

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, April 20, 2020, 7:00 PM

Join Zoom Meeting: <https://zoom.us/j/95665696839>; Meeting ID: 956 6569 6839

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Dial In: (814) 238-4651, extension 3799

I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. April 6, 2020, Board of Supervisors Regular Meeting

IV. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. Ferguson Township Tree Commission Report

V. UNFINISHED BUSINESS

1. Request for Modification – Harner Farm Subdivision/Land Development Plan
2. Harner Farm Subdivision
3. Orchard View Subdivision
4. Whitehall Road Sheetz Land Development Plan
5. Employer Paid Sick Leave Ordinance Discussion

VI. NEW BUSINESS

1. Consent Agenda
2. Resolution - LEED Green Cleaning Policy
3. Resolution - Sustainable Purchasing & Solid Waste Management Policy
4. Resolution - Tobacco Control Policy
5. Resolution - Township Tax Collection Policy
6. Proclamation – Watershed Cleanup Week in Ferguson Township
7. Letter of Support – National Fish & Wildlife Federation Grant Submission
8. Ordinance Authorization - General Parking Regulations/Prohibitions
9. Ordinance Authorization - Stop Intersections Established
10. Award Contract 2020-C1 - Street Improvement Project (North)
11. Award Contract 2020-C2 - Street Improvement Project (West)

VII. REPORTS

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

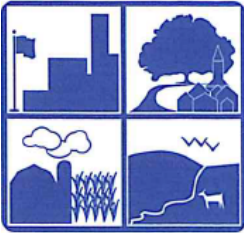
VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – APRIL/MAY

X. ADJOURNMENT



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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

Board of Supervisors Regular Meeting Agenda Monday, April 20, 2020 7:00 P.M.

I. CALL TO ORDER

II. CITIZEN'S INPUT

III. APPROVAL OF MINUTES

1. April 6, 2020, Board of Supervisors Regular Meeting Minutes

IV. SPECIAL REPORTS

10 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. Ferguson Township Tree Commission – Scott Pflumm

V. UNFINISHED BUSINESS

- 1. REQUEST FOR MODIFICATION/WAIVER – SUBDIVISION OF TAX PARCEL 24-4-67 AND RELOT OF TAX PARCEL 24-4-67C/STATE COLLEGE PA WHITEHALL ROAD SHEETZ LAND DEVELOPMENT PLAN**

10 minutes

Narrative

On April 19, 2019, Penn Terra Engineering submitted an application for consideration of a Modification/Waiver from §22-512.1.E-7., Sidewalks. This section of the ordinance required sidewalks to be shown on both sides of streets for every preliminary and final subdivision, land development plans, and that surety be posted upon final plan approval. The Harner Farm Subdivision Plan of tax parcel 24-4-67 and the replot of tax parcel 24-4-67C was submitted concurrently with the Whitehall Road Sheetz Land Development Plan (Lot 1 of the Harner Farm Subdivision Plan). The applicant is requesting that no sidewalks be required on the Harner Farm Subdivision plan as follows:

- Lot 1 (Sheetz Land Development Plan): No sidewalk be required on the Harner Farm Subdivision Plan because sidewalks are shown on the Sheetz Land Development Plan.
- Lot 2: No sidewalks be required on the Harner Farm Subdivision Plan since there is no land development plan proposed for that lot at this time. Sidewalks will be proposed when a land development plan is submitted for Lot 2.
- Lot 3 (Orchard View Subdivision Plan) and Tax Parcel 24-4-67C: No sidewalks be required on the Harner Subdivision Plan for this lot since sidewalks are shown along the south side of West Whitehall Road and the west side of West College Avenue, as well as both sides of the proposed interior public road and the frontage of the replotted tax parcel 24-4-67C on the Orchard View Subdivision Plan.

- Revised Tax Parcel 24-4-67 (north side of West Whitehall Road): No sidewalks be required on the Harner Farm Subdivision plan for this parcel since no land development is proposed as this time. Sidewalks will be proposed when a subdivision and land development plan is submitted for this parcel.

The Planning Commission reviewed the application at their April 13, 2020, Regular Meeting and recommended approval pending additional conditions within the Lot 2 section above to read: “No sidewalks be required on the Harner Farm Subdivision Plan since there is no land development plan proposed for that lot at this time. Sidewalks will be proposed when a land development plan is submitted for Lot 2 or when 75% of Orchard View Subdivision develops, whichever comes first.” Provided with the agenda is a memorandum from Jenna Wargo, Director of Planning & Zoning, describing the requested modification.

Recommended Motion: That the Board of Supervisors grant the waiver of Chapter 22, Part 5, Section 512, Sidewalks to the applicant of the Harner View Subdivision of Tax Parcel 24-4-67 and Replot of Tax Parcel 24-4-67C and include the additional conditions within the Lot 2 section to read “No sidewalks be required on the Harner Farm Subdivision Plan since there is no land development plan proposed for that lot at this time. Sidewalks will be proposed when a land development plan is submitted for Lot 2 or when 75% of Orchard View Subdivision develops, whichever comes first.”

Staff Recommendation

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

2. SUBDIVISION OF TAX PARCEL 4-4-67 & REPLOT OF TAX PARCEL 24-4-67C – HARNER FARMS PLAN DATED MARCH 25, 2020 20 minutes

Narrative

On April 22, 2019, revised March 25, 2020, Penn Terra Engineering submitted a 4-lot subdivision plan at the corner of West College Avenue and West Whitehall Road, on behalf of their client, Aspen Whitehall Partners, LLC.

The subdivision includes two lots within the General Commercial (C) zoning district (Lot 1—5.6 acres and Lot 2—3.68 acres). One lot is located within the Rural Agricultural zoning district (replotted to tax parcel 24-004, 067C,0000- totaling 0.603 acres) and one lot within the Single-Family Residential zoning district (Lot 3—16.568 acres). Provided with the agenda is a copy of a memorandum from Kristina Aneckstein, Community Planner, outlining the remaining conditions associated with the plan. All comments on the Harner Farm & Orchard View Subdivision Plans, as well as the State College (Whitehall Road) Sheetz Land Development Plan, have been consolidated in the attached memorandum, and would apply to all plans conditionally approved by the Board this evening. The Planning Commission reviewed the Harner Farm Subdivision Plan during their April 13, 2020 meeting and recommended approval to the Board of Supervisors, pending outstanding staff comments.

[Harner Farm Final Subdivision Plan](#)

Recommended Motion: That the Board of Supervisors approve the Harner Farm Subdivision of Tax Parcel 24-4-67 and Replot of Tax Parcel 24-4-67C, subject to the conditions of the Community Planner memorandum dated April 13, 2020.

Staff Recommendation

That the Board of Supervisors **conditionally approve** the subdivision plan.

3. ORCHARD VIEW SUBDIVISION PLAN DATED MARCH 25, 2020

20 minutes

Narrative

On May 14, 2019, revised March 25, 2020, Penn Terra Engineering submitted a 36-lot subdivision plan on behalf of their client, Aspen Whitehall Partners, LLC. The subdivision includes thirty-six (36) lots within the Single-Family Residential (R1) zoning District with Corridor Overlay. The site is approximately 16.568 acres. Provided with the agenda is a copy of a memorandum from Kristina Aneckstein, Community Planner, outlining the remaining conditions associated with the plan. The Planning Commission reviewed the Orchard View Subdivision Plan during their April 13, 2020 meeting and recommended approval to the Board of Supervisors, pending outstanding staff comments.

[Orchard View Preliminary Subdivision Plan](#)

Recommended Motion: That the Board of Supervisors approve the Orchard View Subdivision Plan subject to the conditions of the Community Planner's memorandum dated April 13, 2020.

Staff Recommendation

That the Board of Supervisors **conditionally approve** the subdivision plan.

4. STATE COLLEGE PA WHITEHALL ROAD SHEETZ LAND DEVELOPMENT PLAN DATED MARCH 25, 2020

20 minutes

Narrative

On April 22, 2019, revised March 25, 2020, Penn Terra Engineering submitted a land development plan at the corner of West College Avenue and West Whitehall Road, on behalf of their client, Aspen Whitehall Partners, LLC.

The parcel is situated in the General Commercial (C) zoning district, and the land development plan includes a 6,077 sq. ft. Sheetz convenience store and drive-thru with a 1,048 sq. ft. car wash. The gasoline dispensing station with consists of six fuel pump islands. There will be 47 parking spaces provided on site, including 3 ADA-accessible spaces. Driveway access points and parking spaces will be established on West Whitehall Road and West College Avenue. Stormwater detention and infiltration basins are proposed southwest of the convenience store. Provided with the agenda is a copy of a memorandum from Kristina Aneckstein, Community Planner, outlining the remaining conditions associated with the plan. The Planning Commission reviewed the Whitehall Road Sheetz Land Development Plan during their April 13, 2020 meeting and recommended approval to the Board of Supervisors, pending outstanding staff comments.

[State College, PA \(Whitehall Road\) Sheetz Preliminary/Final Land Development Plan](#)

Recommended Motion: That the Board of Supervisors approve the State College, PA, Whitehall Road Sheetz Land Development Plan subject to the conditions of the Community Planner's memorandum dated April 13, 2020.

Staff Recommendation

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

5. EMPLOYER PAID SICK LEAVE POLICY DISCUSSION

10 minutes

Narrative

On March 2, 2020, the Board directed staff to research a Township-wide employer sick leave ordinance and present its conclusions to the Board. The action came from a discussion item introduced by Mr. Mitra in the wake of a similar ordinance being adopted by the City of Pittsburgh. The Township's human resource counsel, Julie Aquino, Esq. of the firm Campbell, Durrant, Beatty, Polombo & Miller, has researched the matter and provided the attached opinion. For reasons cited in the attachment, Ms. Aquino believes there are numerous challenges that the Township would face if it attempted to enact a similar ordinance. Therefore, staff is recommending that the Board not pursue this matter any further at this time.

Staff Recommendation

That the Board of Supervisors **not pursue** an ordinance to require employer paid sick leave for business operating in Ferguson Township.

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Voucher Report - March 2020
- b. Acceptance of Treasurer's Report – February 2020

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING REQUIREMENTS LEED V4 O+M EQ PREREQUISITE GREEN CLEANING POLICY OPTION 1.

10 minutes

Narrative

The new Public Works Maintenance Facility has been designed and will be constructed in such a way that it meets the standards for a LEED Gold Certified facility. As such, adoption of a green cleaning policy meets the requirement of an innovation credit and outlines strategies to clean the new building. The policy also includes green cleaning product purchasing, storage and handling of chemicals, and staff training. This policy applies only to the new building but can be expanded to include all buildings on the Township campus. Provided with the agenda is a copy of the resolution advertised for public hearing.

Recommended motion: That the Board of Supervisors adopt the resolution approving requirements LEED V4 O+M EQ Prerequisite Green Cleaning Policy Option 1.

Staff Recommendation

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA APPROVING THE ONGOING SUSTAINABLE PURCHASING AND SOLID WASTE MANAGEMENT POLICY.

10 minutes

Narrative

The new Public Works Maintenance Facility has been designed and will be constructed in such a way that it meets the standards for a LEED Gold Certified facility. As such, adoption of a sustainable purchasing and solid waste management policy meets the requirement of an innovation credit and applies to sustainable purchasing of ongoing consumable products, durable goods, building materials, and light fixtures in the new building. The policy also pertains to the proper disposal of the above materials. This policy applies only to the new building but can be expanded to include all buildings on the Township campus. Provided with the agenda is a copy of the resolution as advertised for public hearing.

Recommended motion: That the Board of Supervisors adopt the resolution approving the ongoing sustainable purchasing and solid waste management policy.

Staff Recommendation

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

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE FERGUSON TOWNSHIP PERSONNEL POLICY MANUAL BY ESTABLISHING A TOBACCO CONTROL POLICY. 10 minutes

Narrative

The new public works building has been designed and will be constructed in such a way that it meets the standards for a LEED Gold Certified facility. As such, adoption of a no smoking policy meets the requirement of an indoor environmental quality credit. Staff had been considering such a policy for the entire campus, and as such this policy is written to apply to the entire campus not just the new building. Smoking is a health hazard to those who smoke and those that do not smoke but breathe the smoke. If adopted, the policy prohibits the use of tobacco within all municipal buildings, vehicles, and outside of buildings except at designated areas. Provided with the agenda is a copy of the resolution as advertised for public hearing.

Recommended motion: That the Board of Supervisors adopt the resolution amending the Ferguson Township Personnel Policy Manual by establishing a no smoking policy.

Staff Recommendation

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

5. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, COMMONWEALTH OF PENNSYLVANIA AMENDING AND SUPPLEMENTING THE FERGUSON TOWNSHIP TAX COLLECTION POLICY. 10 minutes

Narrative

Since the Governor issued a stay at home order and limited certain activities which has affected employment and income for residents, the county implemented a resolution to help taxpayers during this time and proposed that the municipalities do the same. It abates the 10% penalty for the township for a period of 3 months. The 2% discount period or amount has not been changed. The discount period still ends April 30th. The 10% penalty, however, is abated for three months to September 1, from July 1 for 2020 only. No other changes were made. Provided with the agenda is a copy of the resolution as advertised for public hearing.

Recommended motion: That the Board of Supervisors adopt the resolution amending and supplementing the Ferguson Township Tax Collection Policy.

Staff Recommendation

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

6. PROCLAMATION – WATERSHED CLEANUP WEEK IN FERGUSON TOWNSHIP 5 minutes

Narrative

Provided with the agenda is a copy of a proclamation designating the week of May 3rd to be Watershed Cleanup Week in Ferguson Township. This year, due to the COVID-19 pandemic, the Annual Watershed Cleanup Day that has been hosted by Clearwater Conservancy for the past 23 years has been cancelled.

In its place, Clearwater is planning to host a week of cleanup activities and resources on a smaller scale to provide for sufficient physical distancing and safety protocol. Also, provided with the agenda is a letter from Deb Nardone, Executive Director of Clearwater Conservancy, further detailing the proposed Watershed Cleanup Week.

Recommended motion: That the Board of Supervisors proclaim the week of May 3rd to be Watershed Cleanup Week in Ferguson Township.

Staff Recommendation

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

7. LETTER OF SUPPORT – NATIONAL FISH AND WILDLIFE FEDERATION GRANT SUBMISSION
10 minutes

Narrative

The Township has been working on the design of improvements to the Park Hills Drainageway to stabilize the erosion in the channel and aid in protecting underground utilities that have become exposed and pose a safety hazard. Through the design process, the Township became aware of grant opportunities through the National Fish and Wildlife Federation (NFWF). The Township applied for a grant through this program last year to assist with the design costs but did not receive the grant. Another round of grant funding opportunity is available this year that has been expanded and could be applied to both design and construction of the project through two separate grants. The Township's consultant has worked with staff and field representatives of NFWF to modify the grant applications to make them more competitive. Letters of support are requested from the Board of Supervisors to include with the grant applications. The Park Hills Drainageway - NFWF Grant Letter of Support along with a project narrative are included with the agenda.

Recommended motion: That the Board of Supervisors authorize the submission of two grant applications to the National Fish and Wildlife Federation for improvements to the Park Hills Drainageway and authorize the Chairman to sign letters of support for each submission.

Staff Recommendation

That the Board of Supervisors **authorize** the grant submissions.

8. AUTHORIZATION OF AN ORDINANCE FOR PUBLIC HEARING AMENDING CHAPTER 15, MOTOR VEHICLES AND TRAFFIC; PART 4, GENERAL PARKING REGULATIONS; SECTION 403, PARKING PROHIBITED AT ALL TIMES IN CERTAIN LOCATIONS.
10 minutes

Narrative

Engineering staff investigated complaints about sight distance blocked by parked vehicles at two locations as follows:

- Staff received a complaint about blocked sight distance from a resident when pulling out of his driveway at 151 East Pine Grove Road. Engineering staff conducted a sight distance study and found a large vehicle with trailer blocking the sight distance. As such parking restrictions are recommended. Staff recommends advertising a public hearing for an ordinance to restrict parking on a section of East Pine Grove Road near 151 East Pine Grove Road.
- Staff received a complaint about blocked sight distance from a resident when pulling out of Johnson Road onto Whitehall Road. Engineering staff conducted a sight distance study and found a large vehicle with trailer blocking the sight distance. As such, parking restrictions are

recommended. Staff recommends advertising a public hearing for an ordinance to restrict parking on a section of Whitehall Road near Johnson Road.

Provided with the agenda is a copy of the draft ordinance to be advertised for public hearing. Areas of concern have been provided with the agenda in the draft ordinance.

Recommended motion: That the Board of Supervisors authorize the ordinance for public hearing on May 18, 2020.

Staff Recommendation

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

9. AUTHORIZATION OF AN ORDINANCE FOR PUBLIC HEARING AMENDING CHAPTER 15, MOTOR VEHICLES AND TRAFFIC; PART 2, TRAFFIC REGULATIONS; SECTION 215, STOP INTERSECTIONS ESTABLISHED. 10 minutes

Narrative

A near miss between a bicycle and a motor vehicle was reported to staff. The near miss occurred when a cyclist was traveling south on Curtin Street and crossed in front of a vehicle without stopping at the intersection of Clinton Avenue to proceed (left turn for cyclist) onto the McKee Street bike path. Ron Seybert, Township Engineer, completed a study. In his judgement, to better establish the right of way at this intersection, the southbound Curtin Street approach should be signed with a "STOP" sign and a supplemental "Except Right Turn" placard. Provided with the agenda is a copy of the draft ordinance to be advertised for public hearing.

Recommended motion: That the Board of Supervisors authorize the ordinance for public hearing on May 18, 2020.

Staff Recommendation

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

10. AWARD OF CONTRACT 2020-C1 STREET IMPROVEMENT PROJECTS (NORTH) 5 minutes

Narrative

On March 17, 2020, bids were opened publicly and read aloud for contract 2020-C1 Street Improvement Project (North) which includes work on Blue Course Drive from Bristol Ave south to the Borough line and on Saratoga Drive from Bristol Avenue to the northern intersection of Charleston Drive. The bid was advertised in the Centre Daily Times on February 25, 2020, and the invitation to bid was sent to twenty-two (22) qualified contractors. Four (4) bids were received. Provided with the agenda is a memorandum from the Township Assistant Engineering that shows the Engineers estimate of \$368,792.08 and bid tabulations. The budget included \$437,000 to complete this work.

Recommended motion: That the Board of Supervisors award Contract 2020-C1 Street Improvement Projects (North) to New Enterprise Stone and Lime Co., Inc., in an amount of \$\$320,768.00 subject to the contractor submitting a COVID-19 safety plan for the job acceptable to the Township prior to starting work.

Staff Recommendation

That the Board of Supervisors **award** Contract 2020-C1 Street Improvements (North) to New Enterprise Stone and Lime.

11. AWARD OF CONTRACT 2020-C2 STREET IMPROVEMENT PROJECTS (WEST) 5 minutes

Narrative

On March 17, 2020, bids were opened publicly and read aloud for contract 2020-C2 Street Improvement Project (West) which includes work on Deibler Road from Thornridge Drive to Tadpole Road, various sections of Dry Hollow Road from the County line to Marengo Road, and West Whitehall Road from the County line to Timothy Lane. The bid was advertised in the Centre Daily Times on February 25, 2020, and the invitation to bid was sent to ten (10) qualified contractors. Three (3) bids were received. Provided with the agenda is a memorandum from the Township Assistant Engineering that shows the Engineers estimate of \$725,968 and bid tabulations. The budget included \$657,000 to complete this work.

Recommended motion: That the Board of Supervisors award Contract 2020-C2 Street Improvement Projects (West) to New Enterprise Stone and Lime Co., Inc., in an amount of \$524,596.75 subject to the contractor submitting a COVID-19 safety plan for the job acceptable to the Township prior to starting work.

Staff Recommendation

That the Board of Supervisors **award** Contract 2020-C2 Street Improvements (West) to New Enterprise Stone and Lime.

VII. STAFF AND COMMITTEE REPORTS

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|-----------------------------------|------------|
| 1. COG COMMITTEE REPORTS | 10 minutes |
| a. Executive Committee | |
| b. Finance Committee | |
| 2. OTHER COMMITTEE REPORTS | 5 minutes |
| 3. STAFF REPORTS | 20 minutes |
| a. Manager's Report | |
| b. Public Works Director | |
| c. Planning & Zoning Director | |
| d. Chief of Police | |

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – APRIL/MAY

X. ADJOURNMENT