

# FERGUSON TOWNSHIP BOARD OF SUPERVISORS

## Regular Meeting Agenda

Monday, December 6, 2021, 7:00 PM

### MEETING PARTICIPATION OPTIONS

#### VIRTUAL:

Join Zoom Meeting:

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

Meeting ID: 838 3822 6462

[Zoom Access Instructions](#)

#### IN-PERSON:

Ferguson Township Municipal Building

Main Meeting Room

3147 Research Drive

State College, PA

#### I. CALL TO ORDER

#### II. CITIZENS INPUT

#### III. APPROVAL OF MINUTES

#### IV. SPECIAL REPORTS

- a. University Area Joint Authority
- b. Centre Area Transportation Authority
- c. COVID-19 Local Response Report
- d. Ferguson Township Strategic Plan Update Report
- e. Stormwater Fee Implementation Report

#### V. UNFINISHED BUSINESS

1. Public Hearing – Proposed 2022 Ferguson Township Annual Operating Budget
2. Public Hearing – Turf Grass, Weeds, and Other Vegetation Ordinance Amendment
3. Award Contract 2021-C18, Homestead Park Play Equipment Installation
4. DRAFT Amendments to Zoning and Subdivision & Land Development Ordinances
5. Authorization to Advertise RFP for Counseling Services to Update TSD Zoning Ordinance

#### VI. NEW BUSINESS

1. Consent Agenda
2. Public Hearing – Transportation Improvement Fund Allocation Resolution
3. Public Hearing – Township Personnel Policy Amendment Resolution
4. Request for Variance – 1215 North Atherton Street
5. Review of Draft Penn State University Stormwater Management Utility Fee Agreement
6. Review of Draft 2022 Ferguson Township Schedule of Fees
7. National Opioid Settlement “Opt-In”

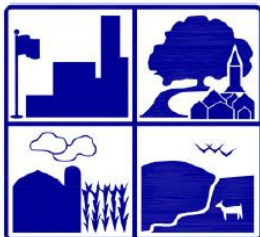
#### VII. REPORTS

#### VIII. COMMUNICATIONS TO THE BOARD

#### IX. CALENDAR ITEMS – DECEMBER

#### X. ADJOURNMENT





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## TOWNSHIP OF FERGUSON

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### BOARD OF SUPERVISORS

#### Regular Meeting Agenda

Monday, December 6, 2021

7:00 P.M.

- I. **CALL TO ORDER**
- II. **CITIZEN'S INPUT**
- III. **APPROVAL OF MINUTES**
  1. November 1, 2021 Board of Supervisors Regular Meeting Minutes
  2. November 16, 2021 Board of Supervisors Budget Special Meeting Minutes
  3. November 18, 2021 Board of Supervisors Budget Special Meeting Minutes
- IV. **SPECIAL REPORTS** 45 minutes
  - a. University Area Joint Authority – Mark Kunkle
  - b. Centre Area Transportation Authority – John Spsychalski
  - c. COVID-19 Local Response Report – David Pribulka, Township Manager
  - d. Ferguson Township Strategic Plan Update Report – Peter Melan, Polity, Inc.
  - e. Stormwater Fee Implementation Report – David Pribulka, Township Manager & David Modricker, Director of Public Works
- V. **UNFINISHED BUSINESS**
  1. **A PUBLIC HEARING ON THE PROPOSED 2022 FERGUSON TOWNSHIP ANNUAL OPERATING BUDGET.** 20 minutes  
*David Pribulka, Township Manager & Eric Endresen, Director of Finance*

#### **Narrative**

The Board of Supervisors received a DRAFT 2022 Annual Operating Budget on November 8<sup>th</sup> and conducted two public Special Meetings to review the document on November 16<sup>th</sup> and 18<sup>th</sup>. Amendments to the budget that were approved by consensus vote at each meeting have been incorporated into the document that has been advertised for public hearing this evening. A copy of the proposed 2022 Operating Budget was made available at the Township building for inspection and accessible from the Township's website. Public input on the document 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 13<sup>th</sup>. Below is a link to the proposed 2022 Annual 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 review the changes that were incorporated at the conclusion of the Special Meetings in November.

[Proposed 2022 Ferguson Township Annual Operating Budget](#)

*Recommended Motion: That the Board of Supervisors approve the proposed 2022 Ferguson Township Annual Operating Budget and authorize a public hearing on the final adoption of the budget for December 13, 2021.*

**Staff Recommendation**

That the Board of Supervisors **adopt** the 2022 proposed budget.

- 2. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING CHAPTER 10, HEALTH AND SAFETY; PART 1, TURF GRASS, WEEDS, AND OTHER VEGETATION, BY AMENDING SECTION 101, TURF GRASS, WEEDS, AND CERTAIN OTHER VEGETATION NOT PERMITTED UNDER CERTAIN CIRCUMSTANCES; SECTION 103, GREEN INFRASTRUCTURE; SECTION 104, DEFINITIONS, AND SECTION 109, NOTICE OF ORDINANCE VIOLATION; PAYMENT.** 10 minutes

*David Pribulka, Township Manager*

**Narrative**

Provided with the agenda is a copy of the ordinance advertised for public hearing amending Chapter 10, Health and Safety; Part 1, Turf Grass, Weeds, and Other Vegetation of the Ferguson Township Code of Ordinances. The draft document has been reviewed by the Planning Commission and the Board of Supervisors at the November 1<sup>st</sup> Regular Meeting. The advertised ordinance reflects comments and modifications from that discussion including establishing the maximum permitted height of managed turf grass at eight inches, and incorporating "Grow Zones" into the definition of "Green Infrastructure." Other modifications including removal of the audit procedure and associated amendments remain as noted in the attached ordinance.

*Recommended Motion: That the Board of Supervisors adopt the ordinance amending Chapter 10, Health and Safety; Part 1, Turf Grass, Weeds, and Other Vegetation.*

**Staff Recommendation**

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

- 3. AWARD OF CONTRACT 2021-C18, HOMESTEAD PARK PLAY EQUIPMENT INSTALLATION**

*David Pribulka, Township Manager*

10 minutes

**Narrative**

Provided with the agenda is an updated conceptual plan with associated cost estimate, prepared by the Assistant Township Engineer, to construct new play equipment on Homestead Park. At the direction of the Board, three alternative placement options were reviewed by staff and the Parks and Recreation Committee and the recommended location addresses the concerns heard by residents. The cost to install the park play equipment, construct the ADA accessible route from the existing parking lot to the fall pit, perform parking lot improvements for the ADA accessible parking space and installation of engineered wood chip surface over top of a stone sub-base and under-drain system is approximately \$75,000.

*Recommended Motion: That the Board of Supervisors direct staff to redesign and quote the project in the proposed alternate location.*

**Staff Recommendation**

That the Board of Supervisors **redesign and quote** the project.

**4. REVIEW OF DRAFT AMENDMENTS TO THE ZONING AND SUBDIVISION & LAND DEVELOPMENT ORDINANCES** 30 minutes

*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

In November 2019, the Township completed its comprehensive update to the Zoning and Subdivision and Land Development Ordinances. Since the amendments, staff have been tracking errors and omissions while interpreting the ordinance and is recommending additional amendments to address these issues. The Board was provided with a draft during the November 1, 2021, regular meeting and provided additional comments and recommendations to staff. Provided with the agenda is an updated copy of the draft ordinance amendments for the Board to review and provide additional comments.

*Recommended Motion: That the Board of Supervisors authorize advertisement of the Zoning and Subdivision and Land Development Ordinances for public hearing on Monday, February 7, 2022.*

**Staff Recommendation**

That the Board of Supervisors authorize the public hearing for February 7, 2022.

**5. AUTHORIZATION TO ADVERTISE REQUEST FOR PROPOSALS FOR CONSULTING SERVICES TO UPDATE THE TERRACED STREETScape DISTRICT ZONING ORDINANCE** 20 minutes

*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

During the August 2, 2021, Regular Meeting, the Board received input from the Planning Commission on the Terraced Streetscape District (TSD) Rewrite and authorized staff to draft a Request for Proposals (RFP) for the rewrite for the expected engagement of a consultant in 2022. Based on previous meetings with the Board and Planning Commission, staff has included in the agenda a draft RFP for the Board to review and provide comments.

*Recommended Motion: That the Board of Supervisors authorize staff to advertise the Request for Proposals for consulting services to update the Terraced Streetscape District Zoning Ordinance.*

**Staff Recommendation**

That the Board of Supervisors **authorize** advertisement of the RFP.

**VI. NEW BUSINESS**

**1. CONSENT AGENDA**

5 minutes

- a. Voucher Report – September 2021
- b. Voucher Report – October 2021
- c. Treasurer's Report – September *for Acceptance*
- d. Sheetz - Harner Surety Reduction No. 3; \$18,160.19
- e. Orchard View Subdivision Surety Reduction No. 3; \$73,971.25
- f. Board Member Request – Reducing Herbicide and Pesticides in Township Parks
- g. Board Member Request – Monthly Reporting of Parks Revenue
- h. Board Member Request – Playground Safety Inspection Reports
- i. Turnberry Master Phasing Plan - Annual Update

**2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2019-28 AND ADOPTING A REVISED ALLOCATION OF EARNED INCOME TAX, REAL ESTATE TAX, AND REAL ESTATE TRANSFER TAX REVENUES TO THE TRANSPORTATION IMPROVEMENTS FUND.** 10 minutes

*Eric Endresen, Director of Finance*

**Narrative**

The Township resolved that 60% of transfer taxes were to be allocated to the transportation improvement fund beginning on January 1, 2002, and continued until there was sufficient fund balance to reduce the amount of the transfer in 2020 to 40%. For several reasons including the COVID effects on property transfers, the Township is recommending increasing the amount slightly to 50% beginning on January 1, 2022. This should provide sufficient funding to the transportation improvement fund without significantly increasing the fund balance.

*Recommended motion: That the Board of Supervisors adopt the resolution repealing Resolution 2019-28 and adopting a revised allocation of Earned Income Tax, Real Estate Tax, and Real Estate Transfer Tax revenues to the Transportation Improvement Fund.*

**Staff Recommendation**

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

**3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING THE FERGUSON TOWNSHIP PERSONNEL POLICY MANUAL BY AMENDING SECTION 11:1, HOLIDAYS; ATTACHED HERETO AS EXHIBIT "A", RESPECTIVELY** 10 minutes

*David Pribulka, Township Manager*

**Narrative**

Provided with the agenda is a copy of the resolution advertised for public hearing amending the Ferguson Township Personnel Policy Manual, Section 11:1, Holidays. The policy included with the Personnel Policy Manual applies to Non-Union Personnel. The purpose of the amendment is for Ferguson Township to recognize three additional holidays including Martin Luther King, Jr. Day, Juneteenth and Veterans Day.

*Recommended motion: That the Board of Supervisors adopt the resolution amending the Ferguson Township Personnel Policy Manual by amending Section 11:1, Holidays.*

**Staff Recommendation**

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

**4. REQUEST FOR VARIANCE — 1215 NORTH ATHERTON STREET** 10 minutes

*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

Property at 1215 North Atherton Street (24-015-038-0000) is zoned General Commercial (C). The applicant is requesting a variance from §27-701.I. Use Buffer and §27-406.B.6. Uses Permitted in Riparian Buffer. These sections prohibit buildings from being located within the Riparian Buffer and the existing building and existing parking lot pre-date the Township's Riparian Buffer Ordinance. The proposed 2,000 SQFT addition is located over land that is currently impervious and there is no encroachment being proposed into the

undeveloped Riparian Buffer. Provided with the agenda is a copy of the variance application.

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

**Staff Recommendation**

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

**5. REVIEW OF DRAFT PENN STATE UNIVERSITY STORMWATER MANAGEMENT UTILITY FEE AGREEMENT** 20 minutes

*David Pribulka, Township Manager*

**Narrative**

The Board of Supervisors adopted Ordinance #1066 on February 16, 2021 establishing the Stormwater Management Utility Fee. Subsequently, a credit policy manual was enacted to permit property owners in the Township to reduce their fee exposure by as much as 40% by maintaining best management practices for stormwater mitigation and invoking other applicable credits. Furthermore, a partial agricultural exemption policy was adopted by resolution to limit the maximum exposure for agricultural land to two Equivalent Residential Units (ERUs).

Section 3.03(11.) of the Home Rule Charter establishes that the Township Manager has the authority, subject to the approval of the Board, to negotiate intergovernmental agreements in accordance with the laws of the Commonwealth. The Manager has been working with the Solicitor and representatives from Penn State University to develop a draft agreement, negotiated in good faith, that accomplishes the following: 1) Discounts the University's fee by the amount of the program applicable to the Township's Municipal Separate Storm Sewer System (MS4) permit compliance; 2) Aggregates all University-owned parcels into one annual bill; 3) Applies all qualified credits and exemptions as established by the Board of Supervisors. David Pribulka, Township Manager, will introduce the item. The draft agreement has been provided with the agenda, and has been reviewed by the Township Solicitor and counsel for the University. This evening, the Board is asked to review the draft agreement and authorize advertisement of a public hearing on a resolution approving the same for Monday, December 13, 2021.

*Recommended motion: That the Board of Supervisors authorize advertisement of a public hearing on a resolution approving the Penn State University Stormwater Management Utility Fee Agreement for Monday, December 13, 2021.*

**Staff Recommendation**

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

**6. REVIEW OF DRAFT 2022 FERGUSON TOWNSHIP SCHEDULE OF FEES** 10 minutes

*David Pribulka, Township Manager*

**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 2022 Ferguson Township Schedule of Fees for review by the Board and authorization for the public hearing on December 13th. The document has changes redlined for illustration.

*Recommended motion: That the Board of Supervisors authorize advertisement of a resolution adopting the 2022 Ferguson Township Schedule of Fees for Monday, December 13, 2021.*

**Staff Recommendation**

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

**7. NATIONAL OPIOID SETTLEMENT “OPT-IN”**

10 minutes

*David Pribulka, Township Manager*

**Narrative**

Provided with the agenda is a copy of a communication from the Pennsylvania Office of the Attorney General concerning the National Opioid Settlement. Political subdivisions that qualify to “opt in” to the settlement must do so by January 2, 2022. Once opted in, the Township would be entitled to a portion of the settlement relief to turn back into combatting the effects of the opioid epidemic on the community. It remains unclear at this time what amount of the settlement the Township would be entitled to if opted in. Patton Township, College Township, and State College Borough have each opted in or indicated they will be opting in to the settlement agreement. All political subdivisions in the Commonwealth with populations of 10,000 or more are eligible to receive a portion of the proceeds of the settlement.

*Recommended motion: That the Board of Supervisors authorize the Township Manager to opt into the National Opioid Settlement*

**Staff Recommendation**

That the Board of Supervisors **authorize** the Manager to opt into the National Opioid Settlement.

**VII. STAFF AND COMMITTEE REPORTS**

20 minutes

**1. COG COMMITTEE REPORTS**

- a. Climate Action & Sustainability Committee
- b. Joint Public Safety & PSE TLU Committees *(November & December mtgs.)*
- c. Executive Committee
- d. Finance Committee

**2. OTHER COMMITTEE REPORTS**

- a. Spring Creek Watershed Commission
- b. CCMPO Coordinating Committee

**3. STAFF REPORTS**

- a. Manager’s Report
- b. Public Works Director’s Report
- c. Planning & Zoning Director’s Report
- d. Chief of Police Report

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – DECEMBER**

- a. Ferguson Township upcoming committee meetings:
  - 1. Planning Commission – Tuesday, December 7
  - 2. Pine Grove Mills Small Area Plan Committee, Thursday, December 16

**X. ADJOURNMENT**