

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Tuesday, September 8, 2020, 7:00 PM

Join Zoom Meeting:
<https://us02web.zoom.us/j/87264300730>

Meeting ID: 872 6430 0730

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

I. CALL TO ORDER

Executive Session Announcement

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. August 17, 2020, Board of Supervisors Regular Meeting

IV. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. University Area Joint Authority – Jonathan Dietz
- c. University Area Joint Authority Solar Project – Cory Miller
- d. Ferguson Township Second Quarter Financial Report
- e. Ferguson Township Public Works Maintenance Facility Update

V. UNFINISHED BUSINESS

1. Public Hearing - Temporary Emergency Ordinance to Reduce Transmission of COVID-19
2. Public Hearing - Resolution Adopting 2021 – 2025 Capital Improvement Program Budget
3. Public Hearing Resolution – Receipt of CARES Act County Block Grant Funding
4. Stormwater Utility Fee Ordinance – Authorization for Public Hearing
5. Continued Discussion – Recreational Fire/Smoker Regulations

VI. NEW BUSINESS

1. Consent Agenda
2. Request for Waiver - Parkview Subdivision
3. Parkview Subdivision Preliminary/Final Plan
4. Review Draft Centre County Long Range Transportation Plan 2050
5. Proclamation – Centre Region Fall Bike Events and Activities Plan
6. Review of Draft Green Infrastructure Policy
7. Award of Contract 2020-C3, Cured-In-Place Pipe Lining

VII. REPORTS

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

VIII. COMMUNICATIONS TO THE BOARD

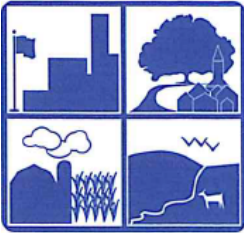
IX. CALENDAR ITEMS – SEPTEMBER

1. Monday, September 7th, Ferguson Township Administrative Offices are closed for Labor Day
2. [Tuesday, September 15th at 6:00 p.m., Board of Supervisors & Planning Commission Special Meeting](#)
3. [Wednesday, September 16th at 6:00 p.m., Board of Supervisors & Planning Commission Special Meeting](#)

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Tuesday, September 8, 2020
7:00 P.M.**

I. CALL TO ORDER

Executive Session Announcement

II. CITIZEN'S INPUT

III. APPROVAL OF MINUTES

1. August 17, 2020, Board of Supervisors Regular Meeting Minutes

IV. SPECIAL REPORTS

30 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. University Area Joint Authority – Jonathan Dietz
3. University Area Joint Authority Solar Project – Cory Miller, UAJA Executive Director
4. Ferguson Township Second Quarter Financial Report – Eric Endresen, Director of Finance
5. Ferguson Township Public Works Maintenance Facility Update and Virtual Tour – David Modricker, Director of Public Works

V. UNFINISHED BUSINESS

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

Narrative

Provided with the agenda is a copy of the ordinance advertised for public hearing extending the local requirements on the wearing of face coverings to combat the spread of the COVID-19 pandemic. The ordinance as presented is substantively the same as the version enacted on August 17th; however, staff is recommending the removal of the religious exemption described in Section 4. The ordinance has been advertised without that provision. There is no requirement to provide this exemption, and a local epidemiologist has raised a concern about its inclusion. If adopted, the ordinance would expire with the rescinding of the emergency declarations of the Centre Region Council of Governments and the Pennsylvania Department of Health, or January 31, 2021, whichever is earlier.

Recommended Motion: That the Board of Supervisors adopt 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.

Staff Recommendation

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

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING THE CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET FOR THE YEARS 2021 THROUGH 2025. 20 minutes

Narrative

On August 17th, the Board authorized advertisement of a public hearing on the 2021 – 2025 Capital Improvement Program Plan (CIP). The CIP has been presented by the Township Manager and reviewed by the Board of Supervisors at two public special meetings, as well as a virtual road tour where proposed street projects were reviewed. Changes that have been made by the Board at the special meetings and on August 17th have been incorporated in the document. Provided with the agenda is a copy of the resolution as advertised for public hearing. A link to the revised 2021-2025 CIP is provided below from the Township's website.

- [2021-2025 Capital Improvement Plan](#)

Recommended Motion: That the Board of Supervisors adopt the resolution adopting the Capital Improvement Program Budget for the years 2021 through 2025.

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 AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE AN AGREEMENT WITH CENTRE COUNTY FOR THE RECEIPT OF CARES ACT COUNTY RELIEF BLOCK GRANT FUNDING. 10 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing authorizing the Chairman and Secretary to execute an agreement with Centre County for the receipt of \$183,158 in Federal CARES Act funding for eligible pandemic-related expenditures. The county has determined the allocation based on Census data and describes in the agreement eligible reimbursement expenses under the program. Staff have been tracking costs associated with the pandemic, and we are currently evaluating additional options for receipt of the funding prior to the December 31, 2020, deadline. The agreement is appended to the resolution as an exhibit.

Recommended Motion: That the Board of Supervisors adopt the resolution approving an agreement with Centre County for the receipt of CARES Act County Relief Block Grant Funding.

Staff Recommendation

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

4. STORMWATER UTILITY FEE ORDINANCE – AUTHORIZATION FOR PUBLIC HEARING

20 minutes

Narrative

Provided with the agenda is a copy of a draft ordinance for consideration for authorization for public hearing establishing a stormwater management utility fee beginning fiscal year 2021. The Board received a presentation from Elizabeth Treadway of Wood at the August 17th Regular Meeting. While the draft ordinance suggests a billing unit be established based on 1,000 square feet of impervious area, the Board is asked to provide direction on whether this billing structure or an Equivalent Residential Unit (ERU) billing structure is more desirable. Additional outstanding items to be discussed this evening include the following:

- Should equipment be purchased in this fund or contracted out? This may be a case-by-case basis, but the Stormwater Advisory Committee was split on this issue. Staff's recommendation is that a sinking fund be established with the intent of purchasing equipment in the seventh year of the program.
- Should pipe lining continue to be funded through the Transportation Improvement Fund or should it transition to the Stormwater Management Utility Fund? Staff is recommending a transition over time, with the TIF being used to subsidize the project until the fund becomes more stable.
- Should there be a credit policy manual to accompany the program to off-set property owners' obligations under the fee? If so, what should the maximum eligible credit allowance be capped at? Staff is recommending that a credit policy manual be established and that the maximum credit allowance be limited to forty percent (40%) of the total fee per property.

Dave Modricker, Director of Public Works, will introduce the item. Several Board members have submitted questions for consideration that will be reviewed at the meeting. This evening, the Board is being asked to schedule a public hearing for an agreeable date later in the month of September. A suggestion of Wednesday, September 23, 2020, at 6:00 p.m. has been provided in the recommended motion. The Board should provide direction on whether C-NET should be invited to broadcast the public hearing, as well.

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on the proposed Stormwater Utility Fee for Wednesday, September 23, 2020 at 6:00 p.m.

Staff Recommendation

That the Board of Supervisors **authorize** advertisement of a public hearing on the proposed Stormwater Utility Fee.

5. CONTINUED DISCUSSION – RECREATIONAL FIRE/SMOKER REGULATIONS

10 minutes

Narrative

At the August 3rd Regular Meeting, the Board discussed the current regulations in place on recreational fires and the use of wood smokers on private properties. The outcome of the discussion was to direct staff to research the Board's ability to prohibit open burn permits from being issued by the Centre Region Code Administration in residential zoning districts; as well as whether the Board can regulate the use of residential meat smokers within a certain distance of the property line or when determined to be a nuisance. A verbal report will be provided on this item. No action is requested by staff at this time.

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Award 2020-C9, Pay App 1, Microsurfacing: \$334,429.68
- b. Award 2020-C9, Pay App 2, Microsurfacing: \$17,601.56
- c. Treasurer's Report for Acceptance – July 2020
- d. Board Member Request – HR 763 Support Resolution

2. REQUEST FOR WAIVER – PARKVIEW SUBDIVISION

5 minutes

Narrative

On August 24, 2020, Penn Terra Engineering, on behalf of their client, submitted an application for Consideration of a Modification/Waiver for the Parkview Subdivision located at 1401 Circleville Road (TP: 24-118-128 and 24-118-12A), for relief from §22-306—Minor Subdivision and Minor Alteration Plan. This section of the ordinance outlines a process and application requirements for a Minor Subdivision; however, what was left out of this chapter during the Subdivision and Land Development Ordinance update is what constitutes a minor subdivision. Minor subdivision isn't defined in the Township's ordinances, nor in the Pennsylvania Municipalities Planning Code (PA MPC). Staff believes that there was intent to provide an expedited process for minor subdivisions and that the Parkview Subdivision is considered to be minor in nature. Included in your packet is a copy of the application submitted as well as the Parkview Subdivision Plan. Planning Commission reviewed the modification/waiver at their August 24, 2020 regular meeting and recommended approval of the application.

Recommended Motion: That the Board of Supervisors grant the waiver from §22-306—Minor Subdivision and Minor Alteration Plan for the Parkview Subdivision Plan.

Staff Recommendation

That the Board of Supervisors **grant** the waiver.

3. PARKVIEW SUBDIVISION PLAN – REPLOT OF TAX PARCEL 24-118-128 AND TAX PARCEL 24-118-128A

5 minutes

Narrative

A subdivision/replot submitted by PennTerra Engineering, Inc., on behalf of their client, Alec J. Pringle and Jodie L. Green, owners of the two parcels located at 1401 Circleville Road and 1403 Circleville Road respectively. Tax parcel 24-118-128, referred to as Lot 3R on the subdivision plan is currently 0.786 acres. Tax parcel 24-118-128A, referred to as Lot 4 on the subdivision plan is currently 1.971 acres. This replot is proposed to add 0.505 acres to Lot 3R to create a 1.291-acre parcel (Lot 3RR). Lot 4 will be reduced to 1.387 acres (Lot 4R), with this replot. There is a shared access driveway to both parcels. The parcels are zoned Single-Family Residential (R1). Planning Commission reviewed this plan at their August 24, 2020, meeting and recommended approval. Included with the agenda is the Parkview Subdivision Plan as well as a memorandum from the Planning and Zoning Director dated September 2, 2020, listing outstanding staff comments.

Recommended Motion: That the Board of Supervisors approve the Parkview Subdivision pending outstanding staff comments outlined in the Director of Planning and Zoning's memorandum dated September 2, 2020.

Staff Recommendation

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

4. REVIEW OF THE DRAFT CENTRE COUNTY LONG RANGE TRANSPORTATION PLAN 2050 20 minutes

Narrative

Below is a link to the Centre County Metropolitan Planning Organization (CCMPO) DRAFT 2050 Long Range Transportation Plan (LRTP). This update is somewhat unique as noted on the CCMPO webpage: "The new LRTP 2050 is a transitional plan that includes several elements of the current plan but adds new information about the data-driven, performance-based transportation planning approach now required by federal regulations. However, because more data must be compiled and analyzed by the CCMPO, PennDOT, CATA, and the Centre County Office of Transportation to make the full transition to a performance-based plan, the CCMPO anticipates updating the LRTP again in the next 2-3 years, instead of the typical 4-5 year time-frame."

The public comment period on the draft document opened on Friday, August 14th and concludes on Monday, September 14th. Ms. Strickland is the Township's representative on the CCMPO Coordinating Committee and Ron Seybert, Township Engineer, is the Township's representative on the CCMPO Technical Committee. Historically, the Board has been given an opportunity to review and provide any comments to the CCMPO on the draft plan before it is finalized.

- [Centre County Metropolitan Planning Organization Long Range Transportation Plan 2050](#)

Recommended Motion: That the Board of Supervisors direct the Township Manager to forward its comments on the draft Long-Range Transportation Plan and the 2020 Air Quality Conformity Determination Report to Tom Zilla, Principal Transportation Planner for the Centre County Metropolitan Planning Organization.

Staff Recommendation

That the Board of Supervisors **review and comment** on the draft Long-Range Transportation Plan and 2020 Air Quality and Conformity Determination Report.

5. PROCLAMATION – CENTRE REGION FALL BIKE EVENTS AND ACTIVITIES PLAN 5 minutes

Narrative

Provided with the agenda is a proclamation to promote and support the fall 2020 Centre Region Bike Events and Activities. This Proclamation of Ferguson Township will designate September 21, 2020, to September 27, 2020, as "Bike-To-Work Week", September 22, 2020, as "Bike-To-Work Day" and September 25, 2020, as "Bike Anywhere Friday". The Township will partner with the Centre Regional Planning Agency to promote and publicize the bicycle-friendly events and activities sponsored by community partners CentreBike, Centre Region Parks and Recreation, Centre Moves, Penn State Transportation Services, and State College Borough.

Recommended Motion: That the Board of Supervisors proclaim September 21, 2020, to September 27, 2020, as "Bike-To-Work Week;" September 22, 2020, as "Bike-To-Work Day;" and September 25, 2020, as "Bike Anywhere Friday."

Staff Recommendation

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

6. REVIEW OF DRAFT GREEN INFRASTRUCTURE POLICY

20 minutes

Narrative

The Township receives requests by residents, staff, and the Board to convert passive areas within parks to low-no/mow areas. Examples include Cecil Irvin Park, Fairbrook Park, Tudek Park and Haymarket Park. For each example provided, a different process has been facilitated for the conversion based on the nature of the situation and because there is no policy that exists to inform on how to process requests and manage a maintenance plan for approved low-no/mow areas within Township Parks. Attached with the Agenda is a drafted Green Infrastructure Policy prepared by staff and reviewed by the Parks and Recreation Committee. Also provided with the agenda are the comments reviewed by the Parks and Recreation Committee.

Staff Recommendation

That the Board of Supervisors *review and comment* on the draft Green Infrastructure Policy.

7. AWARD OF CONTRACT 2020-C3, CURED-IN-PLACE PIPE LINING

5 minutes

Narrative

On August 12, 2020, bids were opened publicly and read aloud for contract 2020-C3. The bid was advertised in the Centre Daily Times and was sent out to potential bidders. The contract involves installing cured in place liners in storm water pipes. Provided with the agenda is a memorandum from the Assistant Township Engineer dated August 13, 2020, recommending award of the contract.

Recommended Motion: That the Board of Supervisors award Contract 2020-C3, Cured-in-Place Pipe Lining, to National Water Main Cleaning Company in accordance with their bid in the amount of \$425,979.00.

Staff Recommendation

That the Board of Supervisors *award* the contract.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

20 minutes

- a. Executive Committee
- b. Finance Committee
- c. Human Resources Committee
- d. Public Safety Committee

2. OTHER COMMITTEE REPORTS

5 minutes

- a. Climate Action Adaptation Technical Advisory Group

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 – SEPTEMBER

1. Monday, September 7th, Ferguson Township Administrative Offices are closed for Labor Day.
2. Tuesday, September 15th at 6:00 p.m., Board of Supervisors & Planning Commission Special Meeting on Zoning Map Amendments, Zoom virtual meeting information can be found at:
 - o [Zoning Map Amendments Special Meeting](#)
3. Wednesday, September 16th at 6:00 p.m., Board of Supervisors & Planning Commission Special Meeting on Workforce Housing Ordinance, Zoom virtual meeting information can be found at:
 - o [Chapter 19, Zoning, Section 716, Workforce Housing Special Meeting](#)

X. ADJOURNMENT