

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, August 17, 2020, 7:00 PM

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<https://us02web.zoom.us/j/88930025968>
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Dial In: (814) 238-4651, extension 3799

I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. August 3, 2020, Board of Supervisors Regular Meeting

IV. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. State College Borough Water Authority – Ford Stryker
- c. Stormwater Fee Study Phase II Presentation – Elizabeth Treadway, Wood

V. UNFINISHED BUSINESS

1. Public Hearing Ordinance amending Ch. 19, Signs and Billboards
2. Public Hearing Ordinance amending Ch. 27, Zoning; Section 720, Domestic Chickens and replacing with Domestic chickens and Ducks
3. Authorizing Advertisement of a Public Hearing on Temporary Emergency Ordinance requiring Face Coverings and implementing regulations to reduce the risk of transmitting COVID-19.

VI. NEW BUSINESS

1. Consent Agenda
2. Zoning/Variance Request: 2437 West Gatesburg Road
3. Honoring efforts of Ferguson Township Police Department in attaining Reaccreditation from PA Law Enforcement Accreditation Commission
4. Review of 2020 COG Program Plan and 2020-2024 Capital Improvement and Replacement Plan
5. Continued Review of Workforce Housing Ordinance Amendment
6. Certification of 2021 Minimum Municipal Obligation for Police Pension and Non-Uniformed Pension Funds
7. Request for Support - Acquisition of the Dry Hollow Hunting Club

VII. REPORTS

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

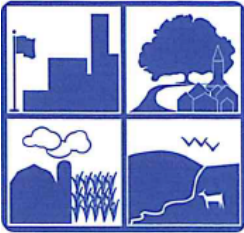
VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – AUGUST/SEPTEMBER

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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Board of Supervisors Regular Meeting Agenda Monday, August 17, 2020 7:00 P.M.

I. CALL TO ORDER

II. CITIZEN'S INPUT

III. APPROVAL OF MINUTES

1. August 3, 2020, Board of Supervisors Regular Meeting Minutes

IV. SPECIAL REPORTS

60 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. State College Borough Water Authority – Ford Stryker
3. Stormwater Fee Study Phase II Presentation – Elizabeth Treadway, Wood

V. UNFINISHED BUSINESS

1. **A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING CHAPTER 19, SIGNS AND BILLBOARDS BY REPEALING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 19, SIGNS AND BILLBOARDS.** 20 minutes

Narrative

Provided with the agenda is a copy of the Chapter 19, Signs and Billboards ordinance as advertised for the public hearing. The document has been available for inspection at the Township Office, as well as online on the Ferguson Township website. 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 restrictions, 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. The Board of Supervisors reviewed this draft during the July 20, 2020, meeting and provided input. That input is reflected in the advertised ordinance.

Recommended Motion: That the Board of Supervisors adopt the ordinance amending Chapter 19, Signs and Billboards by repealing it in its entirety and replacing it with a new Chapter 19, Signs and Billboards.

Staff Recommendation

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

2. A PUBLIC HEARING ON AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AMENDING CHAPTER 27, ZONING; SECTION 720, DOMESTIC CHICKENS BY REPEALING IT IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 27, ZONING; SECTION 702, DOMESTIC CHICKENS AND DUCKS. 20 minutes

Narrative

Provided with the agenda is a copy of Chapter 27, Section 720, Domestic Chickens and Ducks as advertised for the public hearing. The document has been made available for inspection at the Township Office, as well as online on the Ferguson Township website. The intent of this section is to establish regulations for the keeping of chickens and ducks on residentially zoned properties. This section established standards and enforcement authority that ensure that domesticated chickens and/or ducks do not adversely impact the neighborhood surrounding the property on which the chickens and/or ducks are kept. Planning Commission reviewed the draft at their July 13, 2020, regular meeting and recommended approval to the Board of Supervisors. The Board of Supervisors reviewed this draft during the July 20, 2020, meeting and provided input. That input is reflected in the advertised ordinance. Centre Regional Planning Commission (CRPC) reviewed the draft ordinance at their August 6, 2020, meeting and supports the proposed amendments. Included with the agenda is their review letter.

Recommended Motion: That the Board of Supervisors adopt the ordinance amending Chapter 27, Zoning; Section 702, Domestic Chickens by repealing it in its entirety and replacing it with a new Chapter 27, Zoning; Section 702, Domestic Chickens and Ducks.

Staff Recommendation

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

3. AUTHORIZATION OF ADVERTISEMENT OF A PUBLIC HEARING ON A TEMPORARY EMERGENCY ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA, REQUIRING THE WEARING OF FACE COVERINGS AND IMPLEMENTING ADDITIONAL REGULATIONS TO REDUCE THE RISK OF TRANSMISSION OF THE COVID-19 VIRUS. 20 minutes

Narrative

At the Regular Meeting held on August 3rd, the Board of Supervisors directed staff to draft an ordinance to enforce the Governor's directives for review at an upcoming Regular Meeting. Provided with the agenda is a drafted Temporary Emergency Ordinance designed to enforce the use of wearing face coverings and additional safety regulations to reduce the risk of transmission of the COVID-19 virus. Included with the agenda is also a copy of the letter received by Penn State President Eric Barron asking the Township to consider passing a public health ordinance to enforce the Pennsylvania Department of Health's mandate on wearing face coverings and practicing social distancing. The Board of Supervisors is asked to consider adoption of this Temporary Emergency Ordinance requiring the wearing of face coverings and implementing additional regulations on Tuesday, September 8th.

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on a temporary emergency ordinance requiring the wearing of face coverings and implementing additional regulations to reduce the risk of transmission of the COVID-19 virus for Tuesday, September 8th.

Staff Recommendation

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

4. CONTINUED REVIEW OF WORKFORCE HOUSING ORDINANCE AMENDMENT

30 minutes

Narrative

This evening, the Board is being asked to provide input on the intended goals and outcomes of the Workforce Housing Ordinance amendment to assist staff in writing the draft amendment. 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 is incentivized in the Terraced Streetscape (TS) Zoning 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. The following questions may be considered to guide the Board's discussion:

- Incentives for workforce housing provision?
- Workforce Housing Options —Does the Board want to allow applicants to take advantage of a certain number of options or unlimited?
- What percentage of a development can be offered as fee-in?
- Payment of fee-in-lieu?
- Rentals or for-sale units?
 - Are we requiring a certain percentage of each to be built?
 - Do we want to include requirements for affordability at certain percentages for each Area Median Income (AMI) household?

Jenna Wargo, Director of Planning & Zoning, will introduce the topic. It is important to reiterate that the discussion this evening is intended to guide staff in drafting the amendment and is focused on specific sections of the ordinance. The Board's responses will be valuable in preparing the draft for review by the Planning Commission.

Staff Recommendation

That the Board of Supervisors **discuss** the goals for Workforce Housing Ordinance Amendment.

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Special Events Permit – 2020 You Matter 5K
- b. Special Events Permit – Cranksgiving
- c. Voucher Report – July 2020

2. ZONING APPEALS/REQUESTS FOR VARIANCE

5 minutes

- a. Zoning Variance – 2437 West Gatesburg Road

Narrative

Thomas J. Whitehill of 2437 West Gatesburg Road, Warriors Mark, PA (24-005-017A) is requesting a variance from §27-205.1 District Regulations to construct a 40' x 60' accessory structure approximately 10' from the rear property boundary. The required yard setback in the Rural Agricultural (RA) District for a single-family lot is 50'.

Recommended Motion: That the Board of Supervisors remain neutral on the variance for 2437 West Gatesburg Road.

Staff Recommendation

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

3. A PRESENTATION RECOGNIZING AND HONORING THE EFFORTS OF THE FERGUSON TOWNSHIP POLICE DEPARTMENT IN ATTAINING REACCREDITATION FROM THE PENNSYLVANIA LAW ENFORCEMENT ACCREDITATION COMMISSION

10 minutes

Narrative

On August 4, 2020, the Pennsylvania Law Enforcement Accreditation Commission formally recognized the Ferguson Township Police Department with a Certificate of Re-accreditation. In Pennsylvania, there are roughly 1,200 police departments. Only 145 of those departments are accredited. There accreditation program currently has 140 professional standards and 100 sub-sections within those standards. An agency must prove that its policies meet the standards, that training is provided on those policies and that those policies are followed and properly documented. The process requires a continual evaluation of policies and practices. The program requires a commitment from every member of the police department. Our Accreditation Manager, Sergeant Devon Moran, was and continues to be an integral part of the accreditation process.

Staff Recommendation

That the Board of Supervisors *receive* the presentation.

4. REVIEW OF THE 2020 CENTRE REGION COUNCIL OF GOVERNMENTS PROGRAM PLAN AND 2020 - 2024 CAPITAL IMPROVEMENT AND REPLACEMENT PLAN

45 minutes

Narrative

On July 27th, the COG General Forum referred the 2021 COG Program Plan and the 2021 – 2025 COG Capital Improvement and Replacement Plan to the member municipalities for review and comment. Board members have received printed copies of the draft 2021 COG Program Plan and digital copy can be found at the link below along with link to the 2021 – 2025 Capital Improvement and Replacement Plan. As has been done in prior years, COG staff has prepared a Comment Guide to help facilitate and organize municipal comments on the plan. The Comment Guide has been attached to the agenda. Mr. Miller will introduce the item. Board members are asked to give consensus on any comments made and then move that the Township Manager forward all of the comments to the COG Executive Director. Comments have been requested by August 16th. A representative from COG Administration staff will be present to answer any questions the Board may have.

[DRAFT COG 2021 Program Plan](#)

[DRAFT COG 2021 – 2025 Capital Improvement and Replacement Plan](#)

Recommended motion: That the Board of Supervisors direct the Township Manager to forward the Board's comments on the 2021 COG Program Plan and the 2021 – 2025 Capital Improvement and Replacement Plan to the COG Executive Director by August 20, 2020.

Staff Recommendation

That the Board of Supervisors *review and comment* on the 2021 COG Program Plan.

5. CERTIFICATION OF THE 2021 MINIMUM MUNICIPAL OBLIGATION FOR THE POLICE PENSION FUND AND THE NON-UNIFORMED PENSION FUND

5 minutes

Narrative

In accordance with PA Act 205, provided with the agenda is a memorandum from the Township Manager dated August 17, 2020 describing the anticipated Minimum Municipal

Obligation for the Police and Non-Uniformed Pension Plans for 2021. Act 205 requires the Chief Administrative Officer for the pension plans to provide the governing body with the MMO for the upcoming year by September 30th. The total municipal pension cost is estimated to be \$380,321 for the Police Pension Plan and \$270,000 for the Non-Uniformed Pension Plan. The State Aid Unit Value has not been provided at the time of this discussion so the net cost to the Township, represented by the total municipal pension cost minus the State Aid Unit Value multiplied by the number of participants in each plan cannot be presently determined. This item is for information only and no action is required by the Board.

Staff Recommendation

That the Board of Supervisors **receive** the memorandum outlining the 2021 certifications of the pension funds' minimum municipal obligations.

6. REQUEST FOR SUPPORT - ACQUISITION OF THE DRY HOLLOW HUNTING CLUB

5 minutes

Narrative

ClearWater Conservancy requests support for the acquisition and transfer transaction of the Dry Hollow Hunting Club property. The Dry Hollow Hunting Club property is 1,271 acres located in Centre and Huntingdon Counties. Approximately 226 acres, or 18 percent, of the property lies in Ferguson Township. Dry Hollow is 1.5 times the size of Central Park in New York City and represents a rare opportunity to convey such a large plot of Scotia Barrens type habitat into a publicly accessible resource. ClearWater Conservancy has approached other Centre Region municipalities for support. Provided with the agenda is a draft letter of support prepared to Secretary Cindy Dunn with the Pennsylvania Department of Conservation and Natural Resources if approved by the Board this evening. ClearWater Conservancy is not asking for financial support but instead a show of support in the form of a letter is being requested by the Board.

Recommended Motion: That the Board of Supervisors authorize a letter of support for ClearWater Conservancy to pursue the acquisition and transfer transaction of Dry Hollow Hunting Club property.

VII. STAFF AND COMMITTEE REPORTS

- 1. **COG COMMITTEE REPORTS** 15 minutes
 - a. Ad Hoc Facilities Committee
 - b. Public Services & Environmental Committee
 - c. Public Safety Committee

- 2. **OTHER COMMITTEE REPORTS** 5 minutes

- 3. **STAFF REPORTS** 20 minutes
 - a. Manager's Report (verbal report)
 - b. Public Works Director
 - c. Planning & Zoning Director
 - d. Chief of Police

VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – AUGUST/SEPTEMBER

X. ADJOURNMENT