

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, November 19, 2018
7:00 PM

I. CALL TO ORDER

II. CITIZENS INPUT

III. SPECIAL REPORTS

1. University Area Joint Authority

IV. APPROVAL OF MINUTES

1. November 5, 2018, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

1. Public Hearing on Plastic Bag Ban Ordinance Petition
2. Discussion on Stormwater Ordinance and draft Sourcewater Ordinance

VI. NEW BUSINESS

1. Consent Agenda
2. Public Hearing on Resolution adopting revised Sidewalk Snow Removal Map
3. Foxpointe/Hunter's Chase PRD corrective action plan
4. Award Contract 2018-C20 Park Hills Drainageway Improvements Design/Permitting
5. Presentation on GIS and Environmentally Sensitive Area Map
6. Request of Tower-Based Wireless Communication Facility at Homestead Park

VII. REPORTS

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

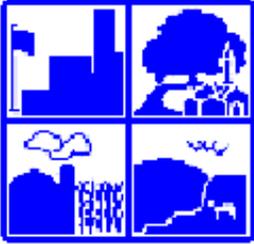
VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – NOVEMBER/DECEMBER

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, November 19, 2018
7:00 p.m.**

I. CALL TO ORDER

PLEDGE OF ALLEGIANCE

II. CITIZENS INPUT

III. SPECIAL REPORTS

10 minutes

1. University Area Joint Authority – Dr. Jonathan Dietz

IV. APPROVAL OF MINUTES

1. November 5, 2018, Board of Supervisors Regular Meeting

V. UNFINISHED BUSINESS

- 1. A PUBLIC HEARING ON A PETITION FILED IN ACCORDANCE WITH SECTION 9.02 OF THE FERGUSON TOWNSHIP HOME RULE CHARTER, REQUESTING CONSIDERATION OF AN ORDINANCE TO BAN SINGLE-USE PLASTIC BAGS IN FERGUSON TOWNSHIP**

30 minutes

Narrative

The Board of Supervisors received a petition on September 17th which was confirmed to contain the signatures of at least fifty registered electors of the Township. Therefore, the petition was determined to have been successfully submitted under Section 9.02, Group Petitions of the Ferguson Township Home Rule Charter. Section 9.03 requires the Board “hold a public hearing and act with respect to every petition which is addressed to them.” Provided with the agenda is a copy of the petition and some background information relative to what is requested. If the Board is interested in moving forward, it should consider directing staff to research similar ordinances and any potential legal concerns that may result from imposing a ban on single-use plastic bags prior to preparing a draft ordinance for review.

Recommended Motion: That the Board of Supervisors direct staff to research ordinances in Pennsylvania banning single-use plastic bags and any potential legal concerns that have been raised.

- 2. A CONTINUED DISCUSSION OF THE DRAFT SOURCEWATER PROTECTION OVERLAY DISTRICT ORDINANCE AND ITS CONSISTENCY WITH CHAPTER 26, STORMWATER OF THE FERGUSON TOWNSHIP CODE OF ORDINANCES**

20 minutes

Narrative

At the November 5th Regular Meeting, the Board discussed the draft Sourcewater Protection Overlay District Ordinance and directed staff to proceed with the preparation of a revised draft for review and authorization for advertisement for public hearing. There was some discussion at the meeting relative to the consistency of the draft Sourcewater Protection Overlay District Ordinance and the Stormwater Ordinance, specifically the provisions of the Stormwater Ordinance relating to the discharge of stormwater into a sinkhole and the distance of stormwater best management practices from geologic features such as fracture traces and faults. Provided with the agenda is the draft Sourcewater Ordinance and the applicable provisions of the Stormwater Ordinance. The Township Engineer and Township Stormwater Engineer are in attendance this evening to answer any questions the Board may have.

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Voucher Report for October 2018
- b. Treasure’s Reports: September and October 2018
- c. Centre County Housing and Land Trust – 2019 Schedule of Fees and Services/Activity Report
- d. 2018-C5 Chestnut Ridge Pipe Lining: \$454,290.00
- e. 2018-C15 Street Tree Pruning: \$18,050.00
- f. Time Extension – Step-By-Step School for Early Learning

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2017-31 AND ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP.

5 minutes

Narrative

Pursuant to Chapter 21, Section 207 of the Ferguson Township Code of Ordinances, the Board of Supervisors adopts a sidewalk snow removal map annually identifying the sections of public sidewalk that fall under the provision of the ordinance requiring sidewalks be kept clear of snow and ice. The map assists the Township’s Ordinance Enforcement Officer in identifying new sections of sidewalk, as well as areas that are exempt from the requirements of the ordinance. Provided with the agenda is a copy of the resolution as advertised for public hearing, which includes the map attached as Exhibit “A.”

Recommended Motion: That the Board of Supervisors adopt the resolution repealing Resolution 2017-31 and adopting a revised sidewalk snow removal map.

Staff Recommendation

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

3. FOXPOINTE/HUNTER’S CHASE PLANNED RESIDENTIAL DEVELOPMENT CORRECTIVE ACTION PLAN

10 minutes

Narrative

PennTerra Engineering is currently working with S&A Homes to have all common property turned over to the Homeowners Association in Foxpointe/Hunter’s Chase Planned Residential Development. Future eight-foot wide bike paths are part of the common property as shown on Phases 1 and 4 of the Foxpointe Subdivision Plan. The Phase 1 Plan did not illustrate a line segment with metes and bounds at the end of the Bike Path between Lots #26 and #27, and, therefore, the path did not close. The Centre County Recorder of Deeds is requiring a new corrective survey that shows all bearings, distances and area for recording purposes. A Corrective Action Plan has been submitted to correctly

represent the property line for the future eight-foot bike path lot in Phase 1 of the Foxpointe Subdivision, as recorded in Plat Book 50, page 156. Mr. Stolinas will review the plan.

Recommended motion: That the Board of Supervisors approve the corrective action plan for the Foxpointe/Hunter's Chase Planned Residential Development Phase 1.

Staff Recommendation

That the Board of Supervisors **approve** the Corrective Action Plan.

4. AWARD OF CONTRACT 2018-C20 PARK HILLS DRAINAGEWAY IMPROVEMENTS DESIGN AND PERMITTING 10 Minutes

Narrative

The Township issued a Request for Proposals (RFP) for design of the drainageway improvements in the Park Hills subdivision. Three proposals were received and evaluated by the deadline to respond. Criteria used to evaluate each response included demonstration of project understanding; qualifications of assigned individuals; projected schedule; and cost of work. Provided with the agenda is a copy of part of the response received from NTM Engineering, the firm staff is recommending be awarded the contract. The Board will note that the project cost estimate is substantially higher than the tentative budgeted amount for 2019. If the Board desires to move forward with NTM Engineering, the draft 2019 Operating Budget should be amended to reflect the new amount for design and engineering. At the Special Meeting on the 2019 Operating Budget on November 13th, the Board took action to remove the construction funds appropriated for the project in 2019. Provided with the agenda is a memorandum from Ron Seybert, Township Engineer, summarizing staff's recommendation on the award of the contract. Mr. Seybert is available to answer any questions the Board may have.

1st Recommended motion: That the Board of Supervisors award Contract 2018-C20 Park Hills Drainageway Improvements Design and Permitting to NTM Engineering in an amount not to exceed \$242,830.

2nd Recommended motion: That the Board of Supervisors increase the account for stormwater engineering in the draft 2019 Operating Budget to \$375,000.

Staff Recommendation

That the Board of Supervisors **award** Contract 2018-C20 Park Hills Drainageway Improvements Design and Permitting to NTM Engineering **and amend** the draft 2019 Operating Budget to increase the line item for the project to \$375,000.

5. PRESENTATION OF ENVIRONMENTALLY SENSITIVE AREAS MAP AND INTRODUCTION TO GEOGRAPHIC INFORMATION SYSTEMS, MS. KRISTINA ANECKSTEIN, GIS TECHNICIAN 20 minutes

Narrative

An objective of the Ferguson Township Strategic Plan is to identify and preserve natural resources and environmentally-significant areas. In 2018, the Board appropriated funding to complete a "green infrastructure map" for the Township that may be the focus of preservation efforts in the future. Since this has been discussed, potential funding mechanisms that have been identified for preservation projects include a stormwater fee or dedicating a certain amount of tax millage for conservation and environmental improvement efforts. As staff began to identify existing map layers, it was determined that this project could be completed in-house using the Township's Geographic Information Systems (GIS) capabilities.

Ms. Aneckstein, one of the Township's GIS Technicians, will review the map and discuss its features. The map has been provided with the agenda as an attachment. Additionally, staff would like to take the opportunity to provide some basic education to the Board and residents about the capabilities of GIS software and the support it provides to the Township. This item is for discussion and no action is requested unless the Board would like to proceed in a specific direction.

Staff Recommendation

That the Board of Supervisors **discuss** the environmentally sensitive area map and **direct** staff to proceed based on the outcome of the discussion.

6. REQUEST FOR CONSIDERATION OF A TOWER-BASED WIRELESS COMMUNICATIONS FACILITY AT HOMESTEAD PARK – MR. STEVEN VOLKERT, JACOBS TELECOMMUNICATIONS, INC. 10 minutes

Narrative

The Township Manager and Zoning Administrator have been approached by representatives of AT&T and Jacobs Telecommunication, Inc. to request the location of a cell tower at Homestead Park. The tower would service AT&T customers but will primarily be used to support its partnership with FirstNet, a nationwide broadband network designed to provide bandwidth dedicated to first responders such as police, fire, and emergency medical services. Chapter 27, Section 209 of the Code of Ordinances governs the location and requirements applicable to both tower and non-tower based wireless communications facilities in and outside of the public right-of-way. Because this would be located on Township property and not in the public right-of-way, a tower-based wireless communications facility as proposed by the requestor is not a permitted use in the underlying zoning district, R-1 (single-family residential). Further, it is required by ordinance that a 500-foot setback from the nearest property line apply to any tower-based wireless communications facility, which would be difficult, if not impossible to comply with at the park. Therefore, it is likely that two variances would need to be granted by the Zoning Hearing Board to construct the tower, one of which would be a use variance. A public park, in the opinion of staff, is not an appropriate location to site a cell tower as proposed. For these reasons, staff is recommending the Board deny the request. More information on FirstNet and its partnership with AT&T can be found at the links below.

FirstNet.Gov

[AT&T and FirstNet](#)

Recommended motion: That the Board of Supervisors direct staff to prepare an agreement with AT&T for the siting of a tower-based wireless communications facility at Homestead Park.

Staff Recommendation

That the Board of Supervisors **deny** the request to locate a tower-based wireless communications facility at Homestead Park.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

10 minutes

- a. Ad Hoc Facilities Committee
- b. Joint Pubic Safety & Public Services & Environmental Committees
- c. Finance Committee

2. OTHER REGIONAL REPORTS 5 minutes

- a. Parks & Rec Regional Comprehensive Plan Steering Committee

3. STAFF REPORTS 20 minutes

- a. Township Manager
- b. Planning and Zoning Director
- c. Public Works Director
- d. Chief of Police
- e. Third Quarter Financial Report

VIII. COMMUNICATIONS TO THE BOARD 10 minutes

IX. CALENDAR ITEMS – NOVEMBER/DECEMBER

- a. Holiday Office Closures - November 22-23, 2018 and December 24-25, 2018

X. ADJOURNMENT