

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, February 1, 2021, 7:00 PM

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Meeting ID: 853 7932 5460
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I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. January 18, 2021, Board of Supervisors Regular Meeting Minutes

IV. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. Centre Region Parks and Recreation Authority

V. UNFINISHED BUSINESS

1. Public Hearing – Stormwater Management Utility Fee Ordinance
 - a. Public Hearing – Credit Policy Manual Resolution
 - b. Public Hearing – Agricultural Properties Partial Exemption Resolution
 - c. Public Hearing – Economic Hardship Exemption Resolution
 - d. Public Hearing – Non-Profit Organization Exemption Resolution
 - e. Public Hearing – Fund Balance Limit Resolution
2. The Cottages Post-Final Planned Residential Development Amendment
3. Continued Discussion – Whitehall Road Regional Park
4. Continued Discussion – Recreational Fire/Open Burn Ordinance Amendment

VI. NEW BUSINESS

1. Consent Agenda

VII. REPORTS

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

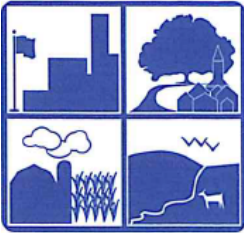
VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – FEBRUARY

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, February 1, 2021
7:00 P.M.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. January 18, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

20 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. Centre Region Parks and Recreation Authority – Bill Keough

VI. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A UTILITY FEE FOR STORMWATER COLLECTION AND MANAGEMENT.** 60 minutes

Narrative

Provided with the agenda is copy of the ordinance advertised for public hearing establishing a utility fee for stormwater collection and management in Ferguson Township. The ordinance is presented for public hear with proposed consideration on its enactment scheduled for Tuesday, February 16, 2021. David Pribulka, Township Manager, will introduce the ordinance and review the procedures for conducting the public hearing.

Staff Recommendation

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

2. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A CREDIT POLICY MANUAL FOR THE STORMWATER MANAGEMENT UTILITY FEE AS DESCRIBED IN EXHIBIT "A" AND ATTACHED HERETO.** 20 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing establishing a credit policy manual to supplement the stormwater management utility fee. If enacted, the credit policy would provide a mechanism for property owners in the Township to invoke certain credits for which they may be eligible to offset their obligations under the stormwater management utility fee. In addition to defining the credits, the draft policy manual describes the process for applying for credits as well as additional information pertaining to the implementation of the program. The public hearing is scheduled for this evening but proposed action on the draft resolution is scheduled for Tuesday, February 16, 2021, after the conclusion of the consideration of the Stormwater Management Utility Fee Ordinance.

Staff Recommendation

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A PARTIAL EXEMPTION FOR AGRICULTURAL PROPERTIES FROM THE FERGUSON TOWNSHIP STORMWATER MANAGEMENT UTILITY FEE. 20 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing establishing a policy to provide a partial exemption to certain agricultural properties from the Ferguson Township Stormwater Management Utility Fee. The draft resolution limits the maximum fee assessed to Agricultural Properties to twice the median value of the assessment charged to all properties in the Township. For the purposes of the proposed ordinance, this would limit that exposure to two (2) Equivalent Residential Units (ERUs) for properties that meet the definition of Agricultural Use under Pennsylvania’s “Clean and Green” statute. It is notable that residential dwelling units situated on Agricultural Properties would be assessed one additional ERU per each residential dwelling unit and would not be restricted by the limit set by this policy. The public hearing is scheduled for this evening but proposed action on the draft resolution is scheduled for Tuesday, February 16, 2021, after the conclusion of the consideration of the Stormwater Management Utility Fee Ordinance.

Staff Recommendation

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

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING AN EXEMPTION POLICY FOR CERTAIN ECONOMIC HARDSHIPS AS DESCRIBED IN EXHIBIT “A”. 20 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing establishing a policy to provide an economic hardship exemption from the Ferguson Township Stormwater Management Utility Fee to property owners. The draft policy provides a full exemption to individuals and families earning less than or equal to two hundred percent (200%) of the federal poverty line annually, and a fifty percent (50%) exemption to individuals and families earning between two hundred percent (200%) and two hundred and fifty percent (250%) of the federal poverty line annually. The public hearing is scheduled for this evening but proposed action on the draft resolution is scheduled for Tuesday,

February 16, 2021, after the conclusion of the consideration of the Stormwater Management Utility Fee Ordinance.

Staff Recommendation

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

5. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING AN EXEMPTION POLICY FOR ELIGIBLE NON-PROFIT ORGANIZATIONS AS DESCRIBED IN EXHIBIT "A".

20 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing establishing a policy to provide a hardship exemption from the Ferguson Township Stormwater Management Utility Fee to certain eligible non-profit organizations. The policy requires applicants to demonstrate that the annual fee imposed to a property owned by the applicant organization to equal or exceed one percent (1%) of the organization's annual revenue. This can be demonstrated by the provision of the most current audited annual financial statements of the applicant organization. The public hearing is scheduled for this evening but proposed action on the draft resolution is scheduled for Tuesday, February 16, 2021, after the conclusion of the consideration of the Stormwater Management Utility Fee Ordinance.

Staff Recommendation

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

6. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A MAXIMUM FUND BALANCE PERMITTED TO ACCRUE IN FUND 20, STORMWATER

20 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing establishing a maximum fund balance permitted to accrue in Fund 20, Stormwater of the Township's Annual Operating Budget. The resolution limits fund balance to no more than thirty percent (30%) of budgeted expenditures in a fiscal year. Should the fund balance be projected to exceed the maximum allowable percentage of budgeted expenditures, the Board of Supervisors may reduce the rate per Equivalent Residential Unit by an amount that would offset the additional fund balance, or authorize one-time expenditure(s) to reduce the fund balance to a permitted level. The public hearing is scheduled for this evening but proposed action on the draft resolution is scheduled for Tuesday, February 16, 2021, after the conclusion of the consideration of the Stormwater Management Utility Fee Ordinance.

Staff Recommendation

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

7. THE COTTAGES AT STATE COLLEGE – POST-FINAL PLANNED RESIDENTIAL DEVELOPMENT PLAN AMENDMENT 10 minutes

Narrative

State College Apartments, LLC has submitted a request for amendments to their approved Final PRD Plan to include modifications to the landscaping plan. Trees were relocated from the top of the retaining wall to the bottom of the retaining wall adjacent to Swale 16 and behind Units 43 & 44. An updated Stormwater calculation and maintenance plan were requested by staff. Township Staff and consultants have reviewed the requested modifications and is recommending approval pending outstanding grading comments from Scott Brown, NTM Engineering.

Per §27-407, Planned Residential Development, 8. Post Final, the procedure to amend a Final PRD Plan after it has been approved is to request approval from the Board of Supervisors. Provided with the agenda is Sheet 14 highlighting the requested modifications.

Recommended motion: That the Board of Supervisors approve the post-final amendment to The Cottages at State College Planned Residential Development subject to compliance with all outstanding staff comments.

Staff Recommendation

That the Board of Supervisors **approve** the post-final PRD amendment.

8. CONTINUED DISCUSSION – WHITEHALL ROAD REGIONAL PARK

Narrative

The Board of Supervisors discussed the proposed scope of work for the Phase I development of the Whitehall Road Regional Park and its position on refinancing the regional park and pool loans. The Board reached consensus to support refinancing the loan and investing the savings back into the further development of Whitehall Road Regional Park contingent on the Centre Region Park and Recreation Authority committing to using the proceeds from the refinance to construct restrooms at the park. The COG Finance Committee met on February 1, 2021, to discuss the process to move forward with refinancing the loan and consider municipal comments. Mr. Miller has requested this item be added to the agenda to update the Board on that discussion and receive any additional input prior to the next meeting of the Finance Committee.

Staff Recommendation

That the Board of Supervisors **discuss** the Phase I development of Whitehall Road Regional Park

9. CONTINUED DISCUSSION – RECREATIONAL FIRE/OPEN BURN ORDINANCE AMENDMENT 20 minutes

Narrative

At the November 20, 2020, Regular Meeting, the Board of Supervisors directed staff to draft some guidelines to restrict open burn permits in residential zoning districts and to regulate recreational fires and smoking devices. Provided with the agenda is a draft ordinance prepared by Chief Chris Albright in consultation with the Centre Region Code Administration. Staff is still anticipating clarification on several outstanding issues relative

to the regulation of fireworks and the relationship between the ordinance and the Centre Region Building Safety and Property Maintenance Code. Once these items are resolved, a formatted version of the ordinance will be presented to the Board for authorization for a public hearing. No action is required by the Board this evening.

Staff Recommendation

That the Board of Supervisors *review and comment* on the draft ordinance.

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Donation Request – FT Senior Citizens Group
- b. Juniata Watershed Management Plan Update
- c. Treasurer’s Report – November 2020 for acceptance
- d. Treasurer’s Report – December 2020 for acceptance
- e. Voucher Report – December 2020
- f. Contract 2020-C4, Pay App #7, Suburban Park Permits: \$17,130.44

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

20 minutes

- a. Executive Committee
- b. Climate Action & Adaptation TAG
- c. Solar Power Purchase Agreement Working Group
- d. Finance Committee

2. OTHER COMMITTEE REPORTS

5 minutes

- a. Spring Creek Watershed Commission

3. STAFF REPORTS

15 minutes

- a. Manager’s Report
- b. Public Works Director
- c. Planning and Zoning Director

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – FEBRUARY

X. ADJOURNMENT