

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**  
**Regular Meeting Agenda**  
**Wednesday, October 7, 2020, 7:00 PM**

Join Zoom Meeting:

<https://us02web.zoom.us/j/84547446606>

**Meeting ID: 845 4744 6606**

[Ferguson Meetings Page](#)  
[Zoom Instructions](#)

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. SPECIAL REPORTS**

- a. Centre Region Parks & Recreation Authority

**IV. UNFINISHED BUSINESS**

- 1. Citizen's Right to Be Heard – Whitehall Road Stormwater Runoff
- 2. Ferguson Township Zoning Map Amendment – Authorization for Public Hearing
- 3. Ferguson Township Workforce Housing Ordinance Amendment – Authorization for Public Hearing

**V. NEW BUSINESS**

- 1. Whitehall Road Regional Park Funding Discussion

**VI. REPORTS**

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

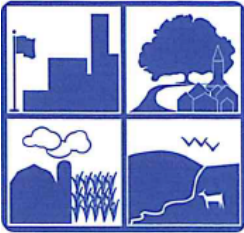
**VII. COMMUNICATIONS TO THE BOARD**

**VIII. CALENDAR ITEMS – OCTOBER**

**IX. ADJOURNMENT**



Visit the Township's Web Site [www.twp.ferguson.pa.us](http://www.twp.ferguson.pa.us) and sign up for *Notify Me!* to receive email notices about Township Information.



---

## TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-238-3454  
www.twp.ferguson.pa.us

---

**Board of Supervisors  
Regular Meeting Agenda  
Monday, October 7, 2020  
7:00 P.M.**

**I. CALL TO ORDER**

**II. CITIZEN'S INPUT**

**III. SPECIAL REPORTS**

1. Centre Region Parks & Recreation Authority – Bill Keough

**IV. UNFINISHED BUSINESS**

- 1. CITIZEN'S RIGHT TO BE HEARD – STORMWATER RUNOFF ON WEST WHITEHALL ROAD – MR. BRUCE BENDER** 20 minutes

**Narrative**

Mr. Bender, 6315 W Whitehall Road, has approached Township staff a number of times over the past many years regarding stormwater ponding on his property. His property is located in a depression, or bowl so to speak, surrounded by high ground including other private property owners on 3 sides and W Whitehall Road to his south. Most recently, Kevin Bloom, PE, of this office conducted a field view and provided a report of his findings that is provided with tonight's agenda. In addition, during the design phase for the Whitehall Road paving project in 2019, Mr. Bender expressed his concern about stormwater. Staff reviewed various options, all of which were costly and not part of the scope of the road paving project. The matter involves upstream private property stormwater, comingled with Township road stormwater that flows downhill to his property and during certain storm events is trapped and ponds on his property. Staff met in person with Mr. Bender recently at 6315 W Whitehall Road, listened and sympathized with his concern, described alternative remedies considered by staff, and noted such problems of comingled private property stormwater exist throughout the Township and staff does not have the authority to expend approximately \$45,000 on such a project that would also require an engineering design prior to putting a project out to bid. Mr. Bender has decided to approach the Board of Supervisors and request a capital project on his behalf.

**Staff Recommendation**

That the Board of Supervisors *receive* the report from Mr. Bender and provide any comments or direction to staff regarding design and construction of a capital project.

**2. AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN ORDINANCE AMENDING THE FERGUSON TOWNSHIP ZONING ORDINANCE AND ZONING MAP AS SHOWN ON EXHIBIT “A”.** 30 minutes

**Narrative**

On November 18, 2019, Ferguson Township Board of Supervisors held a public hearing and amended Chapter 27, Zoning Ordinance. The next step in amending the zoning ordinance is amending the Ferguson Township Zoning Map. Amending the zoning map modifies the district boundaries in areas identified by the Board during their February 3, 2020, meeting. Zoning map amendments are a technical, non-substantive exercise that will replace the current zoning district classifications of the properties that have been identified.

The areas that have been identified during the first phase of the rewrite process are outlined in the attached Exhibit “A” and are included in a memorandum dated September 29, 2020, from the Director of Planning and Zoning, summarizing the recommendations as discussed during the September 15, 2020, Joint Special Meeting with the Board of Supervisors and the September 28, 2020, Regular Planning Commission meeting. Planning Commission recommended to the Board of Supervisors to approve the zoning map amendments as provided.

*Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on an ordinance amending the Ferguson Township Zoning Ordinance and Zoning Map for Monday, November 16, 2020.*

**Staff Recommendation**

That the Board of Supervisors **authorize** advertisement of the public hearing.

**3. AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON AN ORDINANCE AMENDING CHAPTER 27, ZONING; PART 7, SUPPLEMENTAL REGULATIONS; SECTION 716, WORKFORCE HOUSING BY REPEALING IT AND REPLACING IT IN ITS ENTIRETY.** 30 minutes

**Narrative**

On September 1, 2020, and September 16, 2020, two Joint Special Meetings were held with the Planning Commission to review and discuss the draft Workforce Housing Ordinance amendment. Included with the agenda is the updated draft Workforce Housing Ordinance based on comments received during the joint special meetings.

This ordinance would be applicable to the following developments within the Traditional Town Development (TTD) or Terraced Streetscape (TS) Zoning Districts:

- Ten or more residential dwelling units;
- Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure;
- Conversion of an existing residential structure regardless of dwelling type to a multi-family dwelling that results in ten or more residential dwelling units; and
- Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.

It expands upon the legacy workforce program by allowing for rentals or owner-occupied units; and provides workforce housing units to be built on-site, built off-site, and/or paid through fee-in-lieu.

Planning Commission reviewed this draft at the September 28, 2020, regular meeting and recommended that the draft Workforce Housing Ordinance not be approved.

The memorandum dated September 29, 2020, from the Director of Planning & Zoning summarizes the updated draft based on the discussions from the September 16, 2020, Joint Special Meeting.

Staff reviewed the Terraced Streetscape (TS) Zoning District and the Traditional Town Development (TTD) Zoning District and is recommending that Chapter 27, Zoning; Part 3, Residential Planned Development and Mixed Use; Section 204, Terraced Streetscape (TS) District be amended by amending and adding the following to §27-304.C.2 Building Height Incentives to read:

*c. If a building is complying with §27-716, Workforce Housing, the by right maximum height of 55 feet may be increased to accommodate bonus market rate units, not to exceed 75 feet.*

*Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on an ordinance amending the Ferguson Township Workforce Housing Ordinance by repealing it and replacing it in its entirety for Monday, November 16, 2020.*

**Staff Recommendation**

That the Board of Supervisors **authorize** advertisement of the public hearing.

**V. NEW BUSINESS**

**1. WHITEHALL ROAD REGIONAL PARK FUNDING DISCUSSION**

45 minutes

**Narrative**

At the COG General Forum meeting on Tuesday, September 29<sup>th</sup>, the attached Comment Guide was forwarded to member municipalities for review and response. Responses are due back to the COG Executive Director by Wednesday, October 14<sup>th</sup> to be considered at the October 20<sup>th</sup> meeting of the COG Executive Committee. Also provided with the agenda is a copy of the slides presented on September 29<sup>th</sup> to the COG General Forum.

*Recommended Motion: That the Board of Supervisors direct the Township Manager to forward its responses to the Whitehall Road Regional Park Comment Guide to the COG Executive Director by Wednesday, October 14<sup>th</sup>.*

**Staff Recommendation**

That the Board of Supervisors **review and discuss** the funding of Whitehall Road Regional Park.

**VI. STAFF AND COMMITTEE REPORTS**

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – OCTOBER**

**X. ADJOURNMENT**



**FERGUSON TOWNSHIP**  
**COMPLAINT INVESTIGATION FORM**

Date: October 15, 2019

Name: Bruce Bender

Address: 6315 West Whitehall Road, Pennsylvania Furnace, PA 16865-0074

Tax Assessment Parcel: 24-008A-016

Nature of Complaint: This complaint has a long history dating back to the upgrade of West Whitehall Road by PA DOT. It was revisited with the Township in 2005 when Whitehall Road was last paved with no resolution. The issue is a storm water discharge that has its source from a pipe beneath Johnson Road and includes water from the north and south side of portions of West Whitehall Road. The discharge flows from the ROW to a property owned by Steven Bellows and then across the property of Jennifer Borigo and to the back yard of Mr. Bender's property. The Bender property and adjacent Homan and Borigo properties will flood to as much as 3 feet in depth during periods of heavy runoff. This results in a need for Mr. Bender to pump the flood waters from his property to the adjacent Metzger property to preclude basement flooding. There are also impacts from this flooding to on-lot sewage disposal systems at the Bender residence as well as to the Borigo property to the west and Homan property to the east.

Storm Water Investigation

I met with Mr. Bender on 10/15/2019. We looked at the location of the culvert system at the West Whitehall/Johnson Road intersection. Mr. Bender presented several potential solutions that would eliminate flooding in his back yard. These include:

- 1) Install a pipe from the low point in the Bender back yard to the Metzger property that would allow the water to drain to the pond on the Metzger property and prevent flooding on the Bender property. This solution would require an agreement between Mr. Metzger and Mr. Bender and can occur without concurrence by the township.
- 2) Divert the storm water as it exits the culvert beneath Johnson Road to the west so that it discharges further west unto the Metzger property rather than the existing path across the Steven Bellows property.

- 3) Divert the storm water north along the west side of Johnson Road approximately 100 feet to a second culvert that discharges across the Metzger property. This plan will only work if the ditch gradient will allow for flow to the north. In addition the hydraulics of the pipes would need to be reviewed. Finally the question of the Township moving the discharge from an existing private property owner to a second private property would need to be assessed.
- 4) Maintain drainage on the south side of West Whitehall Road instead of crossing under West Whitehall and Johnson Road.
- 5) Placement of a culvert from the existing discharge point that drains toward the Bender property and crossing beneath West Whitehall to the drainage ditch on the southern side of West Whitehall. This culvert would be on the order of 226 feet in length.

Township staff scheduled a meeting with Fred Metzger the owner of the adjoining property on 2/2/2020. Mr. Metzger was concerned with increased surface run off on his property as he indicated that the culvert beneath Johnson Road is a source of surface runoff to his septic system absorption area. He indicated that during high flow time frames that ponding in the area of his septic absorption field can be a problem. He also had concerns regarding the pumping from the adjacent Bender property during flooding events that may increase flow of surface water to the area of his absorption field.

Based upon analysis and review of the options presented above the first option is the most acceptable in that it would allow for removing the flood potential on the Bender property and allow flow to be diverted to the stream across the Metzger property but away from the Metzger Septic system. This option is not something that the Township can direct or control as it is between private owners on private property.

Options 2 and 3 are not considered viable as the township would not consider moving increased surface runoff to a private property where it would impact the on lot sewage system absorption area already in place.

As part of the repaving project for West Whitehall Road, the Township staff looked at a preliminary design and cost estimate for option 5, and the total cost was estimated at approximately \$45,000. Option 5 was considered too costly to be included within the upcoming road project by the Township. Option 4 was also looked at, but the cost was estimated, in the preliminary review, as more costly than option 5.

Tax Parcel location: 24-008A-016; 6315 W. Whitehall Road, PA Furnace, PA 16865











Department of  
**PLANNING AND ZONING**

---

Interoffice Memorandum

**TO:** Ferguson Township Board of Supervisors

**FROM:** Jenna Wargo, AICP, Director of Planning & Zoning

**DATE:** September 29, 2020

**SUBJECT:** Zoning Map Amendments

At the September 15, 2020 Joint Planning Commission and Board of Supervisors meeting, staff presented recommendations to the Board for Zoning Map Amendments based on the March 9, 2020 Regular Planning Commission Meeting. The areas that were discussed include:

- Harner Farm Lots;
- Rock Springs Lots;
- The Meadows Lots;
- Penn State University Agricultural Lots; and
- Ridge Overlay District Lots.

The Pine Grove Mills Advisory Committee reviewed the Ridge Overlay lots adjacent to Pine Grove Mills at their September 24, 2020 Regular Meeting and recommended that these lots be rezoned to Forest/Gamelands (F).

Staff has included as attachments, the existing and recommended zoning map amendments for each area and outlined the recommendations below.

**Harner Farm Lots**

**Existing Zoning:** Rural Agricultural (RA)

**Proposed Zoning:** Three residential lots be rezoned to Single-Family Residential (R1); the Harner Store lot and the electric transmission lot be rezoned to Commercial (C).

**Rock Springs**

**Existing Zoning:** Rural Agricultural (RA)

**Proposed Zoning:** Village (V).

**The Meadows Lots**

**Existing Zoning:** Rural Agricultural (RA)

**Proposed Zoning:** Single-Family Residential (R1).

**Penn State University Agricultural Lots**

**Existing Zoning:** Rural Agricultural (RA)

**Proposed Zoning:** Agricultural Research (AR)

**Ridge Overlay District Lots**

**Existing Zoning:** Rural Residential (RR)

**Proposed Zoning:** Forest/Gamelands (F).

# DRAFT

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING THE FERGUSON TOWNSHIP ZONING ORDINANCE AND ZONING MAP BY CHANGING TO GENERAL COMMERCIAL (C) 27.3 ACRES AND SINGLE-FAMILY RESIDENTIAL (R-1) 44.1 ACRES AT 2177 WEST WHITEHALL ROAD.**

**WHEREAS**, the Pennsylvania Municipalities Planning Code gives the Board of Supervisors of Ferguson Township (the "Supervisors") the power to change and amend by ordinance the zoning boundaries in Ferguson township; and

**WHEREAS**, the Supervisors desire that Tax Parcel Number 24-004-,069-,0000-, and Tax Parcel 24-004-067A,0000- containing a total of 1.92 acres be rezoned from Rural Agricultural (RA) to General Commercial (C); and

**WHEREAS**, the Supervisors desire that Tax Parcel Number 24-004-,067B-,0000-, Tax parcel 24-004-,067C,0000- and Tax Parcel 24-004-,067D containing a total of 1.57 acres be rezoned from Rural Agricultural (RA) to Single-Family Residential (R-1); and

**WHEREAS**, the Supervisors desire that Tax Parcel Number 24-020-,190-,0000-, Tax Parcel 24-020-,191-,0000-, 24-020-,192-,0000-, 24-020-,193-,0000-, 24-020-,194-,0000-, 24-020-,195-,0000-, and Tax Parcel 24-020-,196-,0000- containing a total of 11.86 acres be rezoned from Rural Agricultural (RA) to Single-Family Residential (R-1); and

**WHEREAS**, the Supervisors desire that Tax Parcel Number 24-007-,500-,0000-, Tax Parcel 24-004-,093B,0000-, Tax Parcel 24-004-,094A,0000-, Tax Parcel 24-004-,094B,0000-, Tax Parcel 24-004-,094C,0000-, Tax Parcel 24-007-,032A,0000-, Tax Parcel 24-007-,049-,0000-, Tax Parcel 24-007-,059-,0000-, Tax Parcel 24-007-,060-,0000-, Tax Parcel 24-007-,060A,0000-, Tax Parcel 24-007-,061-,0000-, Tax Parcel 24-007-,064-,0000-, Tax Parcel 24-007-,065-,0000-, Tax Parcel 24-007-,044-,0000-, and Tax Parcel 24-007-,044B,0000- containing a total of 768.1 acres be rezoned from Rural Residential (RR) to Forest Game (FG); and

**WHEREAS**, the Supervisors desire that Tax Parcel 24-004-,093C,0000- containing a total of 20.63 acres be rezoned from Rural Agricultural (RA) to Forest Game (FG); and

**WHEREAS**, the Supervisors desire that Tax Parcel Number 24-008B,014-,0000-, Tax Parcel 24-008B,013A,0000-, Tax Parcel 24-008B,013-,0000-, Tax Parcel 24-008B,012-,0000-, Tax Parcel 24-008B,010-,0000-, Tax Parcel 24-008B,009-,0000-, Tax Parcel 24-008B,008-,0000-, Tax Parcel 24-008B,007-,0000-, Tax Parcel 24-008B,007A,0000-, Tax Parcel 24-008B,006-,0000-, Tax Parcel 24-008B,005-,0000-, Tax Parcel 24-008B,004-,0000-, Tax Parcel 24-008B,003A,0000-, Tax Parcel 24-008B,002-,0000-. Tax Parcel 24-008B,001-,0000-, Tax Parcel 24-006-,082-,0000-, Tax Parcel 24-006-,036-,0000-, and Tax Parcel 24-006-,037-,0000- containing a total of 9.22 acres be rezoned from Rural Agricultural (RA) to Village (V); and

**WHEREAS**, the Supervisors desire that Tax Parcel Number 24-008-,006-,0000- containing a total of 88.94 acres be rezoned from Rural Agricultural (RA) to Agriculture Research (AR); and

**WHEREAS**, the Supervisors believe that the hereinafter more particularly described zoning boundary change would be consistent with the 2013 Centre Region Comprehensive Plan and in the best interest of the Township of Ferguson.

**NOW, THEREFORE,** the Board of Supervisors of the Township of Ferguson hereby ordains:

**Section 1:** The Ferguson Township Zoning Ordinance and Zoning Map are hereby amended and changed by reclassifying to General Commercial (C) Tax Parcel 24-004-,069-,0000- and Tax Parcel 24-004-067A,0000- presently zoned Rural Agricultural (RA), comprising 1.0 acres and 0.92 acres, respectively, as more fully set forth on Exhibit "A" attached hereto and made a part hereof.

**Section 2:** The Ferguson Township Zoning Ordinance and Zoning Map are hereby amended and changed by reclassifying to Single-Family Residential (R-1) Tax Parcel 24-004-,067B-,0000-, Tax parcel 24-004-,067C,0000- and Tax Parcel 24-004-,067D presently zoned Rural Agricultural (RA), comprising 0.71 acres, 0.3 acres and 0.56 acres, respectively, as more fully set forth on Exhibit "A" attached hereto and made a part hereof.

**Section 3:** The Ferguson Township Zoning Ordinance and Zoning Map are hereby amended and changed by reclassifying to Single-Family Residential (R-1) 24-020-,190-,0000-, Tax Parcel 24-020-,191-,0000-, 24-020-,192-,0000-, 24-020-,193-,0000-, 24-020-,194-,0000-, 24-020-,195-,0000-, and Tax Parcel 24-020-,196-,0000- presently zoned Rural Agricultural (RA), comprising 2.03 acres, 1.91 acres, 1.81 acres, 1.7 acres, 1.57 acres, 1.47 acres and 1.37 acres, respectively, as more fully set forth on Exhibit "B" attached here to and made a part hereof.

**Section 4:** The Ferguson Township Zoning Ordinance and Zoning Map are hereby amended and changed by reclassifying to Forest Game (FG) Tax Parcel 24-007-,500-,0000-, Tax Parcel 24-004-,094A,0000-, Tax Parcel 24-004-,093B,0000-, Tax Parcel 24-004-,094B,0000-, Tax Parcel 24-004-,094C,0000-, Tax Parcel 24-007-,032A,0000-, Tax Parcel 24-007-,049-,0000-, Tax Parcel 24-007-,059-,0000-, Tax Parcel 24-007-,060-,0000-, Tax Parcel 24-007-,060A,0000-, Tax Parcel 24-007-,061-,0000-, Tax Parcel 24-007-,064-,0000-, Tax Parcel 24-007-,065-,0000-, Tax Parcel 24-007-,044-,0000-, and Tax Parcel 24-007-,044B,0000- presently all zoned Rural Residential (RR), comprising 37.68 acres, 24.78 acres, 43.85 acres, 26.64 acres, 32.77 acres, 208.03 acres, 28.52 acres, 19.04 acres, 12.25 acres, 24.41 acres, 27.44 acres, 27.44 acres, 2.23 acres, 48.76 acres, and 152.23 acres, respectively, as more fully set forth on Exhibit "C" attached here to and made a part hereof,

**Section 5:** The Ferguson Township Zoning Ordinance and Zoning Map are hereby amended and changed by reclassifying to Forest Game (FG) Tax Parcel 24-004-,093C,0000- presently zoned Rural Agricultural (RA), comprising 20.63 acres as more fully set forth on Exhibit "C" attached here to and made a part hereof,

**Section 6:** The Ferguson Township Zoning Ordinance and Zoning Map are hereby amended and changed by reclassifying to Village (V) Tax Parcel 24-008B,014-,0000-, Tax Parcel 24-008B,013A,0000-, Tax Parcel 24-008B,013-,0000-, Tax Parcel 24-008B,012-,0000-, Tax Parcel 24-008B,010-,0000-, Tax Parcel 24-008B,009-,0000-, Tax Parcel 24-008B,008-,0000-, Tax Parcel 24-008B,007-,0000-, Tax Parcel 24-008B,007A,0000-, Tax Parcel 24-008B,006-,0000-, Tax Parcel 24-008B,005-,0000-, Tax Parcel 24-008B,004-,0000-, Tax Parcel 24-008B,003A,0000-, Tax Parcel 24-008B,002-,0000-, Tax Parcel 24-008B,001-,0000-, Tax Parcel 24-006-,082-,0000-, Tax Parcel 24-006-,036-,0000-, and Tax Parcel 24-006-,037-,0000- presently zoned Rural Agricultural (RA), comprising 0.60 acres, 0.64 acres, 0.87 acres, 0.7 acres, 0.3 acres, 0.7 acres, 0.3 acres, 0.82 acres, 0.44 acres, 0.38 acres, 0.6 acres, 0.2 acres, 0.27,

0.14 acres, 0.3 acres, 0.5 acres, 0.86 acres and 0.6 acres, respectively, as more fully set forth on Exhibit "D" attached here to and made a part hereof,

**Section 7:** The Ferguson Township Zoning Ordinance and Zoning Map are hereby amended and changed by reclassifying to Agriculture Research (AR) Tax Parcel 24-008-,006-,0000- presently zoned Rural Agricultural (RA), comprising 88.94 acres as more fully set forth on Exhibit "E" attached here to and made a part hereof,

**Section 8:** This Ordinance shall be effective immediately.

**ORDAINED and ENACTED** this 2<sup>nd</sup> day of November 2020.

**TOWNSHIP OF FERGUSON**

By: \_\_\_\_\_  
Steve Miller, Chairman  
Board of Supervisors

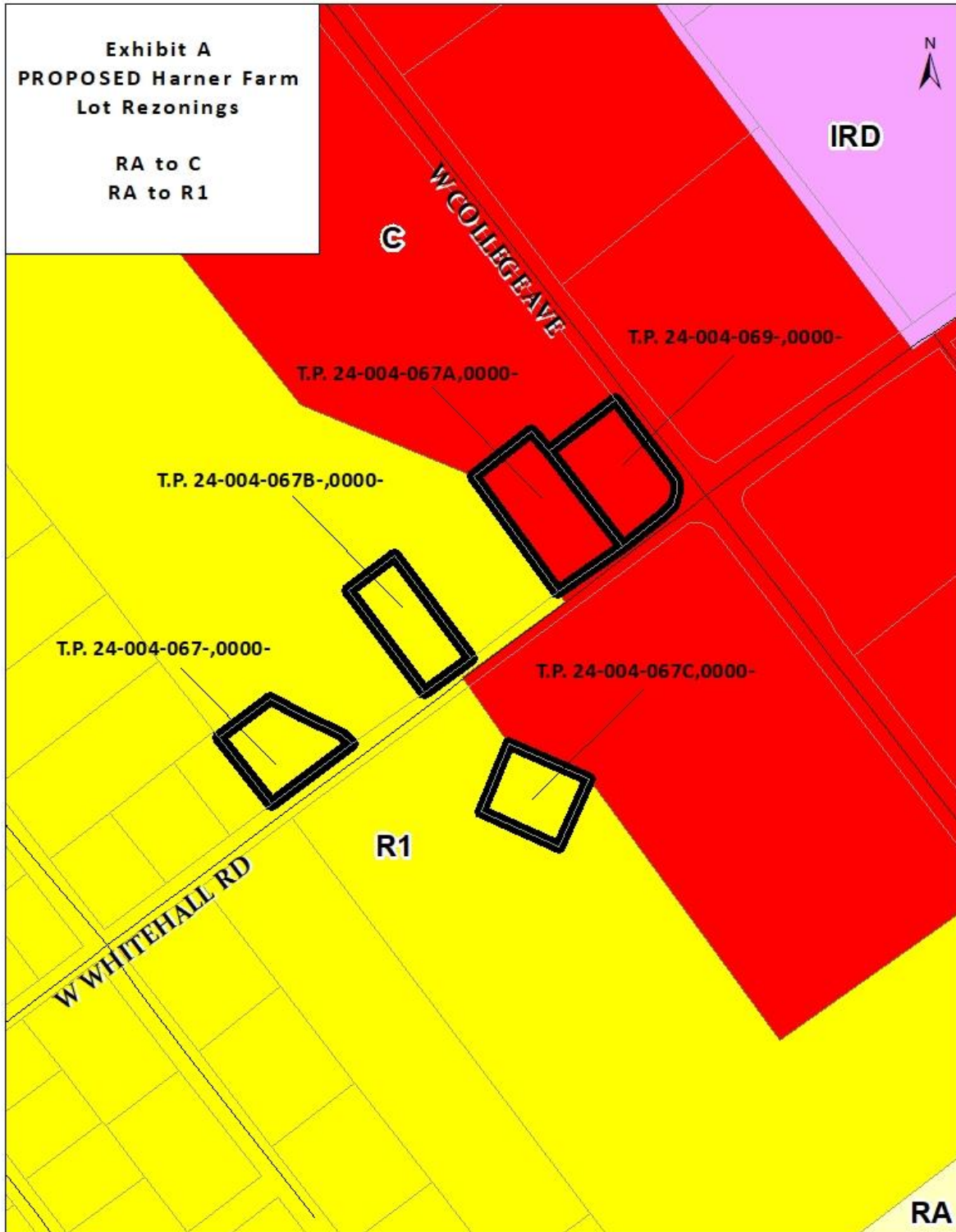
[ S E A L ]

ATTEST:

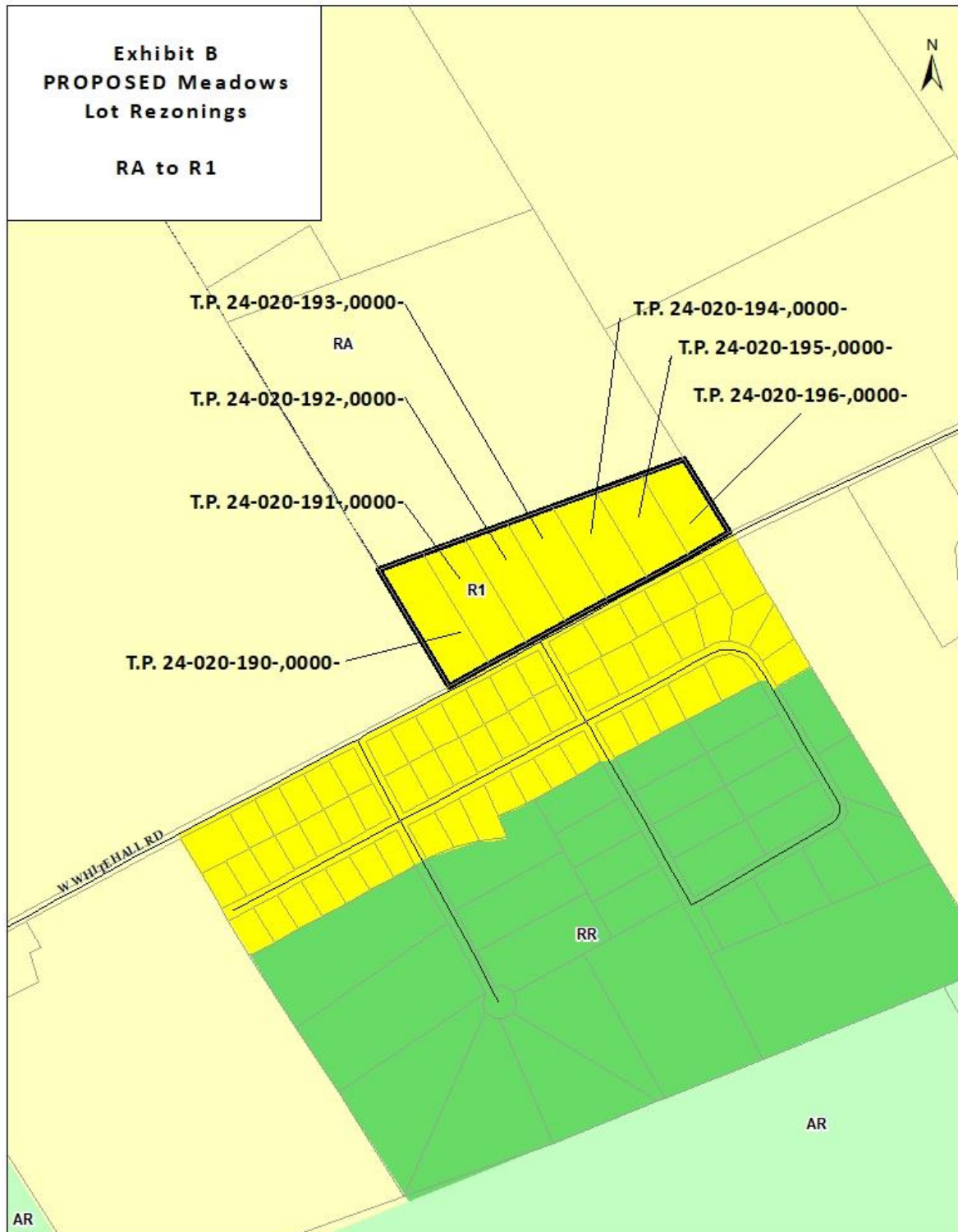
By: \_\_\_\_\_  
David G. Pribulka, Secretary



# Exhibit "A"



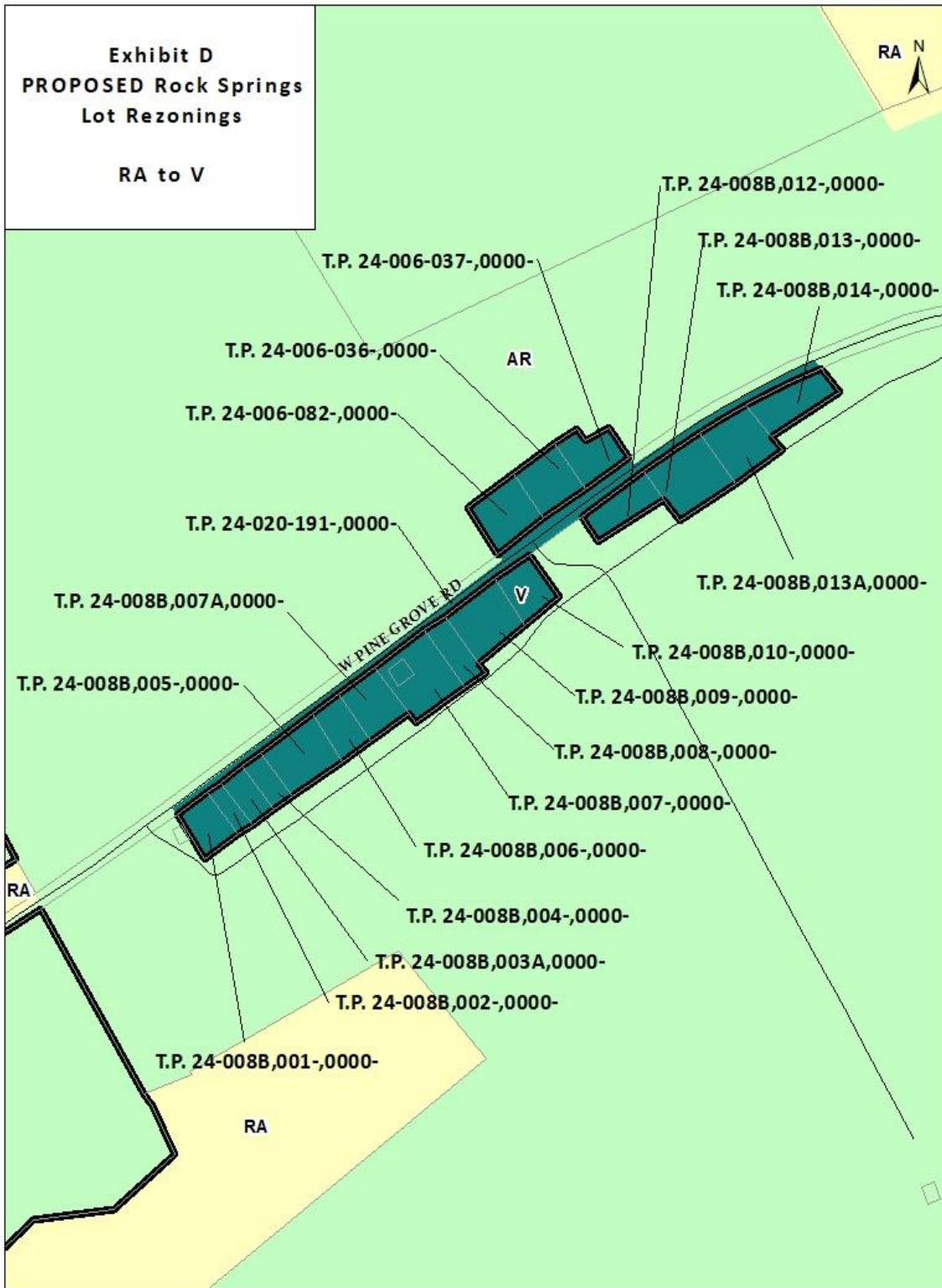
# Exhibit "B"







# Exhibit "D"



# Exhibit "E"





Department of  
**PLANNING AND ZONING**

---

Interoffice Memorandum

**TO:** Ferguson Township Board of Supervisors

**FROM:** Jenna Wargo, AICP, Director of Planning & Zoning

**DATE:** September 29, 2020

**SUBJECT:** **Draft Workforce Housing Ordinance Amendment**

At the September 16, 2020 Joint Planning Commission and Board of Supervisors meeting, staff reviewed the draft Workforce Housing Ordinance based on the September 1, 2020 Joint Planning Commission and Board of Supervisors meeting. The current draft, included with the Planning Commission's agenda, has been updated to reflect the discussions from those meetings.

The current draft ordinance would be applicable to the following developments within the Traditional Town Development (TTD) or Terraced Streetscape (TS) Zoning Districts:

- Ten or more residential dwelling units;
- Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure;
- Conversion of an existing residential structure regardless of dwelling type to a multi-family dwelling that results in ten or more residential dwelling units; and
- Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.

It expands upon the legacy workforce program by allowing for rentals or owner-occupied units; and provides workforce housing units to be built on-site, built off-site, and/or paid through fee-in-lieu.

In order to preserve the Workforce Housing Dwelling Units as affordable, this draft provides Ferguson Township with first option to purchase all for-sale Workforce Housing Dwelling Units and outlines a mechanism for continued affordability, compliance and reporting requirements.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, AMENDING CHAPTER 27, ZONING; PART 3, RESIDENTIAL PLANNED DEVELOPMENT AND MIXED USE; SECTION 304, TERRACED STREETSCAPE (TS) DISTRICT BY AMENDING §27-304.C.2. BUILDING HEIGHT INCENTIVES AND AMENDING CHAPTER 27, ZONING; PART 7, SUPPLEMENTAL REGULATIONS; SECTION 716, WORKFORCE HOUSING BY REPEALING IT AND REPLACING IT IN ITS ENTIRETY.**

The Board of Supervisors of the Township of Ferguson hereby ordains:

**Section 1**—Chapter 27, Zoning, Part 3, Residential Planned Development and Mixed Use, Section 304, Terraced Streetscape (TS) District by amending §27-304.C.2. Building Height Incentives, is hereby amended by amending and adding the following:

c. If a building is complying with §27-716, Workforce Housing, the by right maximum height of 55 feet may be increased to accommodate bonus market rate units, not to exceed 75 feet.

**Section 2**—Chapter 27, Zoning, Part 7, Supplemental Regulations, Section 716 Workforce Housing, is hereby repealed and replaced with a new Chapter 27, Zoning, Part 7, Supplemental Regulations, Section 716 Workforce Housing attached hereto as Exhibit “A”.

**Section 3**—The forgoing Section 1 and Section 2 shall be effective immediately upon the date of the enactment of this ordinance.

**ORDAINED and ENACTED** this \_\_\_\_ day of November 2020.

**TOWNSHIP OF FERGUSON**

By: \_\_\_\_\_  
Steve Miller, Chairman  
Board of Supervisors

[ S E A L ]

ATTEST:

By: \_\_\_\_\_  
David G. Pribulka, Secretary

Exhibit "A"

**FERGUSON TOWNSHIP**  
**§27-716. WORKFORCE HOUSING ORDINANCE**

**1) Purpose.**

The purpose of this Chapter is:

- a) Provide a wide range of quality, workforce housing for households with an income of 80% to 120% of Area Median Income (AMI) in high opportunity neighborhoods, those with superior access to quality schools, services, amenities and transportation;
- b) To support the Centre Region Comprehensive Plan's goal of providing a wide range of sound, affordable and accessible housing consistent with the fair share needs of each municipality in the Centre Region;
- c) Provide criteria for workforce housing including, but not limited to, design, construction, phasing, and location within a development;
- d) To facilitate and encourage development and redevelopment that includes a range of housing opportunities through a variety of residential types, forms of ownership, home sale prices and rental rates;
- e) To work in partnership and support local, state, and federal programs to create additional housing opportunities;
- f) Responsibly allocate resources to increase housing opportunities for families and individuals facing the greatest disparities;
- g) Ensure the opportunity of workforce housing for employees of businesses that are located in or will be located in the Township;
- h) To ensure affordable homeownership, is defined as a mortgage payment and housing expenses (principal, interest, taxes, insurance, and condominium or association fees, if any) costing no more than 30% of a family's gross month income, per the Department of Housing and Urban Development (HUD) definition; and
- i) Effectively enforce and administer the provisions of the Workforce Housing Program.

**2) Authority.** Provisions for the Workforce Housing Chapter are intended to comply with the following articles of the Pennsylvania Municipal Planning Code.

(1) Article VI Zoning.

Section 603. Ordinance Provisions where:

- (a) Zoning Ordinances should reflect the policy goals of the statement of the community development objectives and give consideration to the character of the municipality, the needs of the citizens and the suitabilities and special nature of particular parts of the municipality.

(c) Zoning Ordinances may contain:

- (5) Provisions to encourage innovations and to promote flexibility, economy and ingenuity in development, including subdivisions and land developments as defined in this act;
- (6) Provisions authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the zoning ordinance;



(j) Zoning Ordinances adopted by municipalities shall be generally consistent with the municipal or multi-municipal Comprehensive Plan or, where none exists, with the municipal statement of community development objectives and the county Comprehensive Plan.

Section 604. Zoning Purposes. The provisions of zoning ordinances shall be designed:

(1) To promote coordinated and practical community development and proper density of population.

Section 605. Classifications.

(3) For the purpose of encouraging innovation and the promotion of flexibility, economy and ingenuity in development, including subdivisions and land developments as defined in this act, and for the purpose of authorizing increases in the permissible density of population or intensity of a particular use based upon expressed standards and criteria set forth in the zoning ordinance.

(2) These regulations are enacted under the authority of the Pennsylvania Human Relations Act (Act of October 27, 1995, P.L. 744, as amended), which guarantees fair housing.

(3) Posting of the Fair Housing Practices Notice is required pursuant to the Pennsylvania Human Relations Act.

3) **Definitions.** As used in this chapter, the following words and terms shall have the meanings specified herein:

**AREA MEDIAN INCOME**—The midpoint of combined salaries, wages, or other sources of income based upon household size in the State College Metropolitan Statistical Area.

**CONVERSION**—A change in a residential rental development or a mixed-use development that includes rental dwelling units to a development that contains only owner-occupied individual dwelling units or a change in a development that contains owner-occupied individual units to a residential rental development or mixed-use development.

**DENSITY BONUS**—An increase in the number of market-rate units on the site in order to provide an incentive for the construction of affordable housing pursuant to this chapter, also known as a bonus unit.

**DEVELOPMENT**—The entire proposal to construct or place one or more dwelling units on a particular lot or contiguous lots including, without limitation, a Traditional Town Development (TTD) Master Plan, a Planned Residential Development (PRD), land development or subdivision.

**FEE-IN-LIEU**—A payment of money to Ferguson Township's Affordable Housing Fund in-lieu of providing Workforce Housing Units. This fee is updated annually within the Ferguson Township Schedule of Fees.

**LOT**—A designated parcel, tract or area of land established by a plat or otherwise as permitted by law

and to be used, developed or built upon as a unit.

**MEDIAN GROSS HOUSEHOLD INCOME**—The median income level for the State College, PA Metropolitan Statistical Area (MSA), as established and defined in the annual schedule published by the Secretary of the U.S. Department of Housing and Urban Development, adjusted for household size.

**MULTI-FAMILY DWELLING**—Three (3) or more dwelling units, with the units stacked one above the other.

**PHASE**—The portions of an approved Development, or, in the case of a Master Plan approval, a Specific Implementation Plan, which are set out for development according to a Township-approved schedule.

**RENOVATION**—The physical improvement that adds to the value of real property, but that excludes painting, ordinary repairs, and normal maintenance.

**WORKFORCE HOUSING**—Housing with a sales price or rental amount within the means of a household that may occupy moderate income housing. In the case of dwelling units for sale, affordable means housing in which mortgage, amortization, taxes insurance, and condominium or association fees, if any, constitute no more than thirty (30) percent of such gross annual household income for a household of the size that may occupy the unit in question. In the case of dwelling units for rent, affordable means housing for which the rent and basic utilities constitutes no more than thirty (30) percent of such gross annual household income for a household of the size that may occupy the unit in question. Utilities for rental units include: electric/gas, trash, water and condominium or association fees.

**WORKFORCE HOUSING DEVELOPMENT AGREEMENT**— A written agreement duly executed between the applicant for a development, the Township, and, if applicable, the designated third-party administrator of the Workforce Housing Program. Said agreement shall include, at minimum, all of the provisions established in §27-716, Subsection 7.

**WORKFORCE HOUSING FUND**—The fund created by Ferguson Township to receive funds generated from the administration of fee-in-lieu payments to support workforce housing within Ferguson Township.

**WORKFORCE HOUSING DWELLING UNIT**—A housing unit documented in an applicant’s Workforce Housing Development Agreement as required in order to comply with the Workforce Housing Program requirements, subsidized by the federal or state government or subject to covenants and deed restrictions that ensure its continued affordability. When calculating the required percentage of Workforce Units in a development, any fractional result between 0.01 and 0.49 will be rounded down to the number immediately preceding it numerically, and any fractional result between 0.50 and 0.99 will be rounded up to the next consecutive whole number. However, the total Workforce Unit percentage shall not exceed ten (10) percent of the required total Workforce Housing Units in the development.

- 4) **Applicability.** Workforce Housing must be provided in the following Developments and minor alterations within the Terraced Streetscape (TS) Zoning District and the Traditional Town Development (TTD) Zoning District that results in or contains:
  - a) Ten or more residential dwelling units;
  - b) Renovation of a multi-family dwelling that increases the number of residential units from the number of units in the original structure;
  - c) Conversion of an existing residential structure regardless of dwelling type to a multi-family dwelling that results in ten or more residential dwelling units; and
  - d) Conversion of a nonresidential property to a residential property that results in ten or more residential dwelling units.
  
- 5) **General Requirements for Workforce Units.** For all applicable developments listed in Section 4. Applicability, within the Terraced Streetscape (TS) Zoning District and the Traditional Town Development (TTD) Zoning District, projects must comply with the following requirements.
  - a) The permit application must include a Workforce Housing Program option selection.
  - b) Calculation of Workforce Units. To calculate the minimum number of workforce units required in any land development listed in Subsection 4. Applicability, the total number of proposed units shall be multiplied by ten (10) percent.
    - i) When calculating the required percentage of Workforce Units in a development, any fractional result between 0.01 and 0.49 will be rounded down to the number immediately preceding it numerically, and any fractional result between 0.50 and 0.99 will be rounded up to the next consecutive whole number. However, the total Workforce Unit percentage shall not be required to exceed ten percent of the total units in the development.
  
- 6) **Standards.** Workforce Housing must be provided, or a fee-in-lieu of providing Workforce Housing must be paid, according to the following standards:
  - a) Workforce units may be built on-site, paid fee-in-lieu, or built off-site.
    - i) Diversity Standards as outlined in §27-303.C.2.a. (related to TTD developments) may be modified to the extent needed to accommodate all required workforce units and allowable bonus units.
    - ii) In the case of Workforce Housing Dwelling Units provided as a single-family dwelling, duplex, multi-plex or townhouse:
      - (1) The units shall not be segregated or clustered within a development.
      - (2) Except in the case of lots containing more than one unit, no more than two adjacent lots or units shall contain Workforce Housing Dwelling Units.
    - iii) Workforce Housing Dwelling Units may be clustered within a multi-family dwelling (for sale or rent) and no more than 25% of the total units per floor can be designated as Workforce Units, excluding the top floor.
    - iv) Workforce Housing Dwelling Units shall be like market rate units, exclusive of upgrades, with regard to number of bedrooms, amenities, and access to amenities, but may differ from market-rate units regarding interior amenities, provided that:
      - (1) These differences, excluding differences related to size differentials, are not apparent in the general exterior appearance of the market-rate units;
      - (2) These differences do not include insulation, windows, heating systems, and other improvements related to the energy efficiency and standard components of the unit;

- (3) Amenities for Workforce Units are determined to be reasonably equivalent if the appliances have the same Energy Star rating as those in the market-rate units; and
- (4) Workforce units may be up to 10 percent smaller than the market-rate units;
- v) In order to ensure an adequate distribution of workforce units by household size, the bedroom mix of workforce units in any project shall be in the same ratio as the bedroom mix of the market-rate units of the project.
- vi) Workforce units required under this chapter shall be offered for sale or lease to a qualified household to be used for its own primary residence, except for units purchased by the Township or its designee;
- vii) The sale or lease of Workforce Housing Dwelling Units shall be limited to qualified households earning between 80% and 120% Area Median Income (AMI), adjusted for household size.
- viii) If the Development contains Phases, Workforce Housing shall be provided in all residential Phases, according to the options set forth in Section 8.
- ix) Owners of Workforce Housing Dwelling Units are required to sign an agreement, suitable for recording, providing that such unit is subject to the terms and conditions of this Ordinance.
- b) Accommodations.
  - i) Developments that provide built Workforce Housing Dwelling Units, either built on-site or built off-site will be entitled to the following:
    - (1) One additional equivalent unit (bonus unit) may be added to the Sending Development for each Workforce Housing Unit provided;
    - (2) Multi-family dwellings may exceed the maximum height set forth in the underlying zoning district by one additional story; and
    - (3) Off-street parking may be provided but is not required for any workforce unit built or designated within multi-family dwellings.
- c) Ferguson Township's Option to Purchase.
  - i) The following provisions apply to the initial offering of workforce units for sale by the developer:
    - (1) As a condition of land development approval, the applicant shall notify the Township or its designee of the prospective availability of any workforce units at the time the design and pricing are being established for such units.
    - (2) From the time of building permit issuance, the Township or its designee shall have an exclusive option for 60 days to enter into a purchase and sales agreement at the workforce unit pricing for each workforce unit offered for sale by the applicant. The Township may waive or assign this option.
    - (3) If the Township fails to exercise its option for the workforce units, or if the Township or its designee declares its intent not to exercise its option, the applicant shall offer the units for purchase to households per §27-716.6.a.v. If requested, by the applicant, the Township or its designee shall execute documents that may be recorded with the Centre County Office of Recorder of Deeds to evidence said waiver of option.
    - (4) Closing on workforce units purchased by the Township or its designee occurs within 30 days after issuance of the certificate of occupancy. If the Township or its designee fails to close on these workforce units within such 30 days, the applicant shall offer the unit for purchase or rent to households per §27-716.6.a.v.

- (5) The Township may assign its options under this section, in which event it shall notify the applicant of the agency to which it has assigned the option, which agency shall work directly with the applicant, and shall have all of the authority of the Township as provided under this section.
  - (6) At any point after the initial option period, (2) above, the applicant may offer the Workforce Housing Dwelling Units to the Township or its designee for purchase at the workforce unit pricing. The Township or its designee then shall have 30 days to enter into a purchase and sales agreement and close within 30 days thereafter.
- d) Limitations.
- i) To the extent permitted by Federal Law, priority will be given to residents of Centre County, or individuals employed by a business located in Centre County.
  - ii) The Workforce Housing Dwelling Units that are for-sale must be used as a principal place of residence;
- e) Except for household income, asset limitations and the primary residency requirement as set forth herein, occupancy of any workforce unit shall not be limited by any conditions that are not otherwise applicable to all units within the covered project;
- f) Execution of a Workforce Housing Development Agreement shall be a condition of approval of a land development plan, or a Specific Implementation Plan (SIP) for a Phase within a Master Plan.

**7) Workforce Housing Development Agreement.**

For Developments required to contain Workforce Housing, no land development plan, subdivision plan, or Specific Implementation Plan for a Phase within a Development, shall be recorded without having first duly executed a Workforce Housing Development Agreement for such Development or Phase. Ferguson Township, Township designee, and the applicant for the development, shall each be parties to the Workforce Housing Development Agreement, which shall, as minimum, contain the following provisions:

- a) Concurrence by the designated administrator of the Workforce Housing Program that the Workforce Housing is being provided within the Development or Phase;
- b) The location(s), zoning designation(s) and ownership of the Development or Phase;
- c) The number and type of Workforce Housing Dwelling Units that will be provided and the calculations used to determine the number of units provided;
- d) If a fee-in-lieu is proposed for the Development or Phase, in whole or part, the fee-in-lieu calculation methodology and amounts that will be applied to Workforce Housing Dwelling Units, within the Development or Phase;
- e) Any accommodations provided in §27-716.6.b that are being utilized for the project;
- f) The prevailing interest rate for residential mortgages to be used to calculate Workforce Housing, set for the Development or Phase at a rate of the prevailing 30-year fixed mortgage rate;
- g) A description of the Development or Phase proposed, including the name of the development project and marketing name;
- h) A graphical depiction of the location of Workforce Housing Units within the Development or Phase, and if available, the lot numbers for the Workforce Housing Dwelling Units;
- i) A schedule for the construction of the Workforce Housing Dwelling Units, consistent with that shown on the approved plans for the Development or Phase.
- j) The proposed sale prices and affordability restrictions for each Workforce Housing Dwelling Unit and a copy of the applicable affordability deed restrictions and covenants;

- k) The proposed marketing plan for the Workforce Housing;
  - l) Acknowledgement that §27-716.11—Continued Affordability, Compliance and Reporting Requirements will be followed.
  - m) Indication of which, if any, of the Workforce Housing Dwelling Units will be special needs housing for seniors, disabled, or other special needs populations and a description of the unique features or services for that population;
  - n) Indication as to whether the applicant or, for off-site construction, a third party will be constructing the Workforce Housing Dwelling Units. If a third party is to construct the Workforce Housing Dwelling Units, the third party shall join in and be bound by the terms and conditions of the Workforce Housing Development Agreement;
  - o) Within any given Development or Phase, Certificate of Occupancy permits for the last ten (10%) of market-rate units that are offered for sale within that Development or Phase shall be withheld by the Township until all of the Workforce Housing Dwelling Units within that Development or Phase have been issued Certificates of Occupancy or release by payment of a fee-in-lieu.
  - p) Acknowledgement that the designated workforce housing administrator of the Township's Workforce Housing Program shall have full authority to administer the provisions of the Workforce Housing Development Agreement.
  - q) The draft Workforce Housing Development Agreement shall be reviewed by the Township Solicitor with finalization a condition of approval of the plans for the Development or Phase. The fully executed Workforce Housing Development Agreement shall be recorded concurrently with the plans for the Development or Phase.
- 8) **Workforce Housing options.** Workforce Housing may be provided within a Development or Phase using one or more of the following options selected by the applicant:
- a) On-Site construction.
    - i) Accommodations that will be provided to the Developer as set forth in §27-716.6.b. for the project.
  - b) Fee-In-Lieu.
    - i) A fee-in-lieu may be paid to the Workforce Housing Fund to offset the construction of one or more Workforce Housing Dwelling Units as follows:
      - (1) Up to 40 percent of the Workforce Housing Dwelling Units attributable to for-sale units within the Development can be offset by a fee-in-lieu; and
      - (2) Up to 100 percent of the Workforce Housing Dwelling Units attributable to rental units within the Development or Phase can be offset by a fee-in-lieu.
    - ii) Board of Supervisors shall establish by resolution the amount of the fee-in-lieu payment per unit following written recommendation by the Township Manager and adopt it as part of the Township's Schedule of Fees.
    - iii) For single-phased development projects, the fee-in-lieu shall be paid prior to issuance of the zoning permit.
    - iv) For development projects with Phases (Specific Implementation Plans), the fee-in-lieu shall be paid on a phase by phase basis based upon the number of workforce housing units being released in that phase with payment made prior to the issuance of the zoning permit for each Phase.
    - v) The Township shall create and administer a Workforce Housing Fund into which all fee-in-lieu payments shall be deposited. All funds received pursuant to this chapter shall be used to

further the Township's mission to maintain and further Workforce Housing within Ferguson Township.

- vi) Upon payment of the fee-in-lieu amount for one or more Workforce Housing Dwelling Units, the applicant has no additional Workforce Housing requirements relative to such units. Upon payment, the Township and applicant shall execute a recordable instrument indicating that the Workforce Housing requirements have been met for those units and that the units are no longer Workforce Housing Dwelling Units subject to the terms and conditions of this Ordinance.
- c) Build off-site.
- i) Workforce Housing Dwelling Units may be constructed off-site, in a development (the "Receiving Development") within Ferguson Township that is separate from the Development or Phase (the "Sending Development") that is required to provide Workforce Housing.
  - ii) The Receiving Development must be an approved development, or the applicant must obtain land development plan approval from the Township for the Receiving Development concurrently with the land development plan approval for the Sending Development.
  - iii) The workforce units built in the Receiving Development must be reasonably equivalent in size and bedroom count to the units on the Sending Development. Workforce Units designated cannot be located in the basement.
  - iv) The Receiving Development shall not contain 100 percent Workforce Housing Dwelling Units.
  - v) The owner of the Sending Development must provide the following information to Township Staff and/or designee:
    - (1) Location of the Receiving Development;
    - (2) Concurrence of the owner of the Receiving Development to construct the Workforce Housing Dwelling Units; and
    - (3) The number of units and Workforce Housing Dwelling Units proposed within the Receiving Development.
  - vi) The Sending Development will receive all bonus units and accommodations attributable to the Workforce Housing Dwelling Units.
  - vii) The Receiving Development must be located within the Regional Growth Boundary (RGB) as illustrated in the Centre Region Comprehensive Plan.
  - viii) The owner or developer of the Receiving Development must enter into the Sending Development's Workforce Housing Development Agreement for the Workforce Housing Dwelling Units that are going to be provided on the Receiving Development, as well as accommodations attributable to the Workforce Housing Dwelling Units.
  - ix) The Receiving Development is subject to the Workforce Housing Program requirements outlined in §27-716.
  - x) The Receiving Development must develop the Workforce Housing Dwelling Units according to the schedule set forth in the Workforce Housing Development Agreement.
  - xi) A penalty to the Sending Development will be due to Ferguson Township if the Workforce Units in the Receiving Development are not made available as set forth in the Workforce Housing Development Agreement.
- 9) **Policy and Procedures Manuals for Administration of Workforce Housing Dwelling Units For Sale and Rent.** Ferguson Township Planning Department and/or designee shall provide an administrative manual to offer guidance to applicants regarding compliance with the terms and conditions of this Ordinance. Applicants are encouraged to follow the terms set forth therein.

- a) Owners or their property managers are encouraged to use the same systems for attracting potential tenants for leasing up Workforce Housing Dwelling Units as are used for market rate units. Applicants and their agents are expected to work closely and in cooperation with Township Staff and/or designee to make the workforce marketing and sales process as efficient and equitable as possible.
- b) The Workforce Housing program has no rules or guidelines about the method owners, or their property managers use to determine the order in which tenants are offered Workforce Housing Dwelling units.
- c) These documents will include clarifying information and procedures when requested by the Township. These procedures may be updated from time to time to increase the effectiveness of the Workforce Housing Program.

**10) Inability to Rent or Sell Workforce Housing Units to Qualified Households.**

- a) By Developer. If the developer meets or exceeds the marketing guidelines set forth in its Workforce Housing Development Agreement for a period of one year from final certificates of occupancy issuance and is still unable to sell such a unit to a qualified household, the developer shall notify the Township. The Township or its designee shall have 30 days from the date notice was given to enter into a contract to purchase the unit at its marketed price, with closing to take place within 30 days thereafter. After which, the Township, or its designee shall market and sell the unit as a Workforce Housing Dwelling Unit. If the Township or its designee does not purchase the Workforce Dwelling Unit, it shall be conclusively demonstrated that there is no market for such unit being a Workforce Dwelling Unit. The developer shall pay the Township 60% of the original per unit fee-in-lieu and may remove the unit as a Workforce Housing Dwelling Unit and the unit shall become a market-rate unit, no longer subject to the terms and conditions of this Ordinance.
- b) By Unit Owner. The owner of a Workforce Housing Dwelling Unit may remove the unit by subsequent sale to a non-qualifying owner by paying a fee-in-lieu to the Workforce Housing Fund as follows: If the gross purchase price on the subsequent sale is greater than the original sales price, increased by 6% per year since the original sale, the difference between the original sale price (as adjusted) and the gross purchase price is the fee-in-lieu paid.

**11) Continued Affordability, Compliance and Reporting Requirements.**

- a) For Sale Workforce Units.
  - i) The continuity of a Workforce Housing Dwelling Unit that is sold shall be ensured for a period of 99 years commencing on the date the certificate of occupancy is issued for the unit. To provide for this, a restriction shall be place on the deed of the Workforce Housing Dwelling Unit, which shall read as follows: "This property is to remain affordable for a period of 99 years from its initial date of sale for persons earning between 80 percent and 120 percent of the Area Median Income (AMI) for State College, PA Metropolitan Statistical Area (MSA) as established by the latest income guidelines defined in the annual schedule published by the Secretary of the United States Department of Housing and Urban Development."
  - ii) Prospective buyers shall enter into a legally binding agreement with the designated administrator of the Workforce Housing Program that will stipulate the process for certifying subsequent buyers of Workforce Housing Dwelling Units for the applicable 99 year period, and the amount of equity able to be recouped by the homeowner upon sale of the Workforce Housing Dwelling Unit. The designated administrator of the Workforce Housing Program shall have the authority to require additional stipulations in the agreement including, but not



- limited to, the requirement of prospective buyers to participate in financial counseling in accordance with the procedures and requirements of the designated administrator.
- iii) The Township shall require resale conditions in order to maintain the availability of workforce units in perpetuity be specified in the Affordability Instrument, including resale calculations.
    - (1) At the time of purchase, the owners of any workforce unit shall execute a Resale Restriction Agreement and Option to Purchase provided by the Township, stating the restrictions imposed pursuant to this Resale Restrictions section, including but not limited to all applicable resale controls and occupancy restrictions. This Resale Restriction Agreement and Option to Purchase shall be recorded in the Centre County Office of Recorder of Deeds and shall afford the Township or its assignee the right to enforce the declaration of restrictions.
    - (2) The Township or its designee shall be responsible for monitoring and facilitating the resale of workforce units.
  - iv) Provisions for continued affordability of workforce units shall provide that the Township have an exclusive option to purchase any workforce unit when it is offered for resale.
    - (1) The owner shall notify the Township or its designee of the prospective availability of any workforce unit for sale.
    - (2) Upon being notified by the owner of the workforce unit, the Township or its designee shall have an exclusive option for 30 days to enter into a purchase and sales agreement at the workforce unit pricing the unit being offered for sale by the owner. The Township may waive or assign this option.
  - v) If the Township fails to exercise its option for the workforce unit, or if the Township or its designee declares its intent not to exercise its option, the owner shall notify the Director of Planning and Zoning by certified mail that the deed restriction will be removed from the property and consequently, the unit will be removed from the Workforce Housing Program. Upon notification, the owner may sell the Workforce Unit to a non-qualifying owner by paying a fee-in-lieu to the Workforce Housing Fund as outlined in §27-716.10.b. If requested, by the owner, the Township or its designee shall execute documents that may be recorded with the Centre County Office of Recorder of Deeds to evidence said waiver of option.
  - vi) Closing on workforce units purchased by the Township or its designee occurs within 30 days of notifying the owner of the Township or its designee's intent to exercise its option. If the Township or its designee fails to close on this workforce unit within such 30 days, the owner shall notify the Director of Planning and Zoning by certified mail that the deed restriction will be removed from the property and consequently, the unit will be removed from the Workforce Housing Program. Upon notification, the owner may sell the Workforce Unit to a non-qualifying owner by paying a fee-in-lieu to the Workforce Housing Fund as outlined in §27-716.10.b. If requested, by the owner, the Township or its designee shall execute documents that may be recorded with the Centre County Office of Recorder of Deeds to evidence said waiver of option.
- b) Leasing/Rental Developments.
- i) Static Data, Unit Composition and Rent Schedule.
    - (1) This form is required both prior to lease up and annually that includes: total units, bedroom size, tenant incomes and rents, unit locations within the development, and square footage.
  - ii) Tenant incomes and rent determination.

- (1) Measurement of household income is determined using the Housing and Urban Development's (HUD) annually published area median income and rent chart based upon household size in the State College Metropolitan Statistical Area (MSA).
- iii) Incomes rising in place.
- (1) Households that have initially qualified for a Workforce Housing unit are permitted to remain in that unit and not be subject to market rate rents until their incomes reach or exceed the income limits contained in this chapter. After qualifying at lease-up, a tenant's income may increase above the affordability restrictions of a development and still have the unit fulfill the development's Workforce Housing requirements, based on the following schedule:
    - (a) Tenants in units restricted at 80% of AMI levels, may have income increase up to 120% of AMI.
  - (2) The owner or property manager may revise the expiring leases with tenants who, upon recertification, no longer meet the income requirements. Tenants may continue living in a Workforce Housing Dwelling unit at market rate rent. The market rate rent level must be comparable to reasonably equivalent units within the development, or a comparable development. Tenants must not be required to submit additional deposits or fees.
    - (a) Un-constructed Units. If units within the Phase or Development (for single phase developments) are not yet constructed, another unit must be designated from such un-constructed units in the Phase or Development as a Workforce Housing Dwelling Unit in order to maintain the affordability requirements as described in the Vacancy section below.
    - (b) Constructed Units. For developments that are completely constructed, another unit must be designated in the development as a Workforce Housing unit in order to maintain the affordability requirements as described in the Vacancy section below.
- iv) Vacancies.
- (1) The following shall apply when, through the annual tenant income certification reporting cycle, a tenant's income is above what's allowable for the Workforce Housing Dwelling Unit:
    - (a) Owner or their property manager will check the reported income against that allowed by the incomes rising in place policy.
    - (b) When a tenant's income is at or below the incomes rising in place policy, there is no action required by the owner or their property manager. The owner or their property manager at their discretion may raise tenant rent up to the maximum allowed for the tenant's household according to the current Housing and Urban Development's (HUD) annually published AMI and rent chart based upon household size in the State College (MSA), taking into account any applicable laws, rules, or policies regarding rent increases.
    - (c) In the case that a tenant no longer qualifies for a Workforce Housing unit, the owner or their property manager must give at least 240-day written notice to the tenant and Ferguson Township and/or designee prior to an increase in the unit's rent. This information must be included in the lease or lease addendum for each Workforce Housing unit and an executed copy provided to Ferguson Township and/or designee as the development is leased up and at unit takeover.
- c) Annual Reporting and Review.

- i) Developments with rental units will be subject to Ferguson Township and/or designee annual reporting requirements as set forth in the Workforce Housing Development Agreement. Owners or their property managers on an annual basis will submit information on Workforce Housing Dwelling Units and the tenants living in such units.
  - ii) The Township and/or designee reserves the right to physically inspect developments containing Workforce Housing Dwelling Units at least once every three years. Inspections will also include an audit of Workforce Housing related files such as the tenant income compliance. Developments that are determined to be out of compliance may be inspected more frequently or until they are brought back into compliance.
- 12) **Administration.** The Ferguson Township Planning and Zoning Department and/or designee shall administer and monitor activity under this chapter and shall report periodically to the Board of Supervisors, setting forth its findings, conclusions and recommendations for changes that will render the program more effective.
- 13) **Implementation.** The Ferguson Township Planning and Zoning Department and/or designee may establish procedures, and prepare forms for the implementation, administration and compliance monitoring consistent with the provisions of this Chapter.
- 14) **Fees.** Fees to administer the program such as a monitoring fee, refinance fee, or resale fee, may be established by resolution by the Board of Supervisors, following written recommendation by the Township Manager and adopted as part of the Township's schedule of fees.

# Whitehall Road Regional Park Municipal Comments Guide

September 29, 2020

## Question #1

**If your municipality supports only utilizing the current \$4.8 million dollar loan, plus any grants and donations, what amenities of the already reduced Phase I scope should be removed from the park to meet the budget?**

Consider the following factors for this question:

- If fields are removed, the current field shortages at 2005/2006 field levels remain despite significant population growth, increased pressure on community parks, and higher sports participation levels. No rest/no repair for the community parks' sports fields and general areas.
- If site development is done for the four fields, but they are not "finished" fields, community leagues will play on unfinished fields, and the Authority will need to find additional funding to finish the fields. When time to renovate the fields to a finished sport field, the fields will be removed from usable inventory for the duration of renovation and then for two growing seasons afterwards. Leagues will continue to play on softball/baseball outfields and on non-sports fields.
- There is not a suitable location for the "We Play Together" All-Ability Playground at this time; Oak Hall Regional Park's master plan includes a playground, but the park would require major improvements to its parking lots and drainage, and access paths to the playground would require an upgrade to concrete/paving.
- Oak Hall Regional Park is not the ideal setting for the ONLY accessible playground; Whitehall Road Regional Park is connected to town through sidewalks, walking paths, vehicular access, and bus routes. It is close to town and to other services that users may seek.
- If the trail is removed, we lose the connectivity of the Musser Gap Greenway and the James C. Steff Trailhead as the trail would end at the shared boundary between the park and the PSU preserved land, without an identified connection to Blue Course Drive and Whitehall Road.
- LED Sports Field Lighting is funded through grants and donations—no municipal funding at this time. Shortage of \$73,950.
- All-Ability Playground has \$300,000 from the loan funds in its budget; the rest of the funding is through grants and donations.

**Municipal Comments:**

Following are four options related to this question. If the municipal Council / Board has additional options to propose for consideration, there is space at the end, on page 5, to share those options.

**Option 1**

**Should the Authority and municipalities refinance all debt (Pools and Parks; approximately \$300,000 in estimated savings), keeping the current debt schedule and debt payment the same, applying the \$300,000 savings to the Whitehall Road Regional Park budget, while securing some additional funding for the park project?**

Consider the following when answering:

- Original debt payment level when loan was first secured was \$566,000/year.
- Loan re-negotiations and loan management have dropped that debt payment level to \$396,000 in 2019.
- Interest rates appear favorable right now.
- The savings could be used for future grant matches or to offset unfunded projects, grants shortfall, etc.
- Funding has driven park development versus park development and costs driving the funding.
- Consider which desired Phase I amenities should be prioritized.

**Municipal Comments:**

**Option 2**

**Should the Authority and municipalities refinance all debt (Pools and Parks; approximately \$300,000 in estimated savings), keeping the current debt schedule and debt payment the same, providing the savings back to the municipalities, while securing some additional funding for Whitehall Road Regional Park?**

Consider the following when answering:

- Original debt payment level when loan was first secured was \$566,000/year.
- Loan re-negotiations and loan management have dropped that debt payment level to \$396,000 in 2019.
- Interest rates appear favorable right now.
- Funding has driven park development versus park development and costs driving the funding. Consider which desired Phase I amenities should be prioritized.

**Municipal Comments:**

### Option 3

**The request is for assistance with funding of the under-budgeted project. What sources of additional funding for the Whitehall Road Regional Park is your municipality willing to consider for funding? Will your municipality consider providing additional resources to build Phase I? If so, please list.**

Consider the following factors for this question:

- Consistent with the debt service levels projected over the next 10 years.
- There are timing consequences for decision-making on the loan/unfunded items: site development, utilities, development sequencing, etc.
- Current window of construction access to park is closing. The gap between The Yards completing its construction before the park breaks ground is lengthening. Will Blue Course Drive be available for construction traffic and large deliveries once Ferguson takes that road, or will new access be required?
- DCNR / DCED grants all have timelines; some could be extended, but only if a firm timeline is in place. Playground grant expires in December 2021. LED Sports Field Lighting grant expires in December 2022.
- If the project begins with the current funds in-hand and the Authority pays permit fees to Centre Region Codes to begin construction, but the project halts due to funding issues, those funds are non-refundable.
- The Authority has paid escrow to Ferguson Township for the LDP. If the project begins with the current funds in-hand and the project is not completed (does not receive CO), those funds are possibly lost and the Authority could be at risk of not meeting the five-year deadline for completing the land development plan (additional fees, legal issues).
- Bid packages for site work, earthwork, and concrete, pavement, line striping and signage, landscaping, seeding, fencing playground construction, electrical work, and alternate bid packages for synthetic turf are all in draft form and approved by DCNR and the Authority. Authority intends to go to bid in the next 45-60 days to get actual costs for these packages to compare budget to actual, which could determine if budget is accurate, low, or high. If high, budget can be reworked to offset other shortages.
- Consider what has been expended to date for engineering, soil testing, electrical and architectural planning, cost estimating, and project management fees, plus the time invested by Agency staff on grant writing, fundraising, and manhours to research, estimate, and decide on amenities, costs, design, etc.
- Continuing the project makes good strides toward the community's sports field inventory and lessens the burden on the other community parks being used for sports.
- Community parks' sports fields are not rested and rotated now; WRRP's field inventory will allow other community fields to be rested and renewed.
- If the sports field lighting is lost, the Agency is not able to maximize the seasons and the back-to-back play of youth and adult leagues.
- A regional park should not be built without restrooms; the demand for restrooms is very high. Hess Sports Complex is a perfect example; teams do not want to play there due to lack of amenities.
- The funding has driven the park development versus the park development and costs driving the funding.
- Consider which desired Phase I amenities should be prioritized.

**Municipal Comments:**

**Option 4**

**Is it the request of your municipality that the Authority close out the loan/repay outstanding balance, and then abandon the project? If so, why?**

**These consequences should be considered if the project doesn't move forward at all:**

- DCNR requires that acquisition grant funds, master site plan funds, and grants received-to-date be repaid. The grants must be paid in full plus 10% annual interest compounded 4x annually from original grant date until the date it is repaid. *If land is sold or converted, DCNR requires acquisition of equivalent replacement land.*
- Returning DCNR / DCED grant funding could risk the Authority's reputation for grant execution and project completion. The Agency intends to continue applying for grants from DCNR/DCED for Millbrook Marsh Nature Center and possible future projects.
- By returning donor funding, the Agency risks those donor relationships for other donor-funded projects such as future Phase 2 developments of the regional parks, Millbrook Marsh Nature Center, and community pools.
- Pump station is a permanent fixture at this park facility, and it would require permanent access by the UAJA for maintenance.
- Utilities have been stubbed at the park's entrance, ready for extension into the park facility.
- Abandoning this project will continue the current field shortages at 2005/2006 field levels despite significant population growth, increased pressure on community parks, and higher sports participation levels. No rest/no repair would continue.
- There is not a suitable location for the "We Play Together" All-Ability Playground at this time; Oak Hall Regional Park's master plan includes a playground, but the park would require major improvements to its parking lots and drainage, and all paths would require an upgrade to concrete/paving for this all-ability playground.
- Oak Hall Regional Park is not the ideal setting for the ONLY accessible playground; Whitehall Road Regional Park is connected to town through sidewalks, walking paths, vehicular access, and bus routes.
- By abandoning this project, we lose the connectivity of the Musser Gap Greenway and the James C. Steff Trailhead as the trail would end at the shared boundary between the park and the PSU preserved land, without an identified connection to Blue Course Drive and Whitehall Road.
- The community's leagues will still be playing football, lacrosse, and soccer on softball/baseball outfields and on non-sports fields.
- The funding has driven the park development versus the park development and costs driving the funding.
- Consider which desired Phase I amenities should be prioritized. There is no timeline for the future Phase 2, 3, and 4 for this park.

**Municipal Comments:**

**Other**

**If your municipality has consensus regarding any other options or proposed solutions to offer, staff would be happy to investigate those and report back.**

**Municipal Comments:**



# Whitehall Road Regional Park Follow-Up from Zoom & Learn

(as requested by the COG Executive Committee)

September 29, 2020



**Parks &  
Recreation**

# REGIONAL PARK HISTORY

Through the work of the Ad-Hoc Regional Parks Committee, formed in approximately 2002, it was determined that larger, more centrally-located regional park facilities were needed to overcome the shortfall of rectangular playing fields and baseball/softball diamonds.

The shortfall was based on the 1988 NRPA National Standards, the 2002 CRPR Sports Field Demand and Supply Analysis, and the PA Statewide Comprehensive Outdoor Recreation Plan (SCORP) which is updated every five years. It was determined that the community was short:

- 4 Baseball fields
- 4 Softball fields
- 12 Rectangular fields

The work was purposeful: the goal was to locate and build the active recreation areas in larger regional parks to accommodate the demand of sports fields. The regional parks were designed to be active parks, with some passive elements.



# REGIONAL PARK HISTORY

## By 2005-2006, the community gained:

- 1 rectangular field at Circleville Park
- 3 rectangular fields at Fogleman Field
- These additions left the community with a shortage of 8 rectangular fields based on 2002 data.
- *The full build-out of Whitehall Road Regional Park planned for 10 rectangular fields (1 field as potential area for indoor turf facility), 3 large baseball diamonds, and 2 small softball diamonds, as well as other amenities.*
- *Because of this planned work, other municipal park master plans have NOT included rectangular fields into master plans since Oak Hall Regional Park and Whitehall Road Regional Park contained a large number of these fields in the full master plans.*



## By 2015, the community gained

- 4 baseball / softball fields at Hess Softball Complex
- 4 baseball / softball fields at Oak Hall Regional Park
- These additions left the community without a deficit for baseball / softball fields based on 2002 data. However, rectangular field shortages continued.



# REGIONAL PARK HISTORY (Continued)

- Since 2002, despite gaining ground with some sports fields, our community's sports participation has grown by leaps and bounds. Additionally, Penn State facilities are no longer available for public use, putting a higher demand on the municipal- and school district owned-fields.
- Demand has increased but the number of fields has not reached the planned inventory with the delay of Whitehall Road Regional Park.
- The Ad-Hoc Regional Parks Committee opted for a three-prong approach for regional parks by purchasing the Hess Softball Complex and by purchasing land for what would become the Oak Hall Regional Park and the Whitehall Road Regional Park.
- **November 2006: COG signed the “Joint Articles of Agreement for Planning, Development, and Operation of ‘Regional Parks’” for the purpose of creating these Regional Parks.**
- Each Regional Park has:
  - an ownership agreement with the various municipality in which the park is located;
  - a lease agreement, providing the development consistent with the approved Master Site Plans and operation oversight to Centre Region Parks and Recreation Authority. This was a crucial step because COG did not have the ability to borrow funds for these developments, and the Authority did.

**During the early discussions, the group members felt it important to have a regional facility in each of the participating municipalities:**

- Park Forest Pool – already located in Patton Township
- Welch Pool – already located in State College Borough
- Hess Softball Complex – already located in Harris Township
- Oak Hall Regional Park – became the regional facility in College Township
- Whitehall Road Regional Park – became the regional facility in Ferguson Township





# REGIONAL PARK HISTORY (Continued)

## Whitehall Road Regional Park Acquisition #1 (75-acres, May 2008)

- In 2005 the lands were officially appraised at \$15,000 per acre; the purchase price was \$3,077 per acre.
- The acquisition was completed on May 30, 2008 and the parklands are now jointly owned by the Centre Region COG and Ferguson Township.
- In total, the 75-acre parkland acquisition cost \$249,506.24.
- Funds for this purchase were provided *in part* by:
  - The PA DCNR grant of \$159,000 (Acquisition Project #BRC-ACQ-12-70).
  - Ferguson Township provided payments totaling \$89,306 between 2006 and 2008 (\$21,400 – 2006; \$12,792 – 2007; \$55,104 – 2008)

## Whitehall Road Regional Park Master Site Plan (2008-2010)

- On April 21, 2008, COG was notified that DCNR would assist in funding a Master Site Plan for the entire 100-acre site. A selection process then got underway for a consulting firm to prepare the plan. The Master Site Plan was then developed. On August 23, 2010, the COG General Forum approved the plan. The final cost of the plan was \$63,332; 50% of which was paid by the state. The remaining cost of \$31,666 was provided by the five participating municipalities.

## Whitehall Road Regional Park Acquisition #2 (25-acres, May 2011)

- This purchase occurred on May 27, 2011 and the parklands continue to be jointly owned by the Centre Region COG and Ferguson Township.
- In total, the 25-acre acquisition cost \$382,987.
- Funds for this purchase were provided *in part* by:
  - The PA DCNR grant was requested in the amount of up to \$191,000 (Acquisition Project #BRC-ACQ-16-21). The actual amount awarded and received was \$183,566.
  - Ferguson Township provided \$57,750.

# REGIONAL PARK HISTORY (Continued)

## Master Site Plan Updated (2013)

- In 2013, the master site plan was updated to include widening the two lower rectangular fields, and to include future conversion to synthetic turf as well as the addition of sports field lighting.
- General Forum discussed and approved the removal of the Central Maintenance Facility from this Master Site Plan.

## Land Development Plan (2013)

- The Land Development Plan process began in 2013 once the Master Site Plan was updated. The plans went through several revisions and the Ferguson Township Planning Commission's last document review was November 2013. The plans never went forward to Ferguson Township's Board of Supervisors.

## Toll Brothers Litigation (July 2016-December 2017)

- Litigation regarding the student housing property being developed by Toll Brothers began in the local courts in July 2016 and ended at the Superior Court level in December 2017.
- The CRPR Authority and COG Parks Capital Committee decided to wait for the litigation results because Toll Brothers' student housing project was located between the park and Whitehall Road, and they were going to provide approximately **\$1.5 million** worth of infrastructure to include:
  - ***Main access road built to park's boundary (the park is landlocked)***
  - ***Traffic study, main intersection light and improvements, and all required off-site improvements***
  - ***Utilities to include water, electricity, and natural gas—all stubbed at park's boundary***
  - ***Sewer utility through the construction of the shared pump station, built on park land, to serve both the park and the student housing development; regional growth boundary was relocated to include the park land so that flushing toilets could be included in this regional park (similar to Oak Hall Regional Park).***



- ① **Diamond-Shaped Fields**  
- 250' center field, 200' base lines  
- one could be Challenger Field with artificial surface
- ② **Small Shelter (typical)**  
- 20'x28'
- ③ **West Core Area**  
- spray park and court games  
- restrooms and concessions  
- 68'x40' pavilion
- ④ **Parking Lot D**  
- 188 spaces (4 accessible)  
- drop-off  
- perimeter parking - aggregate surface  
- internal parking - stabilized turf
- ⑤ **Diamond-Shaped Field**  
- 410' center field, 325' baselines  
- field lighting  
- meets PIAA standards
- ⑥ **Emergency Access Road**  
- gravel road gated at Whitehall Road and Park boundary
- ⑦ **Diamond-Shaped Fields**  
- 350' center field, 300' baselines
- ⑧ **Perimeter Trail**  
- 8' wide, aggregate surface  
- 1.7 miles long  
- ≤ 5% slope with ≤ 2% cross slope
- ⑨ **Vegetated Buffer Strip**  
- 50' buffer for infiltration of stormwater and trail  
- replicate hedge row
- ⑩ **Rectangular Field (typical)**  
- Soccer, Lacrosse, Rugby, Ultimate Frisbee, Field Hockey, Football
- ⑪ **Stormwater Basin**  
- rectangular field set in basin to store stormwater during large rain events
- ⑫ **Parking Lot C**  
- 154 spaces (4 accessible)  
- drop-off  
- perimeter parking - aggregate surface  
- internal parking - stabilized turf
- ⑬ **Practice Field**
- ⑭ **Potential Indoor Turf Facility**
- ⑮ **Potential Indoor Court Facility**
- ⑯ **Grand Boulevard**  
- street trees  
- sidewalks (≤5% slope with ≤2% cross slope)  
- traffic tables at pedestrian crossings  
- minimal road width  
- grassed swales to filter and infiltrate runoff
- ⑰ **Parking Lot B**  
- 154 spaces (4 accessible)  
- drop-off  
- perimeter parking - aggregate surface  
- internal parking - stabilized turf
- ⑱ **Outdoor Tennis Courts**  
- 6 outdoor courts with lighting
- ⑲ **Infiltration Trenches**  
- placed downhill of each field  
- filter out pollutants and infiltrates runoff from fields
- ⑳ **East Core Area**  
- destination playground  
- restrooms and concessions  
- 68'x40' pavilion / stage  
- seasonal ice skating on lawn  
- amphitheater lawn
- ㉑ **Parking Lot A**  
- 224 spaces (5 accessible)  
- drop-off  
- perimeter parking - aggregate surface  
- internal parking - stabilized turf  
- trailhead
- ㉒ **Rectangular Fields**  
- potential for two artificial surfaces  
- field lighting  
- perimeter fencing
- ㉓ **Potential Trail**  
- interpretive trail loop through Water Authority Property  
- ≤ 5% slope with ≤ 2% cross slope
- ㉔ **Preserved Wood Lot**
- ㉕ **Future Sewer Pump Station** (by others)
- ㉖ **Park Entrance Road**  
- extension of Blue Course Drive (by others)
- ㉗ **Park Entrance Feature**
- ㉘ **Potential Centralized Maintenance Facility**  
- 9 parking spaces (2 accessible with additional parking in Lot A)  
- serves all parks
- ㉙ **Stormwater Treatment and Infiltration (typical)**
- ㉚ **Potential Site for Agency Headquarters**  
- future building location, if required
- ㉛ **Mountain View Picnic Grove**  
- 40'x68' shelter  
- Views of meadow and mountains
- ㉜ **Community Gardens**  
- 20'x28' shelter and tool shed  
- cistern collects stormwater for garden use  
- several raised planting beds for accessible gardening
- ㉝ **Dog Park**  
- one area for large dogs, one for smaller dogs
- ㉞ **Proposed Musser Gap Bikeway**
- ㉟ **Meadows on Steep Slopes**



**Green Parking with Rain Gardens**  
- 44% of total parking spaces are stabilized turf  
- minimally sized stalls and aisles  
- trees reduce heat island and absorb water  
- rain gardens in parking islands

**Accessibility**  
- all facilities to be ADA accessible  
- accessible routes provided to stands, benches, and other public spaces  
- walks, paths, and trails will not exceed 5% slope, nor 2% cross slope and will meet parking and street pavement flush  
- picnic areas will have some tables with overhangs for wheelchairs  
- benches and stands will have adjacent paving for wheelchairs  
- accessible parking spaces will be signed, marked, and have a maximum 2% cross slope and accommodate van parking

- Legend**
- Accessibility
  - Stormwater BMPs
  - Potential Building Site

Parking Inventory			
Lot	Paved	Turf	Total
A	124	100	224
B	102	52	154
C	102	52	154
D	74	114	188
<b>Total</b>	<b>402</b>	<b>318</b>	<b>720</b>

Structure Inventory			
Structure	Unit SF	Quantity	Area in SF
Agency Maintenance Facility Bldgs.	19,330	1	19,330
Agency Headquarters Bldg.	8,000	1	8,000
Large Picnic Shelters	2,720	3	8,160
Small Shade Shelters	560	19	10,640
Restrooms and Concessions	2,400	2	4,800
Larger Dugouts	256	4	1,024
Small Dugouts	192	6	1,152
<b>Subtotal</b>			<b>53,106</b>
Indoor Court Facility	51,750	1	51,750
Indoor Turf Facility	112,000	1	112,000
<b>Total</b>			<b>216,856</b>

Per Ferguson Township Zoning Ordinance, total structure square footage permitted under current zoning is 100,000 square feet. The revised Whitehall Road Regional Park Master Plan (dated 2/25/2013) will be required to comply with current Ferguson Township Ordinance in effect at the time zoning and building permits are applied for structures shown on the revised master plan.

**Whitehall Road Regional Park**  
Master Plan Update  
2/25/2013

STAHLSHAFFER ENGINEERING, LLC  
Battaglia Jones  
Landscape Architects

PASHEK ASSOCIATES  
a geosynthetic corporation



## 2010 Phase 1 budget compared to 2020 Phase I budget

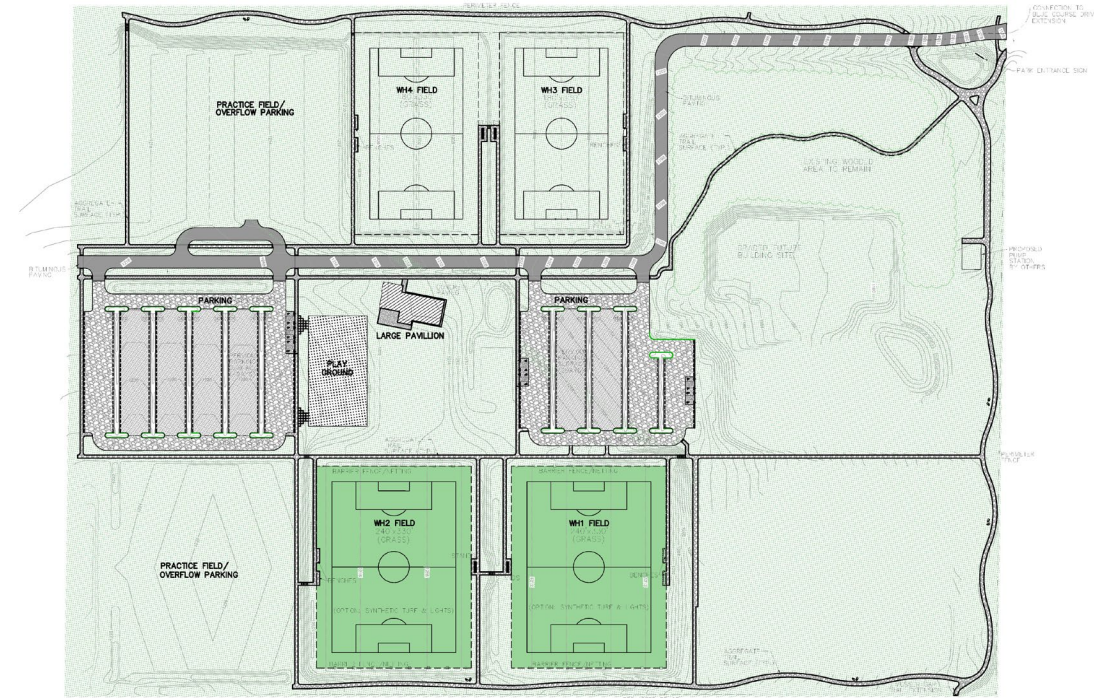
2010 Amenities/Acreage	Budget	2020 Amenities/Acreage	Budget
Aggregate Entrance Road		Paved Entrance Road (predicted heavy use)	
Traffic Study, Right Turn Lane, Traffic Control Signs, Signalization at Blue Course Road		None (all handled by Toll Brothers)	N/A
Sanitary: None, using holding tank on interim basis. (Unclear to the meaning of this statement.)		Sanitary Line/Pump Station	N/A
Flushing toilet restrooms were listed as a priority in 2010.		All handled by Toll Brothers (pump station built on park land; internal sanitary line to be run to restroom building)	
Grading, erosion, and sedimentation control and stormwater management for 75 acres.		Grading, erosion, and sedimentation control and stormwater management ( <b>designed to meet updated standards since 2010 master plan</b> ) for 54 acres.	
All parking and interior roads for 75 acres.		All parking and interior roads for 54 acres.	
Perimeter and interior trails across 75 acres.		Perimeter and interior trails across 54 acres.	
7 rectangular fields and 1 practice field		4 rectangular fields and 1 practice field	
1 diamond shaped field		None	
9 irrigated fields		2 irrigated fields; large spray irrigation heads on 2 fields	
Maintenance Building		Maintenance Storage Building	
Underground utilities for 75 acres		Underground utilities for 54 acres	
Regional Playground		All-Ability Playground	
Basketball and Volleyball Courts		None	
Shelters		None	
General Seeding on 42 acres (field turf and general turf not described) 234 Trees on 75 acres <b>(not sure why 2020 Master Plan didn't account for landscaping ordinance requirements)</b>	2010 Phase I: \$6,376,428	General Seeding on 35 acres (approx.) Field Turf Seeding on four fields Pollinator /Upland Meadow/Flowering Roadside seeding on 1.76 acres 437 Trees on 54 acres 230 Shrubs on 54 acres ( <b>changes required by Ferguson Twp. ordinance</b> )	2020 Phase I: \$7,776,256



# WHITEHALL ROAD REGIONAL PARK BUDGET

## 2018

- Once the Toll Brothers litigation was complete, the Agency, Authority, and COG Parks Capital worked to determine what the Phase I development could include based on available funding.
- The focus at that time was to “make the project fit the budget.”
- Therefore, the Phase I development was reduced to:
  - 2 large grass rectangular playing fields with sports field lighting (synthetic turf option to be privately funded)
  - 2 medium grass rectangular playing fields
  - “We Play Together” All-Ability Playground
  - 12,000 LF Walking Trail
  - All-Season Pavilion/Restroom/Concession Stand Building, now only a Restroom Building
  - Required infrastructure, utilities, main driveway, roads, and parking lots
- At that time, it was known that grants and donations would be needed to supplement the \$4.8 million loan funds due to:
  - the general inflation of construction and material costs from the original 2010 master plan cost projections;
  - items not included in the original 2010 master plan cost projects such as permit fees, additional soil testing, driveway feasibility study, escrow funds, additional engineering/architectural work, etc.



# WHITEHALL ROAD REGIONAL PARK BUDGET

## 2020

### Remaining loan proceeds = \$4.8 million

- Project cost estimates were updated in January 2020, bringing the total Phase I project to \$5,995,429.
- **SHORTFALL between 2020 numbers and loan proceeds = \$1,195,429**

### Outside grants / private donations were secured to remove some projects from the budget, and to allow loan funds to be used elsewhere. Grants and donations to date = \$964,612.09

- Some grants were awarded at a lower amount, so some projects remain with some shortfall.
- **SHORTFALL = \$81,215**

### There remain some unfunded projects, ranked by priority, with \$0 donations, grants, or loan funds tied to them. This project does NOT include :

- Restroom Building (a reduced option from the Restroom/Pavilion/Concession Stand building, approx. \$500,000-\$600,000);
- Maintenance Storage Building (approx. \$75,000);
- Two irrigation grids for upper grass fields (\$60,000).
- **SHORTFALL = \$735,000.**

Loan proceeds shortfall:	\$1,195,429
Grants/donations shortfall:	<u>\$ 81,215</u>
Subtotal from initial scope of 2013 project:	\$1,276,644
Unfunded priorities:	<u>\$ 735,000</u>
TOTAL NEED:	\$2,011,644

# Whitehall Road Regional Park

## PHASE 1:

Fields (4 Game, 2 Practice), Playground, Trail, 2 Parking Areas (No Buildings)

Opinion of Probable Construction Costs

Updated by  
Stahl Sheaffer Engineering  
January 2020

Section Updated by CRPR - September 15,  
2020

Item Description	Quantity	Unit	Unit Cost	Total Item Cost	Costs to be covered by grants/donations
<b>GENERAL CONDITIONS</b>					
Mobilization & Supervision	1	LS	\$335,000	\$ 335,000	
Construction Layout	1	LS	\$62,500	\$ 62,500	
Construction As-Builts	1	LS	\$7,500	\$ 7,500	
Engineering Services through Construction	1	LS	\$24,300	\$ 24,300	
Engineering/Electrical/Architectural Services & Permits Already Paid	1	LS	\$181,336	\$ 181,336	\$30,000 in in-kind services provided by Stahl Sheaffer Engineering; amount to left accounts for this discount.
Architectural Services	1	LS	\$69,600	\$ 69,600	
Electrical Engineering Services	1	LS	\$24,800	\$ 24,800	
CRPR CM Oversight	1	LS	\$78,824	\$ 78,824	
<i>Subtotal General Conditions</i>				<b>\$783,860</b>	
<b>EROSION &amp; SEDIMENT CONTROL</b>					
Construction Entrance	1	LS	\$1,900	\$ 1,900	
Construction Staging Area	2,500	SY	\$9	\$ 22,500	
12" Compost Filter Sock	2,695	LF	\$7	\$ 18,865	
18" Compost Filter Sock	530	LF	\$10	\$ 5,035	
24" Compost Filter Sock	1,010	LF	\$14	\$ 13,635	
32" Compost Filter Sock	250	LF	\$22	\$ 5,500	
36" Compost Filter Sock	2,240	LF	\$32	\$ 71,680	
Concrete Wash Outs	4	EA	\$1,990	\$ 7,960	
Pond Skimmers	2	EA	\$2,750	\$ 5,500	
Inlet Protection	10	EA	\$185	\$ 1,850	
Orange Protective Fence @ Basins	2,080	LF	\$7	\$ 14,560	
Rip Rap Aprons	22	EA	\$1,250	\$ 27,500	
Swale Grading	4,325	LF	\$4	\$ 17,300	
Rock Filters	30	EA	\$250	\$ 7,500	
R/S Maintenance	1	LS	\$10,000	\$ 10,000	
<i>Subtotal Erosion &amp; Sediment Control</i>				<b>\$231,285</b>	
<b>EXCAVATION</b>					
Topsoil Strip to Stockpile, 8" Depth	48,135	CY	\$3.75	\$ 180,600	
Excavation, Cut to Fill	62,500	CY	\$5	\$ 312,500	
Excavation, Import to Fill	12,500	CY	\$12	\$ 150,000	
Rock Allowance	1	LS	\$175,000	\$ 175,000	
Place Topsoil, 6" Depth w/o Matting	27,500	CY	\$12	\$ 330,000	
Place Topsoil, 6" Depth w/ Matting	1,175	CY	\$16	\$ 18,800	
Place Amended Soil in Gardens/Basins	824	CY	\$120	\$ 98,900	NFWF Grant was denied. Another opportunity comes in the Fall of 2020. Attempting to reduce these costs if possible and apply those funds elsewhere.



Temporary Seeding, 25% of Respread Area	42,900	SY	\$0.40	\$	17,200	
Final Seeding, All Respread Areas	171,595	SY	\$1	\$	171,600	NFWF Grant was denied. Another opportunity comes in the Fall of 2020. Attempting to reduce these costs if possible and apply those funds elsewhere.
<i>Subtotal Excavation</i>					<b>\$1,454,600</b>	
<b>WATER SYSTEM</b>						
6" DIP Water Line	3,440	LF	\$60	\$	206,400	
4" PVC Irrigation Water Line	1,615	LF	\$52	\$	84,000	
1" Service Laterals	640	LF	\$22	\$	14,100	
1" Service Lateral to Drink Fountain	50	LF	\$28	\$	1,400	
Fire Hydrant Complete	2	EA	\$8,500	\$	17,000	
Water System Meter Pit	1	EA	\$60,000	\$	60,000	
Water Line Fittings	1	LS	\$30,000	\$	30,000	
SCBWA Line Tap (x2 for 6" and 1")	1	LS	\$7,000	\$	7,000	
<i>Subtotal Water System</i>					<b>\$419,900</b>	
<b>SANITARY SEWER SYSTEM</b>						
Sanitary Manhole	8	EA	\$3,000	\$	24,000	
Sanitary Sewer (8" SCR-35)	1810	LF	\$80	\$	144,800	
Sanitary Cleanouts	2	EA	\$400	\$	800	
Sanitary Lateral (6" SDR 35)	58	LF	\$95	\$	5,600	
<i>Subtotal Sanitary System</i>					<b>\$175,200</b>	
<b>SITE ELECTRICAL AND LIGHTING</b>						
Parking Lot Fixtures	34	EA	\$4,000	\$	136,000	
Primary Electrical Service Line	2600	LF	\$12.50	\$	32,500	
Electrical Service Lot Lighting - Line	9000	LF	\$11.50	\$	103,500	
Electric Service Lot Lighting - Trenching	9000	LF	\$4.50	\$	40,500	
Transformer pads	2	EA	\$1,500	\$	3,000	
Miscellaneous underground branch circuits	1	LS	\$3,000	\$	3,000	
<i>Subtotal Site Utilities - Electrical</i>					<b>\$318,500</b>	
<b>MUSCO FIELD LIGHTING</b>						
(2) Soccer Fields, Furnished & Installed "Subpanel Out"	1	LS	\$570,000	\$	-	\$496,050 secured (grants & donations.) Need to complete this funding via grants/donations (\$73,950). <b>This is 2020-2021 pricing.</b> 85% funded.
<i>Subtotal MUSCO Field Lighting</i>					<b>\$0</b>	
<b>NATURAL GAS SERVICE</b>						
Trench, Bed, Backfill, for Gas Line (by others)	1270	LF	\$15	\$	-	Not running gas line at this time.
Gas Service Line	1270	LF	\$10	\$	-	
Gas Connection, Valve, and Regulator	1	LS	\$4,000	\$	-	
Gas Meter	1	LS	\$2,000	\$	-	
<i>Subtotal Natural Gas Service</i>					<b>\$0</b>	
<b>STORMWATER MANAGEMENT</b>						
4" Perforated HDPE	2430	LF	\$15	\$	36,500	
4" Cleanout for 4" HDPE	9	EA	\$475	\$	4,300	
6" Perforated HDPE	540	LF	\$20	\$	10,800	
6" HDPE	190	LF	\$25	\$	4,800	

6" Nyloplast Yard Drain	2	EA	\$800	\$	1,600
8" Perforated HDPE	2,420	LF	\$20	\$	48,400
6" Cleanout for 6" HDPE	10	EA	\$600	\$	6,000
6" Cleanout for 8" HDPE	9	EA	\$600	\$	5,400
8" Cleanout for 8" HDPE	2	EA	\$750	\$	1,500
10" HDPE	230	LF	\$32	\$	7,400
12" Peforated HDPE	230	LF	\$34	\$	7,900
12" HDPE	1,010	LF	\$31	\$	31,400
15" HDPE	473	LF	\$40	\$	19,000
Nyloplast Yard Drain for 15" HDPE	7	EA	\$1,250	\$	8,800
18" HDPE	416	LF	\$44	\$	18,400
24" HDPE	1,574	LF	\$49	\$	77,200
PE End Sections	22	EA	\$375	\$	8,300
Type M Inlet, 2'x2'	4	EA	\$1,375	\$	5,500
Type M Inlet, 2'x4'	5	EA	\$2,500	\$	12,500
Storm Manhole	4	EA	\$3,275	\$	13,100
Storm Manhole, 4'x4' Junction Box	1	EA	\$8,250	\$	8,300
Outlet Structures	2	EA	\$3,375	\$	6,800
<b>Subtotal Stormwater Management</b>					<b>\$343,900</b>
<b>LANDSCAPING</b>					
All Trees & Shrubs, Landscaping Plants & Pollinator Seed	1	EA	\$	\$	-
					\$51,235 (Several donations and one grant). Pending: 20 Large Caliper Tree Grant & Conversion Grant for Seed. Of \$51,235, \$875 is dedicated to Memorial Gardens. This project is not yet fully funded as we estimate the purchase of these items plus delivery and installation costs for just overstory and understory trees and the meadow preparation and seeding is approximately \$13,500; total project is estimated to be approximately \$58,500. <b>\$7,265 unfunded.</b>
<b>Subtotal Landscape Features</b>					<b>\$0</b>
<b>HARDSCAPE</b>					
Aggregate Trail, 6" 2A, 3" TSA Stone w/CL4 Geo	9,600	SY	\$30	\$	288,000
Concrete Sidewalk, 4" 2A, 4" Concrete	1,496	SY	\$105	\$	157,100
Truncated ADA Domes, 2'x4'	17	EA	\$375	\$	6,400
Concrete Steps w/Handrail	7	SETS	\$15,000	\$	105,000
Driving Surface Aggregate, 6" 2A w/CL4 Geo	11,380	SY	\$14	\$	159,400
Prep Playground w/6" 2B Stone	1,930	SY	\$14	\$	26,100
Prep Shed Areas w/6" 2B Stone	90	SY	\$38	\$	3,500
Dumpster Pad	165	SY	\$120	\$	19,800
Dumpster Pad Enclosure Allowance	1	IS	\$3,100	\$	3,100
Asphalt Paving, 6", 3.5", 1.5"	16,412	SY	\$35	\$	574,500
Pavement Markings	1	LS	\$3,500	\$	3,500
Bumper Blocks	487	EA	\$200	\$	97,400
Site Signage Allowance	23	EA	\$245	\$	5,700
Parking Lot Island Curb, 6'x18"	3,720	LF	\$33	\$	122,800



<i>Subtotal Hardscape</i>				<b>\$1,572,300</b>	
<b>SITE AMENITIES</b>					
Playground	1	LS	\$684,000	\$ 300,000	\$384,514.09 secured (donations & grant); Pending: \$5,000 in 2021.
3' High Chain Link Fence	995	LF	\$15	\$ 15,000	
6' High Chain Link Fence	1200	LF	\$20	\$ 24,000	
15' High Safety Field Netting (scaled back to 130' each side)	520	LF	\$85	\$ 44,200	
Entrance Sign	1	LS	\$3,000	\$ 3,000	
Drinking Fountains	2	EA	\$5,000	\$ 10,000	
Trash Receptacles	12	EA	\$250	\$ 3,000	
Park Benches	12	EA	\$400	\$ 1,987	\$2,813 secured (donations)
Bleachers	8	EA	\$800	\$ 6,400	
Player Benches	8	EA	\$350	\$ 2,800	
<i>Subtotal Site Items/Amenities</i>				<b>\$410,387</b>	
<b>SUBTOTAL (BASE BID)</b>				<b>\$5,709,932</b>	
<i>Contingency 5%</i>				<b>\$285,497</b>	
<b>TOTAL BASE BID</b>				<b>\$5,995,429</b>	
<b>ALTERNATE - (2) Fields Synthetic Turf</b>					
Rectangular Field Synthetic Surfacing, Pad & Infill	26,000	SY		\$ -	Found a new grant opportunity but will take us to a new product with an organic fill. 10% funding is available but 50% of total funds needed must be in place at time of application. Specs are being developed for bidding, so that we have updated 2020 prices for synthetic turf, organic infill, and shock pad.
Field Border Curb, 6"x18"	3,802	LF	\$34	\$ 129,300	
Subbase, 6" 2A w/CL4 Geo	26,000	SY	\$5	\$ 130,000	
Field Drainage Allowance	2	EA	\$100,000	\$ 200,000	
Professional Fees	1	LS	\$15,000	\$ 15,000	
<b>SUBTOTAL (ALTERNATE 1)</b>				<b>\$474,300</b>	
<i>Contingency 5%</i>				<b>\$23,715</b>	
<b>TOTAL ALTERNATE 1</b>				<b>\$498,015</b>	

ALTERNATE NOTE: All-Season Pavilion/Concession Stand/Restroom Building is being split into a restroom building (Phase I) and the future All-Season Pavilion/Concession Stand (Phase II). Staff await updated costs estimates for this project, as an Alternate, which will be added to the budget. The utility work for this building is already in the budget; we're just awaiting construction costs. Original building was estimated at \$900,000. Restroom-only portion is ballparked at **\$500,000-\$600,000**.

# ADDITIONAL BUDGET NOTES:

ALTERNATE NOTE: The Maintenance Storage Building is being priced at this time. We are looking for additional designs and bidding options for this project. We're using a hold of \$75,000 for this building at this time until we have more information.

ALTERNATE NOTE: The Agency received an irrigation price tag of \$90,000 from Hunter Industries. This is a very high quote; the Agency received local pricing for approx. \$60,000. However, \$60,000 is without prevailing wage; so Agency is looking for a possible donor to handle this project. We're also identifying the large-throw irrigation heads for the lower fields. Options to water the upper fields if traditional grid irrigation is not installed during construction include possible single large-throw irrigation heads or using a water wheel and spray nozzle via quick connects. Quick connects will remain with or without grid irrigation for use with a water wheel for the fields and for watering the large amount of landscaping.

Unfunded items were prioritized at CRPR Authority work session on July 28: Restrooms, maintenance storage building, lights (87% funded), and synthetic turf. Irrigation was not on this list as the group felt a donor may handle this project.



# LOAN HISTORY

## **POOLS LOAN**

- At closure, the debt service was anticipated to be \$589,000 per year
- In 2012, the debt service was to be approximately \$549,000 per year
- In 2019, the debt service was approximately \$446,600 per year

## **PARKS LOAN**

- In 2012, the debt service was to be approximately \$566,000 per year
- In 2019, the debt service was projected to be \$396,000, increasing
- Recent renegotiation fixed the interest rate at 2.59% until 12/2024

## **COMBINED INVESTMENT**

- In 2012, the debt service on both loans was 3.5% of tax revenue
- In 2019, the debt service on both loans was 1.9% of tax revenue

The

benefits

of Regional Parks

## Big Picture

- Whitehall Road Regional Park is a key piece of the COG Regional Parks system, as dreamed back in 2002
- The Phase I development of this park completes a shortfall in rectangular fields that can be used for multiple sports while providing the area's first-ever All-Ability Playground
- Completing Whitehall's Phase I development allows the Authority and COG as a team to begin looking toward the future and how to complete the additional phases, upgrades, and renovations for the three regional parks.
- The Whitehall Road Regional Park is an integral piece of a local recreation corridor that starts in town using sidewalks and bike paths, connecting to Orchard Park and then to Whitehall Road Regional Park.
- The Musser Gap Greenway trailhead will be located in this park, and that trail will traverse the 365 protected acres that abut this park and that are owned by Penn State, known as the Musser Gap to Valleylands (MG2V) project, across Route 45 and then into Rothrock State Forest. These connections help to drive outdoor recreation dollars to this community.



The

benefits

of Regional Parks

### Economic Driver

- This park will be an economic force for the area, similar to Oak Hall Regional Parks' current draw. Oak Hall Regional Park, in a typical year, hosts between 18-20 tournaments.
- Tournaments and special events support the local hospitality industry.
- By the 3<sup>rd</sup> operational year, this park expects to be hosting upwards of 10 tournaments a year, generating \$18,600 in rental revenue and \$60,000 in concessions revenue.
- Using data from Oak Hall Regional Park, Whitehall Road Regional Park could generate, by the 2<sup>nd</sup> operational year, 31,392 visitors and 4,032 hotel room nights.
- Using data from Oak Hall Regional Park, Whitehall Road Regional Park could generate, by the 2<sup>nd</sup> operational year, \$405,216 in annual restaurant spending.

### Stimulate Economy

- Quality of life amenities key part of location decision for businesses and individuals
- Regional Parks add another element to an already-quality parks program in State College

# Question Matrix



Agency and COG staff are presenting several questions to the elected officials. This matrix should be discussed at municipal board/council meetings during October.

Answers to the questions should be submitted to Mr. Eric Norenberg no later than October 19 so that Agency/COG staff can update the matrix with all responses and sort the Q & A via support / non-support.

This matrix will be discussed at the October 26 General Forum meeting and a direction chosen for this project.

# Question #1:

If the municipalities remain supportive of only utilizing the current \$4.8 million dollar loan, plus any grants and donations, what amenities of the already reduced Phase I scope should be removed from the park to meet the budget?

## **Consider the following factors for this question:**

- If fields are removed, the current field shortages at 2005/2006 field levels remain despite significant population growth, increased pressure on community parks, and higher sports participation levels. No rest/no repair for the community parks' sports fields and general areas.
- If site development is done for the four fields, but they are not "finished" fields, community leagues will play on unfinished fields, and the Authority will need to find additional funding to finish the fields. When time to renovate the fields to a finished sport field, the fields will be removed from usable inventory for the duration of renovation and then for two growing seasons afterwards. Leagues will continue to play on softball/baseball outfielders and on non-sports fields.
- There is not a suitable location for the "We Play Together" All-Ability Playground at this time; Oak Hall Regional Park's master plan includes a playground, but the park would require major improvements to its parking lots and drainage, and access paths to the playground would require an upgrade to concrete/paving.
- Oak Hall Regional Park is not the ideal setting for the ONLY accessible playground; Whitehall Road Regional Park is connected to town through sidewalks, walking paths, vehicular access, and bus routes. It is close to town and to other services that users may seek.
- If the trail is removed, we lose the connectivity of the Musser Gap Greenway and the James C. Steff Trailhead as the trail would end at the shared boundary between the park and the PSU preserved land, without an identified connection to Blue Course Drive and Whitehall Road.
- LED Sports Field Lighting is funded through grants and donations—no municipal funding at this time. Shortage of \$73,950.
- All-Ability Playground has \$300,000 from the loan funds in its budget; the rest of the funding is through grants and donations.



# Option #1 for consideration:

**Should the Authority and municipalities refinance all debt (Pools and Parks; approximately \$300,000 in estimated savings), keeping the current debt schedule and debt payment the same, applying the \$300,000 savings to the Whitehall Road Regional Park budget, while securing some additional funding for the park project?**

## **Consider the following when answering:**

- Original debt payment level when loan was first secured was \$566,000/year.
- Loan re-negotiations and loan management have dropped that debt payment level to \$396,000 in 2019.
- Interest rates appear favorable right now.
- The savings could be used for future grant matches or to offset unfunded projects, grants shortfall, etc.
- Funding has driven park development versus park development and costs driving the funding. Consider which desired Phase I amenities should be prioritized.
- A new loan could potentially provide a break from debt-service payments in 2021.

## Option #2 for consideration:

**Should the Authority and municipalities refinance all debt (Pools and Parks; approximately \$300,000 in estimated savings), keeping the current debt schedule and debt payment the same, providing the savings back to the municipalities, while securing some additional funding for Whitehall Road Regional Park?**

**Consider the following when answering:**

- Original debt payment level when loan was first secured was \$566,000/year.
- Loan re-negotiations and loan management have dropped that debt payment level to \$396,000 in 2019.
- Interest rates appear favorable right now.
- Funding has driven park development versus park development and costs driving the funding. Consider which desired Phase I amenities should be prioritized.



# Option #3 for consideration:

**We're requesting assistance with the funding of the under-budgeted project. What sources of additional funding for the Whitehall Road Regional Park are the municipalities willing to consider for funding? And, are municipalities willing to consider providing additional resources to build Phase I?**

## **Consider the following factors for this question:**

- Consistent with the debt service levels projected over the next 10 years.
- There are timing consequences for decision-making on the loan/unfunded items: site development, utilities, development sequencing, etc.
- Current window of construction access to park is closing. The gap between The Yards completing its construction before the park breaks ground is lengthening. Will Blue Course Drive be available for construction traffic and large deliveries once Ferguson takes that road, or will new access be required?
- DCNR / DCED grants all have timelines; some could be extended, but only if a firm timeline is in place. Playground grant expires in December 2021. LED Sports Field Lighting grant expires in December 2022.
- If the project begins with the current funds in-hand and the Authority pays permit fees to Centre Region Codes to begin construction, but the project halts due to funding issues, those funds are non-refundable.
- The Authority has paid escrow to Ferguson Township for the LDP. If the project begins with the current funds in-hand and the project is not completed (does not receive CO), those funds are possibly lost and the Authority could be at risk of not meeting the five-year deadline for completing the land development plan (additional fees, legal issues).
- Bid packages for site work, earthwork, and concrete, pavement, line striping and signage, landscaping, seeding, fencing playground construction, electrical work, and alternate bid packages for synthetic turf are all in draft form and approved by DCNR and the Authority. Authority intends to go to bid in the next 45-60 days to get actual costs for these packages to compare budget to actual, which could determine if budget is accurate, low, or high. If high, budget can be reworked to offset other shortages.
- Consider what has been expended to date for engineering, soil testing, electrical and architectural planning, cost estimating, and project management fees, plus the time invested by Agency staff on grant writing, fundraising, and manhours to research, estimate, and decide on amenities, costs, design, etc.
- Continuing the project makes good strides toward the community's sports field inventory and lessens the burden on the other community parks being used for sports.
- Community parks' sports fields are not rested and rotated now; WRRP's field inventory will allow other community fields to be rested and renewed.
- If the sports field lighting is lost, the Agency is not able to maximize the seasons and the back-to-back play of youth and adult leagues.
- A regional park should not be built without restrooms; the demand for restrooms is very high. Hess Sports Complex is a perfect example; teams do not want to play there due to lack of amenities.
- Consider which desired Phase I amenities should be prioritized.

# Option #4 for consideration:

**Is it the request of the municipalities that the Authority close out the loan/repay outstanding balance, and then abandon the project? If so, why?**

## **These consequences should be considered if the project doesn't move forward at all:**

- DCNR requires that acquisition grant funds, master site plan funds, and grants received-to-date be repaid. The grants must be paid in full plus 10% annual interest compounded 4x annually from original grant date until the date it is repaid. *If land is sold or converted, DCNR requires acquisition of equivalent replacement land.*
- Returning DCNR / DCED grant funding could risk the Authority's reputation for grant execution and project completion. The Agency intends to continue applying for grants from DCNR/DCED for Millbrook Marsh Nature Center and possible future projects.
- By returning donor funding, the Agency risks those donor relationships for other donor-funded projects such as future Phase 2 developments of the regional parks, Millbrook Marsh Nature Center, and community pools.
- Pump station is a permanent fixture at this park facility, and it would require permanent access by the UAJA for maintenance.
- Utilities have been stubbed at the park's entrance, ready for extension into the park facility.
- Abandoning this project will continue the current field shortages at 2005/2006 field levels despite significant population growth, increased pressure on community parks, and higher sports participation levels. No rest/no repair would continue.
- There is not a suitable location for the "We Play Together" All-Ability Playground at this time; Oak Hall Regional Park's master plan includes a playground, but the park would require major improvements to its parking lots and drainage, and all paths would require an upgrade to concrete/paving for this all-ability playground.
- Oak Hall Regional Park is not the ideal setting for the ONLY accessible playground; Whitehall Road Regional Park is connected to town through sidewalks, walking paths, vehicular access, and bus routes.
- By abandoning this project, we lose the connectivity of the Musser Gap Greenway and the James C. Steff Trailhead as the trail would end at the shared boundary between the park and the PSU preserved land, without an identified connection to Blue Course Drive and Whitehall Road.
- The community's leagues will still be playing football, lacrosse, and soccer on softball/baseball outfields and on non-sports fields.
- Consider which desired Phase I amenities should be prioritized. There is no timeline for the future Phase 2, 3, and 4 for this park.

## In conclusion:

The options previously listed are the four most straight forward options.

If the elected officials have any other options to investigate or have solutions to put forth, staff would be happy to investigate those and report back.

We'd only ask that they be consensus requests by municipality rather than individual requests (similar to the Program Plan comments) so we aren't chasing ideas at this time; we are at a crucial point with this project.