

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, July 20, 2020, 7:00 PM

Join Zoom Meeting:

<https://us02web.zoom.us/j/87323381489>

Meeting ID: 873 2338 1489

[Ferguson Meetings Page](#)

[Zoom Instructions](#)

Dial In: (814) 238-4651, extension 3799

I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. July 6, 2020, Board of Supervisors Regular Meeting

IV. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. Centre Area Transportation Authority Report – John Spychalski
- c. Centre Region Parks and Recreation Authority Report – Bill Keough

V. UNFINISHED BUSINESS

1. Review of DRAFT Workforce Housing Ordinance Amendment
2. Review of DRAFT Sign Ordinance Amendment
3. Review of DRAFT Domestic Keeping of Ducks Ordinance

VI. NEW BUSINESS

1. Consent Agenda
2. Request for Variance – 1278 Longfellow Lane
3. Resolution - Winter Maintenance Agreement with PennDOT for a Portion of Whitehall Road
4. Resolution - Grant of Easement to the University Area Joint Authority in Greenbriar/Saybrook Park
5. Resolution - Condemning Systemic Racism Related to Ethnicity and Skin Tone
6. Request for Modification/Waiver – Thistlewood Lot 19
7. Preliminary Land Development Plan – Thistlewood Lot 19
8. Board Member Request – Fire Code and Enforcement Discussion
9. Board Member Request – Universal Masking Resolution
10. Board Member Request – Northland Area Pedestrian Safety Improvements

VII. REPORTS

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

VIII. COMMUNICATIONS TO THE BOARD

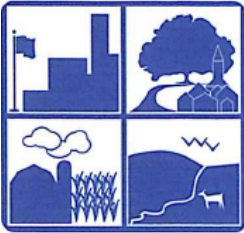
IX. CALENDAR ITEMS – JULY/AUGUST

- Ferguson Township CIP Special Meetings via Zoom, 6:00 p.m., July [21](#) & [22](#), 2020

X. ADJOURNMENT



Visit the Township's Web Site 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, July 20, 2020 7:00 P.M.

- I. **CALL TO ORDER**
- II. **CITIZEN'S INPUT**
- III. **APPROVAL OF MINUTES**
 - 1. July 6, 2020, Board of Supervisors Regular Meeting Minutes
- IV. **SPECIAL REPORTS** 30 minutes
 - 1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
 - 2. Centre Area Transportation Authority – John Spsychalski
 - 3. Centre Region Parks and Recreation Authority – Bill Keough
- V. **UNFINISHED BUSINESS**
 - 1. **REVIEW OF DRAFT WORKFORCE HOUSING ORDINANCE AMENDMENT** 30 minutes

Narrative

The Workforce Housing Ordinance is codified under Supplemental Regulations of Chapter 27 — Zoning, and applies to all zoning districts where the provision of workforce housing units is required or incentivized. Currently, the Township requires a contingent of workforce housing to be built in the Traditional Town Development (TTD) Zoning District and it is incentivized in the Terraced Streetscape (TS) District. The original ordinance was adopted in 2015 and achieves a very specific purpose of establishing a legacy workforce housing program through deed-restricted, owner-occupied units. Provided with the agenda is the draft amendment to the Workforce Housing Ordinance. This Ordinance would be applicable to the development or rehabilitation of ten or more residential dwelling units; conversion of an existing residential structure 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 within the TTD or TS Zoning Districts. It expands upon the legacy workforce housing program by allowing for rentals or owner-occupied units; and provides for workforce units to be built off-site, designated off-site, land donation, land and building donation and fee-in-lieu.

Recommended Motion: That the Board of Supervisors refer the draft Workforce Housing Ordinance amendment to the Planning Commission for review and comment.

Staff Recommendation

That the Board of Supervisors **refer** the draft ordinance to the Planning Commission.

2. REVIEW OF DRAFT SIGN ORDINANCE AMENDMENT

30 minutes

Narrative

The Planning & Zoning Department has drafted an ordinance amendment to update Chapter 19, Signs and Billboards. The intent of this chapter is to encourage the effective use of signs as a means of communication in the Township; to maintain and enhance the aesthetic environment and the Township's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; minimize the possible adverse effects of signs on nearby private property; enable the fair and consistent enforcement of these restriction; and protect the public health, safety, and general welfare. The last update to this ordinance was an amendment enacted in 2017. Planning Commission reviewed the draft at their May 11, 2020, and July 13, 2020, Regular Meetings and recommended approval to the Board of Supervisors pending outstanding comments made during the July 13th meeting. The draft has been updated to reflect those comments. A memorandum dated July 15, 2020, from the Director of Planning and Zoning summarizes the discussion by the Planning Commission during those meetings.

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on an ordinance amending Chapter 19, Signs and Billboards for August 17, 2020.

Staff Recommendation

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

3. REVIEW OF DRAFT DOMESTIC KEEPING OF DUCKS ORDINANCE

30 minutes

Narrative

On November 18, 2019, the Board of Supervisors discussed a request from a resident of Pine Grove Mills to allow for the domestic keeping of ducks in residential zoning districts. The consensus of the Board was to exclude the request from the adopted zoning and subdivision and land development ordinance amendments, and refer this to staff for further research. Staff has drafted an ordinance amendment to update Chapter 27, Section 720, Domestic Chickens to §27-720, Domestic Chickens and Ducks. The Planning Commission reviewed the draft amendment at their July 13, 2020 Regular Meeting and had concerns of the amendment due to its potential to spread viral infections such as Avian Influenza (H5N1). The Planning Commission recommended approval to the Board of Supervisors pending outstanding comments made during the July 13, 2020 Regular Meeting. The draft has been updated to reflect those comments. A memorandum dated July 15, 2020, included with the agenda from Kristina Aneckstein, Community Planner, summarizes the discussion by the Planning Commission.

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on an ordinance amending Chapter 27, Section 720, Domestic Chickens for August 17, 2020.

Staff Recommendation

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

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. 2020-C1-Street Improvement-North, Pay Application #1: \$321,293.62
- b. 2020-C2-Street Improvement-West, Pay Application #1: \$46,474.89
- c. 2020-C6-Curb/Ramp Upgrades, Pay Application #1: \$64,330.42
- d. 2020-C6-Curb/Ramp Upgrades, Pay Application #2: \$7,147.83
- e. Voucher Report – June 2020
- f. Treasurer's Report – May 2020 for acceptance

2. REQUESTS FOR VARIANCE

5 minutes

- a. 1278 Longfellow Lane

Narrative

The Zoning Hearing Board will hold a public hearing to review and take action on the Request for Variance received from Dan Baxter regarding his property located at 1278 Longfellow Lane (24-432-108). The applicant is requesting a variance from §27-209.I.1. to place a swimming pool fifteen feet into the required two hundred-foot agricultural buffer. The property is located in the R1-B Zoning District.

Recommended Motion: That the Board of Supervisors remain neutral on the request for variance for 1278 Longfellow Lane.

Staff Recommendation

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

3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A WINTER MAINTENANCE AGREEMENT WITH THE PENNSYLVANIA DEPARTMENT OF TRANSPORTATION FOR A PORTION OF STATE ROUTE 3018 (WHITEHALL ROAD).

10 minutes

Narrative

For over ten years, Ferguson Township Public Works has performed winter maintenance on a section of SR3018 (Whitehall Road) from SR26 (West College Avenue) to the Ferguson Township/State College Borough line at Blue Course Drive for a fee, and in accordance with a formula determined by PennDOT as outlined in a winter maintenance agreement. Ferguson Township plow trucks will traverse this section of road with or without the agreement in place. If the agreement is not in place, the trucks will keep the blades up and not apply salt. Other municipalities maintain the sections of Whitehall Road and University Drive in their respective municipalities per their own agreements. The Township receives a small financial consideration in exchange for the services. Provided with the agenda is a copy of the resolution advertised for public hearing authorizing the Chairman and Secretary to execute a five-year extension of the agreement. Staff is recommending adoption of the resolution and approval of the agreement extension.

Recommended Motion: That the Board of Supervisors adopt the resolution authorizing the Chairman and Secretary to execute a winter maintenance agreement with the Pennsylvania Department of Transportation for a portion of State Route 3018 (Whitehall Road).

Staff Recommendation

That the Board of Supervisors *adopt* the resolution.

4. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIRMAN AND SECRETARY TO EXECUTE A GRANT OF EASEMENT TO THE UNIVERSITY AREA JOINT AUTHORITY FOR SANITARY SEWER.

10 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing conveying a sanitary sewer easement to the University Area Joint Authority to provide a service lateral to property located at 2566 Apple Green Circle. The easement would be through a portion of Greenbriar/Saybrook Park and

would be conveyed to provide sewer service with less disturbance to trees and other obstacles on the property. Appended to the resolution is an illustration of the easement area.

Recommended Motion: That the Board of Supervisors adopt the resolution authorizing the Chairman and Secretary to execute a grant of easement to the University Area Joint Authority for sanitary sewer.

Staff Recommendation

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

5. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CONDEMNING SYSTEMIC RACISM RELATED TO ETHNICITY AND SKIN TONE. 10 minutes

Narrative

At the Regular Meeting of the Board of Supervisors on Monday, July 6th, the Board directed staff to draft a resolution reaffirming its 2017 resolution expanding its commitment to equity and inclusion; and condemning systemic racism related to ethnicity and skin tone. Provided with the agenda is a draft prepared for the Board's consideration this evening.

Recommended Motion: That the Board of Supervisors adopt the resolution condemning systemic racism related to ethnicity and skin tone.

Staff Recommendation

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

6. REQUEST FOR MODIFICATION / WAIVER - THISTLEWOOD LOT 19 10 minutes

Narrative

Staff has received a Request for Modification/Waiver from Penn Terra Engineering on behalf of Eric Reischer, property owner of Thistlewood Lot 19. The request is for relief from §22-510.B.2a Erosion and Grading Control, §22-510.B.2b Erosion and Grading Control and §22-510.B.3 Erosion and Grading Control. Lot 19 is an existing lot mostly sitting on slopes greater than 25%. This slope is defined as a steep slope by the Ferguson Township Ordinance. §22-510.B.2 Erosion and Grading Control states that no excavation shall be made resulting in a slope steeper than a 3:1 ratio. §22-510.B.3 Erosion and Grading Control states that in all cases, the edge of excavation or fill shall be a minimum of five feet from property lines of developed lots. The steep slope makes grading on the lot a challenge. Additionally, there is a conservation area located in the northeastern corner of the lot where grading is prohibited. Included with the agenda is a memorandum dated June 22, 2020, from Kristina Aneckstein, Community Planner, for more details regarding each section of the ordinance from which relief is being requested and an exhibit detailing the lot. The Planning Commission reviewed this request at their July 13, 2020, regular meeting and recommended that the Board of Supervisors grant the modification for Erosion and Grading Controls as requested by the applicant.

Recommended Motion: That the Board of Supervisors approve the modification as recommended in the Community Planner's memorandum dated June 22, 2020.

Staff Recommendation

That the Board of Supervisors **approve** the modification.

7. PRELIMINARY LAND DEVELOPMENT PLAN - THISTLEWOOD LOT 19 10 minutes

Narrative

Provided with the agenda is a copy of the land development plan submitted by PennTerra Engineering, Inc., on behalf of their client, Eric Reischer. The plan proposes the construction of a single-family home, approximately 925-square feet on Lot 19 (180 Treetops Drive; T.P. 24-746-007) within the Thistlewood Development. As per the Thistlewood Subdivision Plan dated September 24, 2004, revised March 16, 2005, certain lots are required to complete a land development plan because of the topography, conservation easements, soil types, potential sinkhole development, and wetlands at the development location. Lot 19 is situated in an area where sinkhole development, flooding and drainage problems may arise. Therefore, an indemnity or “hold harmless” agreement must be submitted along with the plan. The parcel is 1.816 acres and is zoned Rural Residential (RR). Due to the severe slope on this property, a waiver request was submitted for relief from select erosion and grading controls to allow for construction of the home. The Planning Commission reviewed this request at their July 13, 2020, Regular Meeting and recommended that the Board of Supervisors approve the preliminary land development plan for Thistlewood Lot 19. Included with the agenda is a memorandum dated July 15, 2020, from the Director of Planning and Zoning summarizing the proposed land development plan and outstanding comments.

Recommended Motion: That the Board of Supervisors approve the preliminary land development plan as recommended in the Planning & Zoning Director’s memorandum dated July 15, 2020, for Thistlewood Lot 19.

Staff Recommendation

That the Board of Supervisors **approve** the preliminary land development plan.

8. BOARD MEMBER REQUEST – FIRE CODE AND ENFORCEMENT DISCUSSION

10 minutes

Narrative

Ms. Dininni will introduce the item. At the Regular Meeting on July 6th, the Board of Supervisors approved a Board Member request to add an agenda item to direct staff to prepare a report on fire safety regulations from the Ferguson Township Police Department and the Centre Region Code Administration. Additionally, the item requests the Board consider any desired policy changes and the development of a resident guide to help understand applicable fire safety regulations after the report is received. Provided with the agenda is a copy of the request from Ms. Dininni.

Recommended Motion: That the Board of Supervisors direct staff to prepare a report on fire safety regulations from the Ferguson Township Police Departments and the Centre Region Code Administration.

9. BOARD MEMBER REQUEST – UNIVERSAL MASKING RESOLUTION

10 minutes

Narrative

Ms. Strickland will introduce the item. At the Regular Meeting on July 6th, the Board of Supervisors approved a Board Member request to add an agenda item to discuss a resolution affirming and endorsing the Governor’s masking and social distancing recommendations to prevent the spread of COVID-19. Additionally, the Board is asked to consider enacting an ordinance or other measures the Township is permitted to pursue to enforce the order. Other localities including Centre County and State College Borough are considering similar regulations.

Recommended Motion: That the Board of Supervisors direct staff to draft a resolution affirming and endorsing the Governor’s masking and social distancing recommendations to prevent the spread of COVID-19.

10. BOARD MEMBER REQUEST – NORTHLAND AREA PEDESTRIAN SAFETY IMPROVEMENTS
10 minutes

Narrative

Ms. Dininni will introduce the item. At the Regular Meeting on July 6th, the Board of Supervisors approved a Board Member request to add an agenda item to discuss options available to improve pedestrian safety in the area from the intersection of Park Crest Boulevard and Martin Street to the front of the Northland Center. Provided with the agenda are the documents requested by Ms. Dininni to guide the discussion. Below is a link to the Northland Area Mobility Study approved by the Board on May 6, 2019.

[Northland Area Mobility Study Report](#)

VII. STAFF AND COMMITTEE REPORTS

- | | |
|--------------------------------------|------------|
| 1. COG COMMITTEE REPORTS | 10 minutes |
| a. Ad Hoc Facilities Committee | |
| b. Finance Committee | |
| 2. OTHER COMMITTEE REPORTS | 15 minutes |
| a. Joint Parks Capital-CRPRA Meeting | |
| b. CCMPO Technical Committee | |
| c. Spring Creek Watershed Commission | |
| 3. STAFF REPORTS | 20 minutes |
| a. Manager’s Report | |
| b. Public Works Director | |
| c. Planning & Zoning Director | |
| d. Chief of Police | |

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – JULY/AUGUST

- a. Ferguson Township CIP Special Meetings via Zoom, 6:00 p.m., July [21](#) & [22](#), 2020

X. ADJOURNMENT