

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting Agenda
Monday October 4, 2021, 7:00 PM

Join Zoom Meeting:

<https://us02web.zoom.us/j/83838226462>

Meeting ID: 838 3822 6462

[Zoom Access Instructions](#)

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

IV. APPROVAL OF MINUTES

1. September 20, 2021 Board of Supervisors Regular Meeting Minutes

V. PROCLAMATION

- a. Ferguson Township Garden Club Recognition

VI. SPECIAL REPORTS

- a. Policing and Communities of Color Taskforce Report
- b. Ferguson Township Greenhouse Gas Emissions Reduction Strategy Report
- c. COG Climate Action and Adaptation Plan Presentation
- d. COVID-19 Local Response Report

VII. UNFINISHED BUSINESS

1. COVID-19 Universal Masking Ordinance Discussion

VIII. NEW BUSINESS

1. Consent Agenda
2. Resolution – Grant of Easement to UAJA
3. Resolution – Opposing Pennsylvania Election Audit
4. Resolution – Collective Bargaining Agreement Ratification
5. Requests for Modifications – Rogan/Sycamore Drive Preliminary Subdivision Plan
6. Preliminary Subdivision Plan – Rogan/Sycamore Drive
7. Solar United Neighbors Co-op Endorsement
8. Contract 2021-C5, Storm Sewer Video Assessment – Reject Bids

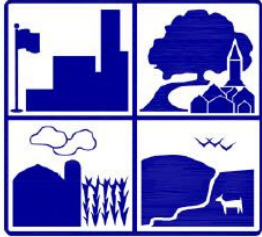
IX. REPORTS

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – OCTOBER

XII. ADJOURNMENT





TOWNSHIP OF FERGUSON

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BOARD OF SUPERVISORS

Regular Meeting Agenda

Monday, October 4, 2021

7:00 P.M.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. September 20, 2021 Board of Supervisors Regular Meeting Minutes

V. PROCLAMATION

1. **A PROCLAMATION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA RECOGNIZING AND HONORING THE SERVICE OF THE FERGUSON TOWNSHIP GARDEN CLUB IN BEAUTIFYING THE COMMUNITY AND WELCOMING TRAVELERS WITH THE GARDEN AT THE INTERSECTION OF ROUTE 45 AND ROUTE 26.** 10 minutes

Laura Dininni, Township Supervisor

Narrative

The Ferguson Township Garden Club has maintained the median garden at the intersection of Shingletown Road (PA Route 45) and West College Avenue (PA Route 26) since 2007, and was originally established in 1964. The Township provides assistance with material and equipment to prepare the site each year. As the intersection is scheduled to be realigned and signalized in 2022, this will be the last year the garden exists in its current location. The Pennsylvania Department of Transportation has accommodated space on the side of the road for a future garden. To commemorate and recognize the garden and the efforts of the Ferguson Township Garden Club, the Board is asked to consider the proclamation provided with the agenda. Additionally, a framed photo of the garden this year will be permanently displayed in the lobby of the Township building. Members of the Garden Club including Rosalie Brooks, Fran Nuhfer, and Thelma Homan, a founding member of the Club over fifty years ago, will be in attendance to accept the recognition.

Recommended motion: That the Board of Supervisors adopt the proclamation recognizing and honoring the service of the Ferguson Township Garden Club in beautifying the community and welcoming travelers with the garden at the intersection of Route 45 and Route 26.

Staff Recommendation

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

VI. SPECIAL REPORTS

45 minutes

- a. Policing and Communities of Color Taskforce Report – Dr. Emil Cunningham, Taskforce Chair
- b. Ferguson Township Greenhouse Gas Emissions Reduction Strategy Report – Brandi Robinson, Climate Action Committee
- c. COG Climate Action and Adaptation Plan Presentation – Pam Adams, Sustainability Planner
- d. COVID-19 Local Response Report – David Pribulka, Township Manager

VII. UNFINISHED BUSINESS

1. COVID-19 MASKING ORDINANCE DISCUSSION

20 minutes

David Pribulka, Township Manager

Narrative

On September 15th, the Borough of State College reenacted an ordinance requiring the wearing of face coverings in many settings for all persons, regardless of vaccination status, and over two years old. The ordinance, which has been provided with the agenda, provides for very limited exceptions and is in effect through Monday, November 22, 2021. Additionally, all businesses are required to post entrances advising the public of the requirement to wear face coverings indoors. The Board has requested an opportunity to review the State College Borough ordinance and consider whether to enact similar regulations in Ferguson Township. Currently, State College Borough is the only Centre Region municipality with this requirement in effect. All employees and members of the public are required to wear a mask when inside any Ferguson Township property or when inside a municipal vehicle occupied by more than one passenger, regardless of vaccination status. If the Board is interested in moving forward, an appropriate next step would be to direct staff to draft an ordinance for authorization for advertisement for a public hearing.

Recommended motion: That the Board of Supervisors direct staff to draft an ordinance requiring the wearing of face coverings in public establishments.

Staff Recommendation

That the Board of Supervisors **direct** staff to draft an ordinance.

VIII. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Request for Donation – First Night 2022
- b. Treasurer’s Report – July, for acceptance
- c. Board Member Request – Plastic Bag Impact Fee Ordinance
- d. Contract 2021-C4-Wetland Delineation, Final: \$26.48

2. A PUBLIC HEARING ON A RESOLUTION OF FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIR AND SECRETARY TO EXECUTE A GRANT OF EASEMENT TO THE UNIVERSITY AREA JOINT AUTHORITY FOR THE CONSTRUCTION OF A SANITARY SEWER FORCE MAIN ON TOWNSHIP PROPERTY AT 3147 RESEARCH DRIVE.

David Modricker, Director of Public Works

20 minutes

Narrative

UAJA is upgrading the Scott Road pump station and associated force main. An easement for a sewer force main already exists on Township property along the frontage of 3147 Research Drive. The new force main will run parallel to the existing force main on Research Drive, however it will cross Whitehall Road at a slightly different location requiring an additional easement on the southwest corner of this property. UAJA has committed to restoring the property to existing condition including the bioswale and not damaging the Township tree and Township building signage.

Recommended motion: That the Board of Supervisors adopt the resolution authorizing the Chair and Secretary to execute a grant of easement to the University Area Joint Authority for sanitary sewer construction.

Staff Recommendation

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

3. A PUBLIC HEARING ON A RESOLUTION OF FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA OPPOSING THE FORENSIC AUDIT OF THE 2020 PENNSYLVANIA ELECTION. 10 minutes

Steve Miller, Township Supervisor

Narrative

Provided with the agenda is a copy of the resolution advertised for public hearing opposing the forensic audit of the 2020 election results underway in the Pennsylvania State Senate. The Borough of State College adopted a similar resolution in September. Mr. Miller will introduce the item.

Recommended motion: That the Board of Supervisors adopt the resolution opposing the proposed audit of the 2020 election in Pennsylvania.

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA RATIFYING A COLLECTIVE BARGAINING AGREEMENT WITH THE FERGUSON TOWNSHIP POLICE ASSOCIATION FOR A TERM BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2023. 10 minutes

David Pribulka, Township Manager

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing ratifying a collective bargaining agreement (CBA) between Ferguson Township and the Ferguson Township Police Association. The Township and the Association have conducted good faith negotiations under Pennsylvania Act 111, and the ratification of the tentative agreement by both parties will formally conclude the process. The term of the contract is two years ending December 31, 2023. Also provided with the agenda is a copy of the tentative agreement, which includes the terms to be incorporated into the CBA pending adoption of the resolution.

Recommended motion: That the Board of Supervisors adopt the resolution ratifying a collective bargaining agreement with the Ferguson Township Police Association.

Staff Recommendation

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

5. REQUESTS FOR MODIFICATIONS/WAIVERS

30 minutes

Jenna Wargo, Director of Planning/Zoning

a. ROGAN/SYCAMORE DRIVE SUBDIVISION §22-306 — MINOR SUBDIVISION

Narrative

Penn Terra Engineering, Inc., on behalf of their client, has requested a modification from §22-306—Minor Subdivision. This section includes requirements for submission and outlines a process for a minor subdivision, however the definition of a Minor Subdivision was omitted from the most recent update to the Subdivision and Land Development Ordinance. Staff has reviewed the application and agrees that the proposed Rogan/Sycamore subdivision is a Minor Subdivision and is not recommending any conditions to be included with the request. Planning Commission reviewed this application at the September 27th meeting and recommended approval of the modification.

Recommended motion: That the Board of Supervisors grant the modification from §22-306.— Minor Subdivision.

Staff Recommendation

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

b. ROGAN/SYCAMORE DRIVE SUBDIVISION §22-512.1.E — SIDEWALKS

Narrative

Penn Terra Engineering, Inc., on behalf of their client, has requested a waiver from §22-512.1.E.—Sidewalks. This section of the ordinance requires that sidewalks be installed along both sides of all private streets and/or driveways serving more than three units unless a modification is granted by the Board of Supervisors. Only two lots are being created with the proposed subdivision plan, each with approximately 50 feet of frontage. No sidewalks currently exist along Sycamore Drive and the roadside berms along Sycamore drive are rip rap lined channels. If sidewalks would be developed along Sycamore Drive, it would require the sidewalks to be placed on the lots and outside of the right-of-way. Staff has reviewed the application and is not recommending any conditions to be included with the request. Planning Commission reviewed this application at the September 27th meeting and recommended approval of the waiver.

Recommended motion: That the Board of Supervisors grant the waiver from §22.501.1.E.— Sidewalks.

Staff Recommendation

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

c. ROGAN/SYCAMORE DRIVE SUBDIVISION §22-506.1.B. & G — WATER SUPPLY

Narrative

Penn Terra Engineering, Inc., on behalf of their client, has requested a modification from §22-506.1.B. & G.—Water Supply. These sections require a fire hydrant to be provided along public roads for the protection of buildings. In developments of one- and two-family dwellings, fire hydrants must be within 1,000 feet of the proposed development as measured along the center line of the fire apparatus access road. Since the proposed

house on Lot 1R is set back on the lot, it is not within the required distance from the fire hydrant.

The applicant proposes to install a National Fire Protection Association (NFPA) 13D Sprinkler System in the proposed home(s) built on the lots in lieu of relocating the fire hydrant as required by the Township's Ordinance. Relocating the fire hydrant requires an extension of nearly 700 linear feet and upgrading the current water infrastructure from 4" to 6" pipe. Installing the NFPA 13D Sprinkler System is financially feasible and provides a better outcome for fire protection in the proposed home. Centre Region Fire Director Steve Bair has reviewed this request and supports the modification provided the homes are sprinklered. Staff has reviewed the application and is not recommending additional conditions to be included with the request. Planning Commission reviewed this application at the September 27th meeting and recommended approval of the modification.

Recommended motion: That the Board of Supervisors grant the modification from §22-506.1.B. & G. with the condition that the proposed home(s) built on these lots install a National Fire Protection Association (NFPA) 13D Sprinkler System.

Staff Recommendation

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

d. ROGAN/SYCAMORE DRIVE SUBDIVISION §22-301 — GENERAL

Narrative

The applicant is proposing to construct a residential home on a lot with steep slopes (25% or greater) and is required to submit a land development plan for the proposed home (§27-702.1.D.—Slope Controls). Penn Terra Engineering, Inc., on behalf of their client, has requested a modification from §22-306.—General. This section requires land development plans to be reviewed in two stages, preliminary and final. Since a residential structure is being proposed, the applicant is requesting to go through the land development review process in one step, as a preliminary/final land development plan. Public utilities will be available to connect to the home and minimal earth disturbances will occur on the site. Staff has reviewed the application and is not recommending any conditions to be included with the request. Planning Commission reviewed this application at the September 27th meeting and recommended approval of the modification.

Recommended motion: That the Board of Supervisors grant the modification from §22-301.— General.

Staff Recommendation

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

6. PRELIMINARY SUBDIVISION PLAN—ROGAN/SYCAMORE DRIVE

Jenna Wargo, Director of Planning/Zoning

10 minutes

Narrative

On March 12, 2021, Penn Terra Engineering, Inc., submitted, on behalf of their client, the Rogan/Sycamore Drive Subdivision Plan. The Rogan/Sycamore Drive Subdivision is a 10.152-acre lot located on Sycamore Drive. The applicant is proposing to subdivide Tax Parcel 24-009A-254-0000 into two lots, Lot 1A—2.586 acres and Lot 1R—7.566 acres. The parcel is located within the Single Family Residential (R1) zoning district and is currently

an undeveloped lot. The applicant would like to build a single-family home on each lot. Planning Commission reviewed the Preliminary Subdivision Plan at the September 27, 2021, Regular Meeting and recommended approval to the Board of Supervisors, subject to the outstanding staff comments. Provided with the agenda is the Rogan/Sycamore Subdivision Plan and a memorandum from Jenna Wargo, Director of Planning & Zoning that provides an overview of the outstanding staff review comments.

Recommended motion: That the Board of Supervisors approve the Rogan/Sycamore Preliminary Subdivision Plan subject to the conditions described in the Planning Director's memorandum dated September 28, 2021.

Staff Recommendation

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

7. PARTNERSHIP WITH SOLAR UNITED NEIGHBORS CENTRE COUNTY SOLAR AND ELECTRIC VEHICLE CHARGER CO-OP 10 minutes

David Pribulka, Township Manager

Narrative

Provided with the agenda is a letter from the Ferguson Township Climate Action Committee requesting the Board partner with Solar United Neighbors in the Centre County Solar and Electric Vehicle Charger Co-op. The goal of the co-op is to achieve an economy of scale for new solar installations and EV charging stations that could be made available to its membership. Below is a link to the website with additional details about the co-op model. There is no cost to join the co-op, and the Township could partner in marketing the organization to homeowners in the Township who may be interested in its benefits. Current partners include Centre Region COG, Bellefonte Borough, College Township, Patton Township, and others.

[Centre County Solar and Electric Vehicle Co-op](#)

Recommended motion: That the Board of Supervisors partner with the Solar United Neighbors Centre County Solar and Electric Vehicle Charger Co-Op.

Staff Recommendation

That the Board of Supervisors **partner** with the Solar United Neighbors Co-op.

8. CONTRACT 2021-C5, STORM SEWER VIDEO ASSESSMENT - REJECT BIDS

David Modricker, Director of Public Works

10 minutes

Narrative

On September 14, 2021, bids were opened publicly and read out loud for Contract 2021-C5. The bid was advertised in the Centre Daily Times and sent out to potential bidders. This contract involves conducting a video assessment of storm sewer pipes and associated pipe cleaning needed to conduct the video assessment. Provided with the agenda is a memorandum from *Ryan Scanlan, Assistant Township Engineer* summarizing the bids received. All bids were significantly over budget. A review of the bids with the contractors and a review of unit pricing reveals that unit costs were nearly twice historical unit costs due primarily to PaDEP requirements for disposal of the pipe cleaning water. Staff suggests rebidding the project with a smaller quantity of pipe to include only pipes associated with

next year's capital projects. In addition, staff will review the project specifications with PaDEP and determine ways to reduce future unit costs while still complying with PaDEP requirements.

Recommended motion: That the Board of Supervisor reject all bids for Contract 2021-C5 Storm Sewer Video Assessment and direct staff to rebid the project with a reduced scope of work.

Staff Recommendation

That the Board of Supervisors **reject** bids for Contract 2021-C5.

IX. STAFF AND COMMITTEE REPORTS

25 minutes

1. COG COMMITTEE REPORTS

- a. Executive Committee
- b. CCMPO Coordinating Committee

2. OTHER COMMITTEE REPORTS

3. STAFF REPORTS

- a. Manager's Report
- b. Public Works Director's Report
- c. Planning & Zoning Director's Report

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – OCTOBER

- a. Ferguson Township upcoming committee meetings:
 - 1. Pine Grove Mills Small Area Plan Advisory Committee – Thursday, October 28, 4 p.m.
 - 2. Planning Commission - Mondays, October 11, and 25, 6 p.m.
 - 3. Tree Commission – Monday October 18, 5 p.m.
 - 4. Parks & Recreation Committee - Thursday, October 21, 4:00 p.m.
- b. Coffee & Conversation, Saturday, October 9, 8:00 a.m. – 9:30 a.m., Dunkin (North Atherton St.)

XII. ADJOURNMENT