

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda
Monday, June 7, 2021, 7:00 PM

Join Zoom Meeting:

<https://us02web.zoom.us/j/89861084432>

Meeting ID: 898 6108 4432

[Zoom Access Instructions](#)

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

IV. APPROVAL OF MINUTES

1. May 17, 2021, Board of Supervisors Regular Meeting Minutes
2. May 24, 2021, Special Meeting Minutes

V. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. C-NET Annual Report

VI. UNFINISHED BUSINESS

1. Public Hearing – Amending or Repealing the COVID-19 Temporary Emergency Ordinance
2. Conditional Use Application – 1518 W. College Ave., Centre Animal Hospital

VII. NEW BUSINESS

1. Consent Agenda
2. Conditional Use Hearing – 179 Apple View Drive
3. Public Hearing - Spring Creek Watershed Commission “One Water Plan” Resolution
4. Traffic Calming Petition – Havershire Blvd., Circleville Rd., and Rushcliffe St.
5. Proclamation – Ferguson Township Parks and Recreation Month
6. Authorization for Variance Application - Park Hills Drainageway Improvement Project
7. Pedestrian Accommodations at Shingletown Rd. and West College Ave.

VIII. REPORTS

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

IX. COMMUNICATIONS TO THE BOARD

X. CALENDAR ITEMS – JUNE

XI. ADJOURNMENT





TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, June 7, 2021

7:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. May 17, 2021, Board of Supervisors Regular Meeting Minutes
2. May 24, 2021, Special Meeting Minutes

V. SPECIAL REPORTS

30 minutes

1. COVID-19 (Coronavirus) Response Report – Centrice Martin, Assistant Township Manager
2. C-NET Annual Report – Cindy Hahn, Director

VI. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REVISING AND EXTENDING THE TEMPORARY EMERGENCY ORDINANCE REQUIRING THE WEARING OF FACE COVERINGS AND IMPLEMENTING ADDITIONAL REGULATIONS TO REDUCE THE RISK OF TRANSMISSION OF THE COVID-19 VIRUS.** 20 minutes

Centrice Martin, Assistant Township Manager

Narrative

Provided with the agenda is a copy of the clean *and* redlined ordinance advertised for public hearing amending the temporary emergency ordinance implementing COVID-19 safety protocol. The Board reviewed the draft at the Regular Meeting on May 17th, and authorized advertisement of an amended ordinance to modify the masking requirements to reflect the Department of Health guidelines. Also, the amendment reflects an increase in the maximum permitted outdoor gathering sizes from fifty (50) persons to one hundred (100) persons.

Since the Board last reviewed the draft on May 17th, the Department of Health announced that Governor Wolf will rescind all COVID-19 restrictions for vaccinated and unvaccinated individuals on June 28th, or when the Commonwealth reaches a seventy percent (70%) vaccination rate. Given this announcement and the recent decisions of Patton and College Townships to repeal their ordinances, staff is recommending, and has advertised accordingly, that the Board of Supervisors repeal the ordinance in lieu of the amendments. Both motions are provided below depending on the direction the Board wishes to pursue.

Recommended motion 1: That the Board of Supervisors adopt the ordinance revising and extending the temporary emergency ordinance requiring the wearing of face coverings and implementing additional regulations to reduce the risk of transmission of the COVID-19 virus.

Recommended motion 2: That the Board of Supervisors repeal the temporary emergency ordinance requiring the wearing of face coverings and implementing additional regulations to reduce the risk of transmission of the COVID-19 virus effective immediately.

Staff Recommendation

That the Board of Supervisors **repeal** the ordinance.

2. CONDITIONAL USE APPLICATION – 1518 WEST COLLEGE AVENUE, CENTRE ANIMAL HOSPITAL 10 minutes

Jenna Wargo, Director of Planning & Zoning

Narrative

An application for a conditional use permit for the use of property located at 1518 West College Avenue as a Veterinarian Clinic has been filed with the Township by the property owner, Tussey Tracks, LLC. The applicant proposes to consolidate two lots (1518 West College Ave. and 1512 West College Ave.), raze the building on 1512 West College Ave., and renovate the existing Centre Animal Hospital Building (1518 West College Ave.). The Township's Zoning Ordinance and the Municipalities Planning Code require a public hearing on the application, and the Board must take action to approve or deny the application within 45 days following the hearing. The Board held a public hearing on May 17, 2021, and received testimony from Township staff and the applicant's representative.

The Township Manager has prepared a draft decision based on the record from the May 17, 2021, public hearing. No additional testimony will be taken at tonight's meeting. The Board is asked to review and discuss the draft decision and take final action to approve or deny the conditional use permit.

Recommended motion: That the Board of Supervisors approve the conditional use permit for 1518 West College Avenue subject to the conditions described in the decision written by the Township Manager.

Staff Recommendation

That the Board of Supervisors **grant** the conditional use permit for 1518 West College Avenue.

VII. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Special Events Permit - Cranksgiving
- b. Special Events Permit - Glimcher Keystone Country Ride
- c. Special Events Permit - Cycling Classic
- d. April Voucher Report
- e. Appointment of Johnathan P. Peno, P.E. to the Centre Region Building and Housing Board of Appeals (Two-year term, June 1, 2021 – March 30, 2023)

2. A PUBLIC HEARING ON A CONDITIONAL USE APPLICATION FOR 179 APPLE VIEW DRIVE, TAX PARCEL 24-004-,067G,0000-. 10 minutes
Jenna Wargo, Director of Planning & Zoning

Narrative

The Board will conduct a public hearing on the application for a conditional use permit for 179 Apple View Drive. Chair Dininni will preside over the hearing. This evening, the Board is asked to direct the Director of Planning and Zoning to prepare a draft written decision for review and approval at the June 21, 2021 Regular Meeting.

An application for a Conditional Use Permit for the use of property located at 179 Apple View Drive (24-004-067G-0000), submitted to the Planning and Zoning Department on May 6, 2021. The applicant is requesting Conditional Use approval for the use of the property as a Model Home in accordance with Chapter 27-502.24. The Township's Zoning Ordinance and Municipalities Planning Code require a public hearing on the application, and the Board must take action to approve or deny the application within 45 days following the hearing. As part of an approval, the Board may attach reasonable conditions and safeguards related to the conditional use standards detailed in the zoning ordinance. Provided with the agenda is a copy of a memorandum from the Director of Planning & Zoning describing the Findings of Fact and recommended conditions from staff and Planning Commission reviews.

Recommended motion: That the Board of Supervisors close the public hearing and direct the Township Manager to present Findings of Fact and a written decision to the Board for consideration at the June 21st Regular Meeting.

Staff Recommendation

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA SUPPORTING THE SPRING CREEK WATERSHED COMMISSION'S "ONE WATER PLAN". 20 minutes
Prasenjit Mitra, Township Supervisor & Paul Takac, College Township Councilman

Narrative

The Spring Creek Watershed Commission has been developing the Phase II Report of its One Water Plan and is now seeking non-monetary support from the participating municipalities in its pursuit of Phase III, which includes the development of the "One Water Plan" and its implementation. Provided with the agenda is a copy of the resolution as advertised for public hearing expressing support for Phase II and the development of Phase III. As provided in the resolution, Phase II emphasizes the critical need and multiple benefits of a systematic, watershed-wide, science-based approach to watershed management (a "One Water Plan") that is driven by the participating local governments, along with state and federal agencies, water utilities, planning commissions, Penn State University, citizens, businesses and industry. The Phase III "One Water Plan" includes the goals of 1) protecting, enhancing and sustaining a healthy and resilient cold-water stream ecosystem; 2) maintaining and improving water quality and quantity to sustainably meet the needs of the human community, now and in the future; and 3) integrating and coordinating management for sustainability, economic growth, recreation and quality of life.

Supervisor Mitra and College Township Councilman Paul Takac will present on the resolution. Mr. Mitra is the Ferguson Township representative on the Spring Creek Watershed Commission.

Recommended motion: That the Board of Supervisors adopt the resolution supporting the Spring Creek Watershed Commission "One Water Plan."

Staff Recommendation

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

**4. TRAFFIC CALMING PETITION – HAVERSHIRE BOULEVARD, CIRCEVILLE ROAD,
AND RUSHCLIFFE STREET** 10 minutes

David Modricker, Director of Public Works

Narrative

Provided with the agenda is a petition for a traffic calming study from Roshni Patel, Ferguson Township resident, signed by at least ten residents, which is the required minimum to move the petition forward. The request comes after a vehicle accident where an errant vehicle crashed into the resident's garage. Communications with staff have not resolved the resident's concerns.

Also provided with the agenda is a copy of the Ferguson Township Traffic Calming Policy as established by Resolution 2015-05. This evening, the Board may move to a) deny the request, or b) forward the request to the Public Works Director for action. Should the Board move the latter, the Public Works Director and Township Engineer will begin data collection and analysis to determine whether warrants for traffic calming are met. If warrants are not met, the applicant will be informed that the request has been rejected. If they are met, a process will ensue to identify appropriate controls and evaluate public support. The Board would be notified in either scenario of the outcome.

Recommended motion: That the Board of Supervisors forward the traffic study request to the Public Works Director in accordance with the Ferguson Township Traffic Calming Policy.

Staff Recommendation

That the Board of Supervisors **forward** the traffic study request to the Public Works Director.

5. PROCLAMATION – FERGUSON TOWNSHIP PARKS AND RECREATION MONTH

Centrice Martin, Assistant Township Manager

10 minutes

Narrative

Since 1985, America has celebrated July as Park and Recreation month. A program of the National Recreation and Park Association (NRPA). The goal is to raise awareness of the vital impact that parks and recreation has on communities across the U.S. This July, Ferguson Township plans to release articles and short interview videos and invite residents to tag Ferguson Township on social media posts that promote local outdoor parks and recreational activity. Additionally, residents are invited to submit a story or illustration that features their favorite local park or memory at a local park to be entered to win a prize on the Township's website. All month long, we will be celebrating with various activities that encourage outdoor local opportunities for health, fitness and recreational fun for residents of all ages and abilities. Issuing this proclamation will remind Ferguson Township residents

of the importance of our parks, recreational facilities, and programs while encouraging everyone to embrace active lifestyles and improve their overall health through outdoor recreational fun.

Recommended motion: That the Board of Supervisors adopt the proclamation designating July as Parks and Recreation Month in Ferguson Township.

Staff Recommendation

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

6. AUTHORIZATION TO APPLY FOR A VARIANCE FOR THE CONSTRUCTION OF THE PARK HILLS DRAINAGEWAY IMPROVEMENT PROJECT 20 minutes

Centrice Martin, Assistant Township Manager

Narrative

Township staff and consultant, NTM Engineering have been finalizing the design and permitting associated with the streambank stabilization and improvement project at the Park Hills Drainageway. §27-7013.H of the Ferguson Township Code of Ordinances provides that “no activity, land development, structure, building or obstruction shall be permitted within an identified floodway portion of the floodplain district.” The subject project will improve the quality of the floodplain and ensure its protection from encroachment on surrounding residential properties. However, the Township should still secure a variance to permit the earth disturbance needed to construct the improvements. Provided with the agenda is an application for zoning variance from this provision. The request conforms to provisions of §27-7013.J which describes the circumstances under which a variance from the floodplain regulations may be granted by the Zoning Hearing Board. Also provided with the agenda is the Township’s Floodplain Conservation Ordinance.

Recommended motion: That the Board of Supervisors authorize a variance application for the Park Hills Drainageway Improvement Project.

Staff Recommendation

That the Board of Supervisors **authorize** the variance application.

7. CONSIDERATION OF FUNDING PEDESTRIAN ACCOMMODATIONS AT THE INTERSECTION OF PA ROUTE 26 (WEST COLLEGE AVENUE) AND PA ROUTE 45 (SHINGLETOWN ROAD) 20 minutes

David Modricker, Public Works Director

Narrative

PennDOT District 2 is proceeding with the design and permitting to realign and signalize the intersection of PA Route 26 (West College Avenue) and PA Route 45 (Shingletown Road). The Board may recall that this project was fully funded on the Transportation Improvement Program, and includes design and construction being finalized in 2022. Since this project underwent the PennDOT “Connects” Policy process, it has been evident that pedestrian accommodations are highly desirable at the intersection to address both current and future conditions. Despite this concern, PennDOT Assistant District Executive Dean Ball issued a letter to Ron Seybert, Township Engineer in April notifying the Township that the “Pedestrian Accommodation at Intersection Checklist” did not support the installation of crosswalks, pedestrian pushbuttons, or other accommodations. Therefore, despite early

designs identifying the improvements, District 2 has declined to install them at the intersection.

The district did, however, communicate that it would include the accommodations in the bid package provided the Township agreed to fund their construction. Provided with the agenda is an estimate prepared by Keller Engineers and reviewed by Ferguson Township staff to install the accommodations. This would not include pedestrian refuge areas or truncated domes for advanced warning to visually impaired pedestrians. However, staff believes it is sufficient for the purposes of the intersection improvements given site constraints. While the decision not to install accommodations by District 2 is regrettable, staff believes it would be shortsighted not to construct the improvements in conjunction with this project. Therefore, it is recommended that the Board appropriate the funding necessary to install the accommodations from the Township's Transportation Improvement Fund. A budget amendment will not be required to accommodate this request. Also provided are some additional attachments and communications from District 2 regarding this decision.

Recommended motion: That the Board of Supervisors appropriate funding in an amount not to exceed \$28,075.83 from the Transportation Improvement Fund to construct pedestrian accommodations at the intersection of PA Route 26 (West College Avenue) and PA Route 45 (Shingletown Road).

Staff Recommendation

That the Board of Supervisors **appropriate** the funding for pedestrian accommodations at the PA Route 26/45 intersection.

VIII. STAFF AND COMMITTEE REPORTS

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| 1. COG COMMITTEE REPORTS | 30 minutes |
| a. Executive Committee | |
| b. TAG - Climate Action Advisory Group | |
| c. CCMPO Coordinating Committee Special Meeting | |
| d. Human Resources Committee | |
| e. Joint PSE-TLU Committees | |
| 2. OTHER COMMITTEE REPORTS | 5 minutes |
| a. Spring Creek Watershed Commission | |
| 3. STAFF REPORTS | 5 minutes |
| a. Manager's Report – No report | |
| b. Public Works Director | |
| c. Planning and Zoning Director | |

IX. COMMUNICATIONS TO THE BOARD

X. CALENDAR ITEMS – JUNE

- a. Ferguson Township upcoming committee meetings:
 - 1. Planning Commission, Mondays, June 14 and 28, 6PM
 - 2. Parks & Recreation Committee, Thursday, June 17, 4PM

3. Tree Commission, Monday, June 21, 5PM
4. Pine Grove Mills SAP Advisory Committee, Thursday, June 24, 4PM

XI. ADJOURNMENT