

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Monday, October 19, 2020, 7:00 PM

Join Zoom Meeting:

<https://us02web.zoom.us/j/83307659142>

Meeting ID: 833 0765 9142

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I. CALL TO ORDER

II. CITIZENS INPUT

III. APPROVAL OF MINUTES

- October 5, 2020, Board of Supervisors Regular Meeting Minutes
- October 7, 2020, Board of Supervisors Regular Meeting Minutes
- September 23, 2020, Board of Supervisors Special Meeting Minutes

IV. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. Centre Area Transportation Authority
- c. Schlow Centre Region Library Report

V. UNFINISHED BUSINESS

1. Public Hearing - Resolution Petitioning PA Liquor Control Board for Noise Exemption
2. Public Hearing – HR 763 Support Resolution
3. Authorization for Public Hearing - Stormwater Management Utility Fee Ordinance
4. Continued Discussion - Draft Workforce Housing Ordinance Amendment

VI. NEW BUSINESS

1. Consent Agenda
2. Public Hearing - Resolution Adopting a Sidewalk Snow Removal Map
3. Review of Draft Parks and Recreation Ordinance Amendment
4. Authorization for PA Liquid Fuels Grant Application Submittal

VII. REPORTS

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

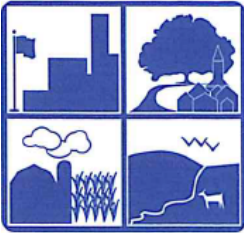
VIII. COMMUNICATIONS TO THE BOARD

IX. CALENDAR ITEMS – OCTOBER / NOVEMBER

X. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**Board of Supervisors
Regular Meeting Agenda
Monday, October 19, 2020
7:00 P.M.**

- I. CALL TO ORDER**
- II. CITIZEN'S INPUT**
- III. APPROVAL OF MINUTES**
 - 1. October 5, 2020, Board of Supervisors Regular Meeting Minutes
 - 2. October 7, 2020, Board of Supervisors Regular Meeting Minutes
 - 3. September 23, 2020, Board of Supervisors Special Meeting Minutes
- IV. SPECIAL REPORTS** 25 minutes
 - 1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
 - 2. Centre Area Transportation Authority – John Spsychalski
 - 3. Schlow Centre Region Library Report – Susan Werner
- V. UNFINISHED BUSINESS**
 - 1. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE SUBMISSION OF A PETITION TO THE PENNSYLVANIA LIQUOR CONTROL BOARD TO SUBSTITUTE THE MUNICIPAL NOISE ORDINANCE FOR SECTION 493(34) OF THE PENNSYLVANIA LIQUOR CODE IN LICENSED ESTABLISHMENTS LOCATED IN FERGUSON TOWNSHIP.** 10 minutes

Narrative

Provided with the agenda is a copy of a resolution advertised for public hearing affirming the Board's intent to file and support of a petition to the Pennsylvania Liquor Control Board to substitute the Township's noise ordinance for the regulations promulgated under Section 493(34) of the Pennsylvania Liquor Code. In August, the Board adopted a resolution in support of the same for the property doing business as Pine Grove Hall in Pine Grove Mills. However, upon further consultation with counsel for the Pennsylvania Liquor Control Board, it was clarified that the petition must come from the host municipality. The PA Liquor Code does not permit any audible noise from a licensed establishment at the property line. The Township has restrictions on decibels measurable at the property line, but generally does not prohibit any audible noise. It is recommended that the Board adopt the attached resolution and submit it along with the petition to the PA Liquor Control Board (PLCB) to substitute its noise ordinance in lieu of the applicable PA Liquor Code provisions for all licensed establishments in Ferguson Township. The relevant section of the PA Liquor Code describing the process to petition for an exemption is also

attached to the agenda. Following the submittal, the PLCB will schedule a public hearing at a physical location in the proposed exempted area prior to consideration of approving the request.

Recommended Motion: That the Board of Supervisors adopt the resolution authorizing the submission of a petition to the Pennsylvania Liquor Control Board to substitute the municipal noise ordinance for Section 493(34) of the Pennsylvania Liquor Code in licensed establishments located in Ferguson Township.

Staff Recommendation

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

2. A PUBLIC HEARING ON RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA CALLING ON THE UNITED STATES CONGRESS TO ADDRESS CLIMATE CHANGE BY PASSING THE ENERGY INNOVATION AND CARBON DIVIDEND ACT. 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 adopt the resolution calling on the United States Congress to address climate change by passing the Energy Innovation and Carbon Dividend Act.

Staff Recommendation

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

3. AUTHORIZATION FOR PUBLIC HEARING - STORMWATER MANAGEMENT UTILITY FEE ORDINANCE 60 minutes

Narrative

At the October 5th regular meeting of the Board of Supervisors, the public hearing on stormwater management utility fee was closed and the Board did not vote on the ordinance. Rather, the Board directed staff to report back with additional information. Staff revised the billing structure to reflect 3 options for consideration: option 1) a 500 sq. ft. billing unit; option 2) a 1,000 sq. ft. billing unit; and option 3) an ERU (equivalent residential unit = 3,097 SF). In addition, the "billing unit table" was revised to reflect the motion at the

October 5th meeting to cap the fee on working farm properties with 30 percent or less impervious area to twice the mean billing unit of all parcels. Provided with the agenda is a copy of the revised draft ordinance and below is a link to the updated billing unit table. Also provided with the agenda is a matrix describing some hardship policies that have been enacted in other communities that have established a stormwater management utility fee.

- [Stormwater Management Utility Fee Revised Billing Unit Table](#)

Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on the stormwater management utility fee ordinance for _____.

Staff Recommendation

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

4. A CONTINUED DISCUSSION ON THE DRAFT WORKFORCE HOUSING ORDINANCE AMENDMENT 30 minutes

Narrative

At the October 7, 2020 Board meeting, the draft Workforce Housing Ordinance was discussed, and staff was directed to update the ordinance based on that meeting. Included with the agenda is the updated draft Workforce Housing Ordinance and the following has been updated to reflect that meeting:

- §27-716.6.b.1. Accommodations—Built, for-sale Workforce Dwelling Units are only eligible for bonus market rate units;
- §27-716.6.d.ii. Workforce Dwelling Units must be occupied by the income qualified individual and/or family and must be the principal place of residence; and
- §27-716.10.a.ii. Rental Dwelling Units—After a year of actively advertising the Workforce Unit, no fee-in-lieu payment will be required to be paid to the Township for rental units to be removed from the program.

Staff has confirmed that an income qualified individual may or may not be claimed as a dependent. Regional affordable housing programs are for primary residences and typically consider the incomes of all the occupants within the unit. The Board could clarify that income qualifications for rental units will be assessed based on the income of the occupants of the unit, which may not necessarily correspond to the name on the lease or the individual(s) claiming the occupant(s) as dependents.

Staff Recommendation

That the Board of Supervisors **discuss** the draft workforce housing ordinance amendment.

VI. NEW BUSINESS

1. CONSENT AGENDA 5 minutes

- a. Contract 2018-PWGG General, Pay Application 6: \$588,012.69
- b. Contract 2018-PWGGd Electrical, Pay Application 6: \$162,145.05
- c. Contract 2020-C4 Suburban Park, Pay Application 4: \$12,309.68
- d. Contract 2020-C8 Pavement Markings, Pay Application 5: \$7,755.87

2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2019-23 BY ADOPTING A REVISED SIDEWALK SNOW REMOVAL MAP. 10 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 attachment as Exhibit "A." Also provided with the agenda is a PDF version of the map so that it can be viewed at a higher resolution.

Recommended Motion: That the Board of Supervisors adopt the resolution repealing Resolution 2019-23 by adopting a revised sidewalk snow removal map.

Staff Recommendation

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

3. REVIEW OF DRAFT PARKS AND RECREATION ORDINANCE AMENDMENT

10 minutes

Narrative

The Centre Region Municipal Ordinances vary with some inconsistencies across municipalities. Provided with the agenda is the Ferguson Township Parks and Recreation Ordinance with comments and edits from Centre Region Parks and Recreation for the Township's consideration. In previous conversations with CRPR and the Centre Region municipal managers, the initial topic of interest was in the Unmanned Aircraft ordinance. According to CRPR, the Federal Aviation Administration (FAA) controls the airspace for flyers and that municipalities can control what happens on their land (landings/take-offs). Language has been updated in the ordinance provided for review and comment. Staff would like to review this with the Parks and Recreation Committee to receive comments and then bring back an updated drafted ordinance for the Board's consideration.

Recommended Motion: That the Board of Supervisors refer the draft amendment to Chapter 16, Parks and Recreation to the Parks and Recreation Committee for review and comment.

Staff Recommendation

That the Board of Supervisors **refer** the draft ordinance to the Parks and Recreation Committee.

4. AUTHORIZATION TO SUBMIT A LIQUID FUELS GRANT APPLICATION FOR THE CONSTRUCTION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF SCIENCE PARK ROAD AND SANDY DRIVE. 10 minutes

Narrative

The Centre County Board of Commissioners is accepting applications for funding assistance through the 2021 County Liquid Fuels program. The application deadline is October 23rd. The Township's capital improvement program (CIP) includes construction of a traffic signal at the northernmost intersection of Science Park Road and Sandy Drive in the amount of \$525,000 and staff suggests applying for \$50,000 in liquid fuel aid from the County for the project. Provided with the agenda is a copy of the draft application for consideration by the Board this evening.

Recommended Motion: That the Board of Supervisors authorize staff to submit a Liquid Fuels Grant Application for the construction of a traffic signal at the intersection of Science Park Road and Sandy Drive.

Staff Recommendation

That the Board of Supervisors **authorize** the submission of a Liquid Fuels Grant Application.

VII. STAFF AND COMMITTEE REPORTS

- 1. **COG COMMITTEE REPORTS** 20 minutes
 - a. Joint TLU Committee and CRPC
 - b. Ad Hoc Facilities Committee
 - c. Finance Committee
 - d. Public Safety 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

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