

**FERGUSON TOWNSHIP BOARD OF SUPERVISORS**  
**Regular Meeting Agenda**  
**Monday, October 5, 2020, 7:00 PM**

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

**I. CALL TO ORDER**

**II. CITIZENS INPUT**

**III. APPROVAL OF MINUTES**

1. September 21, 2020, Board of Supervisors Regular Meeting

**IV. SPECIAL REPORTS**

- a. COVID-19 (Coronavirus) Response Report

**V. UNFINISHED BUSINESS**

1. Preliminary Land Development Plan – 3961 West Whitehall Road
2. Public Hearing – Ordinance Establishing a Stormwater Management Utility Fee
3. Public Hearing – Resolution Authorizing the Engagement of Voya Financial for Non-Uniformed Pension Plan Sponsorship Services

**VI. NEW BUSINESS**

1. Consent Agenda
2. Zoning Ordinance Amendment, Childcare Facilities – Authorization for Public Hearing

**VII. REPORTS**

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

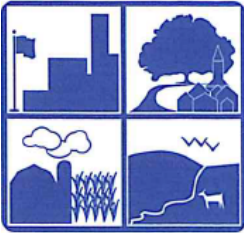
**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – OCTOBER**

**X. ADJOURNMENT**



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# TOWNSHIP OF FERGUSON

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## Board of Supervisors Regular Meeting Agenda Monday, October 5, 2020 7:00 P.M.

- I. CALL TO ORDER
- II. CITIZEN'S INPUT
- III. APPROVAL OF MINUTES
  1. September 21, 2020, Board of Supervisors Regular Meeting Minutes
- IV. SPECIAL REPORTS 15 minutes
  1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
    - a. Business Needs Survey Response Report – Centrice Martin, Assistant to the Manager
- V. UNFINISHED BUSINESS
  1. PRELIMINARY LAND DEVELOPMENT PLAN – 3961 WEST WHITEHALL ROAD,  
STATE COLLEGE BOROUGH WATER AUTHORITY 10 minutes

### Narrative

Provided with the agenda is a copy of the preliminary land development plan submitted by Gwin, Dobson & Foreman Engineering, Inc., on behalf of their client, State College Borough Water Authority. The land development plan proposes water pumping improvements to the Kocher Well Fields on Tax Parcel 24-006-055E, located at 3961 W. Whitehall Road. The parcel is 47.7 acres and is zoned Rural Agricultural (RA). The construction consists of two (2) buildings that measure 7 feet 4 inches by 7 feet 4 inches. Each building will be in close proximity to existing well #71 and well #78. There is an existing floodplain that traverse the parcel and no construction is planned within the floodplain.

On June 23, 2020, a variance was granted to utilize FEMA mapping for floodplain boundary determination instead of independent Hydrologic and Hydraulic (H&H) study as required by §27-701, Floodplain Conservation. Planning Commission reviewed this plan at their September 14, 2020, Regular Meeting and recommended that the Board of Supervisors approve the preliminary land development plan for 3961 West Whitehall Road—SCBWA Kocher Well Field Water Pumping Improvements.

*Recommended Motion: That the Board of Supervisors approve the Preliminary Land Development Plan for 3961 West Whitehall Road subject to the outstanding conditions as described in the Community Planner memorandum dated September 29, 2020.*

### Staff Recommendation

That the Board of Supervisors **conditionally approve** the Final Land Development Plan for 3961 West Whitehall Road.

**2. 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 a copy of the ordinance advertised for public hearing establishing a utility fee for stormwater collection and management. The Board authorized the ordinance for public hearing at a Special Meeting held on September 23<sup>rd</sup>. The draft ordinance that was reviewed at the Special Meeting is substantively unchanged as presented this evening. Most notably, it reflects a fee structure based on a total square footage of impervious surface on each lot in the Township; an administrative process for billing, enforcement, and appeals; and a credit program that can be used to reduce the total impact of the fee on each property. The agenda also includes several written communications from residents.

As the Board is aware, the public hearing this evening represent the conclusion of a years-long analysis incorporating input from staff; consultants; a Stormwater Advisory Committee; residents; and key interests and stakeholders. Throughout the process, a series of public meetings and worksessions were conducted to receive feedback and consider the components of the fee. This evening, staff is recommending that the Board receive additional public comment and address any questions remaining. Elizabeth Treadway of Wood, the Township's stormwater fee study consultant, will be present to respond to questions, as well. At the direction of the Board, the level of service has been modified to eliminate the equipment acquisition, sinking fund, and operators; and to incorporate capital costs of storm pipe lining in the first year. The recommended action is for the Board to continue the public hearing to its Regular Meeting on October 19<sup>th</sup>, and at the conclusion of the hearing, consider adoption of the ordinance.

*Recommended Motion: That the Board of Supervisors continue the public hearing on the ordinance establishing a utility fee for stormwater collection and management to Monday, October 19, 2020.*

**Staff Recommendation**

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

**3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE ENGAGEMENT OF VOYA FINANCIAL FOR PLAN SPONSORSHIP SERVICES FOR THE TOWNSHIP'S 457 DEFERRED COMPENSATION AND 401(A) RETIREMENT PLANS; POST EMPLOYMENT HEALTHCARE PLAN; AND ROTH IRA PLAN.** 20 minutes

**Narrative**

Earlier this year, the Board engaged Cornerstone Wealth Advisory Services to review the plan sponsorship services for the Non-Uniformed Pension Fund including the 457 Deferred Compensation and 401(a) retirement plans. Pat Geary of Cornerstone has worked with a pension advisory committee to provide a recommended fund lineup based on different investment strategies. The fund lineup was approved by the committee, and a Request for Proposals was issued for plan sponsorship services. At the conclusion of a competitive bidding process, the committee evaluated each respondent against a set of criteria including adherence to instructions in the RFP; type of platform (i.e. open or closed architecture) provided; assets under management; fees assessed; customer service; and the provision of Roth IRA and post-employment healthcare (PEHP) services. The committee

interviewed finalists and voted to recommend the Board authorize the engagement of Voya Financial for plan sponsorship services of the Non-Uniformed Pension Fund.

Provided with the agenda is a copy of the resolution authorizing the engagement of Voya Financial for the services described. Also included with the agenda is a Program Highlights and Fee Summary provided with their proposal, and a description of the PEHP and Roth IRA options.

*Recommended Motion: That the Board of Supervisors authorize adopt the resolution authorizing the Chairman and Secretary to execute an agreement with Voya Financial for plan sponsorship services for the Township 457 Deferred Compensation Retirement Plans; Post Employment Healthcare Plan; and Roth IRA Plan.*

**Staff Recommendation**

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

**VI. NEW BUSINESS**

**1. CONSENT AGENDA**

5 minutes

- a. Contract 2019-C32c, Pay Application 6, Electrical: \$7,349.93
- b. Contract 2019-C32a, Pay Application 7, General: \$14,677.50
- c. Contract 2019-C32a, Pay Application 8, General: \$17,557.99
- d. Voucher Report – August
- e. Treasurer’s Report for Acceptance - August

**2. AUTHORIZATION OF A PUBLIC HEARING ON AN ORDINANCE PERMITTING  
CHILDCARE FACILITIES AS AN ACCESSORY USE NO-IMPACT HOME OCCUPATION  
IN ALL RESIDENTIAL ZONING DISTRICTS.**

10 minutes

**Narrative**

Based on the results of the business needs survey, staff explored potential options within the Township’s control to provide relief to residents and businesses in Ferguson Township. A key concern that resulted from the survey was childcare facilities within the Township. Staff reviewed the requirements and process of establishing a Family Child-Care Home and a Group Child-Care Home within residential areas of the Township.

A Family Child-Care Home is defined as a residence in which out-of-home care is provided, as an accessory use, at any one time, for part of a twenty-four-hour day, for up to and including six children who are not related to the operator and who are 15 years of age or younger. This definition does not apply to: care provided in the home of someone who is a relative to all of the children being cared for or care provided by a relative in the home of children whom are all related to each other and to the relative.

A Group Child-Care Home is defined as a residence in which out-of-home care is provided, as an accessory use, at any time, for part of a twenty-four-hour day to more than six but fewer than 16 older school-age children or more than six but less than 13 children of any other age. This definition does not apply to: care provided in the home of someone who is a relative to all of the children being cared for or care provided by a relative in the home of children whom are all related to each other and to the relative.

Currently, both uses are considered Accessory Uses and both uses would follow a conditional use process for approval. The conditional use process is longer and more expensive for the applicant in comparison to a zoning permit approval.

Staff is recommending to amend Chapter 27, Zoning; Part 2, District Regulations; Section 205.5—Single Family Residential (R1); Section 205.6—Suburban Single Family Residential (R1B); Section 205.7—Two Family Residential (R2); Section 205.8—Townhouse Residential (R3); Section 205.9—Multi-Family Residential (R4) and Section 205.11—Village (V) to amend the conditional use for Family Child-Care Homes to a permitted use for Single-family Detached Dwellings in these zoning districts and amend the conditional use for Group Child-Care Homes to a permitted use for Single-Family Detached Dwellings in the Single Family Residential (R1) and Suburban Single Family Residential (R1B) zoning districts.

All conditions as outlined in the conditional use process would still be applied to the permitted uses and residents would be able to apply with a no-fee zoning permit for approval as opposed to going through the conditional use process.

*Recommended Motion: That the Board of Supervisors authorize advertisement of a public hearing on an ordinance permitting childcare facilities as an accessory use no-impact home occupation in all residential zoning districts for Monday, November 16<sup>th</sup>.*

**Staff Recommendation**

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

**VII. STAFF AND COMMITTEE REPORTS**

- 1. **COG COMMITTEE REPORTS** 15 minutes
  - a. Executive Committee
  - b. Public Services & Environmental Committee
  - c. Joint TLU and CRPC Meeting
  
- 2. **OTHER COMMITTEE REPORTS** 5 minutes
  - a. CCMPO Coordinating Committee
  
- 3. **STAFF REPORTS** 15 minutes
  - a. Manager's Report
  - b. Public Works Director
  - c. Planning & Zoning Director

**VIII. COMMUNICATIONS TO THE BOARD**

**IX. CALENDAR ITEMS – OCTOBER**

**X. ADJOURNMENT**