

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**

**Regular Meeting Agenda**

**Monday, December 2, 2019**

**7:00 PM**

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. SPECIAL REPORTS**

1. Centre Area Transportation Authority
2. Centre Region Refuse Contract Presentation

**IV. APPROVAL OF MINUTES**

1. August 20, 2019 BOS Special Meeting
2. August 28, 2019 BOS Special Meeting
3. September 25, 2019 BOS Special Meeting

**V. UNFINISHED BUSINESS**

1. Public Hearing on Proposed 2020 Annual Operating Budget
2. Rushcliffe Street One-Way Study and Parking Prohibitions
3. Approval of 2020 COG Summary Budget
4. Continued Discussion on Request for Financial Support for Whitehall Road Regional Park

**VI. NEW BUSINESS**

1. Consent Agenda
2. Public Hearing Resolution Repealing Resolution 2014-41 and adopting revised allocation of Earned Income Tax, Real Estate Tax, and Real Estate Transfer Tax Revenues to the TIF
3. Authorization of Public Hearing on Ordinance Approving New Cable Franchise Agreement with COMCAST
4. Turnberry Traditional Town Development – Traffic Impact Study and Development Schedule
5. Review of DRAFT 2020 Schedule of Fees

**VII. REPORTS**

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

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – NOVEMBER/DECEMBER**

- Administrative Office Hours for the holidays: open until noon on December 24<sup>th</sup>; closed December 25<sup>th</sup>; open until noon on December 31<sup>st</sup> and closed January 1, 2020.

**X. 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](http://www.twp.ferguson.pa.us)

## Board of Supervisors Regular Meeting Agenda Monday, December 2, 2019 7:00 p.m.

### I. CALL TO ORDER

### II. CITIZEN'S INPUT

### III. SPECIAL REPORTS

15 minutes

1. Centre Area Transportation Authority – John Spychalski
2. Centre Region Refuse Contract Presentation – Shelly Mato

### IV. APPROVAL OF MINUTES

1. August 20, 2019 Special Meeting on SALDO and Zoning
2. August 28, 2019 Special Meeting on SALDO and Zoning
3. September 25, 2019 Special Meeting on SALDO and Zoning

### V. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON THE PROPOSED 2020 ANNUAL OPERATING BUDGET –  
DAVID PRIBULKA, TOWNSHIP MANAGER AND ERIC ENDRESEN, DIRECTOR OF FINANCE**

30 minutes

#### **Narrative**

The Board of Supervisors received a DRAFT 2020 Operating Budget on November 8<sup>th</sup> and conducted two public Special Meetings to review the document on November 12<sup>th</sup> and 14<sup>th</sup>. Amendments to the budget that were approved by consensus at each meeting have been incorporated into the document that has been advertised for public hearing this evening. A copy of the proposed 2020 Operating Budget has been made available at the Township building for inspection and accessible from the Township's website. Public input on the budget should be received this evening so that any resulting changes may be incorporated prior to its presentation for final adoption at the Regular Meeting on December 9<sup>th</sup>. Below is a link to the proposed 2020 Operating Budget. David Pribulka, Township Manager, will introduce the item and Eric Endresen, Director of Finance, will provide a short presentation on the budget and any changes that have been incorporated since the Special Meetings were conducted in November.

[Proposed 2020 Ferguson Township Operating Budget](#)

*Recommended motion: That the Board of Supervisors approve the proposed 2020 Annual Operating Budget and authorize a public hearing on the final adoption of the budget for December 9, 2019.*

#### **Staff Recommendation**

That the Board of Supervisors **approve** the proposed 2020 Operating Budget and **authorize** a public hearing on the final budget for December 9, 2019.

### 2. RUSHCLIFFE STREET – ONE-WAY STUDY AND PARKING PROHIBITIONS

20 minutes

### Narrative

Residents of Rushcliffe Street met with staff at different times over the year regarding parking concerns on Rushcliffe Street. There was no clear consensus on a remedy, and the extent of the problem was perceived differently by staff and some residents. At the request of some of the residents at the Regular meeting of the Board of Supervisors on June 17, 2019, the Board directed staff to conduct a study to determine if Rushcliffe Street could be posted as a one-way street with traffic flowing only from Circleville Road toward Havershire Boulevard. The Township Engineer completed the study on October 28, 2019. The study was conducted in accordance with established federal and state traffic engineering standards to meet legally enforceable traffic restrictions. Based upon the analysis performed, the requested one-way operation did not meet all six required criteria. The limiting criterion is the reduction in intersection delay. The proposed one-way operation increases the overall delay at the study intersections during the peak study periods. The Township Engineer's study report recommends that the existing two-way traffic operation remain, and that the one-way operation not be considered. The report has been attached to the agenda.

The results of the study and the Township Engineer's recommendation were shared with residents of Rushcliffe Street and their property manager at a meeting at the Township building on November 19, 2019. Mr. Stryker was present at the meeting. After much discussion, a possible solution has been identified that may be amenable to both the residents and Township staff. The solution involves increasing the limits of the parking prohibitions on the curved segment of the street and establishing residential permit parking restrictions on the remainder of Rushcliffe Street. This proposed residential parking permit restriction will "overlay" the existing "alternate side" parking restrictions. A map of this proposed resolution will be presented by staff. Any changes to the current parking arrangements necessitate an ordinance amendment. The request this evening would be for the Board, if interested in moving forward with the proposed resolution, to authorize staff to prepare a draft ordinance for review.

*Recommended motion: That the Board of Supervisors direct staff to prepare a draft ordinance establishing additional parking prohibitions on Rushcliffe Street.*

### Staff Recommendation

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

## 3. APPROVAL OF THE 2020 CENTRE REGION COUNCIL OF GOVERNMENT SUMMARY BUDGET

10 minutes

### Narrative

On November 25<sup>th</sup>, the Centre Region Council of Governments (COG) General Forum unanimously voted to approve the 2020 COG Summary Budget and refer it to the participating municipalities for adoption by December 31, 2019. The budget incorporates proposals submitted as part of the 2020 COG Program Plan, the 2020 – 2024 COG Capital Improvement Plan, and revisions submitted by member municipalities and the COG Finance Committee. The Board reviewed the 2020 COG Summary Budget at its November 18<sup>th</sup> Regular Meeting and comments from the discussion were forwarded to the COG Executive Director. A matrix summarizing the Board's and other municipalities' comments from their reviews, as well as the response from COG has been attached to the agenda. Below is a link to the 2020 COG Summary Budget that is presented for adoption.

[2020 Centre Region Council of Governments Summary Budget](#)

*Recommended motion: That the Board of Supervisors approve the 2020 Centre Region Council of Governments Summary Budget.*

### Staff Recommendation

That the Board of Supervisors **approve** the 2020 Centre Region COG Summary Budget.

**4. REQUEST FOR FINANCIAL SUPPORT FOR WHITEHALL ROAD REGIONAL PARK – CONTINUED DISCUSSION** 20 minutes

**Narrative**

On November 18<sup>th</sup>, the Board of Supervisors considered three requests from the Centre Region Parks and Recreation Authority for additional financial assistance for the development of Phase I of Whitehall Road Regional Park. The Board authorized a commitment of \$40,360 to finance the installation of the required landscape buffer in place of \$45,000 originally appropriated to install solar arrays on the pavilion at the park. The Board also denied the request to fund the construction of a small maintenance facility in the park. The third request, a contribution of \$30,000 to match a \$15,000 grant to install an irrigation system at the park, was deferred until this evening for further discussion and consideration. Staff has no recommendation on the request. If the Board approves the funding request, the 2020 Operating Budget will be amended to reflect the additional allocation from Fund 31 – Regional Capital Recreation Projects Fund.

*Recommended motion: That the Board of Supervisors approve the appropriation of \$30,000 from the Regional Capital Recreation Projects Fund to the Centre Region Council of Governments to fund the installation of an irrigation system at Whitehall Road Regional Park.*

**VI. NEW BUSINESS**

**1. CONSENT AGENDA** 5 minutes

- a. Development Schedule – The Landings Planned Residential Development
- b. Board Member Request – Pine Grove Mills Speed Limit Study
- c. Treasurer's Report – September 2019 *for acceptance*
- d. 2019-C27 GLG Round 4 Detection Upgrade Final Pay App/Invoice: \$104,907.03

**2. ZONING APPEALS/VARIANCES** 5 minutes

- a. Request for Variance – 812 Science Park Road

**Narrative**

The Zoning Hearing Board will meet on December 17<sup>th</sup> to review a variance request for a property at 812 Science Park Road (R-1—Single Family Residential Zoning District). The applicant is requesting a variance from Section 27-204 Home Occupation. The accessory building is being classified as an “auxiliary building” and not a part of the residential dwelling. The variance would allow the use of the free-standing accessory building for home occupation and recognize it as part of the earth-berm dwelling as originally intended and constructed. Provided with the agenda is a copy of the application.

*Recommended motion: That the Board of Supervisors remain neutral on the variance request for 812 Science Park Road.*

**Staff Recommendation**

That the Board of Supervisors **remain neutral** on the variance request.

**3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2014-41 AND ADOPTING A REVISED ALLOCATION OF EARNED INCOME TAX, REAL ESTATE TAX, AND REAL ESTATE TRANSFER TAX REVENUES TO THE TRANSPORTATION IMPROVEMENT FUND.** 10 minutes



### **Narrative**

In November 2001, the Board of Supervisors approved a general tax increase for the purpose of establishing a Transportation Improvement Fund (TIF) to finance large-scale capital transportation projects. All of the transportation projects that were original earmarks of the fund have been completed. Since that time, the TIF has been maintained as a separate governmental fund and has been utilized to finance the design and construction of road projects in the Township; however, the fund balance has significantly outpaced the expenditures of the fund. The transfers from the General Fund into the TIF are established by resolution of the Board. In considering the 2020 Operating Budget, the Board reviewed the projected fund balances across all funds and directed the Township Manager to reduce transfers into the TIF.

*Recommended motion: That the Board of Supervisors adopt the resolution repealing Resolution 2014-41 and adopting a revised allocation of earned income tax, real estate tax, and real estate transfer tax to the Transportation Improvement Fund.*

### **Staff Recommendation**

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

## **3. AUTHORIZATION OF A PUBLIC HEARING ON AN ORDINANCE APPROVING A NEW CABLE FRANCHISE AGREEMENT WITH COMCAST OF COLORADO / PENNSYLVANIA / WEST VIRGINIA, LLC.**

10 minutes

### **Narrative**

In 2018, the Township and other regional municipalities along with C-NET began the process to negotiate a renewed franchise agreement with Comcast for the provision of cable television services within the municipality. Pursuant to the regulations set forth in the Telecommunications Act and of the Federal Communications Commission, the Township is authorized to grant franchises to entities interested in constructing, maintaining, and operating cable systems in its boundaries. Currently, the Township has a franchise agreement with Windstream, as well as Comcast.

Provided with the agenda are several documents including a cover letter and draft ordinance; executive summary; and franchise agreement. The agreement has been negotiated in good faith and sets forth the terms and conditions that will govern the franchise license for ten years commencing January 1, 2020. David Pribulka, Township Manager, will introduce the item and review the more substantive changes which include the fee to be paid to the municipality; capital grant to C-NET; customer service standards; the provision of two educational and governmental channels (C-NET); and more. This evening, the Board is being asked to authorize the ordinance approving the renewed franchise agreement for December 9<sup>th</sup>. The Townships of College, Patton, Harris, Benner, and Halfmoon; as well as Bellefonte and State College Boroughs are all being asked to approve the same agreement.

*Recommended motion: That the Board of Supervisors authorize a public hearing on an ordinance approving a new cable franchise agreement with Comcast for December 9, 2019.*

### **Staff Recommendation**

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

## **4. TURNBERRY TRADITIONAL TOWN DEVELOPMENT – TRAFFIC IMPACT STUDY AND DEVELOPMENT SCHEDULE**

20 minutes

### **Narrative**

The original TTD Masterplan was approved in 2012 and included a 14-year development schedule. Provided with the agenda are the Terms and Conditions that shows the 14-year timeframe on page 11. The 14 years equates to a buildout date of 2026, and this item in the Terms and Conditions states that

the Board can request an update to the TIS as a condition to the approval of an extension of the 14-year timeframe. The approved TIS for the masterplan had an analysis year of 2030 which would equate to a full buildout date of 2025. The current proposed update for 2019 has a buildout year of 2029.

Staff is recommending that this request for the update to the phasing plan be discussed as it relates to extending the timeframe for completion of the development so there is an awareness of the additional time that is being requested and how it relates to the validity of the results of the TIS. The full buildout is still within the assumptions of the masterplan TIS, but what is lost is the horizon year beyond full development as the 2026 buildout is now 2029.

*Recommended motion: That the Board of Supervisors approve the revised phasing plan and include a condition that an update to the TIS be performed for each SIP that is not completed within the original approved horizon year of 2026, and that the developer agree to mitigate new impacts as a result of that analysis.*

**Staff Recommendation**

That the Board of Supervisors **conditionally approve** the development schedule.

**5. REVIEW OF THE DRAFT 2020 SCHEDULE OF FEES**

10 minutes

**Narrative**

The Schedule of Fees for the Township is adopted annually by resolution of the Board of Supervisors and describes all fees for services, violations, and other items for which the Township collects revenue. Provided with the agenda is a copy of the DRAFT 2020 Ferguson Township Schedule of Fees for review by the Board and authorization for the public hearing on December 9<sup>th</sup>.

*Recommended motion: That the Board of Supervisors authorize a public hearing on a resolution adopting the 2020 Schedule of Fees for December 9, 2019.*

**Staff Recommendation**

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

**VI. STAFF AND COMMITTEE REPORTS**

**1. COG COMMITTEE REPORTS**

15 minutes

- a. Finance Committee
- b. Executive Committee
- c. Transportation & Land Use Committee

**2. OTHER REGIONAL REPORTS**

15 minutes

- a. Climate Action Advisory Group
- b. Spring Creek Watershed Commission
- c. Solar Power Purchase Agreement Working Group

**3. STAFF REPORTS**

15 minutes

- a. Township Manager
- b. Public Works Director
- c. Planning & Zoning Director

**VII. COMMUNICATIONS TO THE BOARD**

**VIII. CALENDAR ITEMS – DECEMBER**

- a. Administrative Office Hours for the holidays: open until noon on December 24<sup>th</sup>; closed December 25<sup>th</sup>; open until noon on December 31<sup>st</sup> and closed January 1, 2020.

**IX. ADJOURNMENT**