

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, September 21, 2020, 7:00 PM

Join Zoom Meeting:
<https://us02web.zoom.us/j/84415679219>
Meeting ID: 844 1567 9219
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Dial In: (814) 238-4651, extension 3799

I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

1. September 8, 2020, Board of Supervisors Regular Meeting

IV. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. Crisis Intervention Training Report – Tracy Small, Centre County CIT Coordinator

V. UNFINISHED BUSINESS

1. Public Hearing – Ordinance on Temporary COVID-19 Safety Regulations
2. PA Liquor Control Board Noise Exemption Process Discussion
3. Review Draft Green Infrastructure Policy

VI. NEW BUSINESS

1. Consent Agenda
2. Board Member Request – HR 763 Support Resolution
3. Establishment of Vacancy Period for Township Authorities, Boards and Commissions

VII. REPORTS

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

VIII. COMMUNICATIONS TO THE BOARD

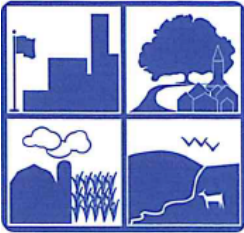
IX. CALENDAR ITEMS – SEPTEMBER/OCTOBER

1. Saturday, October 3rd, Virtual Coffee and Conversation

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, September 21, 2020
7:00 P.M.**

I. CALL TO ORDER

II. CITIZEN'S INPUT

III. APPROVAL OF MINUTES

1. September 8, 2020, Board of Supervisors Regular Meeting Minutes

IV. SPECIAL REPORTS

20 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. Crisis Intervention Training Report – Tracy Small, Centre County CIT Coordinator

V. UNFINISHED BUSINESS

- 1. 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.**

10 minutes

Narrative

Provided with the agenda is a copy of the temporary emergency ordinance advertised for public hearing prescribing additional regulations and restrictions relative to the enforcement of public health and safety protocol in response to the COVID-19 pandemic. The Board reviewed a draft ordinance on Tuesday, September 8th and elected to continue to the public hearing to reflect some revisions that were offered by the Board and the public. Additional provisions added to the amendment include restrictions on indoor and outdoor gathering sizes and associated exemptions. The ordinance, if enacted, would take effect within five (5) days of adoption to allow for adjustments to be made by local property owners as needed.

Recommended Motion: That the Board of Supervisors adopt the temporary emergency ordinance requiring the wearing of face coverings and implementing additional regulations to reduce the risk of transmission of the COVID-19 virus.

Staff Recommendation

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

2. PENNSYLVANIA LIQUOR CONTROL BOARD NOISE EXEMPTION PROCESS DISCUSSION 20 minutes

Narrative

On August 3rd, the Board of Supervisors adopted a resolution granting a request for a noise exemption to Pine Grove Hall. Under the Pennsylvania Liquor Code, a municipality may petition for an exemption from Section 493(34) of the Code and elect to replace the Pennsylvania Liquor Control Board (PLCB) restrictions with its own noise ordinance. This may be done for licensed establishments within a defined geographic area of the municipality. The Township's noise ordinance protects adjoining property owners from nuisance noise and provides the Township with the ability to enforce and ameliorate any violations; however, it is less restrictive with respect to audible noise levels at the property line than the PA Liquor Code. Staff is recommending that the Board petition the PLCB for a municipal-wide exemption from that provision and opt to enforce its own noise ordinance in its place. Prior to that, a public hearing must be scheduled with the PLCB within the proposed exempted area. If the Board is interested in proceeding, staff will work with the PLCB to schedule a public hearing on an agreeable date and location that can accommodate social distancing and public safety protocol. Provided with the agenda is a copy of the appropriate references in the PA Liquor Code, the Township's noise ordinance, and the adopted resolution pertaining to Pine Grove Hall.

The provision of the PA Liquor Code subject to the exemption request reads as follows:

(34) Noise. Notwithstanding any law or regulation to the contrary, a licensee may not use or permit to be used inside or outside of the licensed premises a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard beyond the licensee's property line; however, any licensee that is located in an area which is subject to an exemption from the board's regulation regarding amplified music being heard off the licensed premises shall be exempt from compliance with this paragraph until the expiration of the board's order granting the exemption. The board's regulation regarding amplified music being heard off the licensed premises is otherwise superseded by this paragraph.

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on a Township-wide noise exemption for licensed establishments under the Pennsylvania Liquor Code.

Staff Recommendation

That the Board of Supervisors **authorize** advertisement of a public hearing on a Township-wide noise exemption for licensed establishments under Pennsylvania Title 40 – Liquor Control Board.

3. REVIEW OF DRAFT GREEN INFRASTRUCTURE POLICY 30 minutes

Narrative

The Township receives requests by residents, staff, and the Board to convert passive areas within parks to low-no/mow areas. Examples include Cecil Irvin Park, Fairbrook Park, Tudek Park and Haymarket Park. For each example provided, a different process has been facilitated for the conversion based on the nature of the situation and because there is no policy that exists to inform on how to process requests and manage a maintenance plan for approved low-no/mow areas within Township Parks. Attached with the Agenda is a drafted Green Infrastructure Policy prepared by staff and reviewed by the Parks and

Recreation Committee. Also provided with the agenda are the comments reviewed by the Parks and Recreation Committee.

Staff Recommendation

That the Board of Supervisors *review and comment* on the DRAFT Green Infrastructure Policy.

VI. NEW BUSINESS

1. CONSENT AGENDA

5 minutes

- a. Award 2020-C1, Pay App 2, Street Improvements-North: \$40,948.69
- b. Award 2020-C2, Pay App 2, Street Improvements-West: \$59,480.81
- c. Award 2020-C8, Pay App 4, Pavement Markings: \$942.35
- d. Award 2018-C26, Final, Traffic Signal Phasing Changes: \$29,994.57
- e. Award 2018-PWGGd, Pay App 5-Electrical: \$15,488.80
- f. Award 2018-PWGGb, Pay App 3-Plumbing: \$24,405.50
- g. Award 2018-PWGGa, Pay App 5-General: \$209,304.00
- h. Board Member Request – Whitehall Road Regional Park Project

2. BOARD MEMBER REQUEST – HR 763 SUPPORT RESOLUTION

10 minutes

Narrative

A resident of Pine Grove Mills has requested that Ferguson Township pass a resolution in support of HR #763, the Energy Innovation and Carbon Dividend Act. Ferguson Township passed a Greenhouse Gas Emissions Reduction Resolution in 2017, committing our Township to a role of climate leadership and to reducing our own emissions as quickly as feasible. A national price on carbon would make our local efforts more cost-competitive and thus accelerate our progress towards this goal. Provided with the agenda is a copy of the draft resolution proposed for consideration.

The following are the details of the proposed bill:

- Place a steadily increasing price on carbon fuels at their source (the well, mine, or port);
- Reduce American emissions by 40% in the first twelve years;
- Revenue neutral; does not grow the size of government;
- Improve health and save lives by reducing pollution;
- Create 2.1 million new jobs over a ten-year period;
- More information is available at <https://energyinnovationact.org>

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on a resolution in support of House Resolution 763, the Energy Innovation and Carbon Dividend Act.

3. ESTABLISHMENT OF VACANCY PERIOD FOR TOWNSHIP AUTHORITIES, BOARDS AND COMMISSIONS

5 minutes

Narrative

Provided with the agenda is a list of upcoming vacancies as of December 31, 2020 on the Township's Authorities, Boards, and Commissions. Additionally, the Board's policy on ABC appointments is also attached to the agenda. The Board is asked to open an application

period for interested volunteers so that applications may be collected in advance of scheduling interviews.

Recommended Motion: That the Board of Supervisors authorize the Township Manager to open an application period for vacancies on Township Authorities, Boards, and Commissions from October 1, 2020 through November 1, 2020.

Staff Recommendation

That the Board of Supervisors **authorize** the Township Manager to open an application period for ABC vacancies.

VII. STAFF AND COMMITTEE REPORTS

- 1. **COG COMMITTEE REPORTS** 10 minutes
 - a. Finance Committee
 - b. Transportation & Land Use Committee

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

- 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 – SEPTEMBER/OCTOBER

- 1. Saturday, October 3rd, Virtual Coffee and Conversation

X. ADJOURNMENT