

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda
Tuesday, September 6, 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](#)

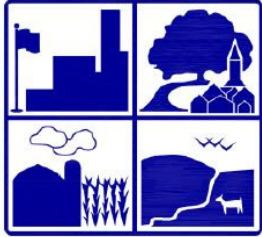
IN-PERSON:

Ferguson Township Municipal Building
Main Meeting Room
3147 Research Drive
State College, PA

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- I. CALL TO ORDER
 - II. PLEDGE OF ALLEGIANCE
 - III. CITIZENS INPUT
 - IV. APPROVAL OF MINUTES
 - V. AUTHORITIES, BOARDS, AND COMMISSION REPORTS
 - VI. SPECIAL REPORTS
 - VII. COG REGIONAL REPORTS
 - VIII. STAFF REPORTS
 - IX. UNFINISHED BUSINESS
 1. Authorize Public Hearing on an Ordinance amending Chapter 21-Streets and Sidewalks and Section 1102, Zoning and Chapter 27-Zoning, Section 710, Wireless Communications Facilities in accordance with Act 50
 - X. NEW BUSINESS
 1. Consent Agenda
 2. Public Hearing executing Easement Claimant Agreements 1-11 under Contract 2018-C20 Park Hills Drainageway Improvement Project
 3. Request for Act 537 Special Study
 4. Public Hearing obligating funds received through COVID-19 state and local recovery funds in accordance with ARPA Act of 2021
 5. IMBT Preliminary Subdivision Plan
 6. Appointment of Supervisor Thompson to COG committees
 7. Appointment of Doug Miller to Ferguson Parks and Recreation Committee
 8. Award Contract 2022-C3 Cured-In-Place Pipe Lining
 - XI. COMMUNICATIONS TO THE BOARD
 - XII. CALENDAR ITEMS
 - XIII. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS

Regular Meeting Agenda

Tuesday, September 6, 2022

7:00 p.m.

- I. CALL TO ORDER**
- II. PLEDGE OF ALLEGIANCE**
- III. CITIZEN'S INPUT** 5 minutes per resident
- IV. APPROVAL OF MINUTES**
 - 1. August 2, 2022, Board of Supervisors Meeting Minutes
 - 2. August 10, 2022, Board of Supervisors Special Meeting Minutes
 - 3. August 10, 2022, Board of Supervisors Special Meeting Minutes
 - 4. August 16, 2022, Board of Supervisors Meeting Minutes
- V. AUTHORITIES, BOARDS, AND COMMISSIONS REPORT** 5 minutes
 - 1. University Area Joint Authority, Mark Kunkle
- VI. SPECIAL REPORTS AND ACKNOWLEDGEMENTS** 30 minutes
 - 1. Diversity, Equity, and Inclusionary Initiatives
 - 2. Township and Fiscal Responsibility – Presentation on COG Facilities Intermunicipal Agreement, COG Executive Director, Eric Norenberg; CRPA Presentation on Regional Growth Boundary and Sewer Service Area to review and inform on Act 537
 - 3. Community and Economic Development – no report.
 - 4. Environment – no report.
- VII. COG AND REGIONAL COMMITTEE REPORTS** 20 minutes
 - 1. COG COMMITTEE REPORT**
 - a. Executive Committee
 - b. Joint Finance-Facilities Committee
 - c. Parks and Recreation Governance Committee
 - d. Land Use and Community Infrastructure Committee
 - 2. OTHER COMMITTEE REPORTS**
- VIII. STAFF REPORTS**
 - 1. Township Manager's Report
 - 2. Public Works Director Report
 - 3. Planning and Zoning Report

IX. UNFINISHED BUSINESS

1. **DISCUSSION AND AUTHORIZATION OF A PUBLIC HEARING ON AN ORDINANCE TO AMEND CHAPTER 27, ZONING; SECTION 710, WIRELESS COMMUNICATION FACILITIES IN ACCORDANCE WITH ACT 50.** 25 minutes
Centrice Martin, Township Manager and Jenna Wargo, Director of Planning and Zoning

Narrative

PA Act 50 was signed into law on June 30, 2021 and was drafted in unison with the Pennsylvania Municipal League and telecommunications providers. The legislation is heralded as one of the most collaborative and government-friendly set of regulations for small cell service providers in the nation. It 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. At a Regular Meeting held 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.

Provided with the agenda is a draft ordinance amendment to §27-710—Wireless Communications Facilities, §27-1102—Definitions and establishment of Chapter 21, Streets and Sidewalks, Part 6, Non-Tower-Based or Small Wireless Communications Facilities in the Right-of-Way.

The Board reviewed these amendments at the April 12, 2022, Worksession and the Township's Solicitor has provided additional comments that are reflected in the redlined drafts included in the agenda.

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing for the amendments to Chapter 27—Zoning and Chapter 21—Streets and Sidewalks on November 8, 2022.

Staff Recommendation

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

X. NEW BUSINESS

1. **CONSENT AGENDA** 5 minutes
 - a. July Treasurer's Report *for acceptance*
 - b. Special Events Permit – Discovery Space Winter Market
 - c. Special Events Permit – Cranksgiving
 - d. June Voucher Report
 - e. July Voucher Report
 - f. Sheetz at Harner Surety Reduction No. 4 Reduction Amount: \$40,080.77
 - g. Orchard View Subdivision Surety Reduction No. 4 Reduction Amount: \$48,708.33
 - h. Aspen West College Student Housing Surety Reduction No. 1 Reduction Amount: \$356,198.53
 - i. Contract 2022-C1, Street Improvements (In-Town) Pay Application 1: \$136,414.40
 - j. Appointment of Code Board of Appeals – Mr. Douglas Workman

- 2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRWOMAN AND SECRETARY TO EXECUTE AND ACCEPT EASEMENT AGREEMENTS BETWEEN THE TOWNSHIP AND CLAIMANTS 1 THROUGH 11 OF CONTRACT 2018-C20 PARK HILLS DRAINAGEWAY IMPROVEMENT PROJECT** 15 minutes

David Modricker, Director of Public Works

Narrative

The Park Hills Drainageway Improvement Project requires a temporary or permanent easement for 11 properties located adjacent to the project for purposes of conveying stormwater and access over the respective property owners. Provided with the agenda is a resolution for the Board's consideration.

Recommended motion: That the Board of Supervisors adopt the resolution authorizing the Chairwoman and Secretary to execute and accept easement agreements between the Township and Claimants 1 through 11 of Contract 2018-C20 Park Hills Drainageway.

Staff Recommendation

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

- 3. REQUEST FOR ACT 537 SPECIAL STUDY** 15 minutes
Jenna Wargo, Director of Planning and Zoning

Narrative

In 2005 and 2006, College, Ferguson, Halfmoon and Patton Townships and State College Borough worked cooperatively to update the Centre Region Act 537 Sewage Facilities Plan. To complete this Plan Update, the six municipalities worked with Centre Regional Planning Agency (CRPA), Herbert, Rowland & Grubic, Inc. (HRG) and the University Area Joint Authority (UAJA) to develop a coordinated Plan to guide future sewage facility decisions in the community.

One of the most important components of the Act 537 Plan is the delineation of an updated Regional Growth Boundary (RGB)/Sewer Service Area (SSA). The RGB/SSA identifies areas of the community where public sewer service will be provided in the future by the UAJA sewage system. This area is coordinated with the RGB, as identified in the Centre Region Comprehensive Plan, to ensure coordination between the community's sewage facility and land use planning efforts.

Included in the agenda is an email from Armen Sahakian requesting to conduct an Act 537 Special Study to run a gravity fed sewer line outside the SSA/RGB and feed into the Scott Road Pump Station. Mr. Sahakian has an approved subdivision plan (2003) that included review and approval for the construction of a pump station that would serve the single-family residential homes in the subdivision. The pump station would feed into the Scott Road Pump Station via Rosemont Drive to State Route 45 within the SSA/RGB.

The Board is being asked to consider Mr. Sahakian's request to conduct a special study to amend Centre Region's Act 537 Plan. In doing so, approval from five (5) of the six (6) municipalities in the Centre Region would be required to conduct a special study.

Although it is more cost effective to install and maintain a gravity fed sewer line outside the RGB, the request by the applicant is opposing the public policy of the Regional Growth Boundary (RGB) and Sewer Service Area (SSA).

Recommended Motion: That the Board of Supervisors deny Mr. Sahakian's request to run a gravity fed sewer line outside the Regional Growth Boundary.

Staff Recommendation

That the Board of Supervisors **deny** Mr. Sahakian's request.

- 4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA TO OBLIGATE THE FUNDS RECEIVED THROUGH THE CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS PROGRAM IN ACCORDANCE WITH THE AMERICAN RESCUE PLAN ACT OF 2021** 15 minutes
Centrice Martin, Township Manager

Narrative

Provided with the agenda packet is a memo to the Board of Supervisors from the Manager and in attendance is Ms. Stank with Zelenkofske Axelrod to provide technical assistance and guidance for adherence to the mandated policies, procedures, and accountability as a recipient of the American Rescue Plan Act Funding Program.

Recommended motion: That the Board of Supervisors adopt the resolution to obligate funds in accordance with the American Rescue Plan Act of 2021 and direct staff to restrict available funds in the amount of \$1,018,536.10 as approved by the Board and in the 2022 Operating Budget with quarterly reports in the form of the Ferguson Township SLRF Tracking Tool to the Board.

Staff Recommendation

That the Board of Supervisors **adopt** the resolution and direct staff to restrict available funds.

- 5. IMBT PRELIMINARY SUBDIVISION PLAN** 10 minutes
Jenna Wargo, Director of Planning and Zoning

Narrative

Included in the agenda is the Imbt Preliminary Subdivision Plan, dated July 26, 2022, last revised on August 2, 2022. The Imbt Subdivision is located along Blue Course Drive at the intersection of West College Avenue and Old Block Road. Tax Parcel 24-004-,017A,0000-, is located within the General Commercial (C) Zoning District and Corridor Overlay Zoning District (COD).

The applicant is proposing to subdivide the parcel into two lots, one commercial lot and one stormwater management lot. The existing lot is 9.234 acres and includes an existing stormwater basin on the northern portion. Proposed Lot 1 will be 6.313 acres and Proposed Lot 2, the stormwater management lot, will be 2.921 acres. Sidewalks are to be added along Blue Course Drive and West College Avenue, connecting to the existing sidewalks north of the property.

Staff has reviewed the preliminary subdivision plan and is recommending conditional approval subject to the outstanding staff comments as described in the Director of Planning & Zoning's memorandum dated August 31, 2022.

Recommended motion: That the Board of Supervisors approve the Imbt Preliminary Subdivision Plan subject to the conditions described in the Planning Director's memorandum dated August 31, 2022.

Staff Recommendation

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

6. **APPOINTMENT OF SUPERVISOR JEREMIE THOMPSON TO CENTRE REGION COUNCIL OF GOVERNMENTS' COMMITTEES** 10 minutes
Centrice Martin, Township Manager

Narrative

The Board is asked to discuss the appointments to the Centre Region Council of Governments (COG) and Regional Committees. Further, the Board will need to appoint Supervisor Thompson for COG and Regional Committees for the remainder of 2022.

Recommended Motion: That the Board of Supervisors appoint Jeremie Thompson to the Climate Action Sustainability Committee and alternate to the Human Resource Committee.

Staff Recommendation

That the Board of Supervisors **appoint** Supervisor Thompson to the COG Committees per approved motion.

7. **APPOINTMENT OF MR. DOUG MILLER TO FERGUSON TOWNSHIP PARKS AND RECREATION COMMITTEE.** 5 minutes
Centrice Martin, Township Manager

Narrative

Mr. Doug Miller submitted to the Township an application and resume which are included with the agenda packet. The appointment would be for a term expiring December 31, 2022.

Recommended Motion: That the Board of Supervisors appoint Doug Miller to the Ferguson Township Parks and Recreation Committee.

Staff Recommendation

That the Board of Supervisors **appoint** Doug Miller to Parks and Recreation Committee.

8. **AWARD CONTRACT 2022-C3 CURED-IN-PLACE PIPE LINING** 5 minutes
David Modricker, Director of Public Works

Narrative

On August 23, 2022 bids were opened publicly and read out loud for contract 2022-C3. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves the installation of a ultra-violet (UV) Cured-In-Place Pipe (CIPP) liner in existing corrugated metal stormwater pipes. Provided with the agenda is an award recommendation memorandum from Ryan Scanlan, Assistant Township Engineer summarizing the bids received.

Recommended Motion: That the Board of Supervisors award Contract 2022-C3 CURED-IN-PLACE Pipe Lining to Hydro-Klean, LLC in accordance with their bid in the amount of \$392,230.00

Staff Recommendation

That the Board of Supervisors **award** Contract 2018-C3.

XI. COMMUNICATIONS TO THE BOARD

XII. CALENDAR ITEMS – September

- a. Ferguson Township Main Offices closed for Labor Day, September 5
- b. Parks and Recreation Committee, September 8
- c. Planning Commission, September 12, 26
- d. Tree Commission, September 19
- e. Pine Grove Mills SAP Advisory Committee, September 22
- f. Pine Grove Mills Farmers Market, Thursdays until September 29

XIII. ADJOURNMENT