

FERGUSON TOWNSHIP BOARD OF SUPERVISORS
Regular Meeting Agenda
Tuesday, February 16, 2021, 7:00 PM

Join Zoom Meeting:

<https://us02web.zoom.us/j/88575479202>

Meeting ID: 885 7547 9202

[Zoom Access Instructions](#)

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZENS INPUT

IV. APPROVAL OF MINUTES

1. January 12, 2021, Stormwater Management Utility Fee Worksession
2. February 1, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

- a. COVID-19 (Coronavirus) Response Report
- b. Schlow Centre Region Library Report
- c. Ferguson Township Climate Action Committee Report

VI. UNFINISHED BUSINESS

1. Continued Public Hearing – Stormwater Management Utility Fee Ordinance
 - a. Continued Public Hearing – Credit Policy Manual Resolution
 - b. Continued Public Hearing – Agricultural Properties Partial Exemption Resolution
 - c. Continued Public Hearing – Economic Hardship Exemption Resolution
 - d. Continued Public Hearing – Fund Balance Limit Resolution

VII. NEW BUSINESS

1. Consent Agenda
2. Public Hearing Resolution – Authorizing Adoption Agreement for 457(b) Comp Plan
3. Public Hearing Resolution – Authorizing Adoption Agreement for 401(a) Comp Plan
4. Zoning/Variance Request – 3795 W. College Avenue
5. Award of Contract 2021-C23, Traffic Signal Pole Replacement

VIII. REPORTS

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

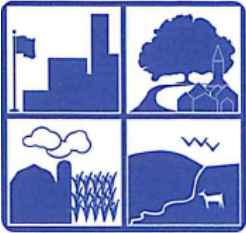
IX. COMMUNICATIONS TO THE BOARD

X. CALENDAR ITEMS – FEBRUARY/MARCH

XI. ADJOURNMENT



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TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801
Telephone: 814-238-4651 • Fax: 814-238-3454
www.twp.ferguson.pa.us

**Board of Supervisors
Regular Meeting Agenda
Tuesday, February 16, 2021
7:00 P.M.**

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. CITIZEN'S INPUT

IV. APPROVAL OF MINUTES

1. January 12, 2021, Stormwater Management Utility Fee Worksession
2. February 1, 2021, Board of Supervisors Regular Meeting Minutes

V. SPECIAL REPORTS

20 minutes

1. COVID-19 (Coronavirus) Response Report – David Pribulka, Township Manager
2. Schlow Centre Region Library Report – Barbara Ziff
3. Ferguson Township Climate Action Committee Report – Brandi Robinson

VI. UNFINISHED BUSINESS

- 1. A CONTINUED 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 a continued public hearing and action this evening establishing a Stormwater Management Utility Fee. The ordinance, as reviewed by the Board and the public at the February 1st public hearing as well as several prior discussions, establishes the billing unit methodology and procedure; appeal process; exemptions and credits; and enforcement provisions. The single substantive change made from the February 1 discussion is to establish under Section 6 – Stormwater Utility Fee Credits, that all revenue reduced by the invocation of credits by private property owners shall be supplemented through interfund transfers from the Township's General Fund. If enacted, the ordinance would go into effect on January 1, 2022.

Recommended Motion: That the Board of Supervisors adopt the ordinance establishing a utility fee for stormwater collection and management.

- 2. A CONTINUED PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A CREDIT POLICY MANUAL FOR THE STORMWATER MANAGEMENT UTILITY FEE AS DESCRIBED IN EXHIBIT "A" AND ATTACHED HERETO.** 20 minutes

Narrative

Provided with the agenda is a copy of the resolution advertised for a continued public hearing and action this evening establishing a Credit Policy Manual to supplement the Stormwater Management Utility Fee Ordinance. The Credit Policy Manual has been updated to reflect the February 1 discussion by adding a credit for Best Management Practices for stormwater rate control on properties. David Modricker, Director of Public Works, will introduce the item.

Recommended Motion: That the Board of Supervisors adopt the resolution establishing a credit policy manual for the Ferguson Township Stormwater Management Utility Fee.

- 3. A CONTINUED PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A PARTIAL EXEMPTION FOR AGRICULTURAL PROPERTIES FROM THE FERGUSON TOWNSHIP STORMWATER MANAGEMENT UTILITY FEE.** 20 minutes

Narrative

Provided with the agenda is a copy of the resolution advertised for a continued public hearing and action this evening establishing a partial exemption for qualified properties that meet the definition of *agricultural use* as defined in the Pennsylvania Farmland and Forest Land Protection Act of 1974. The policy would impose a maximum fee assessed on eligible properties of twice the median assessment imposed on all properties in the Township. For the purposes of the billing unit methodology applied, this would equate to two (2) Equivalent Residential Units (ERUs) for agricultural properties. Any dwelling units on the property would be assessed in addition to the two (2) ERUs charged to the agricultural property. A provision was added to the reflect the February 1 discussion to allow the fees assessed to agricultural properties to be further reduced by any qualified credits that apply.

Recommended Motion: That the Board of Supervisors adopt the resolution establishing a partial exemption for agricultural properties from the Ferguson Township Stormwater Management Utility Fee.

- 4. A CONTINUED PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING AN EXEMPTION POLICY FOR CERTAIN ECONOMIC HARDSHIPS AS DESCRIBED IN EXHIBIT "A".** 20 minutes

Narrative

Provided with the agenda is a copy of the resolution advertised for a continued public hearing and action this evening establishing a partial and full exemption for qualified individuals and families who are experiencing an economic hardship. The policy remains unchanged from the February 1 draft reviewed by the Board of Supervisors. As provided for in the policy, individuals and families whose income is less than or equal to two hundred percent (200%) of the Federal Poverty Income Level would qualify for a full exemption from the Stormwater Management Utility Fee, and individuals and families whose income is

between two hundred percent (200%) and two hundred and fifty percent (250%) of the Federal Poverty Income Level would qualify for a fifty percent (50%) exemption.

Recommended Motion: That the Board of Supervisors adopt the resolution establishing an economic hardship exemption from the Ferguson Township Stormwater Management Utility Fee.

5. A CONTINUED PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A MAXIMUM FUND BALANCE PERMITTED TO ACCRUE IN FUND 20, STORMWATER. 10 minutes

Narrative

Provided with the agenda is a copy of the resolution advertised for a continued public hearing and action this evening establishing a maximum fund balance permitted to accrue in the Township's Stormwater Fund. The resolution limits the allowable fund balance in Fund 20, Stormwater to thirty percent (30%) of the budgeted expenditures in the fiscal year. By adopting the resolution, the Board intends to stabilize the fee assessed by setting a maximum allowable reserve. If the budget projects a fund balance in excess of thirty percent (30%), the Board would either apply the excess to a one-time expenditure or reduce the stormwater fee to lower the fund balance to less than or equal to thirty percent (30%).

Recommended Motion: That the Board of Supervisors adopt the resolution establishing a maximum fund balance permitted to accrue in Fund 20, Stormwater.

VII. NEW BUSINESS

- 1. CONSENT AGENDA 5 minutes**
- a. 2021 SCWC C-NET Coverage Sponsorship Request
 - b. 2021 Ferguson Township Tree Commission Work Plan
 - c. Letter to PA Acting Secretary of Health – Centralized COVID-19 Vaccine Registration Process
 - d. Contract 2018-PWGG, HVAC, Pay App #4: \$365,587.77
 - e. Contract 2018-PWGG, HVAC, Pay App #6: \$41,800.00
 - f. Contract 2018-PWGG, Electrical, Pay App #9: \$64,045.16
 - g. Contract 2018-PWGG, General, Pay App #10: \$439,553.60
- 3. A PUBLIC HEARING ON A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA AUTHORIZING THE TOWNSHIP MANAGER TO EXECUTE AN ADOPTION AGREEMENT FOR THE 457(B) DEFERRED COMPENSATION PLAN FOR GOVERNMENT EMPLOYERS. 10 minutes**

Narrative

In 2020, the Non-Uniformed Pension Advisory Committee voted to consider other companies to manage the non-uniform pension investments. The consulting firm Cornerstone Wealth Advisors and Pat Geary assisted with this, sending out a Request for Proposals to pension investment management firms. Eight firms responded and the committee evaluated each firm. At the recommendation of the committee, the Board awarded the contract to Voya Financial. Over the last several months, the committee, Cornerstone and Voya have been working on the process to move the investments from ICMA-RC. This includes communicating with the pension members of the change to Voya and processes to work with Voya. It also includes processes for payroll and human resources related to the 457(b) plan contributions and

loans, rollovers, etc. The 401(a) Defined Contribution Plan will be transitioned at the same time as the 457(b) Deferred Compensation Plan. The Township will also transition its Retirement Health Savings Plan from ICMA-RC to the firm TASC at the same time.

Provided with the agenda is a copy of the resolution advertised for public hearing authorizing the Township Manager to execute the Adoption Agreement for the 457(b) Deferred Compensation Plan for Government Employers. This is a necessary precursor to transition the Township's non-uniformed pension investments to Voya from ICMA-RC. Appended to the resolution, as Exhibits "A" and "B" are the Adoption Agreement and the Basic Plan Document, respectively.

Recommended motion: That the Board of Supervisors adopt the resolution authorizing the Township Manager to execute an adoption agreement for the 457(b) Deferred Compensation Plan for government employers.

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 AUTHORIZING THE TOWNSHIP MANAGER TO EXECUTE AN ADOPTION AGREEMENT FOR THE 401(A) DEFINED CONTRIBUTION PLAN FOR GOVERNMENT EMPLOYERS. 10 minutes

Narrative

In 2020, the Non-Uniformed Pension Advisory Committee voted to consider other companies to manage the non-uniform pension investments. The consulting firm Cornerstone Wealth Advisors and Pat Geary assisted with this, sending out a Request for Proposals to pension investment management firms. Eight firms responded and the committee evaluated each firm. At the recommendation of the committee, the Board awarded the contract to Voya Financial. Over the last several months, the committee, Cornerstone and Voya have been working on the process to move the investments from ICMA-RC. This includes communicating with the pension members of the change to Voya and processes to work with Voya. The 401(a) Defined Contribution Plan will be transitioned at the same time as the 457(b) Deferred Compensation Plan. The Township will also transition its Retirement Health Savings Plan from ICMA-RC to the firm TASC at the same time.

Provided with the agenda is a copy of the resolution advertised for public hearing authorizing the Township Manager to execute the Adoption Agreement for the 401(a) Defined Contribution Plan for Government Employers. This is a necessary precursor to transition the Township's non-uniformed pension investments to Voya from ICMA-RC. Appended to the resolution, as Exhibits "A" and "B" are the Adoption Agreement and the Basic Plan Document, respectively.

Recommended motion: That the Board of Supervisors adopt the resolution authorizing the Township Manager to execute an adoption agreement for the 401(a) Defined Contribution Plan for government employers.

Staff Recommendation

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

5. ZONING APPEALS/REQUESTS FOR VARIANCES

a. REQUEST FOR VARIANCE – 3795 WEST COLLEGE AVENUE 10 minutes

Narrative

State College Borough Water Authority—3795 W College Avenue (24-004-096-0000), zoned Rural Agricultural (RA), is requesting a variance from §27-701.3.C.—Floodplain Conservation, Use Limitations; §27-701.3.H.—Floodplain Conservation, Floodways; and §27-701.3.I.—Floodplain Conservation, Use Buffer to replace an existing bridge on SR 0026 (W. College Ave.) near the intersection of SR 0026 and SR 0045 (Shingletown Road). This bridge replacement is being performed in concurrence with a widening project to allow for enhanced traffic circulation at the intersection of these two roadways. The proposed bridge replacement and roadway widening improvements will require SCBWA to relocate an existing 12” watermain through existing wetlands and the main channel of Slab Cabin Run.

Recommended motion: That the Board of Supervisor remain neutral on the request for variance at 3795 West College Avenue.

Staff Recommendation

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

6. AWARD OF CONTRACT 2021-C23 TRAFFIC SIGNAL POLE REPLACEMENT

5 minutes

Narrative

Bids were opened on February 9, 2021, for contract 2021-C23 Traffic Signal Pole Replacement. A signal pole and a sign at the intersection of West College Avenue and Science Park Road were damaged due to a vehicle crash on December 7, 2020. The pole needs to be replaced and the cost should be reimbursable through an insurance claim. Provided with tonight’s agenda is the award memorandum dated February 9th, Bid Tabulation, and location map on behalf of Township Engineer, Ron Seybert.

Recommended motion: That the Board of Supervisors award contract 2021-C23 Traffic Signal Pole Replacement to the low bidder, M&B services in accordance with their bid amount of \$46,020.71.

Staff Recommendation

That the Board of Supervisors award Contract 2021-C23.

VIII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

30 minutes

- a. Facilities Committee
- b. Joint PSE and TLU Committees
- c. Climate Action & Sustainability Committee
- d. Public Safety Committee
- e. Finance Committee
- f. Executive Committee

2. OTHER COMMITTEE REPORTS

5 minutes

- a. Library Director Selection Committee

IX. STAFF REPORTS

20 minutes

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

X. COMMUNICATIONS TO THE BOARD

XI. CALENDAR ITEMS – FEBRUARY/MARCH

XII. ADJOURNMENT