Uncleared	AP	10373	NITTANY SUPPLY INC.	211.63
12198	01/15/2022	Uncleared	AP	10760	NOERR'S INTERNATIONAL - LEWISTOWN	76.67
12199	01/15/2022	Uncleared	AP	11332	NTM ENGINEERING INC	496.50
12201	01/15/2022	Uncleared	AP	10798	PA ONE CALL SYSTEM	73.64
12202	01/15/2022	Uncleared	AP	10819	PATTON TOWNSHIP SUPERVISORS	208.92
12203	01/15/2022	Uncleared	AP	10831	PENN PRIME WORKERS COMPENSATION TRUST	46,383.00
12204	01/15/2022	Uncleared	AP	10837	PENN TERRA ENGINEERING INC	100.00
12205	01/15/2022	Uncleared	AP	10918	R H MARCON INC	723.56
12206	01/15/2022	Uncleared	AP	10927	REDLINE SPEED SHINE	280.33
12207	01/15/2022	Uncleared	AP	10932	RESERVE ACCOUNT	3,500.00
12208	01/15/2022	Uncleared	AP	11614	SNAP ON INDUSTRIAL	101.63
12209	01/15/2022	Uncleared	AP	11029	STAHL SHEAFFER ENGINEERING LLC	3,928.26
12210	01/15/2022	Uncleared	AP	11045	STEPHENSON EQUIPMENT INC	83.69
12211	01/15/2022	Uncleared	AP	11047	STEVE SHANNON TIRE COMPANY INC	2,641.72
12212	01/15/2022	Uncleared	AP	11050	STOCKER CHEVROLET INC	25.03
12213	01/15/2022	Uncleared	AP	11055	STONER INC	292.05
12214	01/15/2022	Uncleared	AP	11058	STOVER MCGLAUGHLIN	1,139.00
12215	01/15/2022	Uncleared	AP	12001	SYMBOLARTS	1,129.05
12216	01/15/2022	Uncleared	AP	11113	TRACTOR SUPPLY CREDIT PLAN	54.99
12217	01/15/2022	Uncleared	AP	11989	TRAISSR, LLC	1,082.50
12218	01/15/2022	Uncleared	AP	11132	TW CONSULTING INC	104.00
12220	01/15/2022	Uncleared	AP	11137	ULINE	78.89
12222	01/15/2022	Uncleared	AP	11152	VALLEY TRUCK & TRAILER SALES & SERVICE INC	350.00
12223	01/15/2022	Uncleared	AP	11159	VERIZON WIRELESS	206.03
12224	01/15/2022	Uncleared	AP	11192	WEST PENN POWER	211.72
12225	01/15/2022	Uncleared	AP	10771	WITMER PUBLIC SAFETY GROUP INC	1,215.00

Fund/Check No.	Check Date	Clear Date	System	Vendor/Employee No.	Vendor/Employee Name	Amount
12226	01/31/2022	Uncleared	AP	11242	AMAZON CAPITAL SERVICES INC	347.46
12227	01/31/2022	Uncleared	AP	10122	BOROUGH OF STATE COLLEGE	2,984.32
12228	01/31/2022	Uncleared	AP	10124	BOTTI D O KASANDRA	250.00
12229	01/31/2022	Uncleared	AP	11224	CAMPBELL DURRANT BEATTY PALOMBO & MILLER PC	855.00
12230	01/31/2022	Uncleared	AP	10201	CENTRE COUNTY UNITED WAY	84.00
12231	01/31/2022	Uncleared	AP	10208	CENTRE REGION COUNCIL OF GOVERNMENTS	186,882.25
12232	01/31/2022	Uncleared	AP	10209	CENTRE REGION PARKS & RECREATION	189,270.25
12233	01/31/2022	Uncleared	AP	10142	CNET	714.77
12234	01/31/2022	Uncleared	AP	11861	COL DU TOURMALET	5,280.00
12235	01/31/2022	Uncleared	AP	10243	COLUMBIA GAS OF PA INC	4,465.73
12236	01/31/2022	Uncleared	AP	10247	COMMONWEALTH OF PA	35.00
12237	01/31/2022	Uncleared	AP	10297	DAVIDHEISERS INC	1,318.00
12238	01/31/2022	Uncleared	AP	10364	ESRI, INC	6,952.00
12239	01/31/2022	Uncleared	AP	11635	GREAT AMERICA FINANCIAL SERVICES	3.00
12240	01/31/2022	Uncleared	AP	12004	HATCH, ESQ CRAIG A	3,775.00
12241	01/31/2022	Uncleared	AP	10492	HIRERIGHT SOLUTIONS INC	279.12
12242	01/31/2022	Uncleared	AP	11497	ICMA MEMBERSHIP RENEWALS	1,039.00
12243	01/31/2022	Uncleared	AP	11704	MADISON NATIONAL LIFE	2,256.17
12244	01/31/2022	Uncleared	AP	10762	MARCO	912.56
12245	01/31/2022	Uncleared	AP	10203	MCCLATCHY COMPANY LLC	208.55
12246	01/31/2022	Uncleared	AP	10674	MCCORMICK TAYLOR INC	990.00
12247	01/31/2022	Uncleared	AP	10773	OLD DOMINION BRUSH COMPANY INC.	1,621.84
12248	01/31/2022	Uncleared	AP	10774	OLD MAIN FRAME SHOP GALLERY	446.12
12249	01/31/2022	Uncleared	AP	10785	PA CHIEFS OF POLICE ASSOCIATION	1,000.00
12250	01/31/2022	Uncleared	AP	10845	PENNSYLVANIA MUNICIPAL HEALTH INSURANCE CO OF	155,553.03
12251	01/31/2022	Uncleared	AP	11893	PROGAR JAYMES	737.66
12252	01/31/2022	Uncleared	AP	10976	SARGENTS COURT REPORTING	840.20
12253	01/31/2022	Uncleared	AP	10978	SCHLOW CENTRE REGION LIBRARY	128,679.50
12254	01/31/2022	Uncleared	AP	11794	SPRINGBROOK HOLDING COMPANY, LLC	19,291.56
12255	01/31/2022	Uncleared	AP	11029	STAHL SHEAFFER ENGINEERING LLC	28.75
12256	01/31/2022	Uncleared	AP	10481	THE HARTMAN GROUP	14,093.00
12257	01/31/2022	Uncleared	AP	11132	TW CONSULTING INC	84.00
12260	01/31/2022	Uncleared	AP	11139	UNIVERSITY AREA JOINT AUTHORITY	208.00
12261	01/31/2022	Uncleared	AP	11192	WEST PENN POWER	8,675.71
12262	01/31/2022	Uncleared	AP	11136	U S MUNICIPAL SUPPLY INC	227.98
12263	01/31/2022	Uncleared	AP	11133	U COMP	631.80
12264	01/31/2022	Uncleared	AP	11943	M & B SERVICES LLC	42,532.99
Fund 01 Total:						1,164,362.49
02	STREET LIGHT FUND					
143	02/15/2021	Uncleared	AP	11192	WEST PENN POWER	21.71

Fund/Check No.	Check Date	Clear Date	System	Vendor/Employee No.	Vendor/Employee Name	Amount
159	01/15/2022	Uncleared	AP	11192	WEST PENN POWER	1,049.32
160	01/31/2022	Uncleared	AP	11192	WEST PENN POWER	2,563.06
Fund 02Total:						3,634.09
20	STORMWATER FUND					
23	01/15/2022	Uncleared	AP	11371	COMMONWEALTH OF PA	500.00
24	01/15/2022	Uncleared	AP	11676	WOOD ENVIRONMENT & INFRASTRUCTURE SOLUTIONS	460.00
25	01/31/2022	Uncleared	AP	11332	NTM ENGINEERING INC	819.16
Fund 20Total:						1,779.16
30	CAPITAL RESERVE FUND					
3	01/31/2022	Uncleared	AP	12003	ADVANTAGE SPORT & FITNESS INC	6,999.00
910	12/31/2021	Uncleared	AP	10184	CENTRE COMMUNICATIONS INC	16,462.52
912	01/15/2022	Uncleared	AP	10236	CMT LABORATORIES	150.00
913	01/15/2022	Uncleared	AP	12000	GRAYSHIFT LLC	10,070.00
914	01/15/2022	Uncleared	AP	11987	HOPSTICK LLC	4,875.00
915	01/31/2022	Uncleared	AP	10031	ALLIED MECHANICAL & ELECTRICAL	24,139.23
916	01/31/2022	Uncleared	AP	11398	FOREVER MEDIA	400.00
917	01/31/2022	Uncleared	AP	11989	TRAISSR, LLC	652.50
Fund 30Total:						63,748.25
31	REG CAP REC PROJECTS FUND					
35	01/31/2022	Uncleared	AP	10209	CENTRE REGION PARKS & RECREATION	32,422.00
Fund 31Total:						32,422.00
32	TRANSPORT IMPROVEMENT FUND					
124	01/31/2022	Uncleared	AP	11943	M & B SERVICES LLC	5,766.00
2017111	01/15/2022	Uncleared	AP	10674	MCCORMICK TAYLOR INC	13,867.50
2017112	01/31/2022	Uncleared	AP	10674	MCCORMICK TAYLOR INC	6,545.00
Fund 32Total:						26,178.50
34	PARK IMPROVEMENT FUND					
89	01/31/2022	Uncleared	AP	10507	HRG INC	1,235.00
Fund 34Total:						1,235.00
35	LIQUID FUELS FUND					
435	01/15/2022	Uncleared	AP	10436	GLENN O HAWBAKER INC	961.35
436	01/31/2022	Uncleared	AP	11228	AMERICAN ROCK SALT COMPANY LLC	3,885.05

<b>Fund/Check No.</b>	<b>Check Date</b>	<b>Clear Date</b>	<b>System</b>	<b>Vendor/Employee No.</b>	<b>Vendor/Employee Name</b>	<b>Amount</b>
					Fund 35Total:	4,846.40
93	TUDEK PARK TRUST FUND					
20200914	02/15/2021	Uncleared	AP	11192	WEST PENN POWER	81.75
20200938	01/15/2022	Uncleared	AP	11390	BAKER TILLY US, LLP	1,200.00
20200939	01/15/2022	Uncleared	AP	10644	LOWES COMPANIES INC	93.00
20200940	01/15/2022	Uncleared	AP	11139	UNIVERSITY AREA JOINT AUTHORITY	114.40
20200941	01/31/2022	Uncleared	AP	11192	WEST PENN POWER	59.95
					Fund 93Total:	1,549.10
					Grand Total:	1,299,754.99

Project Description Storm Sewer Cleaning and Video Assessment Contract No. 2022-C5 Job No. 221009  
 Owner Towship of Ferguson Contractor Insight Pipe Contracting, LLC  
 Address 3141 Research Drive Address 232 East Lancaster Road  
Stat: College, PA 16801 Harmony PA 16037  
 Periodic Estimate No. 1 REVISED Periodic Estimate From February 14, 2022 To February 28, 2022

Item No.	Description	Original Contract			Completed This Estimate			Completed to Date				
		Quantity	Unit Cost	Total Cost	Quantity	Total Cost	Quantity	Total Cost	Percent Complete			
0608-0001	Mobilization	1.00	LS	5,000.00	5,000.00	0.50	LS	2,500.00	0.50	LS	2,500.00	50%
0901-0001	Maintenance and Protection of Traffic During Construction	1.00	LS	2,000.00	2,000.00	0.50	LS	1,000.00	0.50	LS	1,000.00	50%
9000-0001	Light Cleaning, Remove Debris, CCTV 6" Diameter Pipe	579.00	LF	2.70	1,563.30	-	LF	-	-	LF	-	0%
9000-0002	Light Cleaning, Remove Debris, CCTV 12"-18" Diameter Pipe	17,225.00	LF	2.70	46,507.50	6,754.90	LF	18,238.23	6,754.90	LF	18,238.23	39%
9000-0003	Light Cleaning, Remove Debris, CCTV 21"-30" Diameter Pipe	3,426.00	LF	3.00	10,278.00	571.40	LF	1,714.20	571.40	LF	1,714.20	17%
9000-0004	Light Cleaning, Remove Debris, CCTV 36"-42" Diameter Pipe	359.00	LF	5.00	1,795.00	92.00	LF	460.00	92.00	LF	460.00	26%
9000-0005	Heavy Pipe Cleaning	11.00	HR	400.00	4,400.00	26.69	HR	10,676.00	26.69	HR	10,676.00	243%
9000-0006	2108 Brushwood Drive Back Yard Inlet	10.00	HR	425.00	4,250.00	-	HR	-	-	HR	-	0%
	TOTAL				75,793.80			34,588.43			34,588.43	46%

2022-C5 CCTV Contract  
 Pay App #1  
 Pay: \$32,859.01  
 Acct#: 20.446.450  
*Ryan P. Scale*

SCHEDULE OF CONTRACT CHANGE ORDERS				
Change Order No.	Date	Description	Net Addition in Contract Price	Net Reduction in Contract price
TOTALS			\$ -	\$ -

ANALYSIS OF ADJUSTED CONTRACT AMOUNT TO DATE

a. ORIGINAL CONTRACT AMOUNT	_____	\$ 75,793.80
b. PLUS: ADDITIONS	_____	-
c. LESS: DEDUCTIONS	_____	-
d. ADJUSTED CONTRACT AMOUNT TO DATE	_____	\$ 75,793.80

ANALYSIS OF WORK PERFORMED TO DATE

a. COST OF WORK PERFORMED TO DATE	_____	\$ 34,588.43
b. COST OF EXTRA WORK PERFORMED TO DATE	_____	-
c. ADD: MATERIALS STORED AT CLOSE OF THIS PERIOD (ATTACH DETAILED SCHEDULE)	_____	-
d. SUBTOTAL	_____	34,588.43
e. LESS: AMOUNT RETAINED <u>5.00%</u>	_____	1,729.42
f. NET AMOUNT EARNED ON CONTRACT TO DATE	_____	32,859.01
g. LESS: AMOUNT OF PREVIOUS PAYMENTS	_____	-
h. BALANCE DUE THIS PAYMENT	_____	\$ 32,859.01

CERTIFICATION OF CONTRACTOR

According to the best of my knowledge and belief, I certify that all items shown on the face of this Periodic Estimate are correct, that all work has been performed and/or material supplied in full accordance with the requirements of the referenced Contract and/or duly authorized deviations, substitutions, alterations, and/or additions; that the forgoing is a true and correct statement of the contract amount up to and including the last day of the period covered by this Periodic Estimate; that no part of the "Balance Due This Payment" has been received; that all claims against the Contractor represented by the undersigned for labor, materials, expendable equipment, work performed by subcontractors, etc., which were outstanding prior to the date of the last preceding Periodic Estimate, have been paid in accordance with the Contract Documents; and that the undersigned and his subcontractors have - (check applicable line):

- a. Complied with all labor provisions of said contract.
- b. Complied with all the labor provisions of said contract except in those instances where an honest dispute exists with respect to said labor provisions. If (b) is checked, describe briefly the nature of the dispute.

Insight Pipe Contracting, LLC 03/01/2022  
 \_\_\_\_\_  
 Name of Contractor Date

  
 \_\_\_\_\_  
 Signature  
 CONTROLLER  
 \_\_\_\_\_  
 Title of Authorized Representative

CERTIFICATION OF THE PROJECT MANAGER

This will certify that I have reviewed the information contained on this Periodic Estimate, and that to the best of my knowledge and belief, all work for which payment is herein being requested has been performed in accordance with the Contract Documents.

\_\_\_\_\_ Date

\_\_\_\_\_ Date

pay  
RTS









Project Description Storm Sewer Cleaning and Video Assessment Contract No. 2022-C5 Job No. 221009  
 Owner Township of Ferguson Contractor Insight Pipe Contracting, LLC  
 Address 3147 Research Drive Address 232 East Lancaster Road  
State College, PA 16801 Harmony PA 16037  
 Periodic Estimate No. 2 Periodic Estimate From March 1, 2022 To March 21, 2022

Item No.	Description	Original Contract			Completed This Estimate		Completed to Date					
		Quantity	Unit Cost	Total Cost	Quantity	Total Cost	Quantity	Total Cost	Percent Complete			
0608-0001	Mobilization	1.00	LS	5,000.00	5,000.00	0.50	LS	2,500.00	1.00	LS	5,000.00	100%
0901-0001	Maintenance and Protection of Traffic During Construction	1.00	LS	2,000.00	2,000.00	0.50	LS	1,000.00	1.00	LS	2,000.00	100%
9000-0001	Light Cleaning, Remove Debris, CCTV 6" Diameter Pipe	579.00	LF	2.70	1,563.30	7.60	LF	20.52	7.60	LF	20.52	1%
9000-0002	Light Cleaning, Remove Debris, CCTV 12"-18" Diameter Pipe	17,225.00	LF	2.70	46,507.50	6,046.80	LF	16,326.36	12,801.70	LF	34,564.59	74%
9000-0003	Light Cleaning, Remove Debris, CCTV 21"-30" Diameter Pipe	3,426.00	LF	3.00	10,278.00	2,074.00	LF	6,222.00	2,645.40	LF	7,936.20	77%
9000-0004	Light Cleaning, Remove Debris, CCTV 36"-42" Diameter Pipe	359.00	LF	5.00	1,795.00	277.30	LF	1,386.50	369.30	LF	1,846.50	103%
9000-0005	Heavy Pipe Cleaning	11.00	HR	400.00	4,400.00	36.00	HR	14,400.00	62.69	HR	25,076.00	570%
9000-0006	2108 Brushwood Drive Back Yard Inlet	10.00	HR	425.00	4,250.00	11.00	HR	4,675.00	11.00	HR	4,675.00	110%
	TOTAL				75,793.80			46,530.38			81,118.81	107%

2022-C5 CCTV Contract  
 Pay App #2  
 Pay: \$44,203.86  
 Acct#: 20.446.450





# 2022 FERGUSON TOWNSHIP PINE GROVE MILLS SAP COMMITTEE WORK PROGRAM

*Key: I= Initiate Planning, IP= In Progress*

*BOS=Refer to Board of Supervisors*

*PC = Refer to Planning Commission*

*R/C=Review and Comment, C=Complete*

*H = High, M = Medium, L = Low*

Approved by PGM Advisory Committee on : 3/24/2022

Approved by Board of Supervisors on : \_\_\_\_\_

<b>ROUTINE ACTIVITIES</b>									<b>Comments</b>
		Priority	PGMSAP Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr		
1	Items referred by the Board	H	These activities vary greatly in their scope and support the PGMSAP Goals	All routine items take place on an as needed basis.					
2	Capital Improvements Program	H							
3	Interaction with FT Planning Commission	H							
<b>ORDINANCE AMENDMENTS</b>									<b>Comments</b>
		Priority	PGMSAP Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr		
4	Village Zoning District	M		—	—	—	—▶	This will involve coordination with PC	
5	Sign Ordinance	L		—	—	—	—▶	This ordinance was amended in 2019	
<b>PLAN IMPLEMENTATION</b>									<b>Comments</b>
<b>COMMUNITY ENGAGEMENT &amp; EVENTS</b>									
6	Promote and coordinate communities events through a variety of social media postings and other forms of communication.	M	1.1.3	As needed				Implementation of priority recommendations/items and identification of partnerships/resources needed.	
7	Identify locations to utilize as community gathering spaces.	H	15.1.1	As needed					
8	Obtain funding and establish signage and a branding program for Pine Grove Mills	M	9.1.1	I					
<b>HISTORY &amp; HERITAGE</b>									
9	Include the history of Pine Grove Mills on PGMAC Facebook Page and Township Webpage.	H	14.1.1	I					
10	Join historic organizations such as Centre County Historical Society	M	14.1.5		I				
11	Initiate 'Our Town' story gathering and identify fund raising opportunities (underwriting)	H	14	IP	—	—	—▶		

## 2022 FERGUSON TOWNSHIP PINE GROVE MILLS SAP COMMITTEE WORK PROGRAM

ECONOMIC DEVELOPMENT								
12	Develop a list of all Pine Grove Mills businesses and contact information	H	8.1.1	I				
13	Work with local businesses and Ferguson Township's financial office to understand what tax incentives would be beneficial to businesses.	L	4.1.1			I		
LAND USE/REGULATORY/RECREATION								
14	Identify a Village District Boundary	H	5.1.1	I				
15	Work with County on creating an inventory of currently designated historic building.	M	16.1.4		I			
16	Define best access points for shared trail system (hiking, biking, walking, horse riding) that maximize neighborhood connectivity	M	17.1.1		I			
PUBLIC INFRASTRUCTRE/MULTIMODAL TRANSPORTATION								
17	Prepare and implement pedestrian and bicycle mobility map including safe routes to school	H	3.1.1	IP	IP			Partner with FT
18	Streetlight Décor Plan/Implementation	H	9.2	I				This will involve coordination with FTPZ & FTPW
19	Paint lines to distinguish parking space on SR 45	M	10.1.1			I		This will involve coordination with FTPW
<u>ADDITIONAL DUTIES</u>		Priority	Board Goals	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Comments
20	Alley and Private Streets Study	L	Goal 3: Growth Management		As needed			This will involve coordination with PC and FTPW
21	Recreation Economy in Ferguson Township	L	Goal 2: Economic Development	IP	→	→	→	This will involve coordination with PC



COMMUNITY DIVERSITY  
CONFERENCE

Embracing & Implementing Inclusion

March 3, 2022

Dear Community Partner,

Building on the overwhelming success of our biannual conferences, the Community Diversity Group (CDG), the Borough of State College, our Penn State affiliates and many community members are pleased to announce our fourth Community Diversity Conference. This one day conference will be held on **Tuesday, June 21, 2022 at the Penn Stater Hotel and Conference Center.**

We invite you to attend and bring friends and colleagues to participate in this unique opportunity to enhance community relations, increase awareness about diversity issues prevalent in our communities and to improve the overall social climate of Centre County/Central PA. Participating in these open discussions and learning what it takes to build a richer and more inclusive community for all will enhance and inform your business practices and expand your networking capacity.

We have launched a fundraising campaign to support the Community Diversity Conference. As such we are seeking your participation and support through a financial contribution and/or donation of products or gift certificates. CDG is a 501(c)(3) organization, so your contributions are tax-deductible to the fullest extent allowable by law.

The Community Diversity Conference offers a valuable opportunity to promote your business, enhance your name recognition throughout the local community, and show your support for diversity and inclusion. Your generosity helps defray the cost and allows us to offer a quality full-day conference, including lunch, at a reasonable price to participants. Please support the Community Diversity Conference by selecting your level of participation below:

<b>Beyond Diversity Sponsor</b>	<b>\$1000 or more</b>	<b>Large Logo and two conference registrations</b>
<b>Social Justice Sponsor</b>	<b>\$500-\$999</b>	<b>Medium Logo and one conference registration</b>
<b>Sustainability Patron</b>	<b>\$100 - \$500</b>	<b>Thank you in our program and on our website</b>
<b>Cultural Dexterity Donation</b>	<b>Donated items (for raffles, etc.)</b>	<b>Your organization identified on item, and as above, commensurate with value of your gift.</b>

Please note: With donations of \$500 or more, your organization's logo and website will be printed in the conference program, on the lunchtime slide show, and on the CDG's website with a link to your website. Email your logo to us: [CommunityDiversityGroup@gmail.com](mailto:CommunityDiversityGroup@gmail.com)

To participate as a sponsor, please call or email Kevin Kassab, 814-360-3326 or [kkassab@statecollegepa.us](mailto:kkassab@statecollegepa.us), or send your completed sponsorship form and check to: **Community Diversity Group, PO Box 933, State College, PA 16803-0933, attn: Community Diversity Conference.**

Thank you in advance for your consideration and support of this worthy endeavor. Together, we are implementing inclusion.

*Carol Eicher*  
Carol Eicher, CDC President

*Kevin Kassab*  
Kevin Kassab, Sponsorship Committee Chair

**The Community Diversity Group brings diverse peoples together to cultivate inclusive, engaged communities.**

The Community Diversity Group (CDG) is a 501(c)(3) non-profit coalition of Centre County community members with representatives from local businesses, municipalities, and non-profit organizations. All CDG members, including the board of directors, are volunteers. CDG offers training, consulting, programming, professional and social networking, and publications, all designed to educate the community about the benefits of multicultural competence and to encourage inclusiveness. Open public meetings are held on the first Tuesday of each month. Attend a meeting, become a member, make a difference.

Visit our website for updates and more information: [www.CommunityDiversityGroup.com](http://www.CommunityDiversityGroup.com).





COMMUNITY DIVERSITY  
CONFERENCE

*Embracing & Implementing Inclusion*

## Conference Sponsorship

Thank you for your interest in supporting the Community Diversity Conference. To become a sponsor, please complete the following information below:

<b>Business</b>	<b>Organization</b>	<b>Individual</b>	<b>Contact Name:</b> _____
<b>Business/Organization:</b> _____			<b>Email Address:</b> _____
<b>Address:</b> _____			<b>Phone Number:</b> _____

<b>Sponsorship Level Desired:</b>		<u>Amount</u>
<b>Beyond Diversity Sponsor</b>	<b>\$500 or more</b>	_____
<b>Social Justice Sponsor</b>	<b>\$250-\$499</b>	_____
<b>Sustainability Patron</b>	<b>\$100</b>	_____
<b>Cultural Dexterity Donation</b>	<b>Donated items for raffle prizes, gift certificates, food or beverage service and any other amounts</b>	_____ (Value of Gift)

**Amount Donated** \_\_\_\_\_ **or Value of Gift** \_\_\_\_\_

All donations are tax deductible.

**Please Note:** If you donate \$250 or more, your organization's information will be included in the program, on the CDG's website with a link to your organization, and on the lunchtime slide show. We will need a high-quality color JPEG or PDF copy of your logo for promotional purposes. Please send the logo to: [CommunityDiversityGroup@gmail.com](mailto:CommunityDiversityGroup@gmail.com).

<b>Payment Type:</b>	<b>Check</b>	<b>Credit Card</b>	
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**Pay by Check:** Fill out the form, save the form to your computer (for your records), print the form and mail the form and check to the Community Diversity Group, P.O. Box 933, State College, PA 16803-0933, c/o Community Diversity Conference.

**Pay by Credit Card:** Fill out the form, save the form to your computer and email the form to [CommunityDiversityGroup@gmail.com](mailto:CommunityDiversityGroup@gmail.com) or print out the filled-in form and mail it to the Community Diversity Group, P.O. Box 933, State College, PA 16803-0933, c/o Community Diversity Conference.

### CREDIT CARD USE AUTHORIZATION

Cardholder's Name: \_\_\_\_\_  
 Credit Card #: \_\_\_\_\_ Exp. Date: \_\_\_\_\_  
 A/E CID Code: \_\_\_\_\_ MA, VI, CVV Code: \_\_\_\_\_  
 Billing Address: \_\_\_\_\_

I authorized the Community Diversity Group to charge the amount of \$\_\_\_\_\_ to my credit card.

**Authorized Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

All Cultural Dexterity Donations will be coordinated by one of our Community Diversity Conference committee members.

§ 22-5B01 **Design Standards.**  
[Ord. No. 1050, 11/18/2019]

1. Framework Plans.

C. Utilities Network.

(1) Intent. Compact development can be designed to use infrastructure more efficiently, resulting in lower costs per capita for the municipality. More users per linear foot of sewer and water main extensions, as well as lower costs for plowing, paving, and maintaining narrower, well-connected streets are intended to be achieved through the coordinated planning efforts required herein. Additionally, infrastructure that can be provided from a systems approach, without segregating design and regulation according to strict property boundaries, improves connectivity and the overall function of streets, stormwater systems, open space, and other supporting infrastructure.

(2) Design Goals.

- (a) To ensure the efficient extension of existing public infrastructure to serve Traditional Town Development in a coordinated and comprehensive manner.
- (b) To ensure the continued function of groundwater resources by coordinating drainage and stormwater management.
- (c) To guide the placement of utilities and other infrastructure in a manner that does not detract from the overall function and character of the community.

(3) Standards.

- (a) Location. All utilities, both main and service lines shall be provided underground either within private easements or located within an alley right-of-way or public street right-of-way, excluding monopoles. Monopoles shall comply with §27-710—Wireless Communications Facilities.

**§27-303.3.A.(1)(d) Traditional Town Development (TTD)**

(d) Prohibited Uses. Uses which are expressly prohibited in a traditional town development or associated mixed residential area shall include heavy or light manufacturing; storage or distribution as a principal use; outdoor advertising or billboards; prisons; detention centers; scrap yards; kennels; sand, gravel, or other mineral extraction; cemetery or crematorium; mobile home park; automobile sales, service or repair; car wash; hospital(s); personal care homes; bulk fuel storage; heavy equipment storage, sales, or rental; warehouse; drive-through or drive-in establishments; food processing and/or packing; fuel generation; landfill; campgrounds; manufactured home sales or storage; automobile storage facilities; shopping centers; ~~free standing telecommunications towers~~; truck terminals; waste transfer facilities; adult business uses; convenience food stores that include gas sales; race track, riding stable, self-service storage facilities; dormitory; surface mining operations; motels; and nonmunicipally owned surface parking lots that constitute the principal use of a property.

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§ 27-710 **Wireless Communications Facilities.**  
[Ord. No. 1049, 11/18/2019]

1. Intent. The wireless communications facilities (WCF) regulations are intended to achieve the following:

- A. To provide a competitive and wide range of communications services.
- B. To encourage the shared use of existing communication towers, buildings and structures.
- C. To ensure compliance with federal and state regulations.
- D. To promote the health, safety and welfare of Township residents and businesses with respect to wireless communications facilities.
- E. To address modern and developing technologies including, but not limited to, distributed antenna systems, data collection units, cable Wi-Fi and other communications facilities.
- F. To establish procedures for design, siting, construction, installation, maintenance and removal of both tower-based and non-tower-based wireless communications facilities in the Township, including facilities both inside and outside of the public rights-of-way.
- G. To protect Township residents and businesses from potential adverse impacts of wireless communications facilities and preserve, to the extent permitted under law, the visual character of established communities and the natural beauty of the landscape.

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2. General Requirements for All Tower-Based Wireless Communications Facilities. The following regulations shall apply to all tower-based wireless communications facilities:

- A. **Standard of Care.** Any tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety, and safety-related codes including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any tower-based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.
- B. **Wind.** Any tower-based WCF structures shall be designed to withstand the effects of wind according to the standard designed by the ANSI as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry (ANSFEINTIA-222-E Code, as amended).
- C. **Height.** Any tower-based WCF shall be designed at the minimum functional height and shall not exceed a maximum total height of ~~200-300~~ feet, or ~~40~~50 feet when located within the ROW, which height shall include all subsequent additions or alterations. Height shall be measured from the average natural grade to the top point of the communications tower or antenna, whichever is greater. All tower-based WCF applicants must submit documentation to the Township justifying the total height of the structure. Tower-based WCF constructed outside the ROW ~~at a height~~

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~~greater than 200 feet but not to exceed 300 feet~~ shall be permitted as a conditional use in the RA, AR, RR, C, FG, TTD, I and IRD ~~zoning~~ districts by the Board of Supervisors if the following criteria are met:

(1) The applicant shall provide documentation to the Township which details the commitment to provide capacity on the proposed tower-based WCF to more than one provider. The document must also describe whether the additional tower height that is required to provide the capacity to the additional provider(s) and if so, The document shall also show that by providing the additional height and capacity, there will not be a need from the involved companies for an additional tower outside the ROW within a radius of one mile of the site. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required service.

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(2) If the proposed tower-based WCF is greater than 199 feet and less than 300 feet in height, ~~The~~ applicant shall provide documentation to the Township that the additional height limitation of 200 feet will require-render the construction of two or more towers as nonessential and that by permitting an increase in the height of the tower, only one tower will be required. The burden of proof shall be on the applicant to show that the proposed tower is the minimum height needed to provide the required services. The purpose of this ~~conditional use provision~~ is to permit an increase in the height of one tower to reduce the need for additional towers.

(3) Tower-based WCFs shall employ stealth technology, which may include painting the tower portion silver or another color, utilizing a galvanized or "self-rusting" finish, or designing as a tree or other structure as approved by the Board of Supervisors.

(4) A plan shall be required for all wireless communication facilities showing the antenna array, support structure, building, fencing, buffering, access, and such other information as the Township may require illustrating the relationship between the proposed facility and adjacent structures and property lines.

(5) Setback and Location requirements may be modified by conditional use if the Board of Supervisors finds that placement of a wireless communication facility with support structure in a particular location will reduce its visual impact, or for other reasons as presented during the hearing.

(6) Comply with the standards of approval for all wireless communication facilities as set forth in this chapter §27-710.

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D. Public Safety Communications. No tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

E. Maintenance. The following maintenance requirements shall apply:

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(1) Any tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair, except as permitted and in accordance this

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section.

- (2) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - (3) All maintenance and activities shall utilize the best available technology for preventing failures and accidents.
- F. Radio Frequency Emissions. No tower-based WCF may, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the Federal Communications Commission (FCC) including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended. The applicant shall provide, upon request, a statement from a qualified licensed and professional registered engineer that the non-ionizing electromagnetic radiation (NIER) emitted from the tower-based WCF, when measured in conjunction with the emissions from all communications antenna on the tower, does not result in an exposure at any point on or outside such facility which exceeds the lowest applicable exposure standards established by the FCC or the ANSI.
- G. Historic Buildings or Districts. No tower-based WCF may be located on or within 200 feet of a site that is listed on an historic register, a site listed for inclusion on the historic register, or in an officially designated state or federal historic district.
- H. Identification. All tower-based WCF shall post a notice in a readily visible location identifying the name and phone number of a party to contact in the event of an emergency, subject to approval by the Township. The notice shall not exceed two square feet in gross surface area and shall maintain the contact party.
- I. Lighting. Tower-based WCF shall not be artificially lighted, except as required by the Federal Aviation Administration and as may be approved by the Township. If lighting is required, the applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. No flag shall be located on the structure that requires lighting.
- J. Appearance. Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color as determined by the Township Planning and Zoning Director to harmonize with the surroundings.
- K. Noise. Tower-based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and Chapter 10, Part 3, of the Ferguson Township Code of Ordinances, except in emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- L. Aviation Safety. Tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- M. Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to

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assist the Township in reviewing and evaluating the application for approval of the tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.

- N. **Timing of Approval.** Within 30 calendar days of the date that an application for a tower-based WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. All complete applications for tower-based WCF shall be acted upon within 150 days of the receipt of a fully completed application for the approval of such tower-based WCF, and the Township shall advise the applicant, in writing, of its decision. If additional information is requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the 150-day review period.
  - O. **Nonconforming Uses.** Nonconforming tower-based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location, but must otherwise comply with the terms and conditions of this section. Co-location of facilities may be permitted on nonconforming structures in accordance with standards established in the Pennsylvania Wireless Broadband Collocation Act.
  - P. **Removal.** In the event that use of a tower-based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
    - (1) All unused or abandoned tower-based WCF and accessory facilities shall be removed within six months of the cessation of operations at the site unless a time extension is approved by the Township.
    - (2) If the WCF and/or accessory facility is not removed within six months of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
    - (3) Any unused portions of tower-based WCF, including antennas, shall be removed within six months of the time of cessation of operations. The Township must approve all replacements of portions of a tower-based WCF previously removed.
  - Q. **Application Fees.** The Township may assess appropriate and reasonable application fees directly related to the Township's actual costs in reviewing and processing the application for approval of a tower-based WCF, as well as related inspection, monitoring and related costs.
3. **Tower-Based Wireless Communications Facilities Outside the Rights-of-Way.** The following regulations shall apply to tower-based wireless communications facilities located outside of the right-of-way (ROW):

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A. ~~Permitted Only in Certain Zones. No tower-based WCF shall be permitted within 500 feet of the nearest adjoining property line.~~ Tower Setbacks and Location. A tower-based WCF located outside of the ROW shall comply with the following:

(1) The tower shall be located at least half (1/2) the height of the tower from all adjoining property lines.

(2) Towers shall not be closer than 300 feet to any residential building.

(3) Towers shall not be closer than 3,000 feet to any other existing tower-based WCF located outside of the ROW.

(4) Tower-based WCF shall only be permitted as designated in zoning districts as identified within the chapter.

B. Evidence of Need. It is required that the applicant for the placement of a tower-based WCF that will exceed 4950 feet in height shall submit to Ferguson Township evidence of the need for the tower-based WCF in the proposed location and that the applicant has exhausted all alternatives to locate on an existing tower or structure (co-location). In addition, the applicant must demonstrate via written evidence from a qualified, licensed, and professional engineer that, in terms of location and construction, there are no existing towers, tower-based WCF, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a one-mile radius of the chosen location, unless the applicant can demonstrate to the satisfaction of the Township that a different distance is more reasonable. Co-location is not possible if:

(1) Coverage diagrams and technical reports demonstrate that co-location on an existing tower-based WCF is not technically possible in order to serve the desired need.

(2) Planned equipment would exceed the structural capacity of existing towers within the Township, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

(3) Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost.

(4) Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned.

(5) Other reasons can be demonstrated to the satisfaction of the Township that make it impractical to place the equipment planned by the applicant on existing and approved towers.

C. Sole Use on a Lot. A tower-based WCF is permitted as the sole use on a lot subject to the minimum lot size and setbacks complying with the requirements of the applicable zoning district.

D. Combined with Another Use. A tower-based WCF may be permitted on a property with an

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existing use or on a vacant parcel in combination with another agricultural, industrial, commercial, or municipal use, subject to the following conditions:

- (1) The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the communications facility.
- (2) Minimum Lot Area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF, the communications facility building, security fence, and buffer planting.
- (3) Minimum Setbacks. The ~~tower-based WCF and~~ accompanying communications facility building ~~and equipment~~ shall comply with the requirements for the applicable zoning district, ~~provided that no tower-based WCF shall be located within 500 feet of the nearest adjoining property line.~~

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E. Notice. Upon receipt of a letter of a complete application by the Township for a tower-based WCF, the applicant shall mail notice thereof to the owner or owners of every property within 500 radial feet of the parcel or property of the proposed facility. The applicant shall provide the Township with evidence that the notice was mailed out to applicable property owners.

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F. Design and Construction.

- (1) The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
- (2) To the extent permissible under applicable law, any height extensions to an existing tower-based WCF shall require prior approval of the Township. The Township reserves the right to deny such requests based upon aesthetic and land use impact, or any other lawful considerations related to the character of the Township.
- (3) Any proposed tower-based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is over 60 feet in height. Tower-based WCF must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at various heights.
- (4) Guy wires are not permitted. The monopole must be self-supporting.

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G. Surrounding Environs. A soil report complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222-G Manual, as amended, shall be submitted to the Township to document and verify design specifications of the foundation for the tower-based WCF.

H. Fence/Screen.

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(1) A security fence of approved design, of not less than eight feet in height and no greater than 10 feet in height, shall completely enclose the tower-based WCF. The fencing required in must also have a one-foot barbed arm slanted at a 45° angle facing outwards which runs along the entire top of the fence unless the Board of Supervisors waives such requirement.

(2) The applicant shall submit a landscaping plan. Sites in which communications towers are located shall be required to comply with the following landscape requirements:

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(a) Landscaping, consisting of evergreen plantings which shall reach a height of at least eight feet within five years of planting shall be required at the perimeter of the security fences and WCF. Existing wooded areas, tree lines and hedgerows adjacent to the facility shall be preserved and used to substitute or meet a portion of the buffer yard requirements. When the WCF is located in a developed commercial or industrial area, the Board of Supervisors may waive the buffer yard regulations in exchange for another type of screening which is compatible with the surrounding land use.

(3) Where feasible/appropriate, the tower or antenna shall be constructed to blend in with the surrounding area.

(4) No signs or any form of advertising of any kind shall be permitted on the WCF or antennas. However, one sign, not to exceed two square feet in gross surface area, which identifies the phone number and contact in the event of an emergency is required. In addition, "No Trespassing" signs may be placed on the security fencing in accordance with the Township's Sign Ordinance (Chapter 19).

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I. Accessory Equipment.

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(1) Ground-mounted equipment associated with, or connected to, a tower-based WCF shall be underground, if possible. In the event that an applicant can demonstrate that the equipment cannot be located underground to the satisfaction of the Township Engineer, then the ground-mounted equipment shall be screened from public view using stealth technologies, as described above.

(2) All buildings and structures associated with a tower-based WCF shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.

J. Access Road. An access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. The vehicular access to the tower-based WCF and communications facility building shall meet the applicable municipal street standards for private streets and/or driveway standards. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.

K. Inspection. The Township reserves the right to inspect any tower-based WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code of Ordinances or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

~~4. Tower Based Wireless Communications Facilities Inside the Rights of Way. The following regulations shall apply to tower based wireless communications facilities located in the rights of way (ROW):~~

~~A. Permitted Where Aboveground Utility Infrastructure Exists. No tower based wireless communications facilities shall be located in areas where utility infrastructure is installed underground.~~

~~(1) In areas not served by aboveground utility infrastructure, tower based WCF may be constructed at intersections of arterial and arterial street classifications and arterial and collector street classifications to provide coverage and capacity.~~

~~B. Evidence of Need. It is required that the applicant for the placement of a tower based WCF shall submit to Ferguson Township evidence of the need for the tower based WCF in the proposed location and that the applicant has exhausted all alternatives to locate on an existing tower or structure (co location). In addition, the applicant must demonstrate via written evidence from a qualified, licensed, professional engineer that, in terms of location and construction, there are no existing towers, tower based WCF, buildings, structures, elevated tanks or similar uses able to provide the platform for the antenna within a 1/2 mile radius of the chosen location, unless the applicant can demonstrate to the satisfaction of the Township that a different distance is more reasonable. Co location is not possible if:~~

~~(1) Capacity diagrams and technical reports demonstrate that co location on an existing tower based WCF is not technically possible in order to serve the desired need.~~

~~(2) Planned equipment would exceed the structural capacity of existing towers within the Township, considering existing and planned use of those towers and existing towers cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.~~

~~(3) Planned equipment will cause radio frequency (RF) interference with other existing or planned equipment for that tower and the interference cannot be prevented at a reasonable cost.~~

~~(4) Existing or approved towers do not have the space on which planned equipment can be placed so it can function effectively and at least in parity with other similar equipment in place or planned.~~

~~(5) Other reasons can be demonstrated to the satisfaction of the Township that make it impractical to place the equipment planned by the applicant on existing and approved towers.~~

~~C. Notice. Upon submission of an application for a tower based WCF, the applicant shall mail~~

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**Commented [WJ1]:** This whole section to be repealed in its entirety and replaced with a Small Cell Facilities ordinance (§27-710A—Small Cell Facilities. This section is no longer relevant, since all of the operative issues comply with Act 50 and federal law are now addressed in (new) Section 710A.

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notice thereof to the owner or owners of every property within 500 feet of the parcel or property of the proposed facility. The applicant shall provide the Township with evidence that the notice was mailed out to applicable property owners.

D. ~~Co Location. An application for a new tower based WCF in the ROW shall not be approved unless the Township finds that the proposed wireless communications equipment cannot be accommodated on an existing structure, such as a utility pole. Any application for approval of a tower based WCF shall include a comprehensive inventory of all existing towers and other suitable structures within a 1/2 mile radius from the point of the proposed tower, unless the applicant can show to the satisfaction of the Township that a different distance is more reasonable, and shall demonstrate conclusively why an existing tower or other suitable structure cannot be utilized. Co location shall not be permitted on ornamental streetlight fixtures.~~

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E. ~~Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all tower based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.~~

F. ~~Equipment Location. Tower based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township in addition:~~

(1) ~~In no case shall ground mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb. In the absence of a curb, facility must be located outside the safe clear zone of the roadway as determined by Public Works Director.~~

(2) ~~Ground mounted equipment that cannot be underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.~~

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(3) ~~Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.~~

(4) ~~Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.~~

(5) ~~Any underground vaults related to tower based WCF shall be reviewed and approved by the Township.~~

G. ~~Design Regulations.~~

(1) ~~The WCF shall employ the most current stealth technology available in an effort to appropriately blend into the surrounding environment and minimize the aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.~~

~~(2) Any height extensions to an existing tower based WCF shall require prior approval of the Township, and shall not increase the overall height of the tower based WCF to more than 50 feet. The Township reserves the right to deny such requests based upon aesthetic and land use impact or any other lawful considerations related to the character of the Township.~~

~~(3) Guy wires are not permitted. The monopole must be self supporting.~~

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~~H. Additional Antennas. As a condition of approval for all tower based WCF in the ROW, the WCF applicant shall provide the Township with a written commitment that it will allow other service providers to co-locate antennas on tower based WCF where technically and economically feasible. The owner of a tower based WCF shall not install any additional antennas without obtaining the prior written approval of the Township.~~

~~I. Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an emergency, an owner of a tower based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and the applicable public utility commission regulations, shall determine that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:~~

~~(1) The construction repair, maintenance, or installation of any Township or other public improvement in the right of way.~~

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~~(2) The operations of the Township or other governmental entity in the right of way.~~

~~(3) Vacation of a street or road or the release of a utility easement.~~

~~(4) An emergency as determined by the Township.~~

~~J. Compensation for ROW Use. In addition to the permit fees, every tower based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each tower based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for tower based WCF shall be determined by the Township and authorized by resolution of the Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such tower based WCF.~~

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~~K. Restoration Deposit. Prior to the issuance of a permit, the owner of each individual tower based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Director of Public Works, or his designee. The return of the deposit shall be contingent upon the proper restoration of the ROW and compliance with the terms and conditions of this section. Upon installation of the tower based WCF, the applicant shall notify the Township that~~

~~the site is ready for inspection. The Public Works Director or his designee shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the applicant within 30 days. The restoration deposit may be forfeited in whole or in part to the Township if any work is found to be incomplete or not in compliance with all applicable standards.~~

5. General Requirements for All Non-Tower-Based Wireless Communications Facilities.

A. For the purposes of this section, the regulations shall only apply to non-tower-based wireless communications facilities that are not regulated by the Pennsylvania Wireless Broadband Collocation Act, except where noted or where otherwise permitted by law.

B. The following regulations shall apply to all non-tower-based wireless communications facilities that do not substantially change the physical dimensions of the wireless support structure to which they are attached, as defined above:

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(1) Permitted in All Zones Subject to Regulations. Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

(2) Standard of Care. Any non-tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including, but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower-based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

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(3) Wind. Any non-tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

(4) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.

(5) Aviation safety Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.

(6) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

(7) Removal. In the event that the use of a non-tower-based WCF is discontinued, the owner

shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:

(a) All abandoned or unused WCF and accessory facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.

(b) If the WCF and/or accessory facilities are not removed within three months of the cessation of operations, or within any longer period of time approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.

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(8) **Timing of Approval.** Within 30 calendar days of the date that an application for a non-tower-based WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such application. Within 60 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's sixty-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.

(9) **Application Fees.** The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs. Such fees may be assessed by applicable federal or state statute for relevant co-located facilities and other non-tower-based WCF.

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C. The following regulations shall apply to all non-tower-based wireless communications facilities that substantially change the wireless support structure to which they are attached:

(1) **Permitted in All Zones Subject to Regulations.** Non-tower-based WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to the prior written approval of the Township.

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(2) **Standard of Care.** Any non-tower-based WCF shall be designed, constructed, operated, maintained, repaired, modified, and removed in strict compliance with all current applicable technical, safety, and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any non-tower-based WCF shall at all times be kept and maintained in good condition, order, and repair by qualified maintenance and construction personnel, so that the same shall not endanger the life of any person or any property in the Township.

(3) **Wind.** Any non-tower-based WCF structure shall be designed to withstand the effects of wind according to the standard designed by the American National Standards Institute as

prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI EIA/TIA-222-G, as amended).

- (4) Public Safety Communications. No non-tower-based WCF shall interfere with public safety communications or the reception of broadband, television, radio, or other communication services enjoyed by occupants of nearby properties.
- (5) Historic Buildings. Non-tower WCF may not be located on a building or structure that is on an historic register or a building or structure listed for inclusion on a historic register.
- (6) Aviation Safety. Non-tower-based WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (7) Maintenance. The following maintenance requirements shall apply:
  - (a) The non-tower-based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or emergency repair.
  - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
  - (c) All maintenance activities shall utilize nothing less than the best available technologies for preventing failures and accidents.
- (8) Radio Frequency Emissions. No non-tower-based WCF shall, by itself or in conjunction with other WCF, generate radio frequency emissions in excess of the standards and regulations of the FCC, including, but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.
- (9) Removal. In the event that the use of a non-tower-based WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
  - (a) All abandoned or unused WCF and necessary facilities shall be removed within three months of the cessation of operations at the site unless a time extension is approved by the Township.
  - (b) If the WCF or accessory facility is not removed within three months of the cessation of operations, or within any longer period of time approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
  - (c) Timing of Approval. Within 30 calendar days of the date that an application for a non-tower-based WCF is filed with the Township, the Township shall notify the applicant, in writing, of any information that may be required to complete such

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application. Within 60 calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the applicant, in writing, of such decision. If additional information was requested by the Township to complete an application, the time required by the applicant to provide the information shall not be counted toward the Township's sixty-day review period. This standard shall only apply to facilities that are regulated by the Pennsylvania Wireless Broadband Collocation Act.

- (d) **Retention of Experts.** The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the non-tower-based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of this section. The applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (e) **Restoration Deposit.** Prior to the issuance of a permit, the owner of each individual tower-based WCF shall, at its own cost and expense, deliver a restoration deposit in an amount determined by the Director of Public Works, or his designee. The return of the deposit shall be contingent upon, where applicable, the proper restoration of the ROW and compliance with the terms and conditions of this section. Upon installation of the tower-based WCF, the applicant shall notify the Township that the site is ready for inspection. The Public Works Director or his designee shall inspect the site and, if it is found to be satisfactory, the restoration deposit shall be refunded to the applicant within 30 days. The restoration deposit may be forfeited in whole or in part to the Township if any work is found to be incomplete or not in compliance with all applicable standards.
- (f) **Permit Fees.** The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a non-tower-based WCF, as well as related inspection, monitoring and related costs.

6. **Non-Tower-Based Wireless Communications Facilities Outside the Rights-of-Way.** The following additional regulations shall apply to non-tower-based wireless communications facilities located outside the rights-of-way that substantially change the wireless support structure to which they are attached:

- A. **Development Regulations.** Non-tower-based WCF shall be co-located on existing structures such as existing building or tower-based WCF subject to the following conditions:
  - (1) Such WCF does not exceed a maximum height of 10 feet above the permitted height of any structure in the applicable zoning district.
  - (2) If the WCF applicant proposes to locate the communications equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.

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- (3) A six-foot-high security fence with evergreen screening shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.

B. Design Regulations.

- (1) Non-tower-based WCF shall employ stealth technology and be treated to match the supporting structure in order to minimize the aesthetic impact. The application of the stealth technology chosen by the WCF applicant shall be subject to the approval of the Township.
- (2) Non-tower-based WCF which are mounted to a building or similar structure may not exceed a height of 15 feet above the roof or parapet, whichever is higher, unless the WCF applicant obtains a conditional use approval.
- (3) All non-tower-based WCF applicants must submit documentation to the Township justifying the total height of the non-tower structure. Such documentation shall be analyzed in context of such justification on an individual basis.
- (4) Antennas, and their respective accompanying support structures, shall be no greater in diameter than any cross-sectional dimension that is reasonably necessary for their proper functioning.
- (5) Noncommercial Usage Exemption. The design regulations enumerated in § 27-710, Subsection 6A(2), shall not apply to direct broadcast satellite dishes installed for the purpose of receiving video and related communications services at residential dwellings.

C. Removal, Replacement, and Modification.

- (1) The removal and replacement of non-tower-based WCF and/or accessory equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not increase the overall size of the WCF or the numbers of antennas.
- (2) Any material modification to a WCF shall require prior amendment to the original permit or authorization.

D. Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of this section and any other provisions found within the Township Code of Ordinances or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.

- 7. ~~Non Tower Based Wireless Communications Facilities in the Rights of Way. The following additional regulations shall apply to all non tower based wireless communications facilities located in the rights of way:~~

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Commented [WJ2]: This section should be repealed in its entirety and replaced with a Small Cell Facilities ordinance (§27-710A—Small Cell Facilities). This section is no longer relevant.

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~~A. Location. Non-tower based WCF in the ROW shall be co-located on existing poles, such as utility poles. Co-location shall not be permitted on ornamental streetlight fixtures.~~

~~B. Design Requirements.~~

~~(1) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.~~

~~(2) Antennas and all support equipment shall be treated to match the supporting structure. WCF and accompanying equipment shall be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.~~

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~~C. Compensation for ROW Use. In addition to the permit fees as described in § 27-710, Subsection 5B(9), and otherwise herein, every non-tower based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable compensation to be paid for use and occupancy of the ROW. Such compensation for ROW use shall directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising, and other ROW management activities by the Township. The owner of each non-tower based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above. The annual ROW management fee for non-tower based WCF shall be determined by the Township and authorized by resolution of the Board of Supervisors and shall be based on the Township's actual ROW management costs as applied to such non-tower based WCF.~~

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~~D. Time, Place, and Manner. The Township shall determine the time, place, and manner of construction, maintenance, repair, and/or removal of all non-tower based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place, and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.~~

~~E. Equipment Location. Non-tower based WCF and accessory equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:~~

~~(1) In no case shall ground-mounted equipment, walls, or landscaping be located within 18 inches of the face of the curb. In the absence of a curb, facility must be located outside the safe clear zone of the roadway as determined by Public Works Director.~~

~~(2) Ground-mounted equipment shall be located underground. In the event an applicant can demonstrate, to the satisfaction of the Township Engineer, that ground-mounted equipment cannot be underground, then all such equipment shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the~~

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~~satisfaction of the Township.~~

~~(3) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.~~

~~(4) Any graffiti on the tower or any accessory equipment shall be removed at the sole expense of the owner within 10 business days of notice of the existence of the graffiti.~~

~~(5) Any underground vaults related to tower based WCF shall be reviewed and approved by the Township.~~

~~F. Relocation or Removal of Facilities. Within 60 days following written notice from the Township, or such longer period as the Township determines is seasonably necessary, or such other period in the case of an emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change, or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change, or alteration is reasonably necessary under the following circumstances:~~

~~(1) The construction, repair, maintenance, or installation of any Township or other public improvement in the right of way.~~

~~(2) The operations of the Township or other governmental entity in the right of way.~~

~~(3) Vacation of a street or road or the release of a utility easement.~~

~~(4) An emergency as determined by the Township.~~

~~G. Visual and/or Land Use Impact. The Township retains the right to deny an application for the construction or placement of a non tower based WCF based upon visual and/or land use impact.~~

## 8. Violations Applicable to All Wireless Communications Facilities.

A. Penalties. Any person violating any provision of this section shall be subject, upon finding by a Magisterial District Judge, to a penalty not exceeding \$500, for each and every offense, together with attorneys' fees and costs. A separate and distinct violation shall be deemed to be committed each day on which a violation occurs or continues to occur. In addition to an action to enforce any penalty imposed by this section and any other remedy at law or in equity, the Township may apply to a federal district court for an injunction or other appropriate relief at law or in equity to enforce compliance with or restrain violation of any provision of this section.

B. Determination of Violation. In the event a determination is made that a person has violated any provision of this section, such person shall be provided written notice of the determination and the reasons therefor. Except in the case of an emergency, the person shall have 30 days to cure the violation. If the nature of the violation is such that it cannot be fully cured within such time

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period, the Township may, in its reasonable judgment, extend the time period to cure, provided that person has commenced to cure and is diligently pursuing its efforts to cure. If the violation has not been cured within the time allowed, the Township may take any and all actions authorized by this section and/or federal and/or Pennsylvania law and regulations.

9. Miscellaneous.

- A. Police Powers. The Township, by granting any permit or taking any other action pursuant to this section, does not waive, reduce, lessen, or impair the lawful police powers vested in the Township under applicable federal, state, and local laws and regulations.
- B. Severability. If any section, subsection, sentence, clause, phrase, or word of this section is for any reason held illegal or invalid by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not render the remainder of this section invalid.

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§ 27-710A Small Wireless Facilities

1. Purpose and Intent.

- A. The purpose of this Chapter is to establish procedures and standards, consistent with all applicable federal and state, laws, for the consideration, permitting, siting, construction, installation, collocation, modification, operation, regulation and removal of Small Wireless Facilities ("SWF") in the public right-of-way of streets and roads.
- B. The intent of this Chapter is to:
  - (1) Establish basic criteria for applications to install and/or collocate SWFs in the public right-of-way;
  - (2) Ensure that SWFs are appropriately designed, constructed, modified, maintained, and removed when no longer in use in conformance with all applicable health and safety regulations;
  - (3) Preserve the character of the Township by minimizing the potentially adverse visual impact of SWFs through careful design, siting, landscaping and camouflaging techniques to blend these facilities into their environment to the maximum extent practicable;
  - (4) Establish an application process and structure for payment of fees and charges to be uniformly applied to all applicants, operators and owners of SWFs for such facilities;
  - (5) Comply with, and not conflict with or preempt, all applicable state and federal laws, as may be amended or superseded, and all FCC rules and regulation to interpret and implement applicable federal statutes; and
  - (6) Limit interference with the use of streets, sidewalks, alleys, parkways, public utilities, public views, certain Township corridors, and other public ways and places.
- C. Zoning. Applications to collocate a SWF or install or modify an associated utility pole in

the rights-of-way shall be treated as a permitted use pursuant to Act 50 of 2021, the *Small Wireless Facilities Deployment Act*, and exempt from local zoning where required by the Act. All other wireless facilities not meeting the definition of a small wireless facility shall remain subject to applicable zoning requirements.

D. This Chapter is intended to implement the requirements of the *Small Wireless Facilities Deployment Act*. Failure of the Township to include all language set forth in that Act in this Ordinance does not constitute a waiver of any right under the Act.

2. Applicability.

A. The provisions of this Chapter shall only apply to activities of a wireless provider within the right-of-way to deploy SWFs and associated new utility poles with small wireless facilities attached.

3. Definitions.

The following words and phrases when used in this Chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

**ACCESSORY EQUIPMENT**

Any equipment serving or being used in conjunction with a wireless communications facility or wireless support structure. The term ‘Accessory Equipment’ includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or similar structures.

**APPLICABLE CODES**

Any of the following: (1) uniform building, fire, electrical, plumbing or mechanical codes adopted by a recognized code organization or local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons. (2) Ferguson Township zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances.

**APPLICANT**

A communications service provider that submits an application.

**APPLICATION**

A request submitted by an applicant to the Township (1) for a permit to collocate small wireless facilities; or (2) to approve the installation, modification or replacement of a utility pole with a small wireless facilities to be attached.

**EMERGENCY**

A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the rights-of-way to be unusable and result in loss of the services provided.

**FEDERAL COMMUNICATIONS COMMISSION OR “FCC”**

The Federal Communications Commission.

**MICRO WIRELESS FACILITY**

A small wireless facility that (1) does not exceed two cubic feet in volume and (2) has an exterior

antenna no longer than 11 inches.

#### **MODIFICATION OR MODIFY**

The improvement, upgrade, expansion or replacement of a wireless communications facility or base station on an existing wireless support structure or the improvement, upgrade, or expansion of the wireless communications facility located within an existing equipment compound, if the improvement, upgrade, or expansion does not substantially change the physical dimensions of the wireless support structure.

#### **TECHNICALLY FEASIBLE**

By virtue of engineering or spectrum usage, the proposed placement for a wireless facility or its design or site location can be implemented without a material reduction in the functionality of the wireless facility.

#### **UTILITY POLE**

A pole or similar structure that is or may be used, in whole or in part, by or for telecommunications, electric distribution, lighting, traffic control, signage or a similar function or for collocation. The term includes the vertical support structure for traffic lights but does not include wireless support structures or horizontal structures to which signal lights or other traffic control devices are attached.

#### **WIRELESS PROVIDER**

A wireless infrastructure provider or a wireless services provider.

#### **WIRELESS SERVICES**

Services, whether at a fixed location or mobile, using a licensed or unlicensed spectrum, provided to the public using wireless facilities.

#### **WIRELESS SERVICES PROVIDER**

A person who provides wireless services.

#### **4. Right-of-Way Rates and Fees.**

Wireless providers shall be required to pay an annual Wireless Use Fee for the use of the right-of-way. The Wireless Use Fee shall be set by Resolution of the Township Board of Supervisors. The Township may amend the fee from time to time by resolution of the Township Board of Supervisors to a rate not to exceed the maximum rate which it demonstrates is a reasonable approximation of the Township's costs to manage the right-of-way, consistent with law.

#### **5. Right of Access.**

A. In accordance with the Small Wireless Facilities Deployment Act, and with the permission of the owner of the structure, a wireless provider shall have the right to perform the following within the public right-of-way:

- (1) Collocate a small wireless facility.
- (2) Replace an existing utility pole or install a new utility pole with attached small wireless facilities.

B. Collocation. In accordance with the Small Wireless Facilities Deployment Act, collocation

on Township-owned poles may be permitted unless the small wireless facility would cause structural or safety deficiencies to the municipal pole, in which case the Township and applicant shall work together for any make-ready work or modifications or replacements that are needed to accommodate the small wireless facility.

- C. All structures and facilities shall be installed and maintained so as not to obstruct nor hinder travel or public safety within the right-of-way or obstruct the legal use of the right-of-way by the Township and utilities.

6. Permitted Use: Application and Fees

- A. Permit Required. No person shall place a SWF or associated utility pole in the ROW, without first filing an application and obtaining a permit therefore, except as otherwise provided in this Chapter.
- B. Application. All applications for the permits filed pursuant to this Chapter shall be on a form, paper or electronic, provided by the Township.
- C. Application Requirements. An application shall be made by the wireless provider or its duly authorized representative, and shall contain at a minimum the following:
- (1) The wireless provider's name, address, telephone number, and e-mail address.
  - (2) The applicant's name, address, telephone numbers, and e-mail address, if different than the wireless provider, and its interest in the work.
  - (3) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the filing of the application.
  - (4) A general description of the proposed work and the purposes and intent of the small wireless facilities. The scope and detail of such description shall be appropriate to the nature and character of the work to be performed, with special emphasis on those matters likely to be affected or impacted by the work proposed.
  - (5) A site plan, with sufficient detail to show the proposed location of items the applicant seeks to install in the ROW, including any manholes or poles, the size, type, and depth of any conduit or enclosure.
  - (6) An attestation that the SWFs will be operational for use by a wireless services provider within one year after the permit issuance date unless the Township and the applicant agree to extend this period.
  - (7) An attestation that to the best of the applicant's knowledge, the information contained in the application is true.
  - (8) Whether each SWF is proposed to be installed on an existing pole or structure or a new pole or structure.
  - (9) The name of the owner of the pole or structure on which the SWF is proposed to be installed and the address, phone number, email address of the owner's contact person.

- (10) If a SWF is proposed to be installed on a pole or structure owned by a party other than the applicant, the application shall be accompanied by a written confirmation of the owner's agreement to allow the applicant to locate each SWF on such owner's pole or structure.
- (11) Documentation in form of both narrative and drawings indicating the size of each proposed SWF, the height of the pole or structure on which each is proposed to be installed, and the cubic volume of each SWF.

D. When Application Not Required. An application shall not be required for: (i) routine maintenance; (ii) the replacement of a small wireless facility with another small wireless facility that is substantially similar in size, weight, and height; or (iii) for the installation, placement, maintenance, operation, or replacement of micro wireless facilities that are strung on cables between existing utility poles, in compliance with the National Electrical Safety Code. A permit may be required to perform work within the right-of-way for the activities under paragraph (D), for work that involves excavation, closure of a sidewalk or closure of a vehicular lane.

E. Application Fees. All applications for permits for SWFs shall be accompanied by an Application Processing and Review Fee to be set by Resolution of the Board of Supervisors and may be amended from time to time. The applicant will be assessed an additional Application Processing and Review Fee at the end of the review process should the Township's actual costs of reviewing the application exceed the Application Processing and Review Fee. This Application Processing and Review Fee will be equal to 100% of the Township's costs (including administration, overhead, legal, consulting, etc.) for the review and processing of the Application and granting a Use Agreement. Upon approval of an Application and written acceptance of the Township's authorization by an Applicant, the Applications Processing and Review Fee shall be invoiced to the Applicant.

F. Consolidated Applications. An applicant may submit a consolidated Application for up to 20 SWFs, subject to the following:

- (1) A single applicant shall not exceed applications for 20 SWFs in a 30-day period;
- (2) The denial of one or more SWFs in a consolidated application shall not delay processing of any other SWFs in the same consolidated application;
- (3) A single permit may be issued for siting and collocating multiple SWFs spaced to provide wireless coverage in a contiguous area; and
- (4) If multiple applicants submit applications cumulatively exceeding 20 SWFs applications within a 30-day period, the extensions to deadlines provided for in the Small Wireless Facilities Act shall apply.

## 7. Action on Permit Applications.

### A. Review of Small Wireless Facility and Utility Pole Applications.

- (1) Within ten days of receiving an initial application, the Township will determine and notify the applicant whether the application is materially complete. In an application is materially incomplete, the Township will specifically identify the missing documents or information, and the specific rule or regulation creating the

obligation to submit such documents or information. The review clock set forth in subsection (2) shall restart at zero on the date which the applicant submits all documents and information identified by the Township to make the application complete. If the applicant's supplemental submission fails to make the application complete, and the Township notifies the applicant within 20 days of the supplemental submission and clearly and specifically identifies the missing documents or information, the applicable review clock set forth in subsection (2) shall be tolled until the applicant provides the missing documents and information. The review clock resumes on the date when the applicant submits all the documents and information. The review clock resumes on the date when the applicant submits all the documents and information identified by the Township to render the applicant complete.

- (2) All applications shall be processed on a non-discriminatory basis, and the Township shall approve or deny an application for: (i) collocation of SWFs on an existing structure within 60 days of receipt of the application, or (ii) within 90 days for applications to deploy a SWF using a new structure.
- (3) An applicant and the Township may enter into a written agreement to toll the time periods set forth in Subsection (2).
- (4) If the Township fails to issue a decision on an application for a SWF within the required time periods set forth in Section 27-710.7(A)(2), it shall constitute a deemed approval.
- (5) A Township may deny a proposed collocation of a SWF or installation or modification of a utilities pole only if the proposed application:
  - i. The SWF materially interferes with the safe operation of traffic control equipment, sight lines or clear zones for transportation or pedestrians or compliance with the Americans with Disabilities Act of 1990 (Public Law 101•336, 104 Stat. 327) or similar Federal or State standards regarding pedestrian access or movement.
  - ii. The SWF fails to comply with the applicable codes.
  - iii. The SWF fails to comply with the requirements specified under the Small Wireless Facilities Deployment Act.
  - iv. The applicant fails to submit a report by a qualified engineering expert which shows that the SWF will comply with applicable FCC regulations.
- (6) The Township must document the basis for a denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant on or before the day the Township denies an application. The applicant may cure the deficiencies identified by the Township and resubmit the application within 30 days of the denial without paying an additional application fee. The Township shall approve or deny the revised application within 3 days. Any subsequent review shall be limited to the deficiencies cited in the denial.
- (7) The applicant may cure the deficient identified by the Township and resubmit the

application within 30 days of receiving the written basis for the denial without being required to pay an additional application fee. The Township shall approve or deny the revised application within 30 days of the application being resubmitted for review or the resubmitted application shall be limited to the deficiencies cited in the denial. If the resubmitted application addresses or changes other section of the application that were not previously denied, the Township shall be given an additional 15 days to review the resubmitted application and may charge an additional fee for the review.

B. Permit Scope and Effect. Installation, modification, or collocations for which a permit is granted pursuant to this section shall be completed within one year after the permit issuance date unless the Township and the applicant agree to extend this period. Approval of an application authorizes the applicant to:

- (1) Collocate on an existing utility pole, modify, or replace a utility pole or install a new utility pole with SWFs attached as identified in the initial application.
- (2) Subject to the permit requirements and the applicant's right to terminate at any time, operate and maintain SWFs and any associated equipment on a utility pole covered by the permit for a period of five years, which shall be renewed for two additional five-year periods if the applicant is in compliance with the criteria set forth in the Small Wireless Facilities Deployment Act and applicable codes, and the applicant has obtained all necessary consent from the utilities pole owner.

C. Authority Granted; No Property Right or Other Interest Created. A permit from the Township authorizes an applicant to undertake only certain activities in accordance with this Chapter and does not create a property right or grant authority to the applicant to impinge upon the rights of other who may already have an interest in the ROW.

#### 8. Design Criteria and Permit Review.

A. Upon receipt of a completed application for a SWF Permit and all required fees, the Township Zoning Officer or respective designee shall review the application to determine whether the proposed SWF and support structure or pole comply with the following design criteria:

- (1) The structure on which antenna facilities are mounted: (a) an existing utility pole, provided the installation does not extend more than 5 feet above the pole; and (b) a new or replacement pole are not taller than 50 feet. Any height in excess of these limits shall require an application to the Zoning Hearing Board for a variance;
- (2) Each antenna associated with the deployment (excluding the associated equipment) may be no more than three cubic feet in volume; and
- (3) All other equipment associated with the facility (excluding antenna) are cumulatively no more than 28 cubic feet in volume.

B. General Design Requirements

- (1) The Township may adopt by resolution Small Wireless Facility Design Guidelines with objective technically feasible criteria applied in a non-discriminatory manner that reasonably match the aesthetics and character of the immediate area.
- (2) The Small Wireless Facility Design Guidelines may include examples of SWF

preferences including visual depictions (if readily available and identified by the Township).

- (3) The provisions in this Chapter shall not limit or prohibit the Township's discretion to promulgate and make publicly available other information, materials, or requirements in additional to, and separate from, Small Wireless Facility Design Guidelines so long as the information, materials, or requirements do not conflict with federal or state law.
- (4) All SWFs and associated equipment located within the Public Right-of-Way shall be located such that it meets ADA requirements and does not hinder, obstruct or impede usual pedestrian and vehicular travel.
- (5) The Township shall have the authority to update or supplement the Small Wireless Facility Design Guidelines to address relevant changes in law, technology, or administrative processes.
- (6) Wireless Support Structure Design Standards.

- i. General Guidance.

1. SWF equipment must be indistinguishable from the support pole or structure to the greatest degree possible using matching colors, textures, and materials. The antennas and related equipment shall be in a color that will provide the most camouflage.
2. All wires, antennas, and other small wireless facility equipment shall be enclosed and not visible.
3. Screening and equipment enclosures shall blend with or enhance the surrounding context in terms of scale, form, texture, materials, and color. Equipment shall be concealed as much as possible by blending into the natural and/or physical environment.
4. Casing to enclose all wires, antennas, and other small wireless facility equipment may be mounted on top of existing and new poles in a cylinder shape to look like an extension of the pole.
5. Signage on all SWF will be no larger than required to be legible from street level. It may include contact information to be used by workers on or near the SWF and as otherwise required by federal or state law.
6. As a condition for approval of new SWFs or new Wireless Support Structure in a Historic District, the Applicant shall comply, to the greatest extent possible, with the design and aesthetic standards of the Historic District, or historic preservation standards in place, to minimize the negative impact to the aesthetics in these districts or areas.

9. Removal of Equipment.

- A. Within 60 days of a suspension or revocation of a permit due to noncompliance with applicable codes, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless

facilities and associated equipment are the only facilities on the utility pole, after receiving adequate notice and an opportunity to cure any noncompliance.

- B. Within 90 days of the end of a permit term or an extension of the permit term, the applicant shall remove the small wireless facility and any associated equipment, including the utility pole and any support structures if the applicant's wireless and associated equipment are the only facilities on the utility pole.

10. Restoration of the Right-of-Way.

Applicants are required to repair all damage directly caused by the activities of the applicant and return the right-of-way in as good of condition as it existed prior to any work being done. If the applicant fails to make the repairs required by the Township within 30 days after written notice, the Township may perform those repairs and charge the provider the reasonable, documented cost of the repairs plus a penalty not to exceed \$500. The Township may suspend the ability of an applicant to receive a new permit from the Township until the applicant has paid the amount assessed for the repair costs and the assessed penalty.

11. Indemnification.

Each person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for personal injury, including death, and property damage arising in whole or in part from, caused by or connect with any act or omission of the person., its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operations, maintenance or removal of the Non-Tower WCF. Each person that owns or operates a Non-Tower WCF shall defend any actions or proceedings again the Township in which it is claimed that personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgements, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.

12. Other Ordinances.

Nothing in this Ordinance shall be interpreted to relieve any individual from compliance with all other ordinances, resolutions, laws, and regulations of the Township.

13. Severability.

The provisions of this ordinance are severable, and if any section, sentence, clause, part, or provision hereof shall be held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, or parts of this Ordinance. It is here by declared to be the intent of the Township Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional sections, sentence, clause, part, or provisions had not been included herein.

**§ 27-1102 Definitions.**  
**[Ord. No. 1049, 11/18/2019]**

Unless a contrary intention clearly appears, the following words and phrases shall have a meaning given in this section. All words and terms not defined herein shall be used with a meaning of standard usage as

defined in Merriam Webster's Collegiate Dictionary, Eleventh Edition. Definitions found in the Subdivision and Land Development Ordinance (Chapter 22) shall be applicable to this chapter.

### **CABLE FACILITY**

Buildings, or other structure and equipment used by the owner or operator of a cable television system to provide service. As used in this definition, the term "cable system" shall have the meaning given to it in section 602(6) of the Cable Communications Policy Act of 1984 (Public Law 98-549, 47 U.S.C. §522(7)).

### **CO-LOCATION COLLOCATION OR COLLOCATE**

The placement or installation of new wireless telecommunications facilities on previously approved and constructed wireless support structures, including self-supporting or guyed monopoles and towers, electrical transmission towers, water towers, or any other structure not classified as a wireless support structure that can support the placement or installation of wireless telecommunications facilities if approved by the Township. The term includes the placement, replacement, or modification of accessory equipment within a previously approved communications facility building. To install, mount, maintain, modify, or replace wireless telecommunications facilities on an existing utility pole or other wireless support structure, and equipment within a previously approved communications facility building.

### **COMMUNICATIONS ANTENNA**

Any structure or device used for the purpose of collecting or transmitting electromagnetic waves including, but not limited to, directional antennas such as panels, microwave dishes, satellite dishes and omnidirectional antennas such as whip antennas. Communications antennas shall not include tower-based wireless communications facilities as defined below. Telecommunications equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless telecommunications services pursuant to Federal Communications Commission authorization, for the provisions of wireless service and any commingled services. Not included are antennas and supportive structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this chapter.

### **COMMUNICATIONS SERVICE PROVIDER**

Any of the following: (1) A cable operator as defined in section 602(4) of the Cable Communications Policy Act of 1984 (Public Law 98-549, 47 U.S.C. §522(5)). (2) A provider of information services as defined in section 3(20) of the Communications Act of 1934 (48 Stat. 1064, 47 U.S.C. §153(24)). (3) A telecommunications carrier as defined in section 3(44) of the Communications Act of 1934 (47 U.S.C. §153(51)). (4) A wireless provider.

### **HISTORIC DISTRICT**

A site that is within a historic district created pursuant to the act of June 13, 1961 (P.L.282, No. 167), entitled "An act authorizing counties, cities, Township, incorporated towns and Townships to create historic districts within their geographic boundaries; providing for the appointment of Boards of Historical Architectural Review; empowering governing bodies of political subdivisions to protect the distinctive historical character of these districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts."

### **MUNICIPAL POLE**

A utility pole owned, managed, or operated by or on behalf of the Township of Ferguson.

#### **NON-TOWER-BASED WIRELESS COMMUNICATIONS FACILITY**

~~All non tower based wireless communications facilities including, but not limited to, data collection units, communications antenna and related equipment. Non tower based WCF shall not include support structures for communications antenna and related equipment. Not included are towers and supporting structures on residential dwellings for private noncommercial amateur purposes including, but not limited to, ham radios and citizen band radios that are regulated by the residential district sections of this chapter.~~ Wireless communications facilities collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.

#### **PUBLIC UTILITY FACILITY**

~~For the purposes of this chapter, electric substations, automatic telephone exchanges, microrelay stations and the like (but excluding public sewer and water facilities and radio and television transmitters and towers) and any other public utility corporation when exempted from the provisions of this chapter by state law.~~ Buildings, other structures, and equipment owned or operated by public utility, as defined in 66 Pa. C.S. §102 (relating to definitions), to provide service.

#### **RIGHT-OF-WAY**

~~A corridor of land set aside for use, in whole or in part, by a street or other public purpose. The area on, below or above a public roadway, highway, street, sidewalk, alley, utility easement or similar property. The term does not include a federal interstate highway.~~

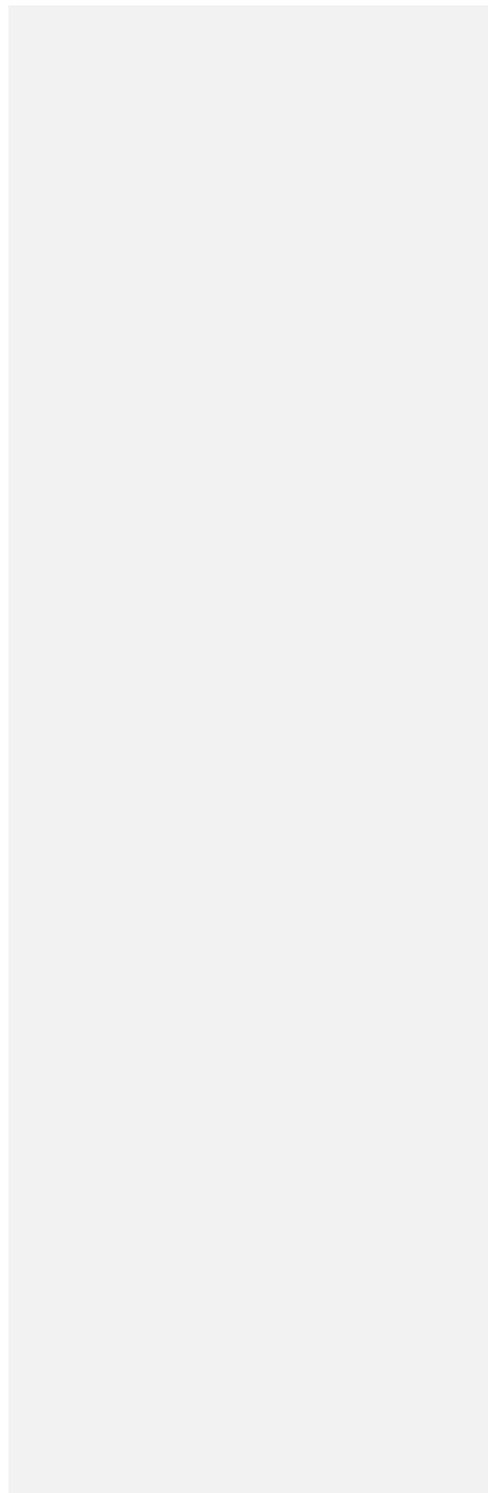
#### **SMALL WIRELESS FACILITY OR SWF**

The equipment and network components, including antennas, transmitters and receivers, used by a wireless provider that meet the following qualifications: (1) The structure on which antenna facilities are mounted— (i) is 50 feet or less in height, or (ii) is no more than 10 percent taller than other adjacent structures, or (iii) is not extended to a height more than 50 feet or by more than 10 percent above its preexisting height as a result of the collocation of new antenna facilities; and (2) Each antenna associated with the deployment (excluding the associated equipment) is no more than three cubic feet in volume; and (3) All antenna equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume. (4) The facilities do not require antenna structure registration under 47 CFR Part 17; (5) The facilities are not located on Tribal lands, as defined under 36 CFR 800.16(x); and (6) The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b).

#### **WIRELESS COMMUNICATION FACILITY**

- (1) Equipment at a fixed location that enables wireless service between user equipment and a communications network, including any of the following: (i) Equipment associated with wireless services; (ii) Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup power supplies or comparable equipment, regardless of technological configuration.
- (2) The term includes a small wireless facility.

(3) The term does not include any of the following: (i) The structure or improvements on, under or within which the equipment is collocated, (ii) The coaxial or fiber optic cables that are not immediately adjacent to or directly associated with a particular antenna.



§ 27-205.1 - District - Rural Agriculture (RA)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Agriculture	P
1	Agriculture Related Production	P
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Commercial Hunting Preserves	P
1	Communication Facilities*	C
1	Communication Towers*	C
1	Conservation Areas	P
1	Equestrian Facility (50 acres or greater)	P
1	Forestry	P
1	Landscape and Garden Center – Non-Retail (50 acres or greater)	P
1	Cemeteries	P
1	Cideries	P
1	Community Gardens	P
1	Country Club	C
1	Equestrian Facility	P
1	Essential Services – Type 1	P
1	Golf Course	C
1	Landscape and Garden Center – Retail	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Places of Assembly, Community	P
1	Places of Assembly, Regional	C
1	Single-Family Detached Dwelling on Non-Subdivided Lot – see Baseline Example Scenario and Example Scenario D	P
1	Solar Energy Systems (PSES)	P
1	Storage of Land Clearing Material	C
1	Water Production Facilities	P
1	Wind Energy Systems	P
2	Emergency Services	P
2	Farm Cafés	C
2	Farm Markets	C
2	Kennels	P
2	Pet Care Services Facility	C
2	Single-Family Detached Dwelling (one for every 50 acres of a primary use as determined and calculated before subdivision into smaller separate lots – see Example Scenario C)	P
2	Tasting Facilities	P
2	Veterinary Offices/Clinics	P

ACCESSORY USES		
Use	Area and Bulk Categories	
	1	2
Accessory Use Customarily Incidental to the Specified Principal Use	P	P
Agriculture/Environmental Education Program	P	
Agriculture	P	P
Agritourism	P	
Bed and Breakfast (1-3 rooms)	P	P
Bed and Breakfasts (10 rooms max.)	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P
Cideries	P	
Commercial Hunting Preserve	P	
Communication Facilities*	C	C
Communication Towers*	C	C
Community Garden	P	P
Community-Supported Agriculture Delivery Station	P	P
Composting – Small Scale	P	P
Day and Overnight Camping	P	
Dwelling Units	P	
Essential Services – Type 2	C	
Family Child-Care Homes	P	P
Farm Cafés	P	P
Farm Markets	P	P
Farm Stands by Road <2,000 SF	P	
Farm Stands by Road >2,000 SF	P	
Farm Structures, Traditional-Scale	P	
Farm Structures, Non-Traditional-Scale	P	
Food Trucks	P	P
General Storage to include Boat and RVs	P	P
Group Child-Care Homes	P	P
Home-Based Business, No-Impact (including Farm-Based Business, No Impact)	P	P
Home Occupation – Type 1	P	P
Home Occupation – Type 2	P	P
Horse Riding Stables/Riding Academies	P	
Incinerators, agricultural	P	
Kennels	C	
Pet Care Services Facility	P	P
Retail Establishments, Agriculture-Supported	P	
Retail Establishments, Value-Added Agriculture	P	
Non-Commercial Keeping of Livestock	P	
Short-Term Rentals	P	P
Silos	P	P
Sugar Shacks for Processing Sap from Trees on Different Lot	P	
Sugar Shacks for Processing Sap from Trees on Lot	P	P
Tasting Facilities	P	P
Usual Farm Structures, including Barns, Greenhouses, and Single- and Two-Family Dwellings not to Exceed Three Dwelling Units on a Lot – see Example Scenarios A, B, and E	P	
Veterinary Offices/Clinics	P	P
Welding Shops, Small Engine Repair	P	
Wind Energy Systems	C	C
Wineries/Tasting Facilities	P	

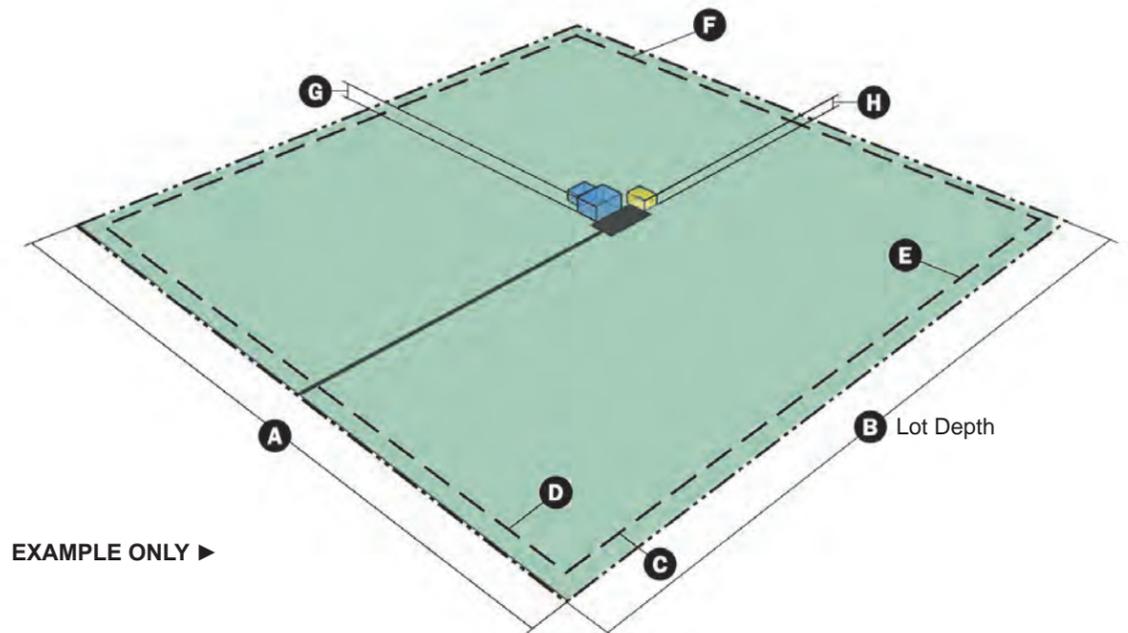
DIMENSIONS		AREA AND BULK CATEGORIES		
		1	2	
Minimum	Lot Size	50 ac	1 ac min. 2 ac max.	
		Lot Width	at Building Setback Line	
	at Street Line			
	Setback	D	Front Yard, for Principal Use on Local/Collector Street	50 ft
			Front Yard, for Principal Use on Arterial Street	50 ft
		E	Side Yard, for Principal Use	50 ft
F		Rear Yard, for Principal Use	50 ft	
Maximum	Height	G Principal Structure	50 ft	
		H Accessory Structure	60 ft	
Coverage	Building		n/a	
	Impervious Surface		10%	

**AREA AND BULK CATEGORIES:**

1 – usual farm structures and single- and two-family dwellings not to exceed three dwelling units on a lot

2 – other

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



EXAMPLE ONLY ▶

P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

§ 27-205.2 - District - Rural Residential (RR)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Agriculture	P
1	Agriculture Related Production	C
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Cideries/Wineries/Tasting Facilities	P
1	Commercial Hunting Preserves	C
1	Conservation Areas	P
1	Equestrian Facility (50 acres or greater)	P
1	Forestry	P
1	Group Homes	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Places of Assembly, Regional	C
1	Single-Family Detached Dwellings	P
2	Community Gardens	P
2	Emergency Services	P
2	Essential Services – Type 1	P
2	Farm Cafés	C
2	Farm Markets	C
2	Landscape and Garden Center- Retail	P
2	Landscape and Garden Center- Non Retail	C
2	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
2	Park and Outdoor Recreational Facilities, Community, Public	P
2	Personal Care Homes, Large	P
2	Pet Care Services Facility	C
2	Places of Assembly, Community	P
2	Solar Energy Systems (PSES)	C
2	Veterinary Offices/Clinics	P
2	Water Production Facilities	C
3	Single-Family Detached Dwellings	P
3	Seasonal Dwellings	P
3	Personal Care Homes, Small	P
4	Communication Facilities*	C
4	Communication Towers*	C
4	Wind Energy Systems	C
5	Mining and Quarrying	C

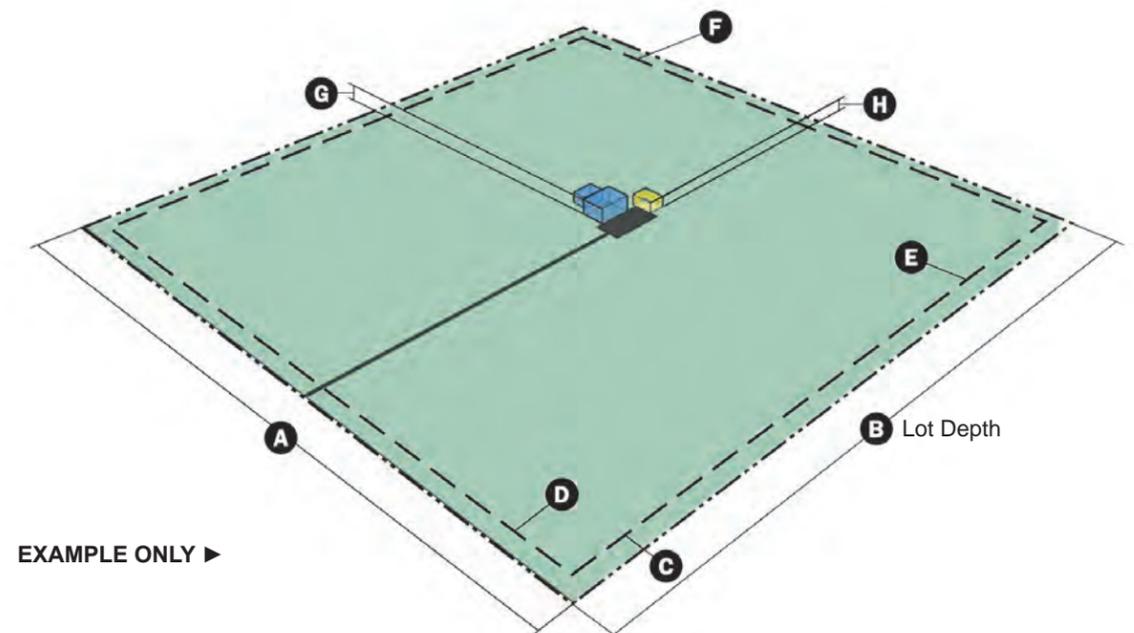
ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Agriculture/Environmental Education Program	P	P		P
Agriculture	P	P	C	P
Agritourism	P	P		P
Bed and Breakfasts (10 rooms max.)	P	P	P	
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Cemeteries	P	P		
Cideries/Wineries/Tasting Facilities	P			
Commercial Hunting Preserve	C			
Community Garden	P	P	P	P
Community-Supported Agriculture Delivery Station	P	P	P	
Composting – Small Scale	P	P		P
Day and Overnight Camping	P	P		
Dwelling Unit	P			
Essential Services – Type 2	C	C		C
Family Child-Care Homes	P	P	P	
Farm Cafés	P	P		
Farm Markets	C	C		
Farm Stands by Road <2,000 SF	P	P	C	
Farm Stands by Road >2,000 SF	P	P	P	
Farm Structures, Traditional-Scale	P	P		
Farm Structures, Non-Traditional-Scale	C	C		
Food Trucks	P	P	P	
General Storage to include Boat and RVs	P	P		
Group Child-Care Homes	P	P	P	
Home-Based Business, No-Impact (including Farm-Based Business, No Impact)	P	P	P	
Home Occupation – Type 1	P	P	P	
Home Occupation – Type 2	P	P	P	
Horse Riding Stables/Riding Academies	P	P	P	
Kennel	C			
Non-Commercial Keeping of Livestock	P	P	P	P
Retail Establishments, Agriculture-Supported	P	P		
Retail Establishments, Value-Added Agriculture	P	P		
Personal Care Homes, Small			P	
Seasonal Dwellings	P	P	P	
Short-Term Rentals	P		P	
Silos	P	P		P
Sugar Shacks for Processing Sap from Trees on Different Lot	P	P		
Sugar Shacks for Processing Sap from Trees on Lot	P	P		
Two-Family Dwellings			P	
Welding Shops, Small Engine Repair	P	P		

DIMENSIONS		AREA AND BULK CATEGORIES						
		1	2	3	4	5		
Minimum	Lot Size	10 ac	3 ac	1 ac	n/a	n/a		
		at Building Setback Line		150 ft	150 ft	150 ft	n/a	n/a
	Lot Width	at Street Line		150 ft	150 ft	100 ft	n/a	n/a
		Setback	D	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	20 ft	500 ft
	D		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft	n/a
	E		Side Yard, for Principal Use	50 ft	30 ft	30 ft	500 ft	n/a
F	Rear Yard, for Principal Use		75 ft	75 ft	30 ft	500 ft	n/a	
Maximum	Height	G	Principal Structure	50 ft	50 ft	50 ft	200 ft	n/a
		H	Accessory Structure	60 ft	40 ft	40 ft	20 ft	n/a
	Coverage	Building		n/a	30%	30%	n/a	n/a
Impervious Surface		5%	30%	30%	n/a	n/a		

AREA AND BULK CATEGORIES:

- 1 – agricultural and conservation activities
- 2 – non-residential uses
- 3 – dwellings
- 4 – utility and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

§ 27-205.3 - District - Agricultural Research (AR)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Administrative Office Buildings (associated with Advanced Agricultural Research)	P
1	Advanced Agricultural Research	P
1	Agriculture	P
1	Agriculture/Environmental Education Program	P
1	Any Use Performed by the State Game Commission	P
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Exhibit Halls and Museums	P
1	Forestry	P
1	General Natural Resource Research	P
1	General Weather, Radio and Satellite Research	P
1	Nature Education Centers	P
1	Recreation Facilities for Employees, Faculty & Students	P
1	Storage of Land Clearing Material	C
2	Farm Markets	C
2	Tasting Facilities	P
3	Archery and Shooting Ranges, Indoor	P
3	Community Gardens	P
3	Emergency Services (Ambulances, Fire, Police)	P
3	Essential Services – Type 1	C
3	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
3	Park and Outdoor Recreational Facilities, Community, Public	P
3	Park and Outdoor Recreational Facilities, Regional, Public	P
3	Places of Assembly, Neighborhood	P
3	Places of Assembly, Community	P
3	Places of Assembly, Regional	P
3	Solar Energy Systems (PSES)	C
4	Communication Facilities*	C
4	Communications Towers*	C
4	Wind Energy Systems	C

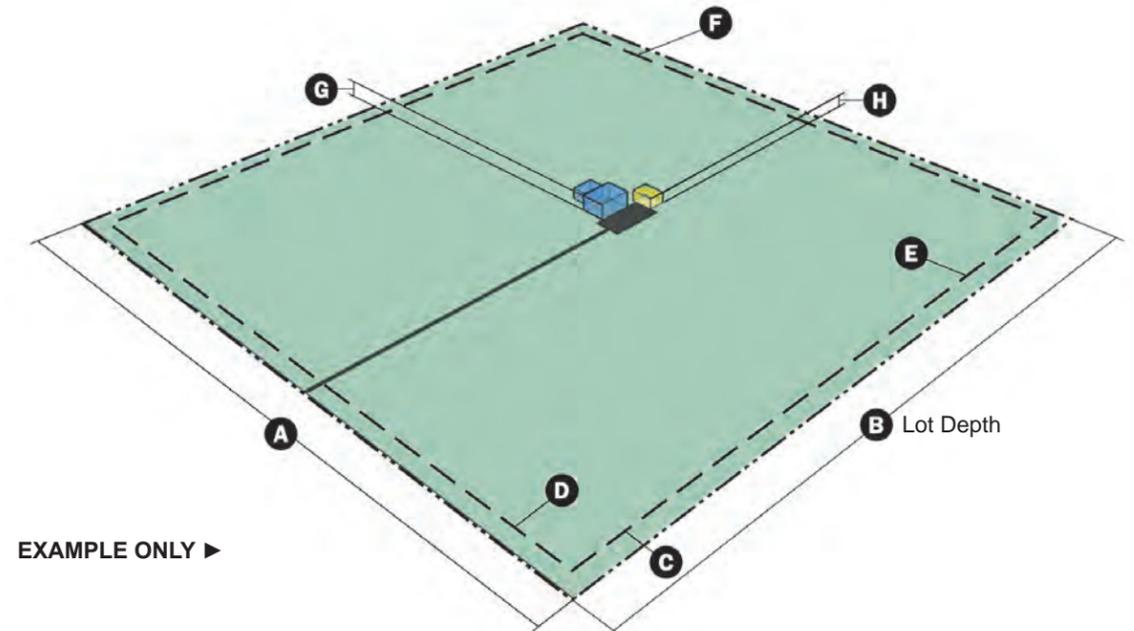
ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Agriculture/Environmental Education Program	P	P	P	
Agritourism	P	P	P	
Agriculture	P	P	P	
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Community Gardens	P	P	P	P
Composting – Small Scale	P	P	P	P
Day and Overnight Camping	P		P	
General Storage to include Boat and RVs	P			
Farm Structures, Traditional-Scale	P	P	P	P
Farm Structures, Non-Traditional-Scale	P	P	P	P
Food Trucks	P	P	P	
Incinerators	P			
Offices, Laboratories, Work Areas Related to Administrative/Research Activities	P	P		
Silos	P	P		
Temporary Facilities Related to Advanced Agricultural Research	P	P		
Welding Shops, Small Engine Repair	P			

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	10 ac	2 ac	5 ac	n/a	n/a	
	Lot Width	at Building Setback Line	300 ft	150 ft	150 ft	150 ft	n/a
		at Street Line	300 ft	150 ft	150 ft	150 ft	n/a
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	500 ft	n/a
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft	n/a
		Side Yard, for Principal Use	100 ft	100 ft	100 ft	500 ft	n/a
Rear Yard, for Principal Use		75 ft	75 ft	75 ft	500 ft	n/a	
Maximum	Height	Principal Structure	40 ft	40 ft	40 ft	200 ft	n/a
		Accessory Structure	40 ft	40 ft	60 ft	20 ft	n/a
	Coverage	Building	10%	30%	n/a	n/a	n/a
Impervious Surface		10%	50%	10%	n/a	n/a	

**AREA AND BULK CATEGORIES:**

- 1 – agricultural, conservation, research, and institutional uses
- 2 – agriculture-related businesses
- 3 – non-agricultural/non-residential/other uses
- 4 – utility and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

§ 27-205.4 - District - Forest/Game Lands (FG)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Any Use Owned or Managed by the Pennsylvania Department of Conservation and Natural Resources (PA DCNR) or the State Game Commission	P
1	Bird and Wildlife Sanctuaries/Fish Hatcheries	P
1	Forestry	P
2	Archery and Shooting Ranges, Indoor/Outdoor	P
2	Camping Grounds	C
2	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
2	Park and Outdoor Recreational Facilities, Community, Public	P
2	Park and Outdoor Recreational Facilities, Regional, Public	P
2	Park and Outdoor Recreational Facilities, Private	C
2	Recreation Facilities for Employees, Faculty & Students	P
2	Seasonal Dwellings	P
3	Commercial Hunting Preserves	P
3	Community Gardens	P
3	Conservation Areas	P
3	General Weather, Radio and Satellite Research	P
3	Nature Education Centers	P
4	Communication Facilities*	C
4	Communications Towers*	C
4	Essential Services – Type 1	P

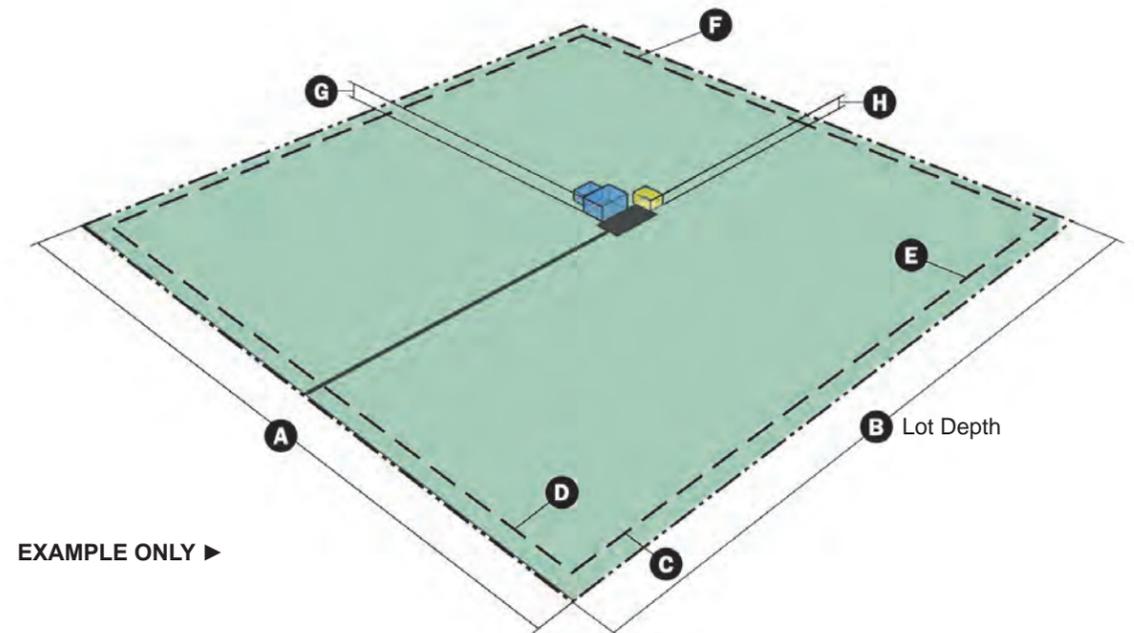
ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Community Garden	P	P	P	P
Composting – small scale	P	P	P	P
Food Trucks	P	P	P	
Day and Overnight Camping	P	P		
Incinerators	C			

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	25 ac	10 ac	1 ac	n/a	n/a	
	Lot Width	at Building Setback Line	300 ft	150 ft	150 ft	150 ft	n/a
		at Street Line	300 ft	150 ft	150 ft	150 ft	n/a
	Setback	D Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	500 ft	n/a
		D Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	500 ft	n/a
		E Side Yard, for Principal Use	100 ft	100 ft	50 ft	500 ft	n/a
F Rear Yard, for Principal Use		75 ft	75 ft	50 ft	500 ft	n/a	
Maximum	Height	G Principal Structure	40 ft	40 ft	40 ft	200 ft	n/a
		H Accessory Structure	40 ft	40 ft	40 ft	40 ft	n/a
	Coverage	Building	n/a	5%	15%	n/a	n/a
Impervious Surface		5%	10%	25%	n/a	n/a	

**AREA AND BULK CATEGORIES:**

- 1 – agricultural and conservation activities
- 2 – recreational uses
- 3 – research and institutional uses
- 4 – utility and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



EXAMPLE ONLY ►

P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

§ 27-205.13 - District - General Commercial (C)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Sport and Field Complexes	P
2	Group Homes	P
2	Personal Care Homes, Small	P
3	Automobile Service Stations and Garages	P
3	Banks and Financial Establishments	P
3	Business, Professional and Financial Offices	P
3	Car Washes	P
3	Child/Day Care Centers	P
3	Cideries	P
3	Cigar, Hookah, and/or Vapor Lounge	C
3	Clinics and Medical and Dental Offices	P
3	Convenience Food Stores	P
3	Eating and Drinking Establishments, Sit-Down	P
3	Eating and Drinking Establishments, Takeout	P
3	Essential Services	P
3	Food Catering	P
3	Health and Athletic Clubs	P
3	Laundromats	P
3	Medical Marijuana Dispensary	P
3	Mortuaries	P
3	Personal Service Establishments	P
3	Pet Care Services Facility	C
3	Pet Stores	P
3	Printing Establishments	P
3	Retail Establishments, General	P
3	Schools, Commercial	P
3	Studios for Instruction in Music, Performing Arts and Visual Media	P
3	Tasting Room	P
3	Treatment Centers	C
3	Tutoring and Study Centers	P
3	Veterinary Offices/Clinics	P
4	Adult Business Uses	C
4	Amusement Arcades	P
4	Bowling Alleys	P

AREA AND BULK CATEGORY	PRINCIPAL USES, continued	
4	Exercise and Fitness Centers	P
4	Grocery Stores	P
4	Health and Athletic Clubs	P
4	Hotels and Motels	P
4	Micro-Distillery/Brewery (Beverage Production Facilities)	P
4	Miniature Golf	P
4	Public or Private Parking Garages	P
4	Self-Service Storage Facility	P
4	Theater	P
4	Wineries	P
4	All Other Commercial Uses	C
5	Bus Passenger Stations	P
5	Communication Facilities*	C
5	Communication Towers*	C
5	Emergency Services	P
5	Places of Assembly, Neighborhood	C
5	Places of Assembly, Community	C
5	Places of Assembly, Regional	C
5	Potable Water Pump Station Facilities	C
5	Radio and Television Studios, Excluding Towers in Excess of District Max. Height	P
5	Taxi and Limousine Services	P

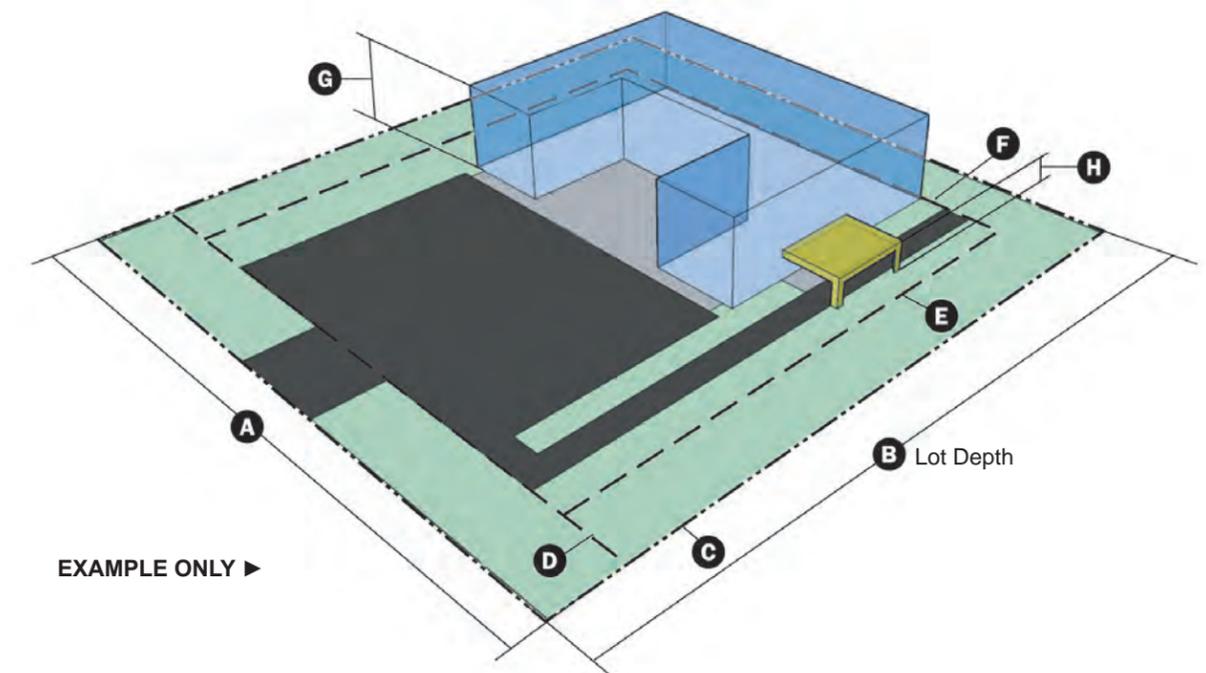
ACCESSORY USES					
Use	Area and Bulk Categories				
	1	2	3	4	5
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P	P
Food Truck	P	P	P	P	P
General Storage to include Boats and RVs					P

DIMENSIONS		AREA AND BULK CATEGORIES						
		1	2	3	4	5		
Minimum	Lot Size	<b>C</b>	1 acre	10,000 sf	5,000 sf	20,000 sf	n/a	
		Lot Width	at Building Setback Line	75 ft	50 ft	25 ft	100 ft	60 ft
	<b>A</b> at Street Line		75 ft	50 ft	50 ft	100 ft	60 ft	
	Setback	<b>D</b>	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	50 ft
			Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	50 ft
		<b>E</b>	Side Yard, for Principal Use	30 ft	15 ft	15 ft	25 ft	75 ft
<b>F</b>		Rear Yard, for Principal Use	50 ft	50 ft	20 ft	50 ft	50 ft	
Maximum	Height	<b>G</b> Principal Structure	40 ft	40 ft	40 ft	45 ft	40 ft	
		<b>H</b> Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft	
	Coverage	Building	n/a	45%	45%	45%	30%	
Impervious Surface		30%	80%	80%	80%	50%		

**AREA AND BULK CATEGORIES:**

- 1 – conservation and recreation activities
- 2 – residential uses
- 3 – local commercial uses
- 4 – regional commercial uses
- 5 – institutional, governmental, utility, and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



EXAMPLE ONLY ▶

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§ 27-205.14 - District - Industrial (I)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Recreation Facilities for Employees, Faculty & Students	P
2	Distribution Facilities	P
2	Landscape and Garden Center- Retail	P
2	Light Manufacturing, Assembly, Processing, Production and Fabrication	P
2	Moving and Storage Parcel Delivery and Express Transfer Stations	P
2	Research, Development, Engineering or Testing Laboratory	P
2	Storage of Passenger Vehicles and Light Trucks	C
2	Wholesale Distribution, Warehouse	P
3	Auto Wrecking, Junk, and Scrap Establishments	P
3	Freight and trucking terminals	P
3	Incinerators, non-agricultural	C
3	Manufacturing, Processing or Bulk Storage of Natural Gas	C
3	All Other Commercial and Industrial Uses	C
4	Emergency Services	P
4	Essential Services – Type 1	P
4	Potable Water Well Pump Station Facilities	C
4	Public or Private Parking Garages	P
5	Communication Facilities*	C
5	Communication Towers*	C

ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
General Storage to include Boats and RVs		P		
Food Truck	P	P	P	
Research, Development, Engineering or Testing Laboratory		P	P	P

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	C					
	Lot Width	at Building Setback Line	1 ac	1 ac	4 acs	n/a	n/a
		at Street Line	75 ft	100 ft	150 ft	60 ft	60 ft
	Setback	Front Yard, for Principal Use on Local/Collector Street	75 ft	100 ft	150 ft	60 ft	60 ft
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Side Yard, for Principal Use	50 ft	50 ft	50 ft	75 ft	500 ft
Rear Yard, for Principal Use		25 ft	25 ft	25 ft	50 ft	500 ft	
Maximum	Height	Principal Structure	40 ft	45 ft	45 ft	200 ft	200 ft
		Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft
	Coverage	Building	n/a	45%	45%	30%	30%
Impervious Surface		30%	75%	75%	60%	60%	

**AREA AND BULK CATEGORIES:**

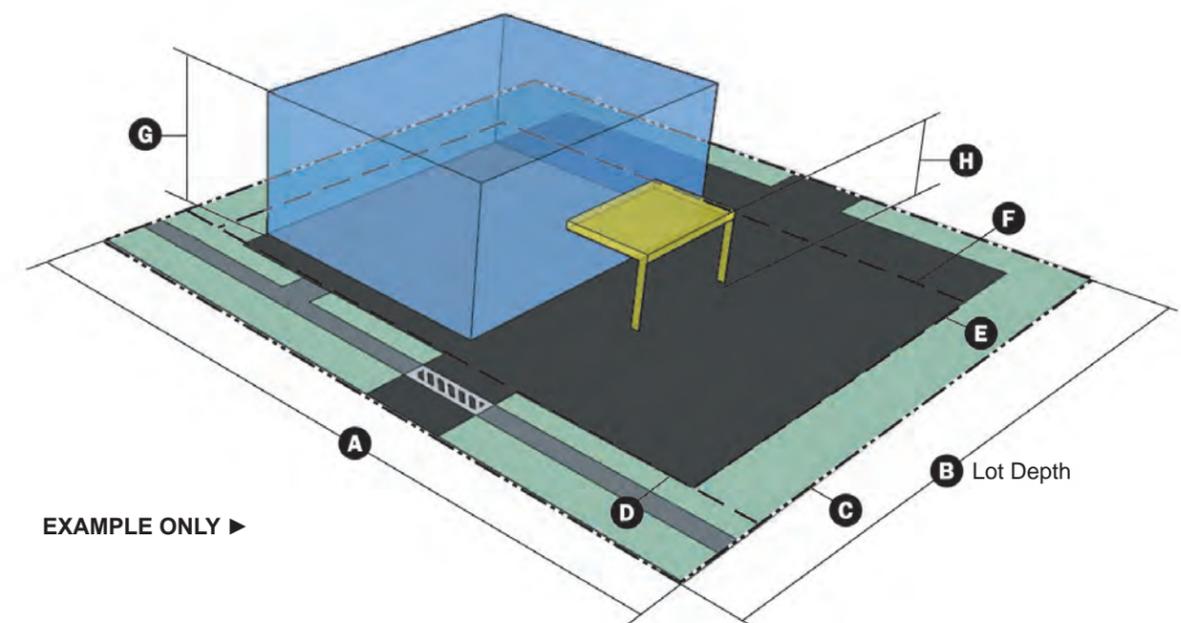
1 – conservation and recreation activities

2 – light industrial uses

3 – other uses

4 – institutional, governmental, utility, and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



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§ 27-205.15 - District - Light, Industry, Research & Development (IRD)

AREA AND BULK CATEGORY	PRINCIPAL USES	
1	Forestry	P
1	Park and Outdoor Recreational Facilities, Neighborhood, Public	P
1	Park and Outdoor Recreational Facilities, Community, Public	P
1	Park and Outdoor Recreational Facilities, Regional, Public	P
1	Recreation Facilities for Employees, Faculty & Students	P
2	Administrative Office Buildings (associated with the Uses in this Area and Bulk Category)	P
2	Food Catering	P
2	Micro-Distillery/Brewery (Beverage Production Facilities)	P
2	Light Manufacturing, Assembly, Processing, Production and Fabrication	P
2	Research, Development, Engineering or Testing Laboratory	P
2	Self-Service Storage Facility	P
2	Archival Libraries	P
3	Amusement Arcades	P
3	Archery and Shooting Ranges, Indoor	P
3	Bowling Alleys	P
3	Business, Professional and Financial Offices	P
3	Child/Day Care Centers	P
3	Clinics and Medical and Dental Offices	P
3	Eating and Drinking Establishments, Sit-Down	P
3	Eating and Drinking Establishments, Takeout	P
3	Health and Athletic Clubs	P
3	Pet Care Services Facility	C
3	Schools, Commercial	P
3	Sport and Field Complexes	P
3	Sporting and Entertainment Arenas and Stadiums	P
3	Studios for Instruction in Music, Performing Arts and Visual Media	P
3	Tutoring and Study Centers	P
4	Community Gardens	P
4	Emergency Services	P
4	Essential Services – Type 1	P
4	Potable Water Pump Station Facilities	C
4	Radio and Television Studios, Excluding Towers in Excess of District Max. Height	P
4	Telecommunications Switching Facility	P
5	Communication Facilities*	C

ACCESSORY USES				
Use	Area and Bulk Categories			
	1	2	3	4
Accessory Use Customarily Incidental to the Specified Principal Use	P	P	P	P
Building- and Ground-Mounted Solar and/or Wind Systems	P	P	P	P
Food Truck	P	P	P	P
General Storage to include Boat and RVs	P	P	P	P

DIMENSIONS		AREA AND BULK CATEGORIES					
		1	2	3	4	5	
Minimum	Lot Size	1 ac	20,000 sf	1 ac	n/a	n/a	
	Lot Width	at Building Setback Line	75 ft	100 ft	100 ft	60 ft	60 ft
		at Street Line	75 ft	100 ft	100 ft	60 ft	60 ft
	Setback	Front Yard, for Principal Use on Local/Collector Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Front Yard, for Principal Use on Arterial Street	50 ft	50 ft	50 ft	50 ft	500 ft
		Side Yard, for Principal Use	25 ft	25 ft	25 ft	50 ft	500 ft
Rear Yard, for Principal Use		50 ft	50 ft	50 ft	50 ft	500 ft	
Maximum	Height	Principal Structure	40 ft	45 ft	45 ft	200 ft	200 ft
		Accessory Structure	40 ft	40 ft	40 ft	40 ft	40 ft
	Coverage	Building	n/a	30%	30%	30%	30%
Impervious Surface		30%	60%	60%	60%	60%	

**AREA AND BULK CATEGORIES:**

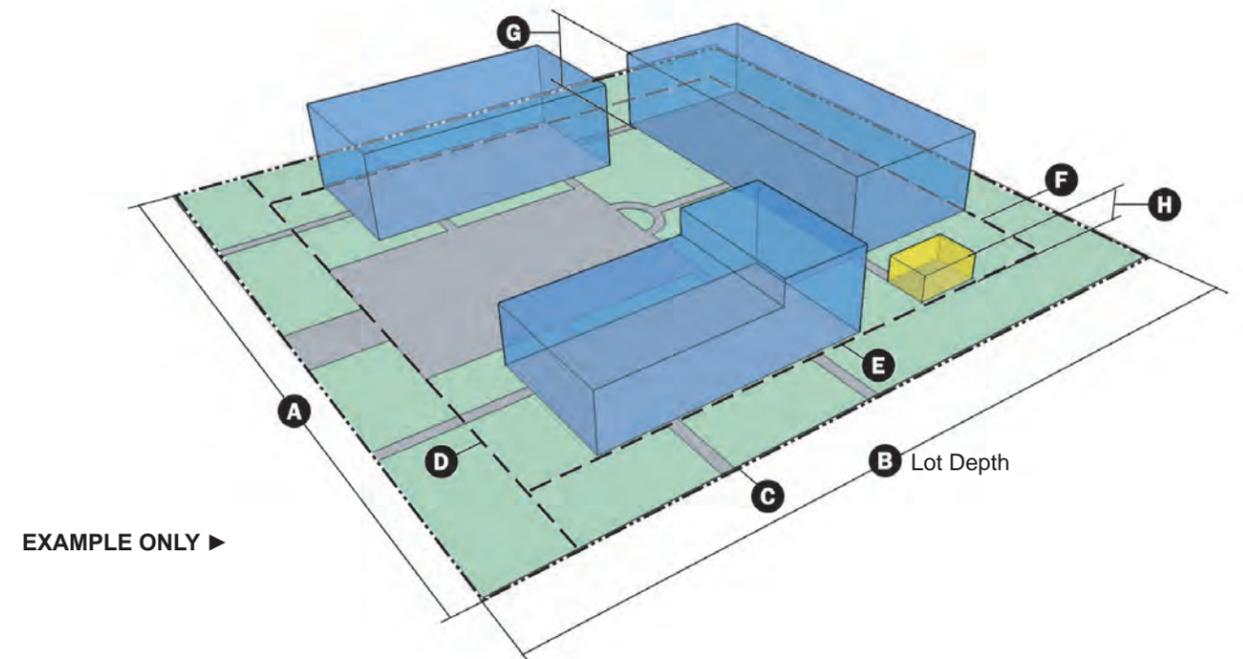
1 – conservation and recreation activities

2 – light industrial uses

3 – other uses

4 – institutional, governmental, utility, and communication facilities

\*See §27-710-Wireless Communication Facilities for applicable Setback and Height requirements.



P = Permitted Use by Right    C = Conditional Use    SE = Use by Special Exception

# FERGUSON TOWNSHIP

## FirstNet Authority Wireless Communication Draft Ordinance Amendment Cover Page

- First Responder Network Authority Letter introduction
- Primer on Mandate to Deploy a Nationwide Public Safety Broadband Network
- Ferguson Township Application



First Responder Network Authority  
12201 Sunrise Valley Drive, M/S 243 • Reston, VA 20192 • [www.firstnet.gov](http://www.firstnet.gov)

To Whom It May Concern,

On March 28, 2017, AT&T was awarded the federal government contract to deploy and operate the Nationwide Public Safety Broadband Network (NPSBN), following an open, transparent, and competitive procurement process—as well as consultation with state, local, tribal, and federal stakeholders—consistent with the First Responder Network Authority’s (FirstNet Authority) enabling statute. The NPSBN contract between the FirstNet Authority and AT&T has a period of performance of 25 years from the date awarded.

Per the terms and conditions of the NPSBN contract, and given that all U.S. states and territories and the District of Columbia (states) opted into the FirstNet Authority plan for network deployment, AT&T is responsible for providing a comprehensive network solution to each of the states. This comprehensive network solution includes: the deployment and provisioning of a nationwide Core Network and Radio Access Network equipment and services (e.g., cell sites, backhaul, aggregation, national transport networks and operation centers); a device ecosystem; deployable capabilities; operational and business support systems; an application ecosystem; network services; integration, maintenance, and operational services; and ongoing evolution of these systems required to function fully as an operational wireless 3rd Generation Partnership Project (3GPP) standards-based Long Term Evolution (LTE) NPSBN.

The FirstNet solution provided by AT&T brings Public Safety Entities across the country a dedicated interoperable broadband network with quality of service, priority usage, and preemption. In addition, the NPSBN is physically hardened, as needed, and is resilient, secure, and highly reliable. Furthermore, the NPSBN provides to public safety agencies local control over prioritization, preemption, provisioning, and reporting.

The NPSBN and associated devices are branded as FirstNet, consistent with applicable laws and regulations. AT&T is responsible for marketing; product management; sales; distribution; customer care; communications; strategic partnership; and network deployment, operation, maintenance, and evolution. However, in accordance with its statutory duties and responsibilities, the FirstNet Authority maintains rigorous oversight of the NPSBN and AT&T’s obligations under the contract.

If you have any questions with regard to this letter, please contact Kimberly Luke at [Kimberly.Luke@firstnet.gov](mailto:Kimberly.Luke@firstnet.gov), 202-868-3683 or Kristina Montaquila at [Kristina.Montaquila@firstnet.gov](mailto:Kristina.Montaquila@firstnet.gov), 202-253-7218.

Sincerely,

Peggy O'Connor  
Director, NPSBN Program Management  
Office of the Chief Network & Technology Officer  
First Responder Network Authority

## PRIMER ON THE FIRSTNET AUTHORITY'S CONGRESSIONAL MANDATE TO DEPLOY A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK

- *Top 10 Frequently Asked Questions*  
([https://firstnet.gov/sites/default/files/TopTenFAQs\\_190906.pdf](https://firstnet.gov/sites/default/files/TopTenFAQs_190906.pdf))
- *FirstNet: The Future of Public Safety Communications*  
([https://firstnet.gov/sites/default/files/Branding\\_the\\_Future\\_of\\_Public\\_Safety\\_Communications\\_0.pdf](https://firstnet.gov/sites/default/files/Branding_the_Future_of_Public_Safety_Communications_0.pdf))
- The First Responder Network Authority (FirstNet Authority) was charged by the U.S. Congress to ensure the development, building, and maintenance of a nationwide mobile broadband network dedicated to meeting the needs of the public safety community. Over the past several years, the FirstNet Authority has made great strides toward fulfilling this purpose, including the establishment of a public-private partnership with AT&T, Inc. (AT&T) to deploy the nationwide public safety broadband network across the country and adoption of FirstNet service by hundreds of thousands of public safety professionals. As FirstNet matures and public safety reaps the benefits of a network dedicated to providing them with needed capabilities and features, the FirstNet Authority is focusing on the next stages of fulfilling its mission. The FirstNet Authority is committed to a vision where a dedicated and differentiated broadband communications experience transforms public safety operations to save lives and protect communities. This vision encapsulates the entirety of the “FirstNet Experience” from AT&T’s deployment of the FirstNet network to the FirstNet Authority’s value-adding activities and investments, which make FirstNet different from any other public safety communications experience. Over time, the FirstNet Authority’s work will help enable public safety to communicate in new and ever more useful ways to help transform public safety operations. (*First Responder Network Authority Roadmap*, at 3, [https://firstnet.gov/system/tdf/FirstNet\\_Roadmap.pdf?file=1&type=node&id=1055&force=0](https://firstnet.gov/system/tdf/FirstNet_Roadmap.pdf?file=1&type=node&id=1055&force=0)).
- *As with many bold public policy initiatives, the creation of FirstNet ensued from disaster and tragedy. Although the idea that all first responders across the United States should share one nationwide network existed prior to September 11, 2001, the events of that terrible day inspired collaborative action from public safety and Congress. As Congress directed, FirstNet is working toward the deployment of a single, interoperable platform for public safety communications that will bring dedicated priority wireless broadband services to millions of public safety personnel at the local, state, tribal, and Federal levels. . . . Authorized by Congress in 2012, FirstNet will fulfill a fundamental need of the public safety community and is the last remaining recommendation to be addressed of the 9/11 Commission. FirstNet’s mission is to ensure the deployment, and operation of a nationwide public safety broadband network (network) for public safety entities. Leveraging Long Term Evolution (LTE)5 technology standards, up to \$7 billion in funding from spectrum auctions, and a nationwide license of 20 MHz of radio frequency spectrum, the FirstNet network is intended to dramatically increase the safety and capabilities of all of those who serve in a public safety capacity, and thereby further protect the American people. Public safety, and thus the American people, will benefit from the availability of a dedicated wireless broadband network prioritized for first responders, the economies of scale afforded by a*



## PRIMER ON THE FIRSTNET AUTHORITY'S CONGRESSIONAL MANDATE TO DEPLOY A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK

national, commercial standards-based network, and the force of innovation in applications which to date has only been enjoyed by consumers. (2014 Annual Report to Congress, at 1, [https://firstnet.gov/system/tdf/FirstNet Annual Report to Congress-FY 2014.pdf?file=1&type=node&id=644&force=0](https://firstnet.gov/system/tdf/FirstNet%20Annual%20Report%20to%20Congress-FY%202014.pdf?file=1&type=node&id=644&force=0))

- During the events of September 11, 2001 (9/11), first responders could not communicate with each other. Some radios did not work in the high-rise World Trade Center; radio channels were overloaded by the large number of responders trying to communicate; and public safety radio systems operated on various frequencies and were not interoperable. There were also non-technical issues. Officials struggled to coordinate the multi-agency response, and to maintain command and control of the numerous agencies and responders.

The 9/11 Commission called for the “expedited and increased assignment of radio spectrum for public safety purposes.” Increased spectrum would allow public safety agencies to accommodate an increasing number of users; support interoperability solutions (e.g., shared channels); and leverage new technologies (e.g., live video streams) to enhance response.

In 2012, Congress acted on the recommendation of the 9/11 Commission. In Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), Congress authorized the Federal Communications Commission (FCC) to allocate additional spectrum for public safety use; established the First Responder Network Authority (FirstNet) and authorized it to enter into a public-private partnership to build a nationwide public safety broadband network; and, provided \$7 billion out of revenues from spectrum auctions to build the network....

FirstNet has made progress in implementing the provisions in the act. In March 2017, FirstNet awarded a 25-year, \$6.5 billion contract to AT&T to build and maintain the nationwide network for public safety. FirstNet provided AT&T with 20 megahertz (MHz) of broadband spectrum, which AT&T can monetize for public safety and non-public safety use. AT&T is providing FirstNet access to its infrastructure, valued at \$180 billion, and \$40 billion to maintain and improve the network.

In September 2017, FirstNet/AT&T presented states with plans detailing how the network would be deployed in each state. Governors could opt to have AT&T deploy the network (i.e., opt in), or have the state assume responsibility for the deployment (i.e., opt out). By January 2018, all 50 states and 6 territories opted in. This was viewed as a victory for FirstNet, AT&T, and public safety stakeholders who had long advocated for a nationwide network for public safety. (Congressional Research Service, *The First Responder Network (FirstNet) and Next-Generation Communications for Public Safety: Issues for Congress*, April 27, 2018, <https://crsreports.congress.gov/product/pdf/R/R45179>)





February 11, 2022

RE: AT&T MOBILITY - NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK  
NEW CELL SITE APPLICATION – Ferguson Township, PA

Dear Members of the Board,

Under the Middle Class Tax Relief and Job Creation Act of 2012, Congress established the First Responder Network Authority (“FirstNet Authority”) and directed it to ensure the building, deployment, and ongoing operation of the Nationwide Public Safety Broadband Network (“FirstNet”), the first nationwide high-speed broadband network dedicated to public safety.<sup>1</sup> The FirstNet Authority’s mission is to provide and maintain a single, interoperable platform that consistently satisfies the demanding communications needs of the public safety community in Pennsylvania and across the country. New radio access network (“RAN”) sites are essential to the success of the program and delivering the mission critical coverage public safety needs to communicate and save lives.

In November 2017, Governor Wolf opted into the FirstNet Authority plan for RAN deployment in Pennsylvania and thus authorizing construction of the FirstNet network in areas of the state where public safety needs coverage and capacity. By opting-in, Governor Wolf enabled public safety to rapidly access broadband services in Pennsylvania, while also allowing the prompt buildout and deployment of the network which began in March of 2018. His decision also directed the FirstNet Authority to take on all the risks, costs, and responsibilities associated with deploying the network in Pennsylvania for 25 years and to take immediate steps to make prioritized services and features available to public safety in the state.

This network not only needs to serve your local community but also serves the thousands of first responders that have already adopted FirstNet in Pennsylvania that may respond to your next major emergency. The FirstNet Authority requests your consideration in our efforts to build new sites to achieve required coverage and capacity for our vital mission in service of public safety.

I am the Senior Public Safety Advisor assigned to Pennsylvania and formerly worked for the

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<sup>1</sup> See Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), <https://www.congress.gov/112/bills/hr3630/BILLS-112hr3630enr.pdf>

State of Maryland in emergency management and public safety communications planning and research. I am available to assist you at any time. I may be reached at [lori.stone@firstnet.gov](mailto:lori.stone@firstnet.gov) and 202-997-7594. For your reference, attached is additional information about the FirstNet Authority and the network we were entrusted by Congress to establish.

Sincerely,  
Lori Stone

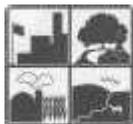


**Lori Stone**  
Senior Public Safety Advisor (DC, DE, MD, NC, PA VA, WV)  
First Responder Network Authority  
[lori.stone@firstnet.gov](mailto:lori.stone@firstnet.gov) | [firstnet.gov](http://firstnet.gov)  
Mobile: 202-997-7594

cc: Jeremie Thompson, Chair, Ferguson Township Planning Commission

Attachments:

1. Primer on the FirstNet Authority's Congressional Mandate to Deploy a Nationwide Public Safety Broadband Network.
2. FirstNet Network Management-Operations Officer Letter.



**APPLICATION FOR PROPOSED ORDINANCE AMENDMENT**  
**Ferguson Township, Centre County**

**Date Application Submitted:** January 10, 2022

**Subject of Proposed Ordinance Amendment:** Amend Use Regulations of the TTD District to Allow for Additional Use of Tower-based WCFs, subject to Limitations

**Applicant Name:** New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility

**Address:** c/o C. H. Schubert, Esq./RILEY RIPER HOLLIN & COLAGRECO  
PO Box 1265, Exton, PA 19341

**Phone:** (610) 283-7440 **Fax:** (610) 458-4441 **E-Mail:** chris@rrhc.com

**Chapter / Section of Existing Ordinance to be Amended:** Chapt. 27, Sect. 303.3.A.(c)

**Description of Proposed Ordinance Amendment:** Subject to applicable provisions of Sect. 27-710 (Wireless Communication Facilities), allow additional use of Tower-based WCFs outside of the rights-of-way, if located at least 1/3 the tower height from adjoining property lines and 4,000 from existing towers. See proposed text amendment, attached hereto as Addendum "A".

**Describe Reason for Ordinance Amendment:** To provide for enhanced wireless services to a highly-populated and heavily-traveled area of the township, and for emergency first responders, including state-of-the-art locational capabilities and greater capacity and data through-put speeds.

**Signature of Applicant:**

Christopher H. Schubert, Esquire

**Date Fee Paid:** \_\_\_\_\_ **Amount:** \$ 250.00

Note: To be considered on a Board agenda, this application along with the required fee (see Township Fee Schedule) must be submitted to the Township a minimum of 7 days in advance of the Board meeting at which the applicant wishes to attend. The fee is non-refundable.

# ADDENDUM "A"

## FERGUSON TOWNSHIP CODE PROPOSED ZONING TEXT AMENDMENT

### § 27-303. Traditional Town Development (TTD)

...

#### 3. Site Plans.

##### A. Land Use Standards.

(1) Composition of Uses. A variety of uses are required to be provided within a traditional town development. This variety shall be comprised of a combination of the permitted uses as listed below in the percentages required by the diversity provisions of § 27-303, Subsection 1C(2):

...

##### (c) Commercial.

...

**[6]. Subject to the applicable provisions of Section 27-710, Tower-based Wireless Communication Facilities Outside of the Rights-of-Way, if located at least 1/3 the tower height from adjoining property lines<sup>1</sup> and 4,000 feet from existing towers.<sup>2</sup>**

---

<sup>1</sup> This provision is necessary due to §27-710.3.A of the Wireless Communication Facilities provisions (which requires a setback of 500 feet from adjoining property lines for Tower-based WCFs). NOTE: By §27-303.2.F(1), the above proposed setback requirement applicable in the TTD district will override the general setback requirement in the Wireless Communication Facilities section. §27-303.2.F(1) provides:

“Where specific reference is made to one or more provisions of other chapters of the Code of Ordinances, only those regulations so referenced will be applicable where they are not in conflict with standards found herein.”

Also, §27-303.2.F(4) provides, “The Board of Supervisors may allow for modification of the design standards applicable to a traditional town development provided for in this section, including but not limited to compactness, pedestrian orientation, street geometry or other related design features, in accordance with the standards applicable to the grant of modifications under Chapter 22, Subdivision and Land Development, § 22-105.

<sup>2</sup> This provision is provided to ensure that only one Tower-based WCF located outside of the ROW will be possible within the land area zoned TTD-Traditional Town Development. The closest tower is the SBA tower located 4,150 feet to the south in the I-Industrial district. See attached Zoning Map Detail.

CHRISTOPHER H. SCHUBERT  
chriss@rrhc.com  
Extension 216



**RILEY RIPER HOLLIN & COLAGRECO**  
ATTORNEYS AT LAW

January 10, 2022

**VIA EMAIL ONLY**

Centrice Martin, Assistant Township  
Manager Ferguson Township  
3147 Research Drive  
State College, PA 16801

**Re: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility  
Application for Proposed Ordinance Amendment  
TTD-Traditional Town Development District**

Dear Ms. Martin:

As you know, this office represents New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility (“AT&T”) in regard to the above matter. **Please refer the enclosed Application for Proposed Ordinance Amendment to the Board of Supervisors for their consideration.** AT&T is hereby requesting processing of this Application pursuant to the Ferguson Township Code.

AT&T hereby submits the following for consideration by the Supervisors:

1. Application for Proposed Ordinance Amendment, together with Addendum “A” thereto which describes the requested text amendment in greater detail;
2. Photo-simulations of a proposed monopole tower-based WCF for placement on the north side of Havershire Boulevard, west of Blue Course Drive, on property owned by Circleville Road Partners B, LP and now improved with a multi-family apartment complex known as the Heights at State College;

Please note that a check in the amount of \$250.00 representing the application fee as required by the Township Code will be overnighted to your attention.

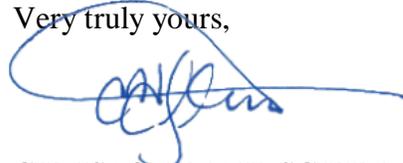
Please advise whether any additional documents or other information is required to process the Application.

Centrice Martin, Assistant Township Manager  
Ferguson Township  
January 10, 2022  
-page 2-

Kindly forward the enclosed Application and supporting documentation to the Board of Supervisors for review. Based on my conversation with David Pribulka, I understand that this matter can be placed on the Supervisors' meeting agenda of January 18, 2022, for consideration.

Thank you in advance for your assistance in this matter. Should you have any concerns or questions, or need additional information, please feel free to contact my office at your convenience.

Very truly yours,



CHRISTOPHER H. SCHUBERT

CHS/chs  
Enclosures

cc: David Pribulka, Tp. Manager (via email only, w/encl.)  
Jenna Wargo, Zoning Officer (via email only, w/encl.)  
Elizabeth A. DuPuis, Esquire (via email only, w/encl.)  
David Kerr (via email only, w/encl.)  
Christopher Lash (via email only, w/encl.)  
David Meese (via email only, w/encl.)  
Bill Leone (via email only, w/encl.)  
Grant Scott, Esquire (via email only, w/encl.)

# Photographic Inventory & Simulations

165' Monopole

Site Name: PSU - Park Forest Village/ FA 10040966

Havershire Boulevard  
State College, PA 16803

December 4, 2020

Prepared For:



Prepared By:



2103 East High Street, Suite 200  
Pottstown, PA 19464  
610-323-8752



Aerial Image Courtesy of Google Earth

Photographic Key Map - PSU - Park Forest Village / FA 10040966



**White Arrows**  
Not Visible



**Yellow Arrows**  
Photosimulation Prepared





View # 1 - From Teaberry Ln & Sowards Place

Existing Conditions (Not Visible)



View # 2 - From Ridgemaster Dr & Megan Dr

Existing Conditions (Not Visible)



View # 3 - From Blue Course Dr & Westwind Dr

Existing Conditions (Not Visible)



View # 4 - From Cambridge Dr

Existing Conditions (Not Visible)





View # 5 - Farmstead Ln & Circleville to Penn State Bike Path Existing Conditions (Not Visible)



View # 6 - From From Northwick Blvd & Dewberry Hts Existing Conditions (Not Visible)



View # 7 - From Linnet Lane Existing Conditions (Not Visible)



View # 8 - From Tanager Dr & Partridge Ln Proposed Monopole





View # 9 - From Knob Hill Road

Proposed Monopole



Site Name: PSU - Park Forest Village / FA 10040966  
Photographs Obtained: December 3, 2020 . Exhibit Prepared: December 4, 2020





View # 10 - From Park Hills Avenue

Proposed Monopole



Site Name: PSU - Park Forest Village / FA 10040966  
Photographs Obtained: December 3, 2020 . Exhibit Prepared: December 4, 2020





View # 11 - From Circleville Farm Lane & Rushcliffe Street

Proposed Monopole



Site Name: PSU - Park Forest Village / FA 10040966  
Photographs Obtained: December 3, 2020 . Exhibit Prepared: December 4, 2020





View # 12 - From Circleville Farm Lane

Proposed Monopole



Site Name: PSU - Park Forest Village / FA 10040966  
Photographs Obtained: December 3, 2020 . Exhibit Prepared: December 4, 2020





View # 13 - From Prestwick Boulevard & Northwick Boulevard

Proposed Monopole



Site Name: PSU - Park Forest Village / FA 10040966  
Photographs Obtained: December 3, 2020 . Exhibit Prepared: December 4, 2020





View # 14 - From Southwick Boulevard

Proposed Monopole



Site Name: PSU - Park Forest Village / FA 10040966  
Photographs Obtained: December 3, 2020 . Exhibit Prepared: December 4, 2020





View # 15 - From Blue Course Drive & Old Gatesburg Road

Proposed Monopole



Site Name: PSU - Park Forest Village / FA 10040966  
Photographs Obtained: December 3, 2020 . Exhibit Prepared: December 4, 2020





View # 16 - From Blue Course Drive

Proposed Monopole



Site Name: PSU - Park Forest Village / FA 10040966  
Photographs Obtained: December 3, 2020 . Exhibit Prepared: December 4, 2020



Ferguson Township  
3147 Research Drive  
State College, PA 16801  
814-238-4651  
814-238-3454 (fax)  
[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

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Receipt No. 00019834

01/11/2022 11:33 AM

Riley Riper Hollin & Colagreco

01 Ord Amendment	
-TTD AT&T	250.00

Check # 73248	
Receipt Total	250.00
Payment Total	250.00

Thank you!

# Municipal Regulation of 5G Wireless Facilities in the Wake of New Pennsylvania Act 50

Cohen Law Group  
August 28, 2021



## Overview of Presentation:

1. Background on the demand for wireless broadband and the facilities being deployed to meet this demand
2. Legal rights of municipalities to manage wireless facilities under federal and state law
3. The FCC's consequential *Third Report and Order* of 2018
4. Pennsylvania's new Act 50: The "Small Wireless Facilities Deployment Act"
5. Recommendations on how to respond to changes in wireless regulations and technology

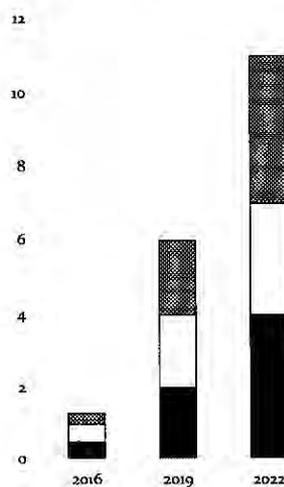


## *The Wireless Data and Facilities Explosion*

Ernst & Young Law Group

### Wireless Data Explosion

- Wireless data traffic in North America was 1.6 exabytes per month in 2016. By 2022, it is expected to increase six-fold to 10.8 exabytes per month. (One exabyte is equivalent to over one billion gigabytes. (Ericcson Mobility Report))
- Mobile traffic worldwide grew 71 percent in 2017 alone. (Cisco)



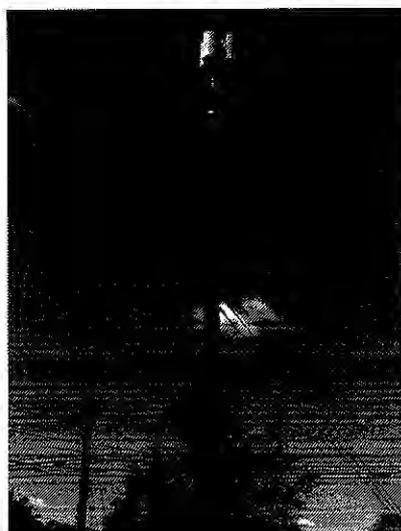
Ernst & Young Law Group

## Small Wireless Facilities

- Small wireless facilities (“SWFs”) boost network capacity (not coverage) to allow more rapid download speeds and improved network capacity in areas of high demand.
- Installed by both wireless carriers (e.g. Verizon, AT&T, and T-Mobile), and by wireless contractors (e.g. Crown Castle, Mobilitie, ATC, ExteNet).
- An estimated 150,000 Small WCFs were constructed by the end of 2018. the number is expected to reach over 800,000 by end of 2026. (S&P Global Market Intelligence)

Urban Law Group

## Examples of Small WCFs



Urban Law Group

## *Legal Rights of Municipalities to Manage Wireless Facilities*



### **Legal Authority for Wireless Facility Management by Municipalities**

- The Federal Telecommunications Act of 1996 states that local governments cannot “prohibit or have the effect of prohibiting wireless facilities,” but it also **preserves local zoning authority** over the “placement, construction, and modification of wireless facilities.”
- This standard has been further refined by FCC Order.



## **Legal Authority for Wireless Facility Management by Municipalities**

- **Limitations:**
  - May not regulate wireless services based on environmental or health effects of radio frequency emissions.
  - May not “prohibit” or “have the effect of prohibiting” wireless facilities.
    - FCC reinterpreted this as a “material inhibition” standard.
  - May not unreasonably discriminate against providers of “functionally equivalent services.”
  - Must act on a request for approval within a “reasonable period of time” after the request is filed.
  - Any denial must supported by substantial evidence.

 J. H. Law Group

## *PA Act 50: The “Small Wireless Facilities Deployment Act”*

 J. H. Law Group

## **PA Act 50: The Small Wireless Facilities Deployment Act**

- PA Act 50 was enacted by the General Assembly and signed into law by the Governor on June 30, 2021.
- The Act was the culmination of a four-year battle between the wireless industry and PA municipal associations. PSATC helped lead the charge.
- The Act mirrors many, but not all, of the federal requirements for regulation of SWF's.
- The Act establishes additional state-level requirements for Small Wireless Facilities ("SWF's").



## **PA Act 50: The Small Wireless Facilities Deployment Act**

- Act 50 expressly preserves local zoning authority.
- SWF's must be allowed, however, in the public rights-of-way in all zoning districts as a permitted use.
  - No conditional use/special exception
- The Act requires municipalities to permit attachment to "municipal poles"
  - Defined as "a utility pole owned, managed or operated by or on behalf of a municipality"
- All regulations are subject to "applicable codes."
  - Meaning local ordinances that include "local zoning, land use, streets and sidewalks, rights-of-way and permitting ordinances" that comply with the Act.



## PA Act 50: The Small Wireless Facilities Deployment Act

- **Size Limits:**
  - The structure on which antenna facilities are mounted—
    - (i) an existing utility pole, provided the installation does not extend more than 5 feet above the pole.
    - (ii) a new or replacement pole, provided the pole and antenna combined are not taller than 50 feet.
    - (iii) wireless provider may seek a “height limit waiver,” but only in accordance with “applicable codes.”
  - Each antenna associated with the deployment (excluding the associated equipment) may be no more than 3 cubic feet in volume; and
  - All other equipment associated with the facility (excluding antennas) are cumulatively no more than 28 cubic feet in volume.



## PA Act 50: The Small Wireless Facilities Deployment Act

- **Time frame for review and action (approval or denial) on wireless facilities applications**
  - 60 days for collocation on existing poles.
  - 90 days for new or replacement poles.
  - Applicants may re-submit without additional fees within 30 days of a denial.
  - Municipalities have additional 30 days to make a decision on the re-submitted application.
- **Batched applications**
  - Maximum of 20 collocated facilities per application for municipalities with populations under 50,000
  - Only one batched application permitted per 45 day period
  - If more than one is submitted within 45 day period, timeframe for decision is extended 15 days



## **PA Act 50: The Small Wireless Facilities Deployment Act**

- **Permissible Fees**
  - **Application fees:**
    - \$500 for 1-5 collocated antennas; \$100 per collocated antenna included in the same application thereafter.
    - \$1,000 for new or replacement poles.
  - **Right-of-way use fees:**
    - \$270 per wireless facility site per year.
    - Municipalities may exceed the \$270 fee upon a showing that actual reasonable costs are in excess of the \$270 per year.
  - No fees permitted for attachment to municipal poles.
  - If the FCC adjusts its fee levels for SWF's, municipalities may adjust their fees accordingly.

 Cohen Law Group

## **PA Act 50: The Small Wireless Facilities Deployment Act**

- **Design Guidelines for SWF's:**
  - Municipalities are permitted to enact "objective design guidelines for a small wireless facility regarding the minimization of aesthetic impact" subject to the following requirements:
    - The guidelines must be technically feasible.
    - They must not have the effect of prohibiting the wireless provider's technology.
    - They must not unreasonably discriminate among wireless providers of functionally equivalent services
- Design guidelines have become a very helpful tool for managing wireless facilities.

 Cohen Law Group

## PA Act 50: The Small Wireless Facilities Deployment Act

- Other Key Requirements:
  - Municipalities may restrict deployment of facilities in underground districts or areas.
  - Municipalities may require applicants to attempt to collocate antennas prior to installing new poles.
  - Municipalities may reserve space on municipal poles for their future use.
  - Make-ready work:
    - Municipalities have 60 days from receipt of application to provide a make-ready estimate, if necessary.
    - Make-ready work must be completed within 60 days of written acceptance of such estimate.



## PA Act 50: The Small Wireless Facilities Deployment Act

- Effective date of the Act is August 29, 2021.
- Section 7(a) states that “a municipality may adopt ordinances that comply with this act and shall amend existing ordinances as necessary...within 60 days of the effective date...”
- **On October 28, 2021, the requirements of Act 50 will begin to govern applications if your municipality has not enacted or amended a wireless facilities ordinance.**
  - It is important to do so in a timely fashion in order to assert your rights over the deployment of small wireless facilities.



*Recommendations to Respond  
to Changes in Wireless  
Regulations and Technology*

**Proposed Course of Action**

- Draft a new ordinance, or amend your current ordinance, and prepare design standards to achieve the following:
  - Address new SWF's in the public rights-of-way.
  - Incorporate recent FCC and PA Act 50 regulatory changes and add key legal protections.
  - Amend or create fee schedule either by using new fee ceilings or by conducting a cost study.
  - Create comprehensive design standards for SWF's.
  - Strike a balance between addressing the need for wireless broadband service and preserving the character of your community.

## ***Contact Information***

*Dan Cohen*

*(412) 447-0130 ext. 11*  
*dcohen@cohenlawgroup.org*

*Mike Roberts*

*(412) 447-0130 ext. 16*  
*mroberts@cohenlawgroup.org*



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# TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-238-3454  
[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

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TO: Planning Commission

FROM: Kristina Bassett, Community Planner

DATE: March 23, 2022

SUBJECT: Application for Consideration of a Modification/Waiver

Tussey Tracks, LLC, owner of Centre Animal Veterinary Hospital, has requested a modification/waiver from Section 22-5A09 –Streetscape Design Standards. Located at 1518 West College Avenue, This plan is in the Terraced Streetscape Zoning District. Section 22-5A09 of the Ferguson Township Code of Ordinances requires a specific set of design standards for the streetscape.

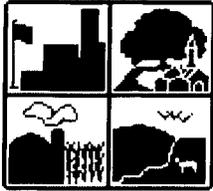
Tussey Tracks LLC has submitted a Land Development Plan that proposes an expansion and improvements to their building to address the needs of the clients and ongoing improvements in animal care. The business is a small, locally-owned business and has been in business in this location since 1987. Sidewalks were installed along West College Avenue and Owens Drive as part of the original land development project in 1987.

The streetscape design requirements present challenges to the owner. The first is that West College Avenue is a State Road. Improvements within a PennDOT right-of-way are required to be designed, reviewed and approved through the PennDOT permitting process, adding significant cost to this small business operating on a small budget. In addition, PennDOT may have additional improvement requirements.

Staff has reviewed the application and isn't recommending any conditions be included with the request.

***Staff Recommendation:*** That the Planning Commission recommend to the Board of Supervisors approval of the Application for Consideration of a Modification from §22-5A09.

FEB 15 2022  
PL 10 2022



**APPLICATION FOR CONSIDERATION OF A MODIFICATION**  
**Ferguson Township, Centre County**

Submittal Date: \_\_\_\_\_

*A fee of \$50.00 is required at the time of submitting this application.*

The undersigned hereby applies for approval of a modification/waiver, submitted herewith and described below:

**Applicant Information**

Tussey Tracks, LLC

Name

1518 West College Avenue

State College, PA

16801

Street Address

City

Zip

814-238-5100

Phone Number

**Property/Plan Information**

Preliminary Land Development Plan for Centre Animal Hospital

Plan Name

September 17, 2021

Plan Number

Plan Date

1518 West College Avenue

24-19-12

Project Location

Parcel Number

Tussey Tracks, LLC (Debra J. Smart, DVM & Renee A. Calvert, DVM)

Name of Property Owner(s)

1518 West College Avenue

State College, PA

16801

Street Address

City

Zip

Application Type:

Subdivision

Terraced Streetscape District (TSD)

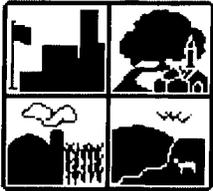
Land Development

Traditional Town Development (TSD) District

**Modification/Waiver Request Information**

Specific Section(s) of the Subdivision and Land Development Ordinance or Design Standards for which a Modification/Waiver is requested:

Chapter 22, Part 5, Section 22-5A09 Streetscape Design Standards



**APPLICATION FOR CONSIDERATION OF A MODIFICATION**  
Ferguson Township, Centre County

State any proposed alternative(s) to the requirement:

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Please state in full, the grounds and facts of the unreasonableness or hardship the Ferguson Township Subdivision and Land Development Ordinance has placed on the property.

Centre Animal Hospital is privately owned by two local Veterinarians and has been in business at the site since construction in 1987. The proposed expansion and improvements project is being undertaken to address the needs of the clients of the business and the continuing developments in animal care. The business is a small business within the community and as such maintains a small operating budget. Currently there is a sidewalk along the frontage of the property on West College Avenue and also along Owens Drive. These walkways were installed as part of the original development project in 1987 and provide pedestrian accessibility to and from the adjacent properties.

In reviewing the streetscape design requirements the challenges in implementation of the elements is multi leveled. The first is that West College Avenue is a State Road. Improvements within the (PLEASE REFER TO NEXT PAGE FOR CONTINUATION)

\*If necessary, please continue with your hardship specification on another page.

The undersigned hereby represents that, to the best of their knowledge and belief, all information listed above is true, correct, and complete.

Debra J. Smart  
Signature

2/11/2022  
Date

**FOR OFFICIAL USE ONLY:**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Check Paid: \_\_\_\_\_ Check No.: \_\_\_\_\_ Amount: \_\_\_\_\_

Advertisement Dates: \_\_\_\_\_ Planning Commission Review Date: \_\_\_\_\_

Board of Supervisors Meeting Date: \_\_\_\_\_

CONTINUATION:

PennDOT right of way would need to be designed, reviewed, and approved through the rigorous PennDOT permitting process. This adds significant cost to the small business project as well as significant time for design, review and approval. PennDOT, in these instances, sometimes requires additional improvements beyond the municipal improvements when a project is proposed to extend into the PennDOT right of way. Additional design and construction costs increase with the additional requirements. The potential for additional improvements is unforeseeable and revealed only after a submission to and subsequent review by PennDOT.

An exciting anticipated improvement to the building will be the vast transformation of the exterior facades of the building. The existing building will be unrecognizable after completion of the project. The existing building materials will be replaced with a combination of earthy tones of stone veneer and siding material, varied sized glazing, and diverse roof lines. The view of the building from the West College Corridor will be exciting, very inviting and will add transformation to the frontage of the property from what it is today. Masking the view with street trees and improvements will decrease from the attractiveness of the building as well as add a level of complexity and disarray to the visual frontage of the property.

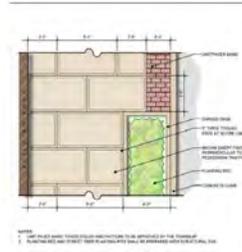
recommended densities, when enhanced by proper attention to articulation and detail and integrated with the planned streetscape design, will lend themselves to a more urban and vibrant neighborhood along the West College Avenue corridor.

**§ 22-5A09. Streetscape Design Standards. [Ord. No. 1050, 11/18/2019]**

1. The West College Avenue Corridor is intended to be the center and focal point of the district. The corridor is conducive to density and mixed-use development and is intended to be accompanied by streetscape treatment that is pedestrian friendly and consistent with the following design requirements or any officially adopted streetscape plan:
  - A. Sidewalks shall be a minimum of 12 feet in depth from back of curb to building face along West College Avenue.
    - (1) Sidewalks shall be scored in patterns that modulate the scale of the sidewalk and may include a variety of dimensional sizes including square, rectangular or diagonal patterns at the applicant's discretion and in keeping with the intent of the design standards.
    - (2) All score lines shall utilize a twice-tooled troweled edge on all pattern joints, including construction and expansion joints. In the case of stamped or colored concrete, this requirement may be modified at the discretion of the Board of Supervisors.
    - (3) All curbs, sidewalks, handicapped ramps and crosswalks shall be designed and constructed in accordance with the latest official version of the Americans with Disabilities Act.<sup>19</sup>
    - (4) All proposed sidewalks, curbs, crosswalks shall be designed and constructed in accordance with the provisions and specifications established by the Township and specified herein or in an officially adopted streetscape plan.
  - B. A two-foot-wide minimum paver accent band shall be installed along the back of the curbline along all sidewalks on West College Avenue. The pavers shall be standard four inches by eight inches brick size, red color. Pavers may be traditional clay brick or pressed concrete. Color and pattern of the paver field may include various size pavers and colors at the discretion of the applicant, subject to approval by the Board of Supervisors.
    - (1) Decorative brick, concrete pavers or pavement treatments shall be considered as an integrated feature to properties on gateway corners in the Township, the main entrance of buildings, public plazas, pedestrian access areas and public roads as noted.
    - (2) Street signs, regulatory signs, wayfinding signs, utility poles, streetlighting, utility appurtenances and traffic signal poles are to be placed within the paver accent band unless otherwise required by ordinance or upon review by the Township Engineer.

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19. Editor's Note: See 42 U.S.C.A. § 12101.



- C. Four-foot-wide by twenty-foot-long minimum, planter beds shall be incorporated parallel to the curbline adjacent to West College Avenue. Construction of these beds to function as rain gardens, in accordance with Township construction standards, is encouraged. Measurement shall be from outside edge to outside edge of planting area.
- (1) Planters shall be spaced a minimum of 40 feet on center for the width of the proposed lot or length of the unit block where the site is located. The spacing and location may be adjusted dependent on site conditions, clear sight triangles and at the discretion of the Township Engineer and Board of Supervisors.
  - (2) Planters may intersect the two-foot side accent paver bands as noted above.



- (3) Planters shall be curbed with brick or pavers to match adjacent paver accent band or other materials consistent with the architecture of the proposed project. In no case shall the width and height of the raised curb exceed six inches in either direction. Planter edge may include a decorative metal fencing garden edge to accent and highlight the planting area. The fencing may be part of the raised curb or independent thereof. In no case shall the fencing exceed 24 inches in height.
- (4) Planters shall be backfilled with CU-Structural Soil® or approved equal for the full length and width of the planter to a depth of three feet where feasible or otherwise directed by the Township Engineer.
- (5) Planter areas shall be planted with a perennial, semi- or evergreen ground cover as a year-round base planting. Planters shall also incorporate seasonal plantings to provide four season visual interest. The applicant shall provide a list of proposed seasonal plantings to be provided and maintained by the property owner and/or tenant. These may include but are not limited to tulips, impatiens, petunias, mums and ornamental kale. The use of ornamental grasses, perennials, and ornamental shrubs is also

encouraged.

- (6) The planting plan for the accent planting beds shall be prepared and sealed by a Pennsylvania registered landscape architect.
  - (7) Where feasible, applicants are encouraged to utilize and incorporate planter areas into the project's overall stormwater management strategy as bioretention/water quality filter areas. The use of planter areas as a stormwater best management practice (BMP) will be subject to review and approval by the Township Engineer and must be consistent with the Township's overall stormwater management plan and objectives for improving water quality and reducing runoff volumes.
- D. Pedestrian scale, period-style lighting standards shall be used along the West College Avenue street edge, immediately adjacent to the proposed project site. The horizontal spacing of the light fixtures shall be consistent with meeting required light levels established by Township ordinance.
- (1) Streetlights shall utilize decorative, fluted or tapered poles with decorative base covers to match the style of pole.
  - (2) Poles shall be cast iron, steel or aluminum, painted black.
  - (3) Poles shall be located within the proposed paver accent band.
  - (4) Streetlight lamps shall incorporate night sky friendly, energy efficient, full cut-off optics. The use of LED technology is encouraged.
  - (5) Poles along West College Avenue shall incorporate banner brackets for upper and lower banner arms, to hang one banner, perpendicular to the street edge.
  - (6) Poles along West College Avenue shall include provisions for two planter arms, one on each side of the pole, parallel to the street edge.
  - (7) Poles along West College Avenue shall include provisions for one exterior rated duplex electrical outlet located immediately below the point of attachment between luminaire and pole.



- E. To mitigate the negative impacts of heat island effects, a minimum of one street tree shall be planted in the center of each four-foot-by-twenty-foot accent planting bed. The selected species and sizing of tree shall be in accordance with Chapter 25, Trees. Shrub varieties shall be included in a landscaping and planting plan prepared and sealed by a Pennsylvania

registered landscape architect and approved by the Township Tree Commission.

- F. Each project with frontage on West College Avenue shall include the provision of site furnishings consistent with the intended creation of an inviting, safe and enjoyable pedestrian experience. These furnishings may include benches, trash and recycling receptacles, bike racks, bus shelters, and individual freestanding planters.
- (1) Site furnishings shall be constructed of nonbiodegradable, vandal resistant materials such as cast iron, steel, aluminum, or recycled plastic components.
  - (2) Site furnishings shall be period style consistent with the overall character of the area or any officially adopted Streetscape Plan.
  - (3) Site furnishings shall be from a coordinated family of furnishings by the same manufacturer unless otherwise approved by the Township.
  - (4) Benches shall be a minimum of six feet in length and shall incorporate a center armrest.
  - (5) Trash receptacles shall be a minimum of thirty-two-gallon capacity and shall utilize the smallest possible semicovered top opening to prevent the deposition of large trash bags or household debris.
  - (6) Recycling receptacles shall be provided and incorporated consistent with Centre Region refuse and recycling requirements.
  - (7) Benches and receptacles shall be grouped together along the street edge but not within the required accent paver band. Where feasible, these groupings may occur between accent planting beds when two or more beds are included along the frontage of a project.
  - (8) Bus shelters may be incorporated subject to the review and approval of CATA. The style of shelter shall be consistent with the overall site furnishings palette.
2. Streets perpendicular to the West College Avenue Corridor will also provide for a variety of uses, but at a slightly reduced scale. The sidewalks and streetscape treatment along these streets will be correspondingly reduced in scale, with fixtures and landscape features more conducive to a side street location.

**§ 22-5A10. Building Design and Facade Considerations. [Ord. No. 1050, 11/18/2019]**

Issues of character, aesthetic contribution, scale, proportion and material quality shall all be evenly considered along with the traditional measures of zoning and code compliance when evaluating building design. To minimize subjectivity in the consideration of these elements, the following guidelines shall be considered.



Department of

# PLANNING AND ZONING

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Interoffice Memorandum

**TO:** Ferguson Township Board of Supervisors

**FROM:** Jenna Wargo, AICP  
Director of Planning & Zoning

**DATE:** March 29, 2022

**SUBJECT: Final Land Development Plan—Orchard Square**

The land development plan proposes the construction of a 19,856 square foot commercial/retail shopping center with associated parking and utilities. As proposed, there will be 3 retail store fronts and 113 parking spaces, including 5 ADA handicap spaces. The retail spaces are proposed to be 10,722 square feet, 6,483 square feet and 2,566 square feet.

Tax Parcel 24-004-067F-0000 is 3.69 acres and is zoned General Commercial (C) with the Corridor Overlay District (COD).

Planning Commission reviewed the final land development plan at the March 14, 2022, regular meeting and recommended conditional approval of the final land development plan pending outstanding staff comments as included in the attached document.

March 7, 2022

Jenna Wargo, AICP  
Director of Planning & Zoning  
Ferguson Township  
3147 Research Drive  
State College, Pennsylvania 16801

RE: Orchard Square Final Land Development Plan

Dear Jenna,

In regard to comments received on the above-referenced project, we offer the following responses:

**COMMUNITY PLANNER COMMENTS (dated February 24, 2022)**

Please change all instances of Chairman to Chair (Planning Commission Signature Block)

*These have all been revised.*

**ZONING OFFICER COMMENTS (dated March 3, 2022)**

1. Proposed street address and address for each unit, if applicable, must be included on the plan. (Chapter 22, Section 401.1.A.3.q) Addresses for each unit need to be shown on the plan.  
*The street address and unit numbers have been added to the Record Plan, Sheet 4 and Note I.e. on Sheet 3*
2. A time extension must be submitted with any revised plan. (Chapter 22, Section 303)  
*Enclosed.*
3. A digital copy of the plan in accordance with Township requirements must be provided to the Township prior to final plan signature. (Chapter 22, Section 307.7)  
*Acknowledged.*
4. Surety must be posted for all public improvements. (Chapter 22, Section 304)  
*As discussed, no surety will be required*
5. The plan must be signed, all fees paid to the Township, and the plan recorded within the plan deadline.  
*Acknowledged.*
6. When parking bays incorporate more than ten (10) parking spaces in a continuous row, a raised island shall be incorporated within the parking bay for every ten (10) parking spaces. (Chapter 27, Section 707.16.D)  
*Tas discussed, islands have been added to the plan. One island is at 11 parking spaces but we've added an additional island to compensate for that.*
7. Two (2) sections through the site showing buildings, light fixtures and standards, one (1) section to be from side yard to side yard, and the other to be from front yard to rear yard must be included on the plan. (Chapter 22, Section 401.C.1.j)  
*Two cross sections have been added to the plans. See Sheet ??.*
8. Yard setback lines as required by the Township Zoning Chapter must be included on the Record Plan. (Chapter 22, Section 403.J)  
*The yard setback lines are shown and labeled on the Record Plan and listed on the Signature & Notes Plan.*
9. Approved house numbers must be included on the Record Plan. (Chapter 22, Section 403.K)  
*The approved street address and unit numbers have been added to the Record Plan, Sheet 4 and Note I.e. on Sheet 3*

10. Approved lot numbers must be included on the Record Plan. (Chapter 22, Section 403.K)  
*The street address and unit numbers have been added to the Record Plan, Sheet 4 and Note I.e. on Sheet 3*
11. Utility easements must be included on the Record Plan. (Chapter 22, Section 403.L)  
*All utility easements are shown in the Record Plan, Sheet 4.*
12. Drainage easements must be included on the Record Plan. (Chapter 22, Section 403.L)
13. *All drainage easements are shown in the Record Plan, Sheet 4.*
14. Lands reserved or dedicated for public use must be included on the Record Plan. (Chapter 22, Section.403.M)  
*There are none.*
15. Location of monuments must be included on the Record Plan. (Chapter 22, Section 403.N)  
*Locations of property pins are included on the Record Plan.*
16. Location of markers must be included on the Record Plan. (Chapter 22, Section 403.N)
17. *Locations of property pins are included on the Record Plan.*
18. Elevation of monuments must be included on the Record Plan . (Chapter 22, Section 403.N)  
*Elevations or property pins are included on the Record Plan.*
19. Elevation of markers must be included on the Record Plan. (Chapter 22, Section 403.N)
20. *Elevations or property pins are included on the Record Plan.*
21. Completed signature blocks as required in [Chapter 22, Section 401] must be included on the Record Plan. (Chapter 22, Section 401)  
*All signatures will be obtained prior to final plan approval.*
22. All existing and proposed structures must be included on the plan. (Chapter 22, Section 403.P)  
*These are shown on the plans.*
23. The following statement must be included on the Record Plan: This Record Plan conforms with the Plan receiving final approval by the Ferguson Township Board of Supervisors on \_\_\_\_\_ . All improvements are or will be installed in accordance with such Plan in a manner and time so specified therein. (Chapter 22, Section 403.Q)  
*This statement is on the plan. See Note 11 on Sheet 3.*

CENTRE REGIONAL PLANNING AGENCY (dated February 18, 2022)

1. On Sheet 3, Project Note 1b. states the incorrect tax parcel number. Correct the tax parcel number.  
*The correct Tax Parcel Number has been shown on the plan.*
2. The Centre Region Bike Plan and the Ferguson Township Official Map identify a proposed bike facility in the S.R. 26/West College Avenue Corridor. Consideration should be given to the plan and official map recommendations.  
*Acknowledged.*
3. Ferguson Township Code States: §22-5C02 1.E(1) Location.(a) Short-term bicycle parking must be located either a) within 50 feet of the main public entrance of the building or facility, or b) no further than the nearest motor vehicle parking space to the main public entrance (excluding parking for individuals with disabilities), whichever is closer. If the new development or major renovation contains multiple buildings or facilities, the required short-term bicycle parking shall be distributed to maximize convenience and use. Clarify that the locations meet the ordinance.  
*One of the short term bike racks for Tenant Space No. 1 has been relocated to meet this requirement.*
4. Ferguson Township Code States: §22-5CO2 1.F Additional Requirements Applicable to Long-Term Bicycle Parking Only. Long-term bicycle parking shall be provided in either 1) bike lockers or 2) indoor rooms or areas specifically designated for bicycle parking (including designated areas of an indoor parking facility), and shall satisfy the following requirements, in addition to the associated requirements above:

- a. Location. Long-term bicycle parking may be located either on or off site. If located off site, it shall be no more than 300 feet from the main public entrance.
- b. Requirements for Indoor Long-Term Bicycle Parking. Long-term located in designated indoor rooms or areas shall contain bike racks or comparable devices. Such rooms shall be designed to maximize visibility of all portions of the room or designated area from the entrance. Supplemental security measures (such as limiting access to a designated indoor bike parking room to persons with a key, smart card, or code) are optional. Clarify that the location meets the ordinance.

***The long term parking meets the ordinance as it was approved on the preliminary plan by the Ferguson Township staff. The long term parking will be utilized by employees of the tenants at the building. The employee entrances are located at the rear of the building where the long term bicycle parking is.***

5. Ferguson Township Code States: §22-5CO2 1.D.(3) All bike racks shall be located at least 36 inches in all directions from any obstruction, including but not limited to other bike racks, walls, doors, posts, columns, or exterior or interior landscaping. Sheet 11 should be updated to clarify this requirement.

***This has been noted on the detail on Sheet 11 as requested***

#### TOWNSHIP ARBORIST (dated February 8, 2022)

1. Page 8 - Landscape Plan - Planting Schedule -Canopy Trees Key T-1 Katsura tree - Cercidiphyllum japonica is not on Official Township Plant List (Chapter 25, Section 201 (Reserved) (Resolution 2021-20)  
***This tree was on a previous approved township list and for some reason like several other plants removed on the updated list. The tree has been revised to a Japanese Zelkova.***
2. Page 8 – Landscape Plan – Typical Tree Planting and Typical Shrub Planting Detail - does not represent current industry standards. Suggest refreshing details to indicate root flare above finished grade in order to indicate tree and shrubs are planted at proper depth.  
***The existing planting details will remain for this plan, as they were already approved on the preliminary plan. However, please forward us your recommended township approved planting details and we'll include them on future Ferguson Township plans.***
3. Page 8 – Landscape Plan – Buffer Yard Plantings – Although planting density and evergreen species meet ordinance requirements, the proposed planting of evergreen trees at current spacing is very tight. Current plan will create conflicts with canopy trees and understory shrubs in relatively short time. I would like to suggest using smaller understory tree species to prevent competition, overcrowding, and tree/shrub/plant mortality.  
***The plants will remain as approved on the Preliminary LDP and to meet the required planting densities for the Ferguson Township buffer yard and parking lot screening requirements. However, due to the zoning officer's comment, three parking islands were added in the from parking area and smaller canopy trees from the Official Ferguson Township list are proposed at those new islands following your recommendation.***

#### TOWNSHIP ENGINEER CONSULTANT (February 11, 2022)

1. Site grading has been revised in multiple areas around the perimeter of the site and the pond, which may result in minor drainage area modifications.  
***The drainage area changes due to the minor grading changes are insignificant. As recommended, minor modifications will be documented/updated with the as-built stormwater management submission package.***
2. A sidewalk and some parking areas have been relocated/revised, which may result in a modification to the site impervious area.  
***As recommended, minor modifications will be documented/updated with the as-built stormwater management submission package.***

3. The lighting plans on the Final Land Development Plans are consistent with the Preliminary Land Development Plans regarding lighting fixture types, locations, and mounting heights. The proposed lighting meets the requirements outlined in §4-126 of the Township Code relative to the use of cutoff luminaires.

*Acknowledged*

4. The lighting does not exceed the allowable maximum maintained luminance levels at the property lines as outlined in §4-127.C. of the Township ordinance requirements.

*Acknowledged*

Enclosed please find the following materials:

- Four sets of the revised plan

If you have any questions, please don't hesitate to contact me.

Regards,



Mark Torretti  
Project Manager

Enclosure

Cc: File No. 17125.10  
Justin Mandel

# **PARKING ANALYSIS/STUDY FOR MP MACHINERY**

Prepared by PennTerra Engineering, Inc.

March 8, 2022

MP Machinery and Testing, located at Tax Parcel 24-433-,007-,000- and at 2161 Sandy Drive, State College, Ferguson Township, Centre County, Pennsylvania, is planning to add on to its existing building to provide additional material storage (for testing operations) and testing areas with an 8,088 square feet addition to the existing building.

The current Ferguson Township Ordinances (*Chapter 22 Subdivision & Land Development- Part 5.C OFF-STREET PARKING & LOADING, 22-5C01. General Regulation. 1.B.92.*) requires the preparation of a parking study to determine needs for the determination of the Ferguson Township Planning Commission. This document represents that required study, and is intended for the review and determination of the Ferguson Township Planning Commission, so that the planned land development and building expansion for MP Machinery & Testing can proceed.

Our goals for this parking study are:

1. To rationally determine and provide the necessary off-street parking spaces for facility operations.
2. To minimize impervious coverage. A key goal in development is ALWAYS to minimize site impact specific to reducing impervious coverage. This is a best practice for costs and especially for the environment.
3. And to obtain clear direction from Ferguson Township regarding off-street parking so that we (PennTerra Engineering and MP Machinery & Testing) can move this project forward.

## **Background/Historical Data for Consideration**

MP Machinery was developed in 1997 per the recorded Plan- PB 54, Page 7. The project's required parking at that time was as follows.

Office:                   1 space for each 250 square feet.  
There is 1,764 square feet of office space according to the recorded plan  
The required parking spaces for the OFFICE use is 7.06 spaces.

Laboratory:            1 space for each 350 square feet.  
There is 4,860 square feet of laboratory and testing space in the building.  
The (then) required parking spaces for the laboratory use is 13.89 spaces.

In 1997, the total required parking for MP Machinery & Testing was 21 spaces. Refer to the recorded Plan as attached at the rear of this report.

The actual constructed parking lot and parking spaces for the facility are 24 parking spaces as can be viewed on the attached EXISTING CONDITIONS PLAN.

PennTerra Engineering posed several questions to the developer and owner, Dr. Michael P. Manahan, Sr., Executive Chairman of MP Machinery & Testing, LLC. Those questions and responses by Dr. Manahan follow.

- A. How many spaces do you NEED?
- B. Wondering if for actual and historical purposes, whether the Building Addition will not create a need?

Couple of (additional) questions...

1. Briefly explain/classify the need for the Building Addition. Is it just additional Laboratory or storage/material space? ***It is for both lab and for storage. We will initially need about 70% for storage and 30% for lab.***
2. Will the Building addition result in additional employees? ***No.***
3. Do you need the Breezeway connecting the buildings? ***Yes. That 20 feet is critical for access and delivery. Note that I own the lot next to that side of the property. We can ask the township to approve a move of that boundary. Alternatively, I am planning to build on the lot next door, and we could put a lot there and put an agreement in place for the two businesses to share the parking lot.***

Regarding the Parking Study, I have some additional questions.

1. Correct me if I am wrong, you really do not need additional spaces for your building with the addition. ***We currently have a parking lot that provides 24 spaces, including a handicapped accessible space. MP feels that the firm does not need any additional parking spaces to accommodate the proposed building expansion.***
2. I assume that you have a business where you really do not have too many 'visitors?' ***MP has had one or two visitors per year over the past 25 years, as customers do not come to this location. Rather, MP travels from this location to its customers.***
3. How many employees do you have currently? ***MP Machinery and Testing has six employees, and has never had more than five over the past 25 years. MP does not plan on hiring any more employees because of this expansion, which is mostly for storage. Due to plans for the intended Building Expansion, MP Machinery has hired their maximum number of employees, ever to be eight.***
4. Are they 8:00 AM to 4:30 PM type of work hours? ***Our hours are 7:30 am to 4:40 pm.***

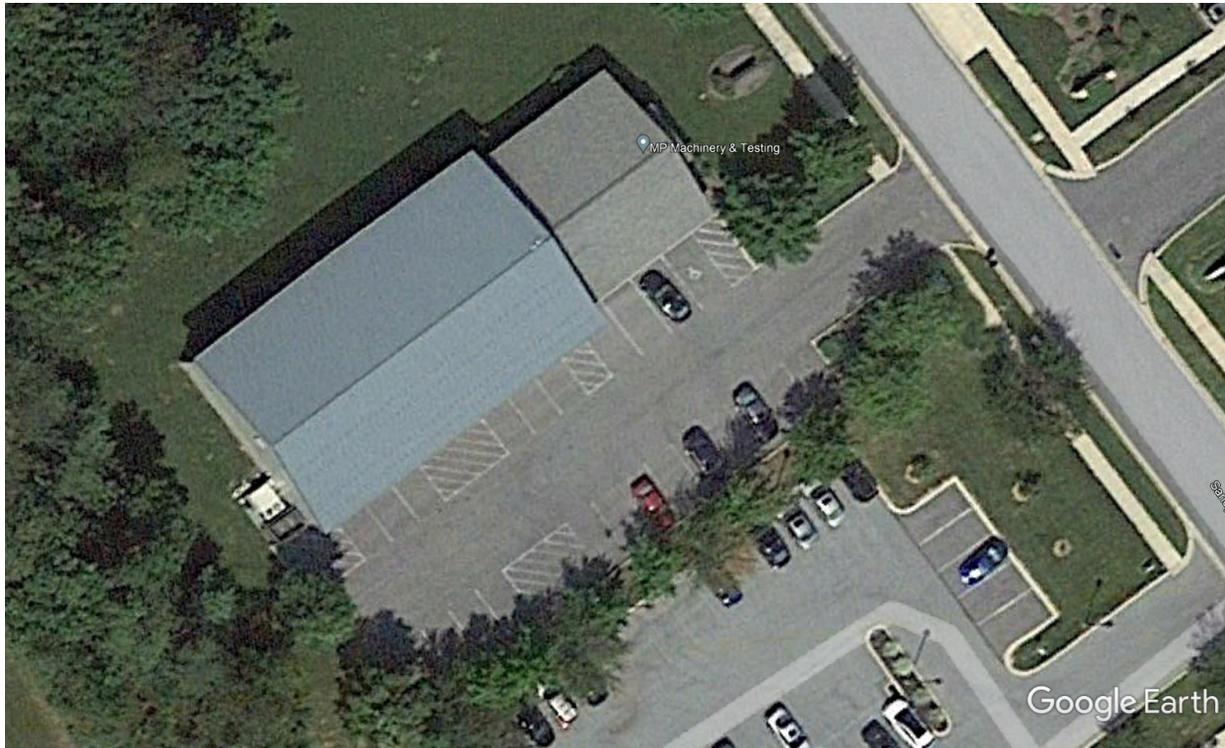
Mr. Manahan has supplied some additional data to consider as the development of the planned Building Addition and site improvements are designed. That data follows.

- Solely for the sake of convenience, MP proposes a few additional parking spaces by the new addition. These are identified on the Planned Site Development Plan part of this Study.
- MP needs a driveway in the back of the building for 18 wheelers to drive through. There is a high bay door in the rear of the new building, and they need to take deliveries there.

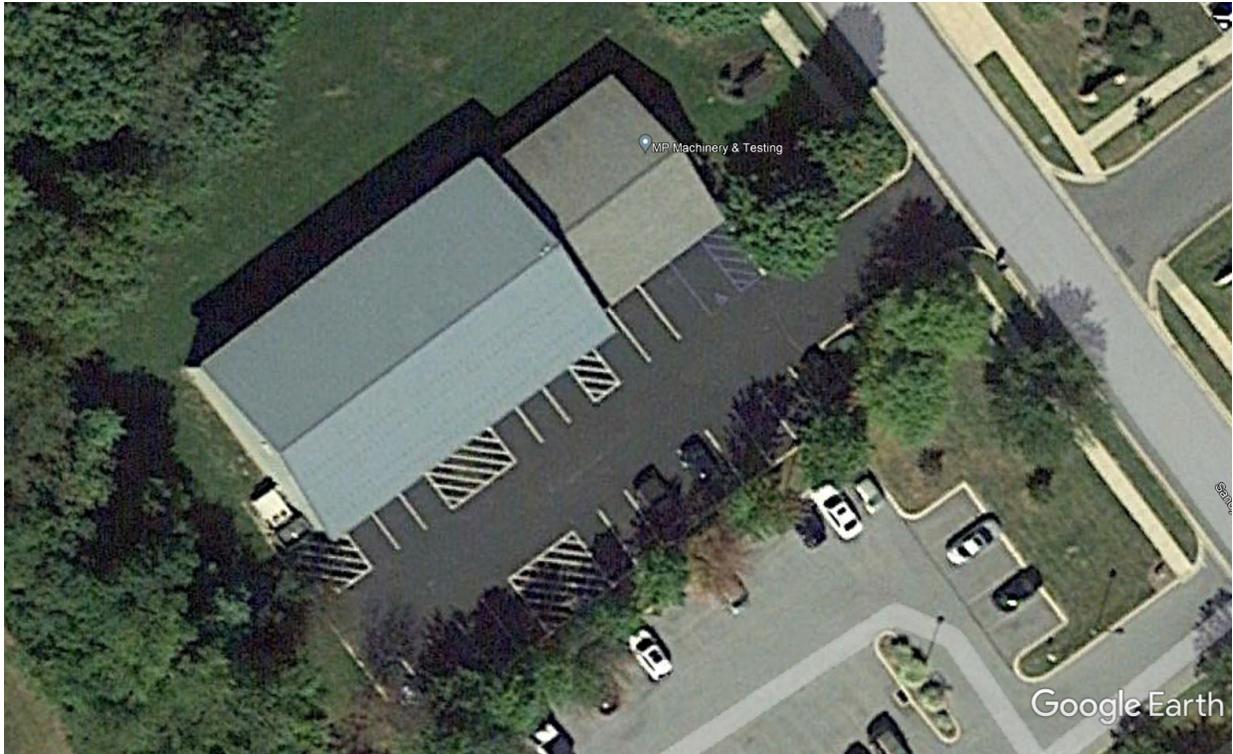
**Available data on parking usage at the property:**

Google Earth® has free, publicly available aerial photography that shows MP Machinery and Testing in operation at the Sandy Drive site in August 2012, September 2015, April 2016 and September 2020.

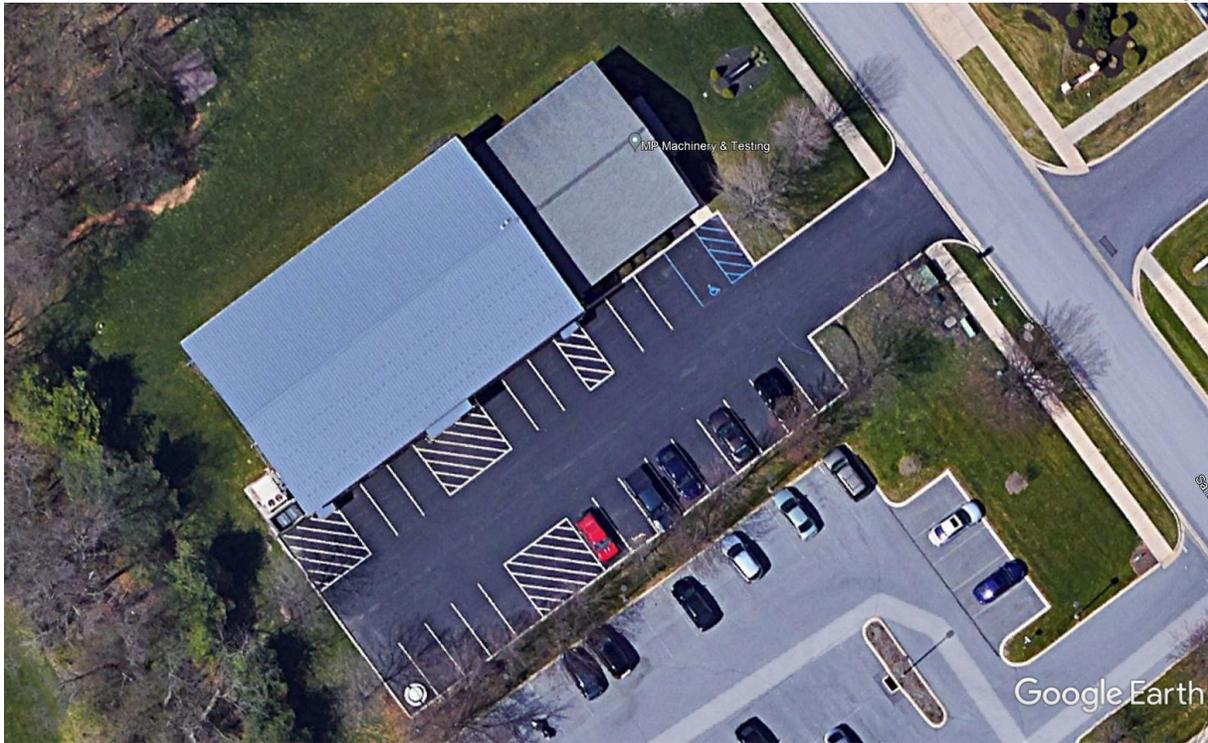
The August 2012 photograph below shows four vehicles on site.



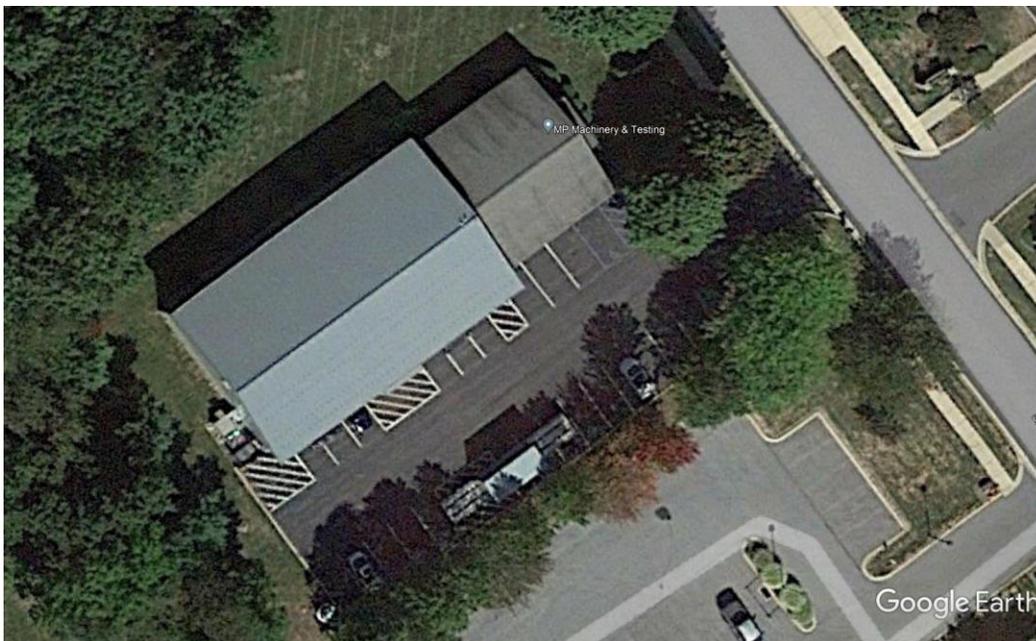
The September 2015 imagery below shows three vehicles in the parking lot.



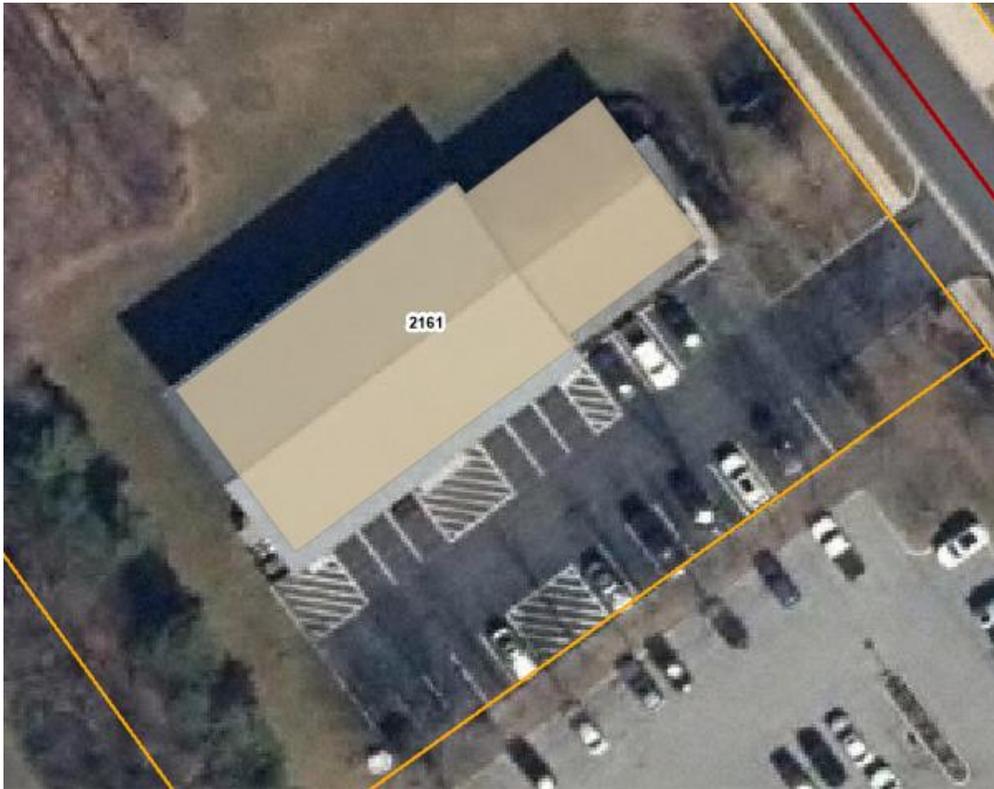
The April 2016 imagery below shows five vehicles in the 24-space parking field.



The September 2020 imagery below shows only two vehicles on site.



Additionally, the Centre County GIS Aerial photography from 2020 shown below depicts nine vehicles in the 24-space parking lot.



### **Results/Analysis of Viewed Aerial Photography and Considerations of Building Use**

- The existing 24 space parking field never appears to be full, or even at half of its capacity.
- The information provided by Dr. Manahan is supported by the historical aerial photography. The on-line aerial mapping evidence provided by Google Earth® and the Centre County GIS aerial on five random days scattered across the past nine years corroborates our client's claim that the site's current parking is more than adequate.

### **Opinion for Development**

It is the opinion of our firm that the historical information suggests that in the interests of efficiency and the environment, additional parking is not needed to support the planned 8,000 square feet building addition at MP Machinery and Testing, which is located at Tax Parcel 24-433-,007-,000- and at 2161 Sandy Drive, State College, Ferguson Township, Centre County, Pennsylvania.

PennTerra Engineering, as civil engineering and site designers plans to increase the 24-parking space field to 26 spaces, and to bring the parking lot into compliance with the current standards of the Township of Ferguson (i.e., adding a landscaping island, etc.). Additionally, the plan to add six additional parallel spaces at the rear of the building will be made to provide convenience parking spaces for the direct access of the new building addition. Refer to the PROPOSED SITE LAYOUT & PARKING PLAN for the site with the additional 8 parking spaces.

*The conclusions in this report are based upon observations and information available, known and declared at the date of the investigation and/or the time of the preparation of this report. Our services were performed using the degree of engineering skill normally exercised by practicing consulting engineers. No other warranty is expressed or implied.*

*The report reviewers may use this data to determine their own opinion or to aid them as they deem fit. PennTerra Engineering is not subject to litigation or responsibility of any sort related to the results of our findings.*

*PTE reserves the right to amend and/or supplement this report in the event that new or additional documentation, occurrence or evidence becomes available with respect to the investigation and analysis. You are advised to notify PTE immediately if this occurs. If you have any questions with regards to the conclusions in this report, or if you require additional documentation, please feel free to contact us.*

Respectfully Submitted,

*Chad Stafford*

Chad Stafford, P.E.

and

*Lee Slusser*

Lee C. Slusser, AICP, Project Manager  
PennTerra Engineering, Inc.

**EXISTING FEATURES LEGEND**

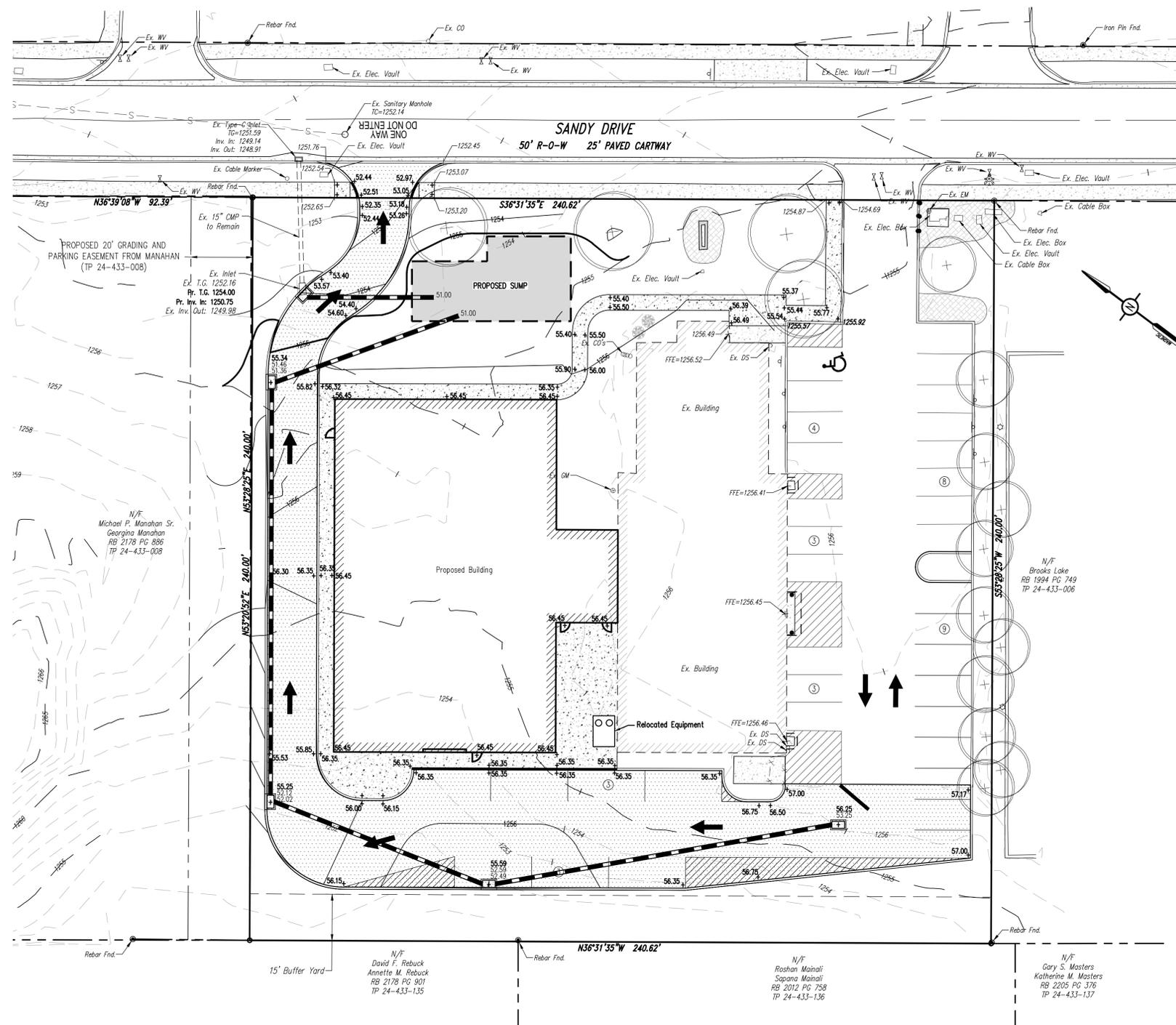
- Existing Building
- Existing Curbing & Edge of Pavement
- Existing Concrete Areas
- Existing Landscaped Areas
- Existing Retaining Wall
- Existing Contours w/ Elevation (1's & 2's)
- Existing Contours w/ Elevation (5's & 10's)
- Existing Sanitary Sewer w/ Manhole
- Existing Water Service Lateral
- Existing Storm Sewer Line w/ Inlet
- Existing Fire Hydrant
- Existing Manhole
- Existing Storm Sewer Inlet Type-M
- Existing Storm Sewer Inlet Type-C
- Existing Utility Main Valve
- Existing Utility Lateral Valve
- Existing Utility Meter
- Existing Storm Sewer Inlet Type-C
- Existing Light Pole/Standard
- Existing Flood Light
- Existing Sign
- Existing Deciduous Tree
- Existing Evergreen Tree
- Existing Shrub

**SURVEY FEATURES LEGEND**

- Property Line, Lot Line or Right of Way Line
- Adjoining Property Line
- Building Setback Line
- Roadway Center Line
- Property Corner Found
- Property Corner To Be Set

**PROPOSED FEATURES LEGEND**

- PROPOSED BUILDING
- PROPOSED CURBING & EDGE OF PAVEMENT
- PROPOSED CONCRETE AREAS
- PROPOSED STORM SEWER W/ TYPE C INLET
- PROPOSED STORM SEWER INLET - TYPE M
- PROPOSED STORM SEWER INLET - TYPE C



Designer	MJA
Draftsman	MJA
Proj Manager	CDS
Surveyor	XXX
Perimeter Ck.	
Book	XXX Pg. XXX
File	21316 - MD
Layout	PROPOSED LAYOUT

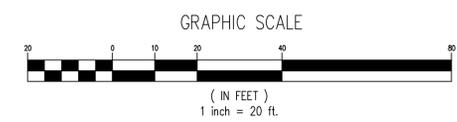
Date	Description	REVISIONS

**MP MACHINERY AND TESTING**  
FERGUSON TOWNSHIP  
CENTRE COUNTY  
PENNSYLVANIA

**PRELIMINARY/FINAL  
LAND DEVELOPMENT  
PLANS**

**PROPOSED SITE  
LAYOUT &  
PARKING**

PROJECT NO.	21316
DATE	MARCH 9, 2022
SCALE	1" = 20'
SHEET NO.	1





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## TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-238-3454  
[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

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TO: Centrice Martin, Interim Township Manager  
Ferguson Township Board of Supervisors

FROM: David Modricker P.E., Public Works Director

DATE: March 30, 2022

SUBJECT: **AWARD OF FUEL BID FOR 2022**

Bids were opened publicly via ZOOM and in person at the Township building for the fuel contract at 1:30pm on Tuesday, March 29, 2022 and read aloud. David Modricker and Summer Brown of Ferguson Township were present. The fuel bid was advertised in the Centre Daily Times and sent out to potential bidders.

Two fuel bids were received and are summarized as follows:

Nittany Oil Co.	\$111,949.50
JJ Powell, Inc.	\$112,177.50

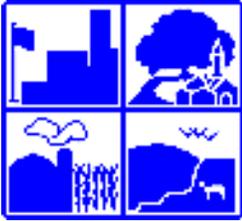
Bids are within the current budget amount of \$115,750 (FTPW gasoline \$25,000 + FTPW diesel \$45,000 + FTPD gasoline \$45,750). The actual cost will depend on our consumption and the escalating wholesale price index. I recommend that the Board of Supervisors award Contract 2022-C7a, Fuel Bid, to Nittany Oil Co. in the amount of \$111,949.50.

File: Contract 2022-C7a Fuel

Itemized bid summary for 2022-C7a Fuel

Nittany Oil Company										
Item	Description	Quantity	Unit	Unit Price from Supplier	UST gallon fee	Winter use fuel additive fee per gallon	Dye fee per gallon	Fixed Price Mark Up per gallon	Bid Unit Price	Total Price
	Unleaded-Premium Minimum									
1	89 Octane	15000	Gallons	3.2275	0.011			0.0899	3.3284	\$49,926.00
	Ultra-Low Sulfur #2 Diesel									
2	Minimum 45 Cetane	15000	Gallons	4.01	0	0.03	0.005	0.0899	4.1349	\$62,023.50
										<b>\$111,949.50</b>

JJ Powell										
Item	Description	Quantity	Unit	Unit Price from Supplier	UST gallon fee	Winter use fuel additive fee per gallon	Dye fee per gallon	Fixed Price Mark Up per gallon	Bid Unit Price	Total Price
	Unleaded-Premium Minimum									
1	89 Octane	15000	Gallons	3.2275	0.011			0.1	3.3385	\$50,077.50
	Ultra-Low Sulfur #2 Diesel									
2	Minimum 45 Cetane	15000	Gallons	4.01	0	0.025	0.005	0.1	4.14	\$62,100.00
										<b>\$112,177.50</b>



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## TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-238-3454  
[www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us)

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TO: Centrice Martin, Interim Township Manager  
Ferguson Township Board of Supervisors  
FROM: David Modricker P.E., Public Works Director

DATE: March 30, 2022  
SUBJECT: **AWARD OF MATERIALS BID FOR 2022 – “Aggregate and Asphalt”**

Bids were opened publicly for the aggregate and asphalt contract at 2:00pm on Tuesday, March 29, 2022 via ZOOM and in person at the Township building and read aloud. David Modricker and Summer Brown of Ferguson Township were present. The contract was advertised in the Centre Daily Times and notice was provided to potential bidders.

Two bids were received for aggregate as summarized on the attached bid tabulation. Aggregate is bid delivered to the Township at 3147 Research Drive. Bidders were Hanson Aggregate and Glenn O. Hawbaker, Inc.

Two bids were received for asphalt materials as summarized on the attached bid tabulation. Asphalt material is bid FOB (freight on board), meaning our trucks drive to the asphalt plant and pick it up. Bidders were Glenn O. Hawbaker, Inc. and HRI, Inc.

Based on my review, I recommend that the Board of Supervisors award items 1, 2, 3, and 4 (aggregate) to Hanson Aggregates Pa. LLC, in the amount of \$19,840.00; and that the Board of Supervisors award items 5, 6, 7, and 8 (asphalt) to HRI, Inc. in the amount of \$59,800.00 all under Contract 2022-C7c, Aggregate and Asphalt.

The budget for this year's road materials from fund 35.438.245 is \$25,000. At the time of budget preparation, it was expected that base repair for the microsurfacing program would be contract work with a budget of \$106,000 under 35.438.610. The base repair work will be done in house. There is adequate funding in fund 35 to award the aggregate and asphalt bids.

File: Contract 2022-C7c aggregate and asphalt

MS-963

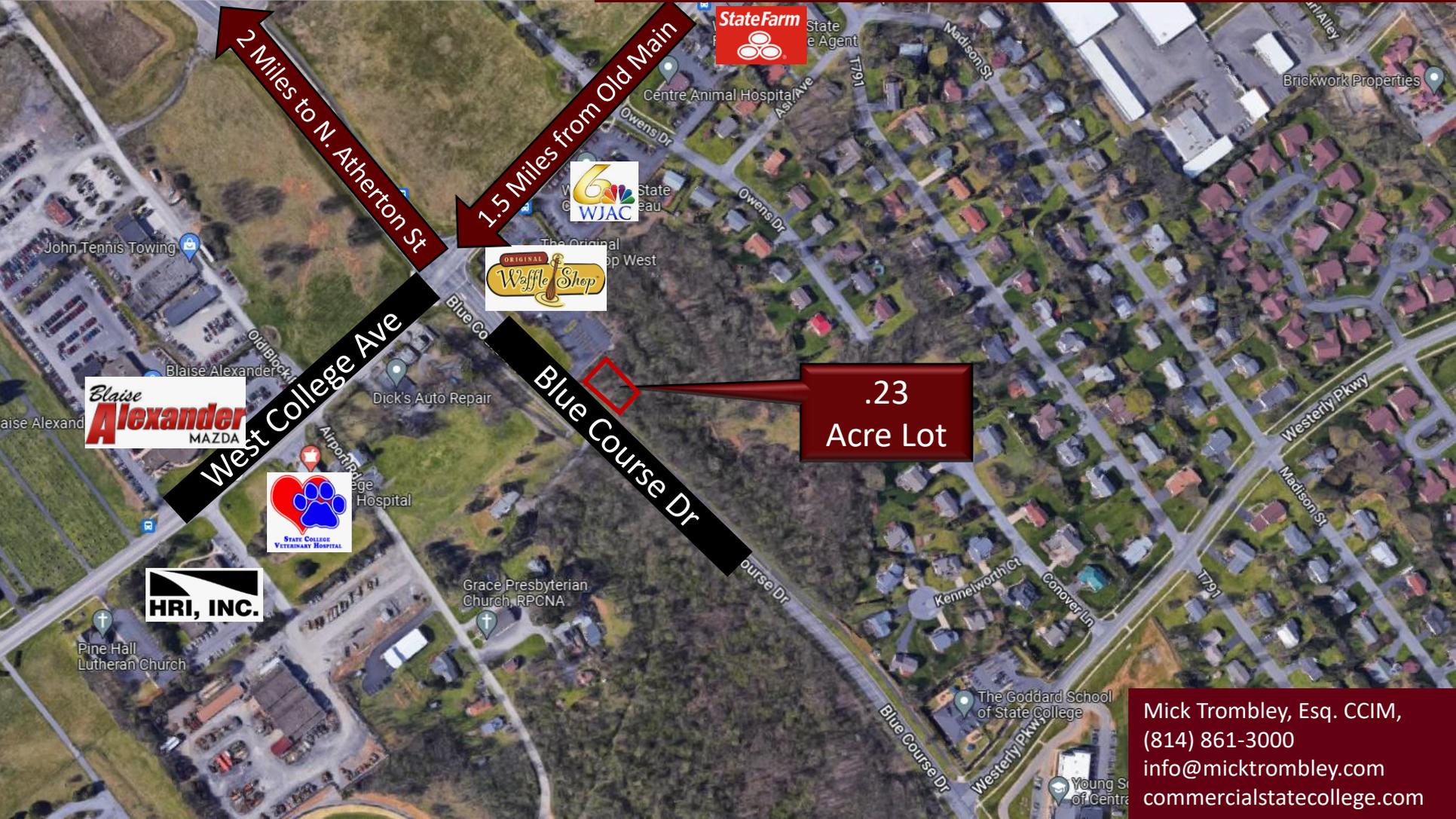
Contract 2022-C7c Attachment 1  
**SCHEDULE OF PRICES - MATERIALS**

Bid Results for Asphalt and Aggregate Contract 2022-C7c

1	2	3*	4**	Hanson aggregate		GOH aggregate		HRI bituminous, miles to plant = 18, 24 min drive		GOH bituminous, miles to plant = 16, 24 min drive	
				UNIT PRICE DELIVERED TO TWP.	TOTAL	UNIT PRICE DELIVERED TO TWP.	TOTAL	UNIT PRICE FOB PLANT	TOTAL	UNIT PRICE FOB PLANT	TOTAL
1	100	TON	2B Stone	\$17.35	\$1,735.00	\$18.00	\$1,800.00				
2	100	TON	Type AS2, Anti - Skid	\$17.75	\$1,775.00	\$18.70	\$1,870.00				
3	1000	TON	2A Stone	\$14.35	\$14,350.00	\$15.50	\$15,500.00				
4	100	TON	R-4 Rock	\$19.80	\$1,980.00	\$20.10	\$2,010.00				
5	100	TON	25mm Base Course PG64-22, <0.3 mESALS					\$56.50	\$5,650.00	\$57.00	\$5,700.00
6	500	TON	25mm Base Course PG64-22, 0.3 -3 mESALS					\$56.50	\$28,250.00	\$57.00	\$28,500.00
7	100	TON	25mm Base Course PG64-22, 10-30 mESALS					\$56.50	\$5,650.00	\$57.00	\$5,700.00
8	300	TON	9.5mm Wearing, SRL L PG64-22, <0.3 mESALS					\$67.50	\$20,250.00	\$72.00	\$21,600.00
				\$19,840.00		\$21,180.00		\$59,800.00		\$61,500.00	

# Blue Course Drive State College, PA

## Lot For Sale



Mick Trombley, Esq. CCIM,  
(814) 861-3000  
info@micktrombley.com  
commercialstatecollege.com

# Songbird Sanctuary

Appears to already be part  
of the Sanctuary's plan



# Lot on Blue Course Drive State College, PA

**For Sale**

**DRAFT**

**.23 Acres**



Blue Course Drive

Existing Curb Cut



# Centre County Demographic & Facts

## State College & Surrounding Areas



By: Data USA

- **Best US City for Entrepreneurs to Live and Launch by Entrepreneur.com**
- **University Park Airport – Direct flights to Chicago, Philadelphia, Detroit and Washington**
- **25 major festivals, including one of the most well-known and largest art festivals in the U.S., the Central Pennsylvania Festival for the Arts. & Central Pa 4<sup>th</sup> Fest**
- **Penn State football Saturdays make State College become the third largest town in PA**
  - **State College was ranked No. 1 as the least stressful city in the US by Psychology Today**
    - **1.5 to 2 million annual visitors to Happy Valley**
      - **Abundant biking and hiking trail system**

# Census Info

➤ Population.....	162,805
➤ Area in Square Miles.....	1,112
➤ Female.....	47%
➤ Male.....	53%
➤ Median Household Income.....	\$48,262
➤ Median Home value .....	\$212,300
➤ Home ownership rate.....	61.4%
➤ Bachelor's degree or higher, pct. of persons age 25+, 2010.....	41.3%
➤ Total number of firms.....	11,078

- Source: United States Census Bureau
  - Census.gov population Estimates for 2018