

# FERGUSON TOWNSHIP BOARD OF SUPERVISORS

## Regular Meeting Agenda

Monday, December 13, 2021, 7:00 PM

### MEETING PARTICIPATION OPTIONS

#### VIRTUAL:

Join Zoom Meeting:

<https://us02web.zoom.us/j/83838226462>

Meeting ID: 838 3822 6462

[Zoom Access Instructions](#)

#### IN-PERSON:

Ferguson Township Municipal Building

Main Meeting Room

3147 Research Drive

State College, PA

#### I. CALL TO ORDER

#### II. CITIZENS INPUT

#### III. SPECIAL REPORTS

- a. University Area Joint Authority Report
- b. COVID-19 Local Response Report

#### IV. UNFINISHED BUSINESS

1. Public Hearing – Final 2022 Ferguson Township Annual Operating Budget Resolution
2. Public Hearing – 2022 Ferguson Township Schedule of Fees Resolution
3. Public Hearing – Penn State University Stormwater Fee Agreement Resolution
4. 2022 Centre Region COG Summary Budget
5. Single Use Plastic Bag Regulation Update
6. Whitehall Road Regional Park Funding Discussion
7. Short Term Rental Permits for Recreational Vehicles
8. Review of DRAFT Ferguson Township Official Map Amendment

#### V. NEW BUSINESS

1. Consent Agenda
2. Public Hearing – Levying Taxes and Assessments Resolution
3. Public Hearing – Non-Union Revised Compensation Plan Resolution
4. Public Hearing – Police Pension Fund Contribution Resolution
5. The Cottages at State College Post-Final Planned Residential Development Amendment
6. Authorizing Change of Broker of Record for Non-Uniformed Pension Plan
7. Board Member Request – Monthly Reporting of Parks Revenue
8. Board Member Request – Playground Safety Inspection Reports
9. Board Member Request – Reducing Herbicide and Pesticide Use in Township Parks

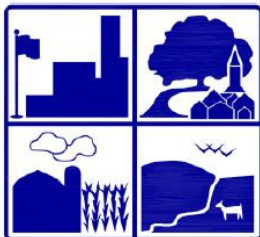
#### VI. REPORTS

#### VII. COMMUNICATIONS TO THE BOARD

#### VIII. CALENDAR ITEMS

#### IX. ADJOURNMENT





# TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801  
Telephone: 814-238-4651 • Fax: 814-954-7642  
www.twp.ferguson.pa.us

## BOARD OF SUPERVISORS Regular Meeting Agenda Monday, December 13, 2021 7:00 P.M.

- I. CALL TO ORDER
- II. CITIZEN'S INPUT
- III. SPECIAL REPORTS 10 minutes
  - a. University Area Joint Authority Report – Mark Kunkle
  - b. COVID-19 Local Response Report – David Pribulka, Township Manager
- IV. UNFINISHED BUSINESS
  - 1. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ADOPTING THE OPERATING BUDGET FOR FISCAL YEAR 2022, BEGINNING JANUARY 1, 2022, AND ENDING DECEMBER 31, 2022.**  
*David Pribulka, Township Manager* 20 minutes

### Narrative

Provided with the agenda is a copy of the resolution advertised for public hearing adopting the 2022 Ferguson Township Annual Operating Budget. The Board adopted the proposed budget at a public hearing on December 6<sup>th</sup>. All changes made by the Board to the proposed budget have been incorporated into the final budget presented for adoption this evening. Additionally, American Rescue Plan Act funding has been disencumbered as discussed at the worksession on December 7<sup>th</sup>. Below is a link to the final 2022 Operating Budget presented for adoption.

[Final 2022 Ferguson Township Annual Operating Budget](#)

*Recommended Motion: That the Board of Supervisors adopt the resolution approving the Operating Budget for fiscal year 2022, beginning January 1, 2022, and ending December 31, 2022.*

### Staff Recommendation

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

- 2. **A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2020-36 AND ESTABLISHING A NEW FERGUSON TOWNSHIP SCHEDULE OF FEES** 10 minutes  
*David Pribulka, Township Manager*

### Narrative

Provided with the agenda is a copy of the resolution advertised for public hearing establishing a new 2022 Ferguson Township Schedule of Fees. The Board reviewed the

draft schedule at the Regular Meeting on December 6<sup>th</sup>. Substantive changes in the 2022 Fee Schedule include a restructuring of fees assessed for subdivision and land development reviews, as well as revised fees for solid waste services determined by Centre County Recycling and Refuse Authority, health inspection services for eating and drinking establishments determined by the State College Borough Health Department, and review fees determined by Centre Region Code Administration Office.

*Recommended Motion: That the Board of Supervisors adopt the resolution repealing Resolution 2020-36 and establishing a new Ferguson Township Schedule of Fees for 2022.*

**Staff Recommendation**

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

- 3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE CHAIR AND SECRETARY TO EXECUTE AN AGREEMENT WITH THE PENNSYLVANIA STATE UNIVERSITY FOR ASSESSMENT OF THE STORMWATER MANAGEMENT UTILITY FEE.** 30 minutes

*David Pribulka, Township Manager*

**Narrative**

Provided with the agenda is a copy of the resolution advertised for public hearing authorizing the Chair and Secretary to execute an agreement with the Pennsylvania State University for the assessment of the Stormwater Management Utility Fee. The agreement was reviewed by the Board of Supervisors during the Regular Meeting on December 6<sup>th</sup> and authorized for advertisement for adoption this evening. No substantive changes were made by the Board during the meeting, and the agreement presented for review and approval this evening is unchanged. Staff is recommending approval of the agreement as presented.

*Recommended Motion: That the Board of Supervisors adopt the resolution authorizing the Chair and Secretary to execute an agreement with the Pennsylvania State University for assessment of the Stormwater Management Utility Fee.*

**Staff Recommendation**

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

- 4. APPROVAL OF THE 2022 CENTRE REGION COUNCIL OF GOVERNMENTS SUMMARY BUDGET**

*David Pribulka, Township Manager*

10 minutes

**Narrative**

On November 22<sup>nd</sup>, the Centre Region Council of Governments (COG) General Forum voted to approve the 2022 COG Summary Budget and refer it to the participating municipalities for adoption by December 31, 2021. The budget incorporated proposals submitted as part of the 2022 COG Program Plan, the 2022 – 2026 COG Capital Improvement and Replacement Plan, and revisions submitted by member municipalities and the COG Finance Committee. The Board reviewed the draft 2022 COG Summary Budget at its Regular Meeting on November 1<sup>st</sup>, and comments were forwarded to the COG Executive Director in advance of the established deadline. Below is a link to the 2022 COG Summary Budget that is being presented for adoption.

[2022 Centre Region Council of Governments Summary Budget](#)

*Recommended Motion: That the Board of Supervisors approve the 2022 Centre Region Council of Governments Summary Budget.*

**Staff Recommendation**

That the Board of Supervisors **approve** the 2022 COG Summary Budget.

**5. SINGLE USE PLASTIC BAG REGULATION UPDATE**

30 minutes

*David Pribulka, Township Manager*

**Narrative**

At the November 1<sup>st</sup> Regular Meeting, the Board adopted Resolution 2021-36 committing the Township to adopting regulations related to single-use plastic bags and straws in businesses operating within the Township. The Board has requested some material from the Penn State College of Law and Sustainable Communities Collaborative to help guide its strategy moving forward to develop and enact appropriate regulations that will address the environmental concerns without neglecting the concerns and input from the business community. Provided with the agenda are several attachments: 1) A memorandum from Dr. Lara Fowler of the Penn State College of Law summarizing the 2019 assessment done by students of the Negotiation and Dispute Resolution Design class, as well as the accompanying presentation delivered to the Board; 2) Resolution 2021-36 committing to the action described above; 3) A DRAFT ordinance modeled after West Chester Borough regulating single-use plastic bags and straws; and 4) A summary paper describing the impacts of single-use plastics on climate change.

This evening, the Board is asked to receive the update and discuss a plan of action. Dr. Fowler and Ilona Ballreich of the Sustainable Communities Collaborative (SCC) will be present to review the assessment and respond to any questions the Board may have. At the conclusion of the discussion, the Board may opt to pursue a reengagement of the SCC in January to refresh the study data, direct staff to draft an ordinance in line with the attached for review and advertisement for public hearing, or another alternative to be determined at the conclusion of the discussion.

**Staff Recommendation**

That the Board of Supervisors **receive** the update and **discuss** a plan of action.

**6. WHITEHALL ROAD REGIONAL PARK FUNDING DISCUSSION**

30 minutes

*David Pribulka, Township Manager*

**Narrative**

On December 9<sup>th</sup>, the Centre Region COG Finance Committee, Facilities Committee, Parks Capital Committee, and Centre Region Parks and Recreation Authority met to review the bids received and alternative reduced scoping options for the Phase I development of Whitehall Road Regional Park. COG General Forum will be asked to consider the alternative options and perhaps authorize additional funding at the December 15<sup>th</sup> meeting. The Board is asked to discuss the alternative options proposed in advance of the December meeting of the General Forum. Provided with the agenda are several documents to assist in facilitating the discussion this evening. No specific action is being requested tonight.

The COG Executive Committee met subsequently to the joint meeting and approved a motion to recommend "Option 2" from the attachment titled "WRRP Bid Summary" to the General Forum on December 15<sup>th</sup>.

**Staff Recommendation**

That the Board of Supervisors **discuss** the Whitehall Road Regional Park project.

**7. SHORT TERM RENTAL PERMITS FOR RECREATIONAL VEHICLES**

20 minutes

*Kristina Bassett, Community Planner*

**Narrative**

At the July 6<sup>th</sup> Regular meeting, the Board of Supervisors directed staff to research potential regulations, jurisdictions, and other concerns that may relate to the regulation of short term rentals in recreational vehicles. Staff has included in the agenda a staff report on this issue and is prepared to answer any questions the Board may have on the subject. No action is being requested on this item this evening.

**Staff Recommendation**

That the Board of Supervisors **receive** the report.

**8. REVIEW OF DRAFT FERGUSON TOWNSHIP OFFICIAL MAP AMENDMENT**

20 minutes

*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

In October 2017, the Board of Supervisors adopted the Township's Official Map designed to implement the goals and community vision set forth in the Centre Region Comprehensive Plan. On July 19, 2021, the Board of Supervisors discussed amendments to the Ferguson Township Official Map, specifically focused on the Musser Gap trail connecting Whitehall Road Regional Park to the Gap and Rothrock State Forest. The Board requested input from the Supervisors on additional items to consider for the update. The Board reviewed these comments at the September 7, 2021, meeting and referred the amendments to staff for review and inclusion, as well as input from the Planning Commission. Planning Commission met on December 7, 2021, to review the proposed amendments and comment. The comment matrix is included in the agenda, and it contains staff's review and Planning Commission's review of the amendments. The Pine Grove Mills Small Area Plan Committee is meeting December 16, 2021, and staff would like to provide an opportunity for them to review the draft amendments.

*Recommended motion: That the Board of Supervisors direct staff to draft an amendment to the Ferguson Township Official Map incorporating the comments included in the comment matrix.*

**Staff Recommendation**

That the Board of Supervisors **direct** staff to draft an amendment to the Ferguson Township Official Map.

**V. NEW BUSINESS**

**1. CONSENT AGENDA**

5 minutes

a. 2022 Planning Commission Work Program

**2. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA LEVYING TAXES AND ASSESSMENTS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2022 AND ENDING DECEMBER 31, 2022.**

10 minutes

*David Pribulka, Township Manager*

**Narrative**

Provided with the agenda is a copy of the resolution advertised for public hearing establishing taxes and assessments for fiscal year 2022 beginning January 1, 2022 and ending December 31, 2022. Real Estate Tax remains at 2.422 mills. Real Estate Transfer Tax remains at 1.25% of the consideration, or value of transfer. Earned Income Tax remains at 1.4%. Local Services Tax remains at fifty-two dollars (\$52.00) per person, \$5 of which is remitted to the State College Area School District. The changes in assessments are increases in the Fire Hydrant Assessment from \$.25 per lineal foot to \$.30 per lineal foot; and an increase in the Street Light Assessment from \$.29 per lineal foot to \$.35 per lineal foot. These increases are required to keep the funds balanced. Additionally, the Stormwater Management Utility Fee has been set by this Resolution at \$119.00 per Equivalent Residential Unit for properties inside the Regional Growth Boundary/Sewer Service Area and \$75.00 per Equivalent Residential Unit for properties outside the Regional Growth Boundary/Sewer Service Area.

*Recommended motion: That the Board of Supervisors adopt the resolution levying taxes and assessments for the fiscal year beginning January 1, 2022 and ending December 31, 2022.*

**Staff Recommendation**

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

- 3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA REPEALING RESOLUTION 2020-38 AND ADOPTING A REVISED COMPENSATION PLAN FOR NON-UNIFORMED EMPLOYEES WITH AN EFFECTIVE DATE OF JANUARY 1, 2022.** 5 minutes

*David Pribulka, Township Manager*

**Narrative**

Provided with the agenda is a copy of the resolution advertised for public hearing along with an attachment illustrating the non-uniformed employee pay grades and ranges. For 2022, the Board authorized a 4.25% cost-of-living increase for non-uniformed employees. A revised compensation plan and salary schedule reflects the changes in each pay grade so that the salary ranges are increased by this cost-of-living adjustment. Additionally, salary grades have been adjusted to reflect recommendations from the 2019 Salary Study. As in prior years, employees will move through their respective pay ranges by achieving merit increases through successful performance evaluations.

*Recommended motion: That the Board of Supervisors adopt the resolution repealing resolution 2020-38 and adopting a revised compensation plan for non-uniformed employees with an effective date of January 1, 2022.*

**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 ESTABLISHING CONTRIBUTIONS TO THE POLICE PENSION FUND BY ITS MEMBERS.** 5 minutes

*David Pribulka, Township Manager*

**Narrative**

In accordance with Pennsylvania Act 205, the Board of Supervisors is required to establish annually a contribution rate, if any, by members of the Police Pension Plan. Provided with the agenda is a copy of the resolution advertised for public hearing. Based on the Minimum Municipal Obligation Certification provided to the Board on October 18, 2021, members of the Police Pension Plan will be required to contribute 3% of their base salary to the Police Pension Fund in 2022. This contribution rate is below the maximum authorized under Pennsylvania Act 600 and is required due to actuarial-determined funding requirements. These member contributions will be added to the municipal contributions in order to keep the plan actuarially sound.

*Recommended motion: That the Board of Supervisors adopt the resolution establishing contributions to the Police Pension Fund by its members.*

**Staff Recommendation**

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

**5. THE COTTAGES AT STATE COLLEGE POST-FINAL PLANNED RESIDENTIAL DEVELOPMENT (PRD) AMENDMENT** 10 minutes

*Jenna Wargo, Director of Planning & Zoning*

**Narrative**

State College Apartments, LLC has submitted a request for amendment to their approved Final PRD Plan to include modification to the landscaping plan. Trees were relocated throughout the site due to locations of electrical boxes. Staff has reviewed these amendments and the relocated trees are in compliance with the Township's Ordinances. Per §27-407, Planned Residential Development, 8. Post Final, the procedure to amend a Final PRD Plan after it has been approved is to request approval from the Board of Supervisors. Provided with the agenda are Sheets 14, 15, and 16 highlighting the requested modifications.

*Recommended motion: That the Board of Supervisors approve the post-final amendment to The Cottage at State College Planned Residential Development.*

**Staff Recommendation**

That the Board of Supervisors **approve** The Cottages at State College Post-Final PRD amendment.

**6. AUTHORIZATION TO ENGAGE SECURITIES AMERICA AS THE BROKER OF RECORD FOR THE FERGUSON TOWNSHIP NON-UNIFORMED PENSION PLAN** 10 minutes

*Eric Endresen, Director of Finance*

**Narrative**

Provided with the agenda is a letter from Pat Geary, Managing Director of Cornerstone Wealth & Insurance, the Township's investment advisor and broker/dealer for the Non-Uniformed Pension Plans (457 Deferred Compensation and 401(a) Retirement Plans). Mr. Geary has informed the Township that Voya, the retirement plan provider for the Township, has announced it will no longer allow "rep directed managed accounts." This has prompted Mr. Geary and his associate, Kelly Gibson, to change broker/dealers and Registered Investment Advisors to Securities America to enable them to continue to provide service to their clients, including Ferguson Township. The Township's plan provider (Voya) will remain the same, and no substantive changes will be imposed on the participants by this change.

*Recommended motion: That the Board of Supervisors authorize the engagement of Securities America as the broker of record for the Ferguson Township Non-Uniformed Pension Plan.*

**Staff Recommendation**

That the Board of Supervisors **authorize** the engagement of Securities America.

**7. BOARD MEMBER REQUEST – MONTHLY REPORTING OF PARKS REVENUE**

*Laura Dininni, Township Supervisor*

10 minutes

**Narrative**

In order to support municipal planning for capital investment in our parks, it is essential to understand rental, revenue and use patterns in Ferguson Township and across the region. I'd like to request, similar as to how Code reports permit information by municipality for new and rental permits, that CRPR provides Ferguson Township, monthly, information about rental revenue in our own and the region's municipal parks. Township data would be readily available to us if we received the revenue, but it goes directly to COG/CRPRA/CRPR currently.

*Recommended motion: That the Board of Supervisors direct staff to write a letter of request to COG/CRPRA/CRPR to have park rental data (field and pavilion) provided on a monthly basis by municipality like Centre Region Code Administration does, and also broken out in a site-specific manner for our municipality.*

**8. BOARD MEMBER REQUEST – PLAYGROUND SAFETY INSPECTION REPORTS**

*Laura Dininni, Township Supervisor*

10 minutes

**Narrative**

In the current budget cycle, the Board took a step to make an effort to better plan for our capital investments in parkland by reducing money in the playground safety line item with the idea that we would try to be more specific about which playgrounds at which parks we were going to be updating, and identify the expense in each particular park line item. In that discussion, the Board discussed being included in the playground inspection reports.

*Recommended motion: That the Board of Supervisors ask Staff for last year's reports at an upcoming meeting and to receive next year's 2022 reports prior to Capital Improvement Program Budget and Operating Budget development. Further, that we direct Staff to inform CRPR that they should plan to do our playground inspections beginning in 2023, and provide reports as they are completed, prior to our 2024 Capital Improvement Program Budget development.*

**9. BOARD MEMBER REQUEST – REDUCING HERBICIDE AND PESTICIDE USE IN TOWNSHIP PARKS**

*Laura Dininni, Township Supervisor*

10 minutes

**Narrative**

There are many environmental, safety and health benefits to managing public lands, parkland, in a chemical-free way. And unfortunately, some of the most frequent places in parks that we use herbicides are on playgrounds and gravel walking paths. Fortunately, there are non-chemical interventions, relating to both capital (different surfaces) and operational (different methods) investments, that can replace the need for chemical weeding in those areas. Resident requests, survey results, and safe community



management direct our attention to this matter. Please let us discuss beginning this journey to decrease herbicides and pesticides in our municipal FT parks so they are safe for all and can reach their fullest potential for ecosystem services to humans, flora, and fauna.

Recommended motions are included with the attachment in the agenda.

**VI. STAFF AND COMMITTEE REPORTS**

20 minutes

**1. COG COMMITTEE REPORTS**

- a. Joint Finance, Parks Capital, Facilities and CRPA Meeting

**2. OTHER COMMITTEE REPORTS**

**3. STAFF REPORTS**

- a. Public Works Director's Report
- b. Planning & Zoning Director's Report
- c. Chief of Police Report

**VII. COMMUNICATIONS TO THE BOARD**

**VIII. CALENDAR ITEMS – DECEMBER/JANUARY**

- a. Ferguson Township Upcoming Meetings
  - 1. Pine Grove Mills Small Area Advisory Committee, Thursday, December 16
  - 2. Coffee and Conversation, Baileyville Community Hall, Saturday, January 15

**IX. ADJOURNMENT**