

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**  
**Regular Meeting Agenda**  
**Monday, August 3, 2020, 7:00 PM**

Join Zoom Meeting:  
<https://us02web.zoom.us/j/88330170802>  
**Meeting ID:** 883 3017 0802  
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Dial In: (814) 238-4651, extension 3799

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. APPROVAL OF MINUTES**

1. July 20, 2020, Board of Supervisors Regular Meeting
2. July 21, 2020 Capital Improvement Program Special Meeting Minutes
3. July 22, 2020 Capital Improvement Program Special Meeting Minutes

**IV. SPECIAL REPORTS**

- a. COVID-19 (Coronavirus) Response Report
- b. Schlow Centre Region Library Report – Lewis Steinberg, Esq.
- c. Communications Report – Centrice Martin, Assistant to the Manager

**V. UNFINISHED BUSINESS**

1. Final Land Development Plan – Thistlewood Lot 19
2. Authorization of 2021-2025 CIP Program Budget for Public Hearing

**VI. NEW BUSINESS**

1. Consent Agenda
2. Public Hearing Act 537 Sewage Facilities Plan Update Resolution
3. Public Hearing Noise Exemption Request for Pine Grove Hall Resolution
4. Public Hearing PA Dept. of Health COVID-19 Safety Directive Support Resolution
5. The Yards at Old State (The Cottages at State College) Final PRD Plan Amendment
6. Ferguson Township Police Department Response Report
7. Fire Code and Safety Regulations Report
8. CATA Fiscal Years 2021/2022 and 2023/2024 Local Capital Match Plan

**VII. REPORTS**

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

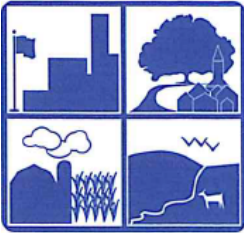
**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – AUGUST**

**X. ADJOURNMENT**



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# TOWNSHIP OF FERGUSON

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## Board of Supervisors Regular Meeting Agenda Monday, August 3, 2020 7:00 P.M.

- I. **CALL TO ORDER**
- II. **CITIZEN'S INPUT**
- III. **APPROVAL OF MINUTES**
  - 1. July 20, 2020, Board of Supervisors Regular Meeting Minutes
  - 2. July 21, 2020 Capital Improvement Program Special Meeting Minutes
  - 3. July 22, 2020 Capital Improvement Program Special Meeting Minutes
- IV. **SPECIAL REPORTS** 30 minutes
  - 1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
  - 2. Schlow Centre Region Library Report – Lewis Steinberg, Esq.
  - 3. Communications Report – Centrice Martin, Assistant to the Manager
- V. **UNFINISHED BUSINESS**
  - 1. **FINAL LAND DEVELOPMENT PLAN – THISTLEWOOD LOT 19** 20 minutes

### **Narrative**

Provided with the agenda is a copy of the final land development plan submitted by Penn Terra Engineering, Inc., on behalf of their client, Eric Reischer. The plan proposes the construction of a single-family home, approximately 3,925-square feet on Lot 19 (180 Treetops Drive; T.P. 24-746-007) within the Thistlewood Development. The parcel is 1.816 acres and is zoned Rural Residential (RR). As per the Thistlewood Subdivision Plan dated September 24, 2004, revised March 16, 2005, certain lots are required to complete a land development plan because of the topography, conservation easements, soil types, potential sinkhole development, and wetlands at the development location. Lot 19 is situated in an area where sinkhole development, flooding and drainage problems may arise. Therefore, an indemnity or "hold harmless" agreement must be submitted along with the plan. Due to the severe slope on this property, a modification/waiver request was submitted and the Board of Supervisors granted relief from select erosion and grading controls to allow for construction of the home at their July 20, 2020, regular meeting. The Planning Commission reviewed this plan at their July 27, 2020, Regular Meeting and recommended that the Board of Supervisors approve the final land development plan for Thistlewood Lot 19. Included with the agenda is a memorandum dated July 28, 2020, from the Director of Planning and Zoning summarizing the proposed land development plan and outstanding staff comments.

*Recommended Motion: That the Board of Supervisors approve the Final Land Development Plan for Thistlewood Lot 19.*

### **Staff Recommendation**

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

**2. AUTHORIZATION OF 2021 – 2025 CAPITAL IMPROVEMENT PROGRAM BUDGET  
FOR PUBLIC HEARING** 30 minutes

**Narrative**

As provided for in Chapter One, Administration and Government; Section 902 of the Ferguson Township Code of Ordinances, the Township Manager shall submit a five-year Capital Improvement Program Budget to the Board of Supervisors annually. The DRAFT 2021 – 2025 Capital Improvement Program Budget (CIP) includes a summary of major Township expenditures proposed across each department for five fiscal years. Capital items are generally defined as any item costing over \$2,500 and having a projected useful life of one year or more; however, additional items have been included in the CIP to help make it a more effective planning document. Despite its name, the CIP is not a budget – meaning it does not authorize the expenditure of Township funds. Rather, it is meant to serve as a tool to help guide the Township in its planning for largescale expenditures to better ensure financial resiliency. A link to the current draft can be found below the narrative. The Board conducted Special Meetings on July 21<sup>st</sup> and 22<sup>nd</sup>, but did not formally approve changes to the draft, opting instead to discuss and approve any changes this evening prior to the public hearing on September 8<sup>th</sup>. Provided with the agenda is a memorandum from the Township Manager and Finance Director summarizing the changes discussed by the Board and deferred for consideration tonight.

Dave Pribulka, Township Manager will introduce the CIP, and Eric Endresen, Director of Finance will provide a short presentation summarizing its contents. This evening, the Board is being asked to review the document, incorporate any changes, and authorize advertisement of a public hearing on the 2021 – 2025 Capital Improvement Program Budget for Tuesday, September 8<sup>th</sup>.

[DRAFT 2021 – 2025 Ferguson Township Capital Improvement Program Budget](#)

*Recommended Motion: That the Board of Supervisors authorize advertisement of the 2021 – 2025 Capital Improvement Program Budget for public hearing on Tuesday, September 8, 2020.*

**Staff Recommendation**

That the Board of Supervisors **authorize** the 2021 – 2025 Capital Improvement Program Budget for public hearing on September 8<sup>th</sup>.

**VI. NEW BUSINESS**

**1. CONSENT AGENDA** 5 minutes

- a. 2020-C8, Pay Application #3, Pavement Markings: \$13,869.90
- b. 2018-PWGG, Pay Application #2: \$51,053.00
- c. DRAFT Sign Ordinance Amendment
- d. Treasurer’s Report – June for acceptance
- e. The Cottages Surety Reduction #1: \$654,820.57

**3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON,  
CENTRE COUNTY, PENNSYLVANIA (hereinafter the “Municipality”) ADOPTING AN  
ACT 537 PLAN UPDATE.** 10 minutes

**Narrative**

Provided with the agenda is a copy of the resolution advertised for public hearing adopting an Act 537 Plan Sewage Facilities Plan Update to upgrade the Scott Road Pump Station and force main. The item was referred to member municipalities of the University Area Joint Authority (UAJA) for approval, with

the intention of upgrading and increasing the capacity of the Scott Road Pump Station and the Bristol Interceptor. As part of the special study undertaken by UAJA, several alternatives were evaluated by the Centre Region, and the recommended project was determined to be the optimal solution to address the problems with the pump station. Currently, the pump station must be supplemented by mobile pumping trucks when the infrastructure is inundated with stormwater after significant rain events.

*Recommended Motion: That the Board of Supervisors adopt the resolution adopting an Act 537 Sewage Facilities Plan Update.*

**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 CONFIRMING THE TOWNSHIP'S SUPPORT OF THE PETITION OF PROPERTY OWNER "PGH REAL ESTATE HOLDINGS, LLC." TO SUBSTITUTE THE MUNICIPAL NOISE ORDINANCE FOR THE PENNSYLVANIA LIQUOR CONTROL BOARD'S REGULATION ON PROPERTIES LOCATED AT 101 EAST PINE GROVE ROAD AND 115 EAST PINE GROVE ROAD. 10 minutes**

**Narrative**

Provided with the agenda is a copy of a resolution advertised for public hearing to supplement an application from the owner of Pine Grove Hall, Elizabeth Grove, to obtain a noise exemption from the Pennsylvania Liquor Control Board. As required by PLCB procedures, the resolution cites the Township's noise ordinance and states the intention of the Township to enforce its regulations in place of the PLCB restrictions. If adopted, the resolution would permit indoor music to be played at the Hall within the parameters and restrictions established in the noise ordinance. Also provided with the agenda is a copy of the legal opinion from the PLCB describing this procedure.

*Recommended Motion: That the Board of Supervisors adopt the resolution confirming the Township's support of the petition of property owner "PGH Real Estate Holdings, LLC." to substitute the municipal noise ordinance for the Pennsylvania Liquor Control Board's regulation on properties located at 101 East Pine Grove Road and 115 East Pine Grove Road.*

**Staff Recommendation**

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

- 5. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AFFIRMING SUPPORT FOR THE PENNSYLVANIA DEPARTMENT OF HEALTH DIRECTIVES ON UNIVERSAL MASKING AND SOCIAL DISTANCING TO COMBAT THE COVID-19 PANDEMIC. 10 minutes**

**Narrative**

Provided with the agenda is a copy of the resolution advertised for public hearing affirming support for Governor Wolf's and the Pennsylvania Department of Health's directives on safety protocol to combat the spread of COVID-19. Specifically, the resolution impresses the importance of masking and social distancing in public spaces to prevent contamination. The resolution was authorized for advertisement by the Board at the July 20<sup>th</sup> Regular Meeting, and a discussion followed on the enactment of an ordinance to require Township businesses enforce the Governor's directives. After consideration of the ordinance, the Board is asked to provide direction to staff on whether or not to pursue drafting an ordinance for review at an upcoming Regular Meeting.

*Recommended Motion: That the Board of Supervisors adopt the resolution affirming support for the Pennsylvania Department of Health directives on Universal Masking and Social Distancing to combat the COVID-19 pandemic.*

**Staff Recommendation**

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

**6. THE YARDS AT OLD STATE (THE COTTAGES AT STATE COLLEGE) FINAL PLANNED RESIDENTIAL DEVELOPMENT PLAN AMENDMENT** 20 minutes

**Narrative**

State College Apartments, LLC has submitted a request for amendments to their approved Final PRD Plan to include modifications to the patios (eliminate) and sidewalks (add additional) as shown in the highlighted red outline on Sheet 4 of the plan, as well as an updated lighting plan (Sheet 19), all included with the agenda. The applicant is not increasing impervious coverage and Township Staff has reviewed the requested modifications and is recommending approval pending any outstanding comments on the lighting plan review from Scott Brown's, NTM Engineering, memorandum. Per §27-407, Planned Residential Development, 8. Post Final, the procedure to amend a Final PRD Plan after it has been approved is to request approval from the Board of Supervisors. A representative from Penn Terra Engineering will be present to review the revised plan. Provided with the agenda is Sheet 4 and Sheet 19 highlighting the requested modifications.

*Recommended Motion: That the Board of Supervisors approve the amendment to the Cottages at State College Final Planned Residential Development Plan pending outstanding staff comments.*

**Staff Recommendation**

That the Board of Supervisors **approve** the amendment.

**7. FERGUSON TOWNSHIP POLICE DEPARTMENT RESPONSE REPORT** 30 minutes

**Narrative**

At its Regular Meeting on July 6<sup>th</sup>, the Board of Supervisors directed staff to provide a report to the Board on Police Response incorporating the items described in Mr. Mitra's initial request. Provided with the agenda is a copy of the report including summaries of training provided; calls with a mental health component; ambulance calls; domestic violence calls; and use of force incidents. Much of the information was derived from the Chief of Police's Board Report, while other information included has been censored where required by law. Chief Albright will introduce the item and provide a verbal report. No action is required by the Board on this matter.

**Staff Recommendation**

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

**8. FIRE CODE AND SAFETY REGULATIONS REPORT**

20 minutes

**Narrative**

Provided with the agenda are several documents to supplement a verbal report requested by the Board of enforcement of fire code and safety regulations in Ferguson Township. First, Chapter 7, Fire Safety Requirements of the 2017 Building Safety and Property Maintenance Code with Section 708.3.3 Open Burning highlighted. Second, a report provided by the Centre Region Code Administration on open burn permits issued by zoning district in Ferguson Township from 2018 to date. Lastly, included with the

agenda is information relative to the burning of refuse and leaves provided by the Pennsylvania Department of Environmental Protection. Chief Albright and Dave Pribulka, Township Manager, will provide the report. No action is required by the Board on this matter.

**Staff Recommendation**

That the Board of Supervisors *receive* the report.

**9. CENTRE AREA TRANSPORTATION AUTHORITY FISCAL YEARS 2021/2022 AND  
2023/2024 CAPITAL LOCAL MATCH PLAN** 10 minutes

**Narrative**

At the July 27<sup>th</sup> meeting of the COG General Forum, a motion was approved to refer the Fiscal Year 2021/2022 through FY 2023/2024 capital local match plan of the Centre Area Transportation Authority to the participating municipalities for approval. Federal and state regulations require a capital local match in order for CATA to access Federal Transit Administration and PennDOT funding, and for the first time in FY 2013/14, CATA embarked on a multi-year capital local match plan. At that time, it was a five-year plan that gradually increased a capital local match to fund our facility expansion project, and a three-year capital local match plan followed with significantly reduced contribution totals. At the time that plan was approved because operating local match share is at legislated minimums. The COG Finance Committee voted to have CATA present to the Finance Committee when it was time to approve a new plan. FY 2020/21 is the last of the three years for that plan.

The FY 2021/22 – FY 2023/24 capital local match plan has been provided with the agenda, and again proposes a set amount for three years with no increase to annual totals and maintains a capital reserve account ending balance similar to past results. Individual municipal capital local match shares will be calculated annually based on the CATA formula.

*Recommended Motion: That the Board of Supervisors approve the Centre Area Transportation Authority Capital Local Match Plan for fiscal years 2021/2022 and 2023/2024.*

**Staff Recommendation**

That the Board of Supervisors *approve* the CATA Capital Local Match Plan.

**VII. STAFF AND COMMITTEE REPORTS**

- 1. **COG COMMITTEE REPORTS** 10 minutes
  - a. Executive Committee
  - b. Transportation & Land Use Committee
- 2. **OTHER COMMITTEE REPORTS** 5 minutes
- 3. **STAFF REPORTS** 15 minutes
  - a. Manager's Report
  - b. Public Works Director
  - c. Planning & Zoning Director

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – AUGUST**

**X. ADJOURNMENT**