

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

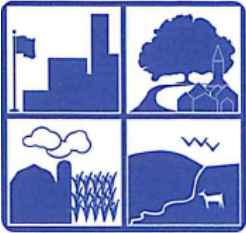
IX. COMMUNICATIONS TO THE BOARD

X. CALENDAR ITEMS – FEBRUARY/MARCH

XI. ADJOURNMENT



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TOWNSHIP OF FERGUSON

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**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

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Stormwater Management Utility Fee
Work Session Meeting
Tuesday, January 12, 2021
6:00 PM

ATTENDANCE

The Board of Supervisors held a Stormwater Management Utility Fee Work Session on Tuesday, January 12, 2021, via Zoom in a webinar format. In attendance were:

Board:	Laura Dininni, Chair	Staff:	Dave Pribulka, Township Manager
	Lisa Strickland, Vice Chair		Dave Modricker, Director of Public Works
	Steve Miller		Jenna Wargo, Director, Planning and Zoning
	Prasenjit Mitra		Centrice Martin, Assistant to the Township Manager
	Patty Stephens		Ron Seybert, Township Engineer
			Eric Endresen, Finance Director

Others in attendance included: Rhonda Demchak, Recording Secretary; Elizabeth Treadway, Wood; Mr. Darin Barker, Ferguson Township Resident; Mr. Ford Stryker, Ferguson Township Resident; Mr. Mark Kunkle, Ferguson Township Resident; Ms. Jeanne Fudrow, Ferguson Township Resident; Mr. Todd Giddings, Ferguson Township Resident; Mr. Ralph Wheland, Ferguson Township Resident; Mr. Larry Harpster, Ferguson Township Resident; Mr. Bill Keough, Ferguson Township Resident;

I. CALL TO ORDER

Ms. Dininni called the Tuesday, January 12, 2021, Stormwater Management Utility Fee Work Session to order at 6:00 p.m.

Mr. Pribulka noted that the Stormwater Management Utility Fee Work Session meeting had been advertised in accordance to the PA Sunshine Act as a virtual meeting via Zoom in a webinar format. There was also an audio conference bridge that was accessible by dialing the Ferguson Township's main line at 814-238-4651 and then dialing extension 3799. Zoom access can be found on the [Township's website](#). Mr. Pribulka noted that attendees will not be permitted to speak unless addressed by the Chair. People utilizing the conference bridge are also not permitted to speak unless addressed by the Chair. Mr. Pribulka will share more information prior to the Public Comment portion of the meeting. C-NET is recording as well. Mr. Pribulka took Roll Call and there was a quorum.

II. OVERVIEW OF WORKSESSION FORMAT

Mr. Pribulka noted that it is important to know that this meeting is a Work Session with several items that the Board must consider prior to the Public Hearing. There will be Public Comment at the end of the Work Session and will be limited to 1 hour. Prior to the Public Comment, Mr. Pribulka will activate a Google Doc Sign-in Sheet for attendees to participate. Attendees via the phone, will also have an opportunity to speak. The Public Hearing is scheduled for February 1, 2021 at 7:00 p.m. and then consideration for enacting the ordinance will be on Tuesday, February 16, 2021. The meeting will take place on a Tuesday because the Township Building is closed to observe President's Day. Mr. Pribulka introduced the Ferguson Township Team and Elizabeth Treadway, Consultant for Wood. Mr. Pribulka thanked the Ferguson Township staff, Wood, Gannett Fleming, Stormwater Fee Advisory Committee, and the members of the public. More information on the fee can be found at the [Township's website](#).

III. REVIEW OF STORMWATER MANAGEMENT UTILITY FEE PROGRAM ELEMENTS

1. Billing Unit Methodology and Fee Structure

Mr. Pribulka noted that provided with the agenda was information prepared by the consultant including a summary of different unit methodologies and that tonight's goal is to agree on one. Mr. Modricker noted that the Board has discussed each of the different methodologies during past meetings.

Ms. Stephens requested Ms. Dininni to review the Tiered ERU Billing method that Ms. Dininni researched and presented at the last Board meeting. Ms. Dininni gave a review.

Mr. Miller proposed that the Equivalent Residential Billing Unit (ERU) be the method, because he is not convinced the square foot model would be the best fit especially with farmlands.

Mr. Pribulka shared his screen to review the Impervious Area and Billing Units by Parcel spreadsheet that can be found on the [Township's website](#).

Mr. Mitra noted that he prefers the Impervious Area method.

Ms. Strickland requested how will the ERU be accessed on farm properties. Ms. Treadway noted that residents on an agricultural property that have no agricultural activities, will be treated as a residence. Ms. Treadway stated that there are a lot of agricultural properties in the area that have no farming activity.

Mr. Modricker shared his screen and reviewed examples of Agricultural Classified Parcels, a Histogram – Distribution of Residential Impervious Area, a Histogram of Residential Parcels without Agriculture Land Use Code, and a Histogram of Agriculture – Class Residential Parcels. Mr. Modricker noted that the Tiered Program would only apply to residential.

Ms. Treadway shared her screen and reviewed Rates without Agriculture Cap and explained the three billing unites, ERU Billing Commercial Ag; 1000 sq. ft. Billing Unit; and the 500 sq. ft. Billing Unit.

Ms. Stephens noted that she supports the ERU model due to the diversity of residences in the Township.

Continued discussion occurred regarding the different models.

Ms. Dininni noted that she supports the ERU method as well.

Mr. Mitra shared his screen and reviewed an Urban Storm Water Preliminary Data Summary and the Effects of Imperviousness on Runoff and Infiltration slide. Ms. Treadway noted that the summary Mr. Mitra shared has been reviewed in various communities and is typically not adopted.

Ms. Strickland thanked Mr. Mitra for sharing his idea and noted that it was what she wanted to see in the Tiered Program and would be willing to explore Mr. Mitra's model. Ms. Dininni thanked Mr. Mitra and asked if it could be utilized in the credits. Ms. Treadway stated that it can be considered.

The Board came to a consensus to use the ERU Billing Methodology.

2. Program Plan and Level of Service

Mr. Pribulka introduced the plan and service that has been discussed in previous meetings but wanted to give the Board another opportunity to review.

Ms. Strickland asked about the Master Plan and how maintenance, inspections, plans, protocols, etc., are related to the Master Plan. Mr. Modricker noted that the Master Plan is 5 years out and there are items that staff, the advisory committee, and the consultant would like to incorporate in the future that are not in the Master Plan. Ms. Treadway noted that the Master Plan builds off of the first few years of the assessment of the physical system and will start to show where there are weaknesses in the system.

Discussions continued regarding Program Elements such as Partnerships Programs, West End cross-pipe, etc.

Ms. Strickland inquired about the assessments that will be done over the 7-year period, and once the assessment is completed, how long will it be good for. Mr. Modricker stated that the goal is to do 6-7 miles a year of the 44 miles of the system, but in general it's an ongoing process. Ms. Strickland proposed spacing out some of the projects over the years if the lining can last longer. Mr. Pribulka noted that the cost to reline versus replacing a pipe is comparable but with the assessment it will be easier to make decisions. Ms. Strickland suggested subtracting from the Program Plan instead of moving funds from the General Fund to supplement.

Ms. Dininni noted that if there are no critical projects with not enough funding, the Board could decide to delay. Ms. Strickland suggested changing language in the Program Element to prioritize by assessment.

Mr. Mitra inquired if all of the pipes will be examined during the 7-year program and what will happen after 7 years. Mr. Modricker stated that the estimate to inspect the pipes in the 7-year window is reasonable, and if the funding isn't available, the pipes will be prioritized. Mr. Modricker noted that the estimated life of the pipe lining is approximately 50+ years. Mr. Seybert noted they might even last longer than 50 years.

Mr. Seybert noted that from a technical perspective the storm pipe assessment, inventory, and rating will be done similar to how the streets are assessed.

Mr. Mitra expressed concerns with funding. Mr. Pribulka noted that there would be different ways to spread out the cost obligation.

Mr. Pribulka noted that all the feedback that has been given throughout the process is very helpful and will need final endorsement of the components in the program.

3. Credit Policy Manual

Mr. Pribulka noted that in the packet is an excerpt of the Credit Policy Manual, and a more detailed manual is on the [Township's website](#).

Mr. Modricker reviewed the Summary of Available Credits by Property Type. Under the Credit column in black font are items that were included in the 2-page document that was provided to the Advisory Council and also in the Credit Policy Manual. Items in purple font were items that Mr. Modricker added based on input from residents, constituents, staff and board. Mr. Modricker reviewed the Eligible Property Types, Residential; Non-Residential, All; Non-Residential, Education; Non-Residential, Agriculture; and Non-Residential, MS4.

Mr. Pribulka asked the Board whether they wanted to provide or allow for credits to be invoked on top of an exemption.

Mr. Mitra noted that if there is a fixed cost then he would not be in favor of exemptions going below the fixed cost but would be in favor of stacking exemptions. Mr. Mitra stated that in the case of putting a maximum cap for the agricultural land where it is twice the median, he suggested calculating into two methods, either twice the median or using a credit, then the minimum of the two would be paid. However, not in sequence so that it is not capped at twice the median first, then reduces it further with the credit.

Ms. Stephens and Mr. Miller concurred with Mr. Mitra's statement.

Mr. Pribulka stated that it will probably be unlikely that a property under the proposal will qualify for an exemption and see their bill lower if they applied credits in-lieu of an exemption.

Ms. Dininni asked about the Non-Residential, Education and Credit. Mr. Modricker reviewed the Education (NR EDUC) portion that was included in the packet.

Ms. Dininni suggested applying the Riparian Buffer/Floodplain Protection to Residential. Mr. Modricker noted that they could possibly extend to Residential. Mr. Mitra is supportive of the idea.

Mr. Modricker reviewed the items in purple under the Credits column to include Turf, Adopt an Inlet, Rain Barrel and Downspout Disconnection, Separate MS4 Permit Holder, Urban Tree Canopy Expansion, and Innovation.

Ms. Strickland asked why the separate MS4 Permit Holder is at 50%. Mr. Pribulka noted that there are only a few MS4 permit holders that operates in the Township, Ferguson Township, Penn State, PA Department of Transportation, and State College Borough. Mr. Pribulka stated that a MS4 Permit Holder is not paying for any of the obligations that Ferguson Township has to pay, and it only applies to Penn State. There is a baseline assessment that applies uniformly to all properties throughout the Township. MS4 obligations represents approximately 12% of the overall fee. Mr. Pribulka added that the percentage will be set by the Board.

Ms. Dininni stated that the MS4 Permit Holder percentage seemed high and it is more than any exemption for any other property owner.

Mr. Mitra asked if MS4 Permit Holder is saving the Township money, and are they mitigating some of the runoff.

Mr. Miller stated that Penn State and the Borough (where their facility is located), are managing a significant amount of stormwater runoff and feels 50% is agreeable.

Mr. Seybert noted that all of the land area that is covered by another MS4 Permit Holder is removed from the area the Township is responsible for. Mr. Seybert added that the State College Borough Maintenance Facility that is in Ferguson Township, the property is taxed in the Borough and will not be receiving a Stormwater bill from the Township.

Mr. Mitra asked about administrative overhead costs. Mr. Pribulka stated that it would depend on how aggressive the Township wants to be in regards with the auditing of the credits, it could be minimal. The Township proposed additional staffing by moving the part-time Stormwater Engineer to full-time, but it was cut from the 2021 budget. If the Township would want to be aggressive, then the additional Stormwater Engineer would be needed.

Mr. Miller noted that most of the individual properties that are involved are residential and a 10% discount is approximately \$9 or \$10.

Ms. Strickland suggested making the MS4 Permit Holder at 40%. Ms. Dininni concurred.

Ms. Strickland asked if the maximum credit were taken what would it do to the revenue. Ms. Treadway noted that a parcel-by-parcel assignment was not modeled out. Ms. Strickland stated that it is typically 9% to 10%. Ms. Strickland suggested obtaining the numbers for the Public Hearing. Mr. Pribulka noted that the 9% to 10% is on par with other communities that enacted a fee. Mr. Pribulka stated that the majority of individual lots in the Township are residential.

The Board agreed to include a credit for Disconnected Impervious (low impact develop) for residential.

4. Exemptions

- a. Agricultural Properties
- b. Economic Hardship

Mr. Pribulka noted that the Agricultural Properties has a limit on the maximum exposure for properties that are defined as agriculture use by the [PA Clean and Green Act](#). Mr. Pribulka reviewed Section 7.B that states:

The Board of Supervisors may adopt by Resolution as part of the Stormwater Management Utility Fee policies and procedures a policy to reduce the stormwater management utility assessed to agricultural properties whose total area of impervious surface does not exceed thirty percent (30%) of the property's total land area to a fee that does not exceed twice the median assessment fee imposed on all other properties in the township.

Ms. Dininni thanked the staff for their work on the ordinance.

Mr. Miller noted that he has received communications from residents that live on social security and are worried that they will have to pay this fee. Mr. Miller stated that the exemption policy is based on earned income and anyone living on social security would be 100% exempted.

Mr. Mitra asked about Adjusted Gross Income (AGI) vs. Earned Income. Mr. Pribulka noted it's a topic to discuss because there was not a strong administrative reason why earned income was chosen. Mr. Pribulka stated AGI could be used to reflect the actual economic conditions of the property owner. Mr. Miller asked if it is legal to use AGI. Mr. Endresen stated that authorization would be needed through the Borough. Mr. Pribulka will investigate the options and review with the Board his findings.

5. DRAFT Stormwater Management Utility Fee Ordinance

Mr. Pribulka introduced the latest draft ordinance that was included in the agenda packet.

Ms. Dininni stated that it was easy to understand and appreciated the straightforward language.

Ms. Stephens concurred with Ms. Dininni's statement.

Under Section 9.B – Appeal Process and Procedure, Ms. Strickland asked who the Hearing Officer would be. Mr. Pribulka noted that it will most likely be Mr. Seybert.

Section 6.B – Stormwater Utility Fee Credit, Ms. Strickland asked for clarification. Mr. Pribulka gave a hypothetical example of a property owner taking advantage of a credit for having a

stormwater basin on their property that is not functioning as designed. It would be up to the director that is proposed in the ordinance to decide. Mr. Pribulka will adjust the language to be more in line with the content. Ms. Strickland asked if there is an appeals process. Mr. Pribulka will adjust the language in Section 9.E to be more in line with the content.

Ms. Strickland asked if the fee amount will be reviewed annually under Section 3.A – Stormwater Utility Fee Established. Mr. Pribulka stated that it will be reviewed annually. Ms. Strickland asked if there are any parameters with any of the fees. Ms. Treadway stated that there would not be a cap on the maximum stormwater fee to be assessed and it is driven by the program itself and what the community's needs and objections would be.

Ms. Strickland read about liability and a flooding clause in another township where the township wouldn't be liable and asked if staff considered such a clause. Ms. Treadway stated that she has never seen this in other communities, and the Township Solicitor would need to review. Mr. Pribulka recommended not including such a clause. The Board agreed to have the Township Solicitor look into the clause. Ms. Strickland will send her findings of the clause to Mr. Pribulka.

Ms. Strickland suggested adding a Sunset Clause. Mr. Miller is not in favor, but if the Board is, would want a legal opinion. Mr. Pribulka discouraged having a Sunset Clause due to additional challenges. Mr. Mitra asked if the Board could set the fee at \$0 any given year. Mr. Pribulka stated that it is possible if the fund can sustain itself and it's the Board's decision to access each year.

Mr. Pribulka asked the Board if the Township Solicitor should review the Sunset Clause. Ms. Dininni polled each member if they want to add the clause to the ordinance. Mr. Miller, no. Ms. Strickland, yes. Ms. Stephens stated she was leaning towards no. Mr. Mitra stated that he is leaning towards no. The Township Solicitor will not be needed.

Mr. Mitra suggested revising the language in Section 7.A – Exemptions.

Under Section 6.B – Stormwater Utility Fee Credits, Mr. Mitra suggested adding that the Board would be consulted. Mr. Pribulka will work with Mr. Modricker, Mr. Seybert, and Ms. Treadway on the language.

Mr. Seybert indicated that the agricultural cap is not in line with the ordinance and asked if it needs to be clarified better in the ordinance. Mr. Pribulka agreed. Ms. Dininni suggested changing the language under Section 7.B – Exemptions. Mr. Miller suggested adding, capped at two billing units. Mr. Pribulka will revise the language.

IV. BOARD DISCUSSION

1. Board of Supervisors – General Discussion Items – There was no additional comments.

V. CITIZENS INPUT

Mr. Pribulka reviewed the process for attendees to participate during the Citizen's Input.

Mr. Steve Balkey, Ferguson Township Resident, read a statement from a group of residents by the name of Citizens Concerned for the Responsible Government Spending. The statement covered issues with regards to the stormwater asset conditions not fully defined; policies guiding the stormwater management; stormwater funding mechanisms; the Stormwater Advisory Council was not asked to participate with the draft and didn't see the draft before it went to the Board, nor was able to formally make a recommendation; major revenue generator; residents are struggling due to the pandemic; the group suggested forming a Financial Advisory Committee; requested to table the ordinance to further

identify the problems and needs that would create a validation for the ordinance. Mr. Balkey made personal comments and noted that he is concerned with the exemptions, hardships, and credits because they produce administrative cost annually. Mr. Balkey has concerns with funds being shifted out of the TIF Fund over the last few years into the General Fund.

Mr. Darin Barker, Ferguson Township Resident, noted that the proposed ordinance will have an impact on the township's operating budget. Mr. Barker noted that the streets alone could total over \$400,000 that the township maintains. Combined with the \$90,000 estimated in agriculture property exemptions, it would require approximately \$500,000 in General Funds and then be transferred to the Stormwater Fund annually. As currently drafted, the fee would limit the funds that are available to the township for anything not stormwater related. Mr. Barker asked the Board if they would accommodate the communities request to hold an in-person meeting.

Mr. Ford Stryker, Ferguson Township Resident, noted that he supports the Board's decision with the ERU method. Mr. Stryker has concerns with Section 4. – Stormwater Management Fund because typically the fee usually increases and suggested changing to a revolving fee. Also, Mr. Stryker requested adding language to Section 4. that funds received in a year must be expended in two years, and if the funds are not spent, reduce the fee the next year. Under the Program Elements – CIP for Partnerships, Mr. Stryker encouraged the Board to fund and promote. Mr. Stryker noted that under Section 5.A – Stormwater Utility Fee Calculation, there is nothing included regarding how the rate/fee is calculated and encouraged the Board to examine closer.

Mr. Mark Kunkle, Ferguson Township Resident, stated that on September 8, 2020 he spoke at the Board meeting requesting a delay of any further action with scheduling a public hearing to implement the ordinance. Mr. Kunkle stated that it is poor timing to enact the ordinance with residents struggling financially and asked what the urgency is since it wouldn't be implement until 2022. Mr. Kunkle noted that most property owners are not informed about the ordinance and urged the Board to delay further action until meetings can be done in-person. Mr. Kunkle appreciated the dialogue that the Board had tonight. Mr. Kunkle asked why similar residential properties in the non-growth area have a different ERU rate vs those in the growth area. Under Section 7.C.a – Exemptions, Mr. Kunkle asked if private streets will be exempt. Under Section 7.D, Mr. Kunkle asked if tax revenues be utilized to pay for the proposed 40% credit being given to Penn State and PennDot. Also, will any unpaid stormwater fee by the MS4 Permit Holders be subject to a municipal lien, and are Penn State and PennDot subject to a municipal lien law. Mr. Kunkle suggested having the Township Solicitor review the questions he made. Mr. Kunkle asked how the existing BMP's will be evaluated for the Credit Program.

Ms. Jeanne Fudrow, Ferguson Township Resident, thanked the Board for their hard work on the ordinance. Ms. Fudrow concurred with Mr. Balkey's comments about validation. Ms. Fudrow stated that she has struggled with the ERU method over the distinction between growth area and non-growth area and the different billing rates. Ms. Fudrow noted that the draft doesn't address the variability of the rates and suggested adding.

Mr. Todd Giddings, Ferguson Township Resident, noted that the township's consultant has been unaware of the importance of ground water recharge in Ferguson Township and the township has a Source Water Protection Ordinance. Mr. Gidding's stated that most of the drinking water comes from ground water and requested the Board to change the credit to 40%.

Mr. Ralph Wheland, Ferguson Township Resident, noted that a few years ago Ferguson Township decided to pursue the ordinance and the Board designated funds to study with no alternative discussions. Mr. Wheland stated the township has a simple mechanism in place with no agriculture caps, no credit, no hardships, no exemptions, etc., without a layer of complications that the draft ordinance includes. Mr. Wheland stated there wouldn't be so much discussion if it were to be a reasonable tax increase. Mr. Wheland has heard it said by a Supervisor that if the ordinance doesn't

pass then the \$250,000 was a waste of money. Mr. Wheland stated that it would not be a rational justification to pass the ordinance just because funds would be lost.

Ms. Dininni addressed Mr. Wheland's comment regarding "waste of money". Ms. Dininni clarified that if it were her that misspoke, she never meant to say it would be a waste if it wasn't passed.

Mr. Larry Harpster, Ferguson Township Resident and lifelong farmer, went over a list of comments from meetings with the Ferguson Township Agricultural Community. Mr. Harpster asked the Board to terminate the ordinance. Mr. Harpster requested that the ordinance be delayed until the pandemic is over so that meetings can convene in person. The Agricultural Community is opposed of the fee and prefers the expenditures be built into the regular budget using existing revenue. Mr. Harpster stated it may mean tightening the budget, a hiring freeze, prioritizing the public works projects, etc. Mr. Harpster is appreciative of the agricultural exemption, but since fees are reviewed each year, future Boards may not be so inclined to have an agricultural exemption. Mr. Harpster noted that the farms will not be allowed the credit for the recharge and requested that the credit be added and tied to the farm acreage. The Ag Community doesn't agree with assessing fees to non-profits, but if there is, there should be a special rate.

Mr. Bill Keough, Ferguson Township Resident, strongly stated that the stormwater fee approach is the wrong solution and there are several other solutions that can be addressed with the infrastructure issues. Mr. Keough expressed concerns with the cost of managing the fee system and stated it was not well vetted. Mr. Keough expressed his dismay that Public Comment was approximately 4.5 hours into the meeting that started at 6:00 p.m. and noted that the zoom approach is not user friendly. Mr. Keough stated that several farmers contacted him throughout the evening and the farmers that were scheduled to speak, couldn't participate due to the hour.

Ms. Dininni offered her apologies to the farmers that had to leave, and noted that during a work session format, there are typically no Public Comment. Ms. Dininni stated that since this is an important issue, she wanted to ensure there was comment at the end of the work session. Ms. Dininni asked Mr. Keough to convey to his group that when the public hearing is held, Public Comments are taken first.

VI. WRAP-UP/NEXT STEPS

Mr. Pribulka thanked everyone for their comments and will work on the modifications. The Public Hearing will be scheduled on February 1, 2021, and consideration of enacting the ordinance will be held on Tuesday, February 16, 2021.

Mr. Mitra commented that since there is an agricultural exemption, he would do away with the growth area and non-growth area. Mr. Miller stated that in general it is consistent with the costs and by having two rates addresses the two areas. Ms. Dininni concurs with Mr. Miller.

Ms. Strickland addressed some of the public comments with regards to Section 4, spending within a specific number of years; and language in Section 5 regarding the calculation of fees. Ms. Strickland noted that she would like more time to discuss some of the comments. Ms. Dininni requested adding an agenda item to the January 18, 2021 meeting. Mr. Pribulka will add to the agenda.

Ms. Strickland asked if the ordinance, credit policy, exemptions, and the fee resolution would be voted on the same day. Mr. Pribulka stated that the ordinance and all accompanying resolutions would be presented at the same meeting on February 16, 2021 to be considered for enactment. Mr. Pribulka noted that presenting everything on the same day is normal township procedure.

VII. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 11:17 p.m.

Respectfully submitted,

David Pribulka, Township Manager
For the Board of Supervisors

DRAFT

FERGUSON TOWNSHIP BOARD OF SUPERVISORS

Regular Meeting
Monday, February 1, 2021
7:00 PM

ATTENDANCE

The Board of Supervisors held its first regular meeting of the month on Monday, February 1, 2021, via Zoom in a webinar format. In attendance were:

Board:	Laura Dininni, Chair	Staff:	Dave Pribulka, Township Manager
	Lisa Strickland, Vice Chair		Dave Modricker, Director of Public Works
	Steve Miller		Jenna Wargo, Director, Planning and Zoning
	Prasenjit Mitra		Chris Albright, Chief of Police
	Patty Stephens		Centrice Martin, Assistant to the Township Manager
			Ron Seybert, Township Engineer

Others in attendance included: Rhonda Demchak, Recording Secretary; Bill Keough, Ferguson Township Resident; Mr. Fred Growl, Ferguson Township Resident; Ron Strouse, Ferguson Township Resident; Ms. Charima Young, PSU; Mr. Mark Kunkle, Ferguson Township Resident; Ms. Nancy Krouse, HOA Representative of Westway Gardens; Mr. Aaron Miller, Patton Township Resident; Mr. Peter Buck, Past Supervisor; Mr. Bill Peters, Ferguson Township Resident; Ms. Shannon Holiday, Ferguson Township Resident; Mr. Jeremie Thompson, Ferguson Township Resident; Mr. Steve Balkey, Ferguson Township Resident; Mr. William Kenyon, President, HOA, The Landings; Mr. John Stepp, PennTerra Engineering; Mr. Darin Barker; Ms. Higgins

I. CALL TO ORDER

Ms. Dininni called the Monday, February 1, 2021, regular meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

Mr. Pribulka noted that the Board of Supervisors meeting had been advertised in accordance to the PA Sunshine Act as a virtual meeting via Zoom in a webinar format. There was also an audio conference bridge that was accessible by dialing the Ferguson Township's main line at 814-238-4651 and then dialing extension 3799. Persons attending the webinar as members of the public and wanted to participate were asked to enter their name, municipality, and topic by utilizing the Q&A bubble at the bottom of the screen. Mr. Pribulka noted that attendees will not be permitted to speak unless addressed by the Chair. Mr. Pribulka will share more information on how attendees can interact with the Board at the appropriate time of the meeting. C-NET is recording as well. Mr. Pribulka took Roll Call and there was a quorum.

II. CITIZENS INPUT

None.

III. APPROVAL OF MINUTES

Ms. Stephens moved that the Board of Supervisors **approve** the Regular meeting Minutes of January 18, 2021. Mr. Miller seconded the motion. The motion passed unanimously.

IV. SPECIAL REPORTS

a) COVID-19 (Coronavirus) Response Report

Mr. Pribulka noted that local or regional updates can be found on the Centre Region Ready [Facebook page](#) or the [COG website page](#). Also, information can be found on the [Township website](#) and [State College Borough website](#).

The Municipal Building has reopened with limited hours. The lobbying is open between 10:00 a.m. – 2:00 p.m., Monday through Friday. The police lobby remains open for walk-ins Monday-Friday during normal hours of operation, but residents are encouraged to meet virtually. Staff is working both remotely and in the office. The public is encouraged to make appointments virtually.

The distribution of the COVID-19 Vaccine [Phase 1A](#) continues. Several pharmacies and health care facilities have joined Mount Nittany Medical Center to serve as local [distribution sites](#).

There have been 10,479 confirmed cases county-wide and 57,049 negative cases in the State College area as of January 30, 2021. There have been 193 deaths due to the virus in Centre County. There have been 736,236 reported cases in Pennsylvania and an additional 109,842 probable cases. There have been 21,678 deaths.

Mr. Pribulka thanked the residences and business owners in Ferguson Township for their patience and understanding as the Township recovers.

b) Centre Region Parks and Recreation Authority (CRPRA)

Mr. Bill Keough, Ferguson Township Representative for Centre Region Parks and Recreation Authority, presented the report. COVID-19 continues to be a challenge for programming. Programs are being planned for spring and summer with some COVID-19 mitigation at this time. There is no plan to cancel programs. Pools are preparing to be open on schedule to the public. The pool at the high school has not been utilized for CRPRA programs but trying to hold a few training events two weeks prior to the public pools being opened. Esports, which is a gaming platform, might be a future program. There were 30 homes registered for the holiday light contest and it was a huge success. Planning spring programs and summer camps at the Millbrook Marsh because they are mostly outdoor activities. Staff is coming back from furloughs to the Senior Center at the Nittany Mall.

Ms. Stephens asked Mr. Keough if proof of a vaccination card will be required at the Senior Center. Mr. Keough stated that it has not been resolved and will continue to inquire about such card.

Mr. Dininni thanked Mr. Keough for the Watershed-Friendly Property Certification.

On a different matter, Mr. Keough expressed disappointment with the county roll-out to sign up for the COVID-19 vaccine, because registration was extremely difficult to access. Mr. Keough stated that he could not access and asked Mr. Pribulka to relay his frustrations to the other boards and committees that he attends. Mr. Mitra agreed with Mr. Keough that the system is difficult.

V. UNFINISHED BUSINESS

1. PUBLIC HEARING – STORMWATER MANAGEMENT UTILITY FEE ORDINANCE

Mr. Pribulka reviewed the logistical aspects for attendees to participate in the hearing. The hearing included a series of resolutions. The study started in 2016 and included multiple meetings, reports, educational sessions, etc. Mr. Pribulka thanked the Stormwater Advisory Committee, Dave Modricker, Ron Seybert, Kevin Bloom, Jaymes Progar, Summer Krape, Eric Endresen, and many others that spent countless hours on this project. Also, Mr. Pribulka thanked the consultants at Wood and most importantly the residents of Ferguson Township.

Mr. Pribulka noted that consideration of the fee is not reflective of the Township's mismanagement of taxpayer's money or reckless spending. Staff and the Board have heard legitimate concerns that helped frame the ordinance, and also there were theories and accusations that were made regarding wasteful spending. Mr. Pribulka stated that the data does not support the allegations because the budget is open to the public and is transparent. Mr. Pribulka stated to the Board that considering adding the fee is a difficult decision for any elected official. There were no recommendations made to the Board by Mr. Pribulka, staff, or the consultant.

Public Hearing

Mr. Fred Growl, Ferguson Township Resident, noted that it was difficult to sign up to speak against the ordinance and generally connecting to the meeting.

Ms. Charima Young, PSU, thanked everyone for their hard work and the Board's willingness to have public comment. The University provided comments via a presentation last week to the Township explaining their position. Ms. Young stated that as a MS4 Permit Holder the University feels they should be exempt for the following reasons:

1. Penn State holds an MS4 permit that is equivalent to the Township's MS4 permit and has worked cooperatively as an equal on MS4 permit requirements since 2004.
2. Penn State already operates a mature stormwater program similar to the program that the Township envisions. The University also owns a larger storm system than the Township, that Ferguson Township and PennDOT drain into, which the University alone is responsible for maintaining.
3. Chesapeake Bay Pollution Reduction Plan (CBPRP) loads for University property located in the Township are parsed out from Ferguson Township CBPRP loads and remain a University MS4 permit requirement. No other property owner in the Township has this obligation.
4. Penn State is impacted significantly more by Township and private runoff than Penn State property impacts Ferguson Township (at a 5:1 ratio).

Mr. John, Ferguson Township Resident, expressed concerns that the fee structure and projection costs are missing details.

Mr. Rick Tezzlaff, Member of the HOA for Aaron Village, noted that the credits don't take in consideration that Aaron Village takes on stormwater from public properties because they have a basin. Mr. Tezzlaff stated he is against the ordinance. Mr. Modricker noted that there was a preexisting drainageway at Aaron Village and the basin was built adjacent to the drainageway. Mr. Modricker noted that there is some funding set aside for areas like Aaron Village that take in public and private water.

Mr. Modricker stated that there is back up information for all of the estimates in the model.

Mr. Mark Kunkle, Ferguson Township Resident, spoke about the financial implications of the fee and the impact it will have on residential owners.

Ms. Nancy Krouse, HOA Representative of Westway Gardens, noted that most of the residents are retired with fixed incomes. Ms. Krouse stated that Westway Gardens I and Westway Gardens II are combined and share the same tax identification number and they do not know what their fee will be. Ms. Krouse requested clarification with the combined properties. Mr. Pribulka encouraged Ms. Krouse to contact Dave Modricker, Ron Seybert, or anyone in the Public Works Department.

Mr. Bill Keough, Ferguson Township Resident, expressed concerns with the meeting structure because it is not consistent. Mr. Keough stated that there was not adequate discussion and should look at other alternatives. Mr. Keough expressed concerns with overhead to manage the credit program.

Mr. Aaron Miller, Patton Township Resident, but soon to be a resident of Ferguson Township, stated that he is in favor of the fee.

Mr. Peter Buck noted that he was a Supervisor when the ordinance was first considered and noted that the process was transparent. Mr. Buck requested that the Board not look into other alternatives and supports the fee. Mr. Buck currently does not live in Ferguson Township.

Mr. Bill Peters, Ferguson Township Resident, noted that the community wasn't aware of the fee until recently and felt the Township wasn't transparent.

Board Discussion

Mr. Miller read a written statement with regards to the entire ordinance and noted that he will be voting in support of the fee. Mr. Miller explained his reasons for supporting the ordinance. Mr. Miller feels that a tax increase is a simple process compared to the fee that was calculated. Mr. Miller stated that he doesn't agree with some of the decisions the Board has made and going forward will be speaking on behalf of himself. In the event the fee is not enacted, Mr. Miller asked the Board to schedule a Public Hearing to enact the fee through a tax increase. Mr. Miller expressed frustration with some people in the community that feels the Township is hiding money and frivolous spending, because it is simply untrue.

Mr. Mitra stated that he is opposed of the fee in its current form and believes that a stormwater fee is a better option than an income or property tax increase. Mr. Mitra noted that he would like to see a Financial Advisory Committee created to look into the fee more closely.

Ms. Stephens stated that she believes the stormwater fee is a better option than an income or property tax. Ms. Stephens noted that she likes the hardship fee.

Ms. Strickland shared her thoughts and suggestions with a written statement. Ms. Strickland is troubled with the deliberation of the ordinance through an emergency declaration. Ms. Strickland suggested moving forward with accessing the pipes and the major stormwater project as planned and use the assessment to have as groundwork for the stormwater project in 2022. This would enable to have another year to access and to be funded by the General Fund. Ms. Strickland noted that it would move forward without a fee or a tax increase for the next two years. Ms. Strickland encouraged each Board member to reflect on what the priorities should be as we emerge from the pandemic before the vote in two weeks.

Ms. Dininni prepared a written statement and read part of it. Ms. Dininni addressed concerns that she received from community members stating they have not been heard. Ms. Dininni stated that if she chooses to vote in favor of the ordinance it is not a reflection of not hearing community members who are in opposition, but rather it is a disagreement with the conclusion.

Mr. Miller moved that the Board of Supervisors **continue** the public hearing on February 16, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

a. Public Hearing – Credit Policy Manual Resolution

Mr. Pribulka introduced the resolution and noted that provided with the agenda is a copy of a resolution advertised for public hearing establishing a credit policy manual to supplement the

stormwater management utility fee. If enacted, the credit policy would provide a mechanism for property owners in the Township to invoke certain credits for which they may be eligible to offset their obligations under the stormwater management utility fee. Mr. Modricker noted that Table 1 focuses on the description of the credits.

Public Hearing

Ms. Shannon Holiday, Ferguson Township Resident, stated that she has not received a pay raise in two years as a result of COVID-19 and asked about the impact for those that are renters like herself. Mr. Pribulka stated that the fee would be assessed to the property owner. Ms. Holiday expressed concerns with a hike in her rent due to the fee. Ms. Holiday asked if the fee will be permanent. Mr. Pribulka noted that the fee will be assessed every year to determine because it is a fluid fee.

Mr. Bill Keough, Ferguson Township Resident, asked Mr. Modricker what the column means for ALL within Table 1. Mr. Modricker explained that the credit pertains to all non-residential property. Mr. Keough asked where the farms would be on the table. Mr. Modricker noted that there is an agricultural exemption, but it is not written in the credit manual. Mr. Keough asked if the ALL category includes an opportunity for agricultural properties to be eligible for credits. Mr. Modricker stated that it would.

Ms. Nancy Krouse, asked a question regarding the HOA and if the individual unit owner would apply for each credit or would the credit go against the HOA. Mr. Modricker stated that they want to address HOA's in a flexible manner.

Ms. Higgins asked about the credits and the overall affect on the stormwater fee program relating to the budget. Mr. Pribulka noted that the credits and exemptions would be transferred from the General Fund to supplement any loss revenue.

Mr. Bill Keough, asked if a person has to apply for a credit or an exemption annually. Mr. Pribulka stated yes, they need to apply each year. Mr. Keough inquired about notifications to reapply for credits and exemptions. Mr. Pribulka stated that the Township will be proactive with annual reminders.

Mr. Fred Growl stated that the Township is burdening the general population with all of the accumulative efforts.

Board Discussion

Mr. Miller commented on questions regarding the General Fund that was brought up at tonight's meeting. Mr. Miller noted that he believes that the items moved from the General Fund into the Stormwater Fund will more than offset the exemptions and credits. Mr. Miller asked for clarification with the agricultural exemptions/credits. Mr. Pribulka will rework the language for better clarity.

Ms. Strickland received questions regarding credits for existing versus new construction. Mr. Modricker noted that the distinction is that whatever and wherever the stormwater feature was built, that they comply with the ordinance at that time. Newer basins will be eligible for more credits.

Ms. Strickland asked for clarification under Section 7 – Exemptions with the language and should similar language be included under the credits. Mr. Pribulka will add clarifying language to the ordinance and the resolution.

Mr. Miller moved that the Board of Supervisors **continue** the public hearing on February 16, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

b. Public Hearing – Agricultural Properties Partial Exemption Resolution

Mr. Pribulka introduced the resolution and noted that the policy is to provide a partial exemption to certain agricultural properties from the Ferguson Township Stormwater Management Utility Fee. The draft resolution limits the maximum fee assessed to Agricultural Properties to twice the median value of the assessment charged to all properties in the Township. For the purposes of the proposed ordinance, this would limit that exposure to two (2) Equivalent Residential Units (ERUs) for properties that meet the definition of Agricultural Use under Pennsylvania’s “Clean and Green” statute. It is notable that residential dwelling units situated on Agricultural Properties would be assessed one additional ERU per each residential dwelling unit and would not be restricted by the limit set by this policy.

Public Hearing - No Comments were made.

Board Discussion - No Comments were made.

Mr. Miller moved that the Board of Supervisors **continue** the public hearing on February 16, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

c. Public Hearing – Economic Hardship Exemption Resolution

Mr. Pribulka introduced the resolution and noted that provided with the agenda is a copy of a resolution advertised for public hearing establishing a policy to provide an economic hardship exemption from the Ferguson Township Stormwater Management Utility Fee to qualified property owners. The draft policy provides a full exemption to individuals and families earning less than or equal to two hundred percent (200%) of the federal poverty line annually, and a fifty percent (50%) exemption to individuals and families earning between two hundred percent (200%) and two hundred and fifty percent (250%) of the federal poverty line annually.

Public Hearing

Mr. Jeremie Thompson, Ferguson Township Resident, felt it leaves out residents that rent because a property manager could impose a rent increase or a new fee. Mr. Thompson inquired about credits received by a property manager and the insurability that the savings is passed to the tenant. Also, Mr. Thompson stated that low income, minorities, and fix income residents will be most impacted by the fee. Mr. Pribulka noted that there is no mechanism in place to track if a property manager is passing the savings.

Mr. Bill Keough, Ferguson Township Resident, asked what 200% represents. Mr. Pribulka noted that it depends on family size and the federal poverty levels are set by the Department of Health and Human Services. For a family of four, 200% is \$52,400, at 250% for a family of four is \$65,500, 200% for a family of two would be \$34,480, and 250% for a family of two would be \$43,100. Mr. Keough expressed concerns for retirees and Ferguson Township has a large poll of retirees on fixed incomes. Mr. Pribulka noted that resolution is presented to include adjusted gross income and would include income that is not necessarily earned income.

Mr. Steve Balkey, Ferguson Township Resident, asked if the current income tax of the Township does or doesn’t include the unearned income on a 1040. Mr. Pribulka stated that it doesn’t include.

Board Discussion

Mr. Steve Miller commented that the resolution is not intended as an exemption for retirees but rather an exemption for a certain income level. Ms. Dininni concurred with Mr. Miller.

Mr. Art Reid asked in the chat box if the Township is using the fee to avoid saying tax. Mr. Pribulka noted it is an exemption and not as a basis for a fee.

Ms. Dininni responded to Mr. Thompson's comments and shares her concerns with low income earners. Ms. Dininni stated that Ferguson Township has the lowest property tax in the region and hopes that landlords are passing down any savings to their tenants.

Mr. Mitra also shares his concern with low income earners and noted rent is dependent on the market.

Ms. Strickland thanked Mr. Thompson and Ms. Holiday for their comments and suspects they will more than likely have an increase in rent.

Mr. Mitra moved that the Board of Supervisors **continue** the public hearing on February 16, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

d. Public Hearing – Non-Profit Organization Exemption Resolution

Mr. Pribulka noted that this is a relatively new policy. The resolution is provided with the agenda and there is a copy of a resolution advertised for public hearing establishing a policy to provide a hardship exemption from the Ferguson Township Stormwater Management Utility Fee to certain eligible non-profit organizations. The policy requires applicants to demonstrate that the annual fee imposed to a property owned by the applicant organization to equal or exceed one percent (1%) of the organization's annual revenue. This can be demonstrated by the provision of the most current audited annual financial statements of the applicant organization. Mr. Pribulka stated that there needs to be more time spent on the resolution before it can be adopted because there are a few outstanding questions that need to be explored.

Public Hearing

Mr. Darin Barker thanked the Board for the exemptions and asked where the 1% came from. Mr. Pribulka noted that when preparing the draft, he reviewed a number of Hardship Policies related to non-profits mainly in Maryland. Mr. Pribulka noted that the 1% is a range that can provide relief for small non-profits, but not for big non-profits. Mr. Barker proposed to revisit the 1% to the Board.

Mr. Ron Strouse thank the Board for considering an exemption for non-profits. Mr. Strouse suggested adding language regarding 501(c)(13) for non-profit cemeteries to the exemption.

Mr. Bill Keough expressed concerns with daycare centers because they are suffering due to the pandemic.

Mr. William Kenyon, President, HOA, The Landings, noted that the development is almost entirely a retention basin and asked how it will be assessed. Mr. Modricker stated that the impervious area would be assessed.

Ms. Nancy Strouse, Representative, Pine Hall Lutheran Church, thanked the Board for considering an exemption for non-profits because the church is small with mostly an elderly population. Ms. Strouse noted that churches are excluded from filing 990's with the IRS.

Board Discussion

Mr. Miller commented that more work needs to be done on the resolution and pointed out that the non-profit exemption is different than the agricultural exemption. The agricultural exemption was based on the fact the property doesn't create stormwater the same way other properties do. Mr. Miller noted that the non-profit exemption is based on hardships and is not intended for every non-profit and suggested having a sliding scale beyond the 1%.

Mr. Mitra is in favor of small non-profit's for hardship exemption.

Ms. Strickland stated that she doesn't want to table the exemption indefinitely and asked if it could be included on an agenda in March. Mr. Miller suggested closing the Public Hearing, have continued discussion, and then advertise another Public Hearing. Mr. Pribulka concurred with Mr. Miller.

Ms. Dininni asked Board members for their specific suggestions so that Mr. Pribulka can do research.

Ms. Strickland suggested double checking the language around documentation that non-profits need to provide; a sliding scale; and making sure that all non-profits are inclusive.

Ms. Dininni suggested a \$1 million cap.

Mr. Miller moved that the Board of Supervisors **close** the public hearing. Mr. Mitra seconded the motion. The motion passed unanimously.

e. Public Hearing – Fund Balance Limit Resolution

Mr. Pribulka introduced the resolution and noted that provided with the agenda is a copy of a resolution advertised for public hearing establishing a maximum fund balance permitted to accrue in Fund 20, Stormwater of the Township's Annual Operating Budget. The resolution limits fund balance to no more than thirty percent (30%) of budgeted expenditures in a fiscal year. Should the fund balance be projected to exceed the maximum allowable percentage of budgeted expenditures, the Board of Supervisors may reduce the rate per Equivalent Residential Unit by an amount that would offset the additional fund balance, or authorize one-time expenditure(s) to reduce the fund balance to a permitted level. Mr. Pribulka noted that it will be unlikely that the fund balance will accrue to the degree listed.

Public Hearing - No Comments were made.

Board Discussion - No Comments were made.

Mr. Mitra moved that the Board of Supervisors **continue** the public hearing on February 16, 2021. Ms. Stephens seconded the motion. The motion passed unanimously.

2. THE COTTAGES POST-FINAL PLANNED RESIDENTIAL DEVELOPMENT AMENDMENT

Ms. Wargo presented the amendment that was provided in the agenda. State College Apartments, LLC has submitted a request for amendments to their approved Final PRD Plan to include modifications to the landscaping plan. Trees were relocated from the top of the retaining wall to the bottom of the retaining wall adjacent to Swale 16 and behind Units 43 & 44. An updated Stormwater calculation and maintenance plan were requested by staff. Township Staff and

consultants have reviewed the requested modifications and is recommending approval pending outstanding grading comments from Scott Brown, NTM Engineering.

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 is Sheet 14 highlighting the requested modifications. Ms. Wargo reviewed photos that were taken.

Ms. Dininni asked if the Board is obligated to pass the amendment. Ms. Wargo noted that if it isn't passed, the landscaper would have to remove the trees and replant them on top of the wall that was reviewed in the photos.

Mr. John Stepp, PennTerra Engineering, noted that the trees will fair better at the bottom of the retaining wall. Mr. Stepp stated that the landscaping company planted the trees without their knowledge and that is why they applied for an amendment.

Ms. Strickland moved that the Board of Supervisors **approve** the post-final amendment to The Cottages at State College Planned Residential Development subject to compliance with all outstanding staff comments. Mr. Mitra seconded the motion. The motion passed 3-1. Please note that Mr. Miller was not in attendance for the discussion.

3. CONTINUED DISCUSSION – WHITEHALL ROAD REGIONAL PARK

Mr. Miller noted that COG Finance Committee held a special meeting and has recommended increasing the loan amount to cover Phase I, including restrooms, by extending the payback period of the loan.

Ms. Dininni stated that she expected refinancing of the extra funds to cover the restrooms.

Mr. Miller told the COG Finance Committee that he didn't believe that Ferguson Township would vote to approve. Mr. Miller noted that he can recommend to either refinance the amount that is outstanding at a lower rate or refinance at a rate that brings in the \$300,000 that keeps the payments the same. Mr. Miller stated he would not accept an extra \$1 million in principle.

Ms. Strickland reiterated that the master plan should be revisited and stated that she would not approve to continue investing money into the project.

Ms. Stephens concurred with Ms. Dininni and Ms. Strickland.

Mr. Mitra stated that he would be in favor of refinancing to lower the payment and asked what would the \$300,000 get the Township in return. Ms. Dininni noted that the base bid is underfunded by \$700,000 to \$800,000 and that the \$300,000 would be going toward the underfunding.

Mr. Bill Keough asked what it would mean if the master plan were to be redone. Also, Mr. Keough noted that there has been a lot of money raised in grants and would lose if the master plan were revised. Ms. Dininni noted that revisiting the master plan may not start from scratch, but rather having a discussion at General Forum to find out what the municipalities are willing to commit to and then modify the existing plan to match the needs.

4. CONTINUED DISCUSSION – RECREATIONAL FIRE/OPEN BURN ORDINANCE AMENDMENT

Chief Albright noted that provided with the agenda is the draft language. Chief Albright stated that Counsel needs to review the fireworks section and will add comments that the Board may have. Chief Albright noted that the amendment might be added to the COG's Building, Safety, and Property Maintenance Code that might be updated.

VI. NEW BUSINESS

1. CONSENT AGENDA

- a. Donation Request – FT Senior Citizens Group
- b. Juniata Watershed Management Plan Update
- c. Treasurer’s Report – November 2020 for acceptance
- d. Treasurer’s Report – December 2020 for acceptance
- e. Voucher Report – December 2020
- f. Contract 2020-C4, Pay App #7, Suburban Park Permits: \$17,130.44

Ms. Stephens moved that the Board of Supervisors **approve** the Consent Agenda. Mr. Miller seconded the motion. The motion passed unanimously.

VII. STAFF AND COMMITTEE REPORTS

1. COG COMMITTEE REPORTS

- a. Executive Committee – Ms. Dininni reported that everything was discussed at the General Forum
- b. Climate Action & Adaptation TAG – The report is included in the agenda. Ms. Dininni noted that this group is focused on outreach and not focused on steps that the COG can make to become more climate friendly. Mr. Pribulka will relay Ms. Dininni’s comment to COG.
- c. Finance Committee – The report is included in the agenda.

2. OTHER COMMITTEE REPORTS

- a. Spring Creek Watershed Commission - The report is included in the agenda.

3. STAFF REPORTS

- a. Manager’s Report – Mr. Pribulka noted that the Pine Grove Mills Small Area Plan Advisory Board held its Reorganizational Meeting on January 21st. Matthew Heller was reelected Chairman and Paul Tomkiel was reelected as Vice Chairman. A subcommittee of the Board met on January 28th to review action steps in the plan and begin to categorize and prioritize them for implementation. Mr. Pribulka noted that the meeting was very productive. The Schlow Centre Region Library Executive Director initial interviews have concluded.
- b. Public Works Director – Mr. Modricker noted that a comprehensive list of projects is included in the packet.
- c. Planning and Zoning Director – Ms. Wargo noted that the report is included in the agenda and the subdivision was withdrawn. Staff was given noticed to relitigate the Harner site due to arsenic being found in the soil.

VIII. COMMUNICATIONS TO THE BOARD

Ms. Strickland received communications regarding a cap that might be imposed by Comcast. Also, Ms. Strickland has had many complaints regarding the online signup for the COVID-19 vaccine.

IX. ADJOURNMENT

With no further business to come before the Board of Supervisors, Ms. Stephens motioned to adjourn the meeting. The meeting adjourned at 11:59 p.m.

Respectfully submitted,

David Pribulka, Township Manager
For the Board of Supervisors

DRAFT



FERGUSON TOWNSHIP GREENHOUSE GAS INVENTORY

Methodology Report

ABSTRACT

This inventory report describes the methodology employed to create Ferguson Township's greenhouse gas emissions inventory for a baseline year of 2016.

Ferguson Township Climate Action Committee

Dave Cullmer, Jason Grottini, Brandi Robinson (Chair),
and Tip Stama

Credits and Acknowledgements

Pam Adams, Current Sustainability Planner, Centre Region Planning Agency
Colleen Barrett, Former Sustainability Planner, Centre Region Planning Agency
Peter Buck, Former Chair of the Ferguson Township Board of Supervisors
Dave Pribulka, Township Manager, Ferguson Township

This report was prepared by the Ferguson Township Climate Action Committee. The authors would like to thank Ferguson Township staff for providing much of the insight and local information necessary for the completion of this report.

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Executive Summary

Ferguson Township recognizes that greenhouse gas (GHG) emissions from human activity are catalyzing profound climate change, the consequences of which pose substantial risks to the future health, wellbeing, and prosperity of our community. Furthermore, Ferguson Township has multiple opportunities to benefit by acting quickly to reduce community GHG emissions. Recommended actions to reduce emissions will provide ancillary benefits to Ferguson Township residents and the community as a whole by reducing energy and transportation costs, improving health, supporting local businesses, developing and promoting an economy centered around energy efficiency and good practices, thereby making the community an even more attractive place to live and locate a business. Additionally, Ferguson Township, as an early actor in climate action, helps to lead the way for other local municipalities in the areas.

This inventory exercise was initiated by the June 2017 adoption of Resolution 2017-14, which was modeled after the Paris Climate Agreement. Members of the Paris Climate Agreement agree to limit the increase in global average temperature to “well below 2 degrees centigrade above pre-industrial levels” in addition to pursuing more ambitious reductions to limit that increase to 1.5 degrees centigrade, recognizing this is necessary to prevent the more catastrophic and irreversible impacts to both people and ecological systems, largely due to unlocking methane from the permafrost in a strong feedback loop which creates even further anthropogenic-forced warming. The resolution calls for the Township to develop and implement a strategy to achieve zero net emissions no later than 2050. After the resolution’s adoption, the Township convened a Climate Action Committee to inventory existing emissions and begin planning reduction strategies. This report provides estimates of community-wide greenhouse gas emissions resulting from activities in Ferguson Township in 2016.

The inventorying and planning work of the Ferguson Township Climate Action committee has been informed by and is completed in close consultation with the Centre Region Planning Agency in an effort to align with regional inventorying methodology to ensure we can successfully benchmark emissions across municipalities and monitor the success of subsequent actions to reduce emissions.

Climate Change: Causes and Consequences

Evidence of Human-Caused Climate Change

The greenhouse effect is a naturally occurring phenomenon by which the gases in the Earth's atmosphere trap solar radiation. The natural greenhouse effect warms the average temperature of the Earth by about 60 degrees Fahrenheit, making life as we know it possible. However, as human activity strengthens the greenhouse effect, so too do we alter the planet's climate system.

There is overwhelming scientific consensus that the global climate is changing, and that human actions, primarily the burning of fossil fuels, are the main cause of those changes. The Intergovernmental Panel on Climate Change (IPCC) is the scientific body charged with bringing together the work of thousands of climate scientists. The IPCC's Fifth Assessment Report Summary for Policy Makers states that, "Anthropogenic greenhouse gas emissions have increased since the pre-industrial era, driven largely by economic and population growth, and are now higher than ever. This has led to atmospheric concentrations of carbon dioxide, methane and nitrous oxide that are unprecedented in at least the last 800,000 years. Their effects, together with those of other anthropogenic drivers, have been detected throughout the climate system and are extremely likely to have been the dominant cause of the observed warming since the mid-20th century"¹. This builds on the earlier findings of the Fourth Assessment Report which states that, "warming of the climate system is unequivocal" and "most of the observed increase in global average temperatures since the mid-20th century is *very likely* due to the observed increase in

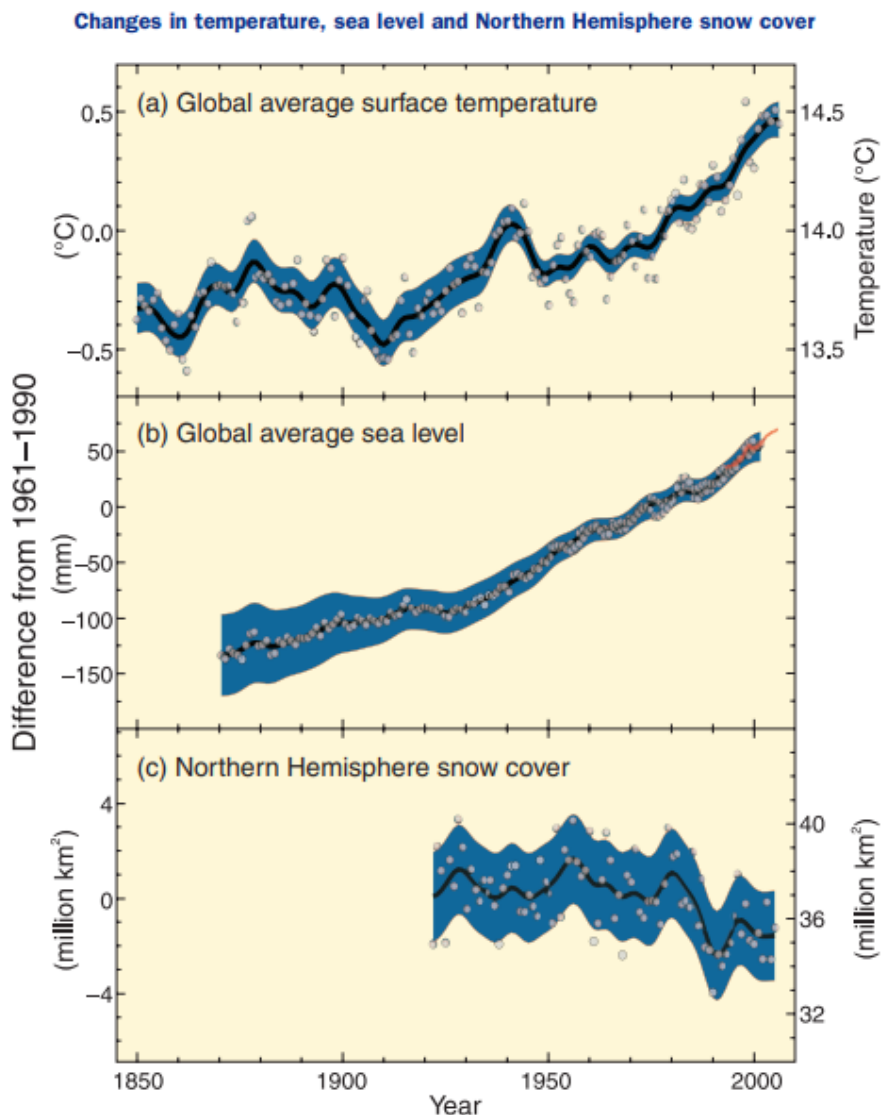


Figure SPM.1. Observed changes in (a) global average surface temperature; (b) global average sea level from tide gauge (blue) and satellite (red) data and (c) Northern Hemisphere snow cover for March-April. All differences are relative to corresponding averages for the period 1961-1990. Smoothed curves represent decadal averaged values while circles show yearly values. The shaded areas are the uncertainty intervals estimated from a comprehensive analysis of known uncertainties (a and b) and from the time series (c). (Figure 1.1)

Figure 1: Observed Changes in Temperature, Sea Level, and Northern Hemisphere Snow Cover
 Source: IPCC Fourth Assessment Report

For the period 1880-2020, 2020 was the second warmest year of the period of record. This is not an anomaly, but instead part of a recent and persistent trend. Per the National Oceanic Atmospheric Administration (NOAA), “the world’s seven-warmest years have all occurred since 2014, with 10 of the warmest years occurring since 2005”ⁱⁱⁱ. The last year with a below average global temperature was 1976. The steady uptick in average temperatures is significant and expected to continue if action is not taken to greatly reduce greenhouse gas emissions.

Regional and Local Impacts

The impacts of a changing climate are more complicated than higher temperatures. In addition to more extreme heat and cold, extreme precipitation and its associated flooding, drought, more intense extreme weather events such as hurricanes, increased prevalence of vector-borne diseases, and loss of biodiversity are also impacts of a changing climate^{iv}. And while some of these impacts focus on the physical environment, many others have direct and indirect impacts on human health and well-being.

While often framed as a challenge people and the planet will face in the future, the impacts of climate change are already affecting communities and people here in Central Pennsylvania.

The Northeast has experienced a greater recent increase in extreme precipitation than any other region in the U.S.; between 1958 and 2010, the Northeast saw more than a 70% increase in the amount of precipitation falling in very heavy events (defined as the heaviest 1% of all daily events^v). These trends are expected to continue in Pennsylvania, including Ferguson Township, which puts a burden on infrastructure and disrupts economic, social, and environmental systems. Other expected impacts to Ferguson Township include summer heat waves, temperature swings and odd seasonal time periods, which will disrupt ecosystems, habitats, and agricultural activities. Current impacts to Ferguson Township, and the greater State College Area are explained below.

Climate change will increase the likelihood of extreme precipitation events and local Pennsylvania communities like Ferguson Township, will feel the effects. In 2018, severe weather caused an estimated \$125 million worth of damage to infrastructure in Pennsylvania.^{vi} As in 2018, if federal disaster relief cannot cover the total cost of repair, the burden will simply be passed to local municipalities and county agencies, impacting local taxpayers and property owners^{vii}.

Agricultural impacts are already being felt today. Due to increased frequency and intensity of precipitation events, farmers are experiencing direct crop loss as a consequence. July 2018 was the wettest on record, resulting in flooding events that led to significant crop loss in Pennsylvania. This caused 61 counties (including Centre County) to apply for disaster relief through the USDA, thus forcing farmers to increase their debt burden if they looked to recoup losses^{viii}.

However, severe weather and increasing temperatures will not only target infrastructure and agriculture, it will also lead to a greater prevalence of vector-borne diseases. Between 2004 and 2016, the frequency of these diseases nearly tripled nationally; starting at roughly 27,000 reported cases and increasing to

96,000 in 2016^{ix}. At the state level, Pennsylvania has reported the highest total reported cases of Lyme disease in 2016 and 4 of the top 5 states with the highest totals reside in the Northeast. Climate change will lead to greater exposure risk as temperatures and precipitation rise, creating opportunity for breeding and transmission^x.

Intense rainfall and severe weather events have also increased the preponderance of pathogens and fungus; in 2018, Corl Street Elementary closed to manage and mitigate a mold outbreak. Whereas, in 2016, East Pennsboro Area High, located near Harrisburg, was forced to close due to a mold outbreak worsened by extreme humidity and rainfall^{xi}. According to the Pennsylvania Department of Environmental Protection, climate change will likely only exacerbate this issue. Temperature rise, coupled with increased precipitation, are main drivers of vector-borne diseases and pathogens that will negatively impact human health, agriculture, and outdoor recreation^{vii}.

Acknowledging these impacts, many communities in the United States have taken responsibility for addressing climate change at the local level. Reducing fossil fuel use in the community creates many ancillary benefits beyond emissions reduction. More efficient use of energy decreases utility and transportation costs for residents and businesses. Retrofitting homes and businesses to be more efficient creates local jobs. In addition, money not spent on energy is more likely to be spent at local businesses and add to the local economy. Reducing fossil fuel use improves air quality and increasing opportunities for walking and bicycling improves residents' health. This frame of thinking promotes local sustainability by promoting "buy local", farm to table establishments and cleaner, healthier living.

In 2018, the IPCC released a special report, [Global Warming of 1.5 degrees C](#), sending one of the strongest messages to date on the science of climate change and our ability to minimize its impacts to people and the systems on which we depend. As the science of climate change becomes clearer, our actions to address it must be both swift and commensurate with that science.

Climate Action Process

ICLEI Climate Mitigation Program

In response to the problem of climate change, many communities in the United States are taking responsibility for addressing emissions at the local level. The International Council for Local Environmental Initiatives (ICLEI) has taken a lead role in training and providing resources for local governments and

communities to take those that responsibility. ICLEI is a global network committed to building a sustainable future for planet earth. Since many of the major sources of greenhouse gas emissions are directly or indirectly controlled through local policies, local governments have a strong role to play in reducing greenhouse gas emissions within their boundaries. Through proactive measures around land use patterns, transportation demand management, energy efficiency, green building, waste diversion, and more, local governments can dramatically reduce emissions in their communities. In addition, local governments are primarily responsible for the provision of emergency services and the mitigation of natural disaster impacts.

ICLEI provides a framework and methodology (Figure 2) for local governments to identify and reduce greenhouse gas emissions, organized along Five Milestones.

This report represents the completion of ICLEI’s Climate Mitigation Milestone One for the community and provides a foundation for future work to reduce greenhouse gas emissions in Ferguson Township. Ferguson Township completed Milestone 2 first when it passed the resolution seeking to achieve net zero emissions by 2050. For planning purposes moving forward, we will consider Milestone 2 to be establishing interim targets to support that larger goal.



Figure 2: ICLEI Milestones for Inventorying and Planning

Inventory Overview

A snapshot of Ferguson Township's Emissions

Ferguson Township completed the first milestone in the ICLEI process in 2018-2019 with the completion of its initial greenhouse gas emissions inventory for the 2016 baseline year. In 2016, Ferguson Township's emissions were 222,812 metric tons of carbon dioxide equivalent (MTCO₂e).

The 222,812 metric tons is roughly an average annual carbon footprint of 12 tons per resident. **Figure 3** below illustrates the six categories of emissions evaluated in this inventory. The emissions total represents the equivalent of 48,137 passenger vehicles driven for a year or almost 21.9 million gallons of gasoline consumed^{xii}. Ferguson Township represents 27% of the Centre Region's greenhouse gas emissions based on the Centre Region's 2016 greenhouse inventory of 824,209 MTCO₂e.

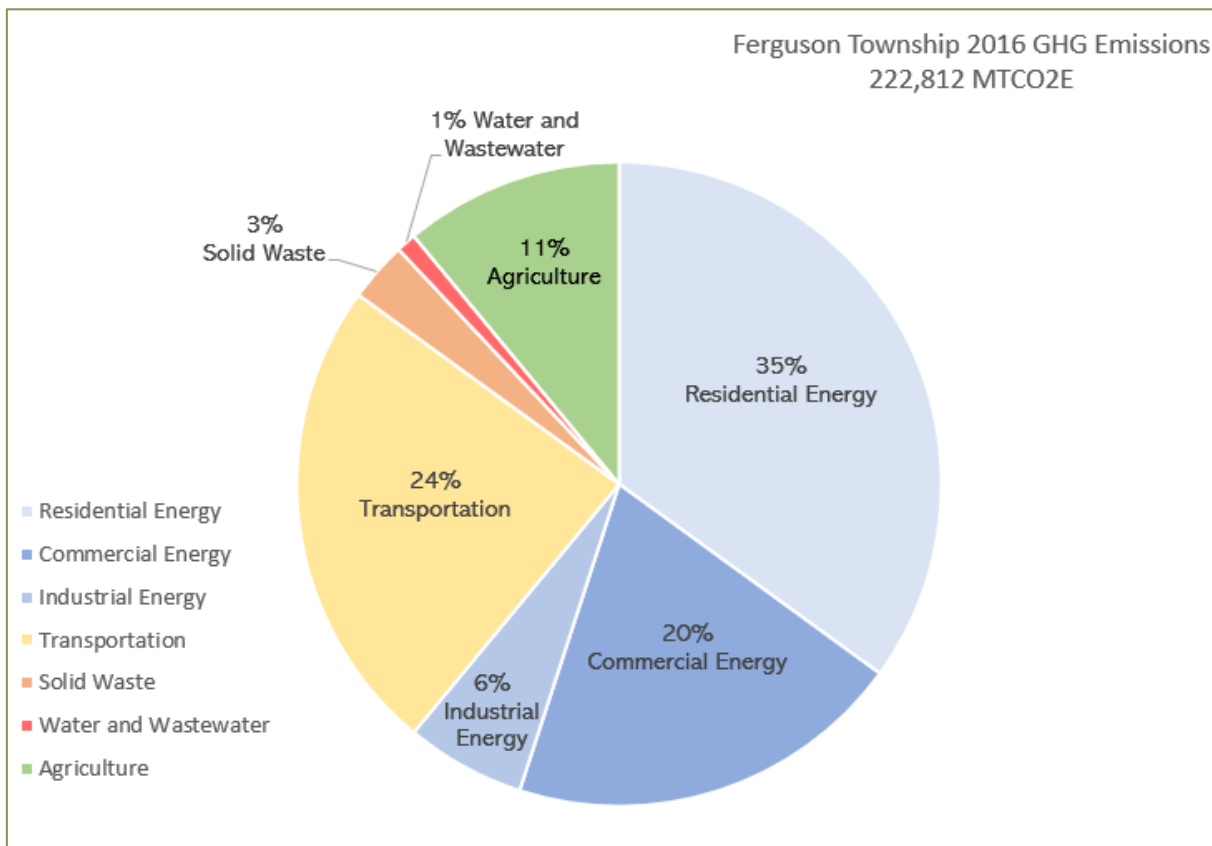


Figure 3: Ferguson Township Emissions by Sector, 2016

Significantly Influenced Emissions Frame

Ferguson Township has chosen first to focus on emissions over which the municipal government has significant influence. This frame emphasizes policy relevance, highlighting a set of emission sources and activities that Ferguson Township has the greatest opportunity to address. This frame includes all five of the Basic Emissions Generating Activities required by the [US Community Protocol](#) as well as agriculture. The largest contributor in this set is residential energy consumption with 35% of emissions. The next largest contributor is transportation and mobile sources with 24% of emissions. Actions to reduce emissions in these sectors will be a key part of a future township climate action plan. Additionally, commercial energy consumption accounts for 20% of community-wide emissions and is expected to provide considerable opportunity for emissions reductions through programs such as [Commercial Property Assessed Clean Energy](#) (C-PACE). Agriculture (11%), industrial electricity (6%), solid waste (3%), water and wastewater (1%), and were responsible for the remainder of significantly influenced emissions. Ferguson Township will focus on these emissions sources and activities in participating in regional climate action planning activities within the Township.

Community Emissions Protocol

This emissions inventory employs US Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions, version 1.2. This Community Protocol, updated by ICLEI in June 2019, helps local governments develop accurate and effective community inventories which can be compared against other communities' inventories. This protocol establishes reporting requirements and provides detailed accounting guidance for quantifying GHG emissions associated with emissions sources and community activities.

The emissions values provided in this report are reported out as metric tons of carbon dioxide equivalent (MTCO_{2e}). Individual greenhouse gases included in the ICLEI ClearPath calculator include carbon dioxide, methane, and nitrous oxide and the carbon dioxide equivalents are then derived for each gas based on established 100 year global warming potential values as published in the Intergovernmental Panel on Climate Change's Fifth Assessment Report (AR5). The other three categories of greenhouse gases considered under the Kyoto Protocol – CFCs, PFCs, and sulfur hexafluoride are not included in this inventory due to a lack of available data.

Scoping Process: deciding where to draw lines around emissions

For the 2016 baseline inventory, the Ferguson Township Climate Action Committee identified five emissions sources to reflect the emissions associated with community activity:

1. Stationary energy
2. Transportation
3. Solid Waste
4. Water and Wastewater
5. Agriculture

The first four sources are required per the Community Emissions Protocol and the decision was made to also include agriculture because it is an activity of community significance in Ferguson Township. These emissions sources are evaluated and cataloged for the following reasons:

- Local government's significant influence over the emissions-generating activity
- Readily available data
- Significant magnitude of the associated emissions
- Common activity across US communities

Emissions are delineated into scopes based on where the emissions physically occur in relation to where the accounting is occurring. For this inventory, the Community Emissions protocol scopes for emissions are as follows:

- **Scope 1:** emissions from sources located within the township boundary
- **Scope 2:** emissions occurring as a result of the use of energy (grid-supplied electricity, heat, steam, cooling) within the township boundary
- **Scope 3:** all other emissions that occur outside the township boundary as a result of activities taking place within the township boundary

Emissions sources or activities that cross outside the township boundary are applicable to multiple scope categories. As an example, emission from solid waste are Scope 1, however the emissions from transporting that waste to a landfill and the subsequent emissions at the landfill are Scope 3.

Suggestions for Future Inventories

Consumption-based emissions: The Committee recommends an attempt to account for consumption-based emissions in the next iteration of the inventory. This framework provides a more complete picture of the total life cycle impacts of residents' activities in the township. Household consumption activity includes the use of

materials and services (such as food or purchased goods) as well as those sources already identified in this initial inventory.

Refrigerant data: The Committee recommends that Ferguson Township seek to establish a process by which refrigerant data is voluntarily collected and anonymously utilized.

Greenhouse Gas Inventory Methodology

Understanding Our Baseline is Key to Reducing It

The first step toward achieving tangible greenhouse gas emission reductions requires identifying baseline emissions sources and activities in Ferguson Township. A government operations inventory was completed for the 2016 baseline year as well. This work was done by senior Energy and Sustainability Policy major at Penn State, Joshua Hunter in 2018.

As local governments have continued to join the climate protection movement, the need for a standardized approach to quantify GHG emissions has proven essential so that resulting inventories represent comparable snapshots of a community's overall impact. This inventory uses the approach and methods provided by the US Community Protocol for Accounting and Reporting of Greenhouse Gas Emissions.

Quantifying Greenhouse Gas Emissions

Sources and Activities

Communities contribute to greenhouse gas emissions in many ways. This community inventory looks at emissions sources, which we define as any physical process inside the jurisdictional boundary that releases GHG emissions into the atmosphere as well as the use of energy, materials, and/or services by members of the community that result in the creation of emissions. By reporting on these emissions sources, local governments can develop and promote a deeper understanding of GHG emissions associated with their communities.

Base Year

The inventory process requires the selection of a base year with which to compare current emissions. Ferguson Township's community greenhouse gas emissions inventory utilizes 2016 as its base year. The Committee chose 2016 as the base year because it was the most complete recent year for which data was available at the onset of the inventorying process. The only exception to this was the Energy Use data in the water and wastewater category; 2017 data was readily available and used in this Report. It is not anticipated that there were any

strongly appreciable differences in that data from one year to the next based on discussion with operators in those sectors.

Emissions Calculation Method

All emissions sources in this inventory are quantified using calculation-based methodologies, some with extrapolation to the appropriate scale necessary, but documented with methodological approach. Activity data is used in conjunction with an emissions factor to determine emissions using this generalized equation:

$$\textit{Activity Data} \times \textit{Emission Factor} = \textit{Emissions}$$

Activity data refer to the relevant measurement of energy use or other greenhouse gas-generating processes such as fuel consumption by fuel type, metered annual electricity consumption, and annual vehicle miles traveled. Please see appendices for a detailed listing of the activity data used in composing this inventory.

Known emission factors are used to convert energy usage or other activity data into associated quantities of emissions. Emissions factors are usually expressed in terms of emissions per unit of activity data (e.g. lbs CO₂/kWh of electricity).

For this inventory, activity data was entered into ICLEI's ClearPath software.

In Appendix A, Table A-3 provides details on data sources and emissions factors for each included emissions source.

Stationary Energy

Emissions in this category include any building energy use, mainly electricity (Scope 2) and natural gas (Scope 1). Other stationary combustion fuels (such as fuel oil or propane) are included in the inventory but represent a smaller source of community emissions. The remaining significant emissions sources related to buildings are fugitive emissions from the processing, storage, and transport of natural gas (which is included in the inventory) and escaping refrigerant gases from air conditioning and refrigeration units (which is not included due to lack of available data). The Committee recommends effort to include refrigerant loss in future inventories due to the extremely high global warming potential values for refrigerants.

Electricity

Electricity emissions include all emissions that result from the generation of the electricity used within Ferguson Township. West Penn Power, a First Energy Company, provided consumption and customer count data broken into residential /commercial / industrial uses as well as separate street lighting categories.

Emissions factors are from the 2016 EPA e-Grid for the Reliability First Corporation West (RFCW) subregion. The e-Grid subregions are defined by EPA to establish aggregated areas where the emissions rates most accurately match the generation and emissions from the plants within that subregion, recognizing that fuel mix and plant efficiencies vary widely across the US.

Figure 4 below illustrates the RFCW fuel mix along with the national average.

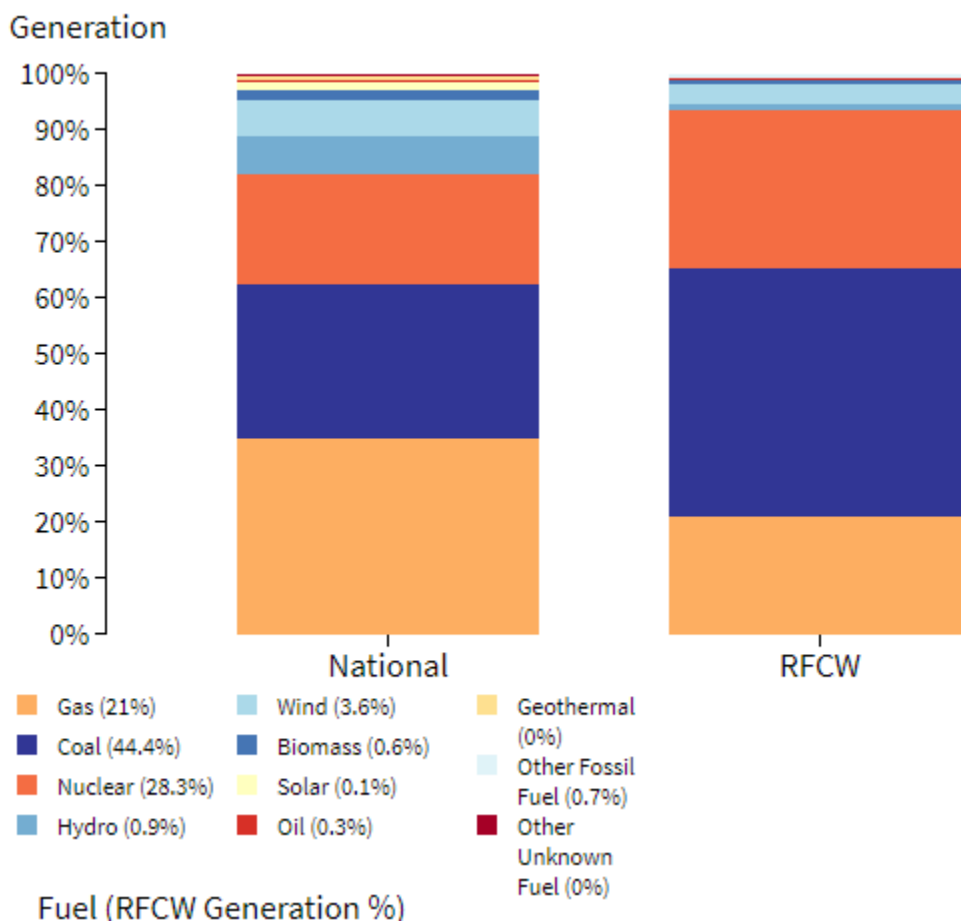


Figure 4: National and eGRID Subregion RFCW Fuel Mix
 Source: [EPA Power Profiler](#)

Note the heavier reliance regionally on coal than the national average. While natural gas has increased its share of the fuel mix over the past two decades with the unconventional gas revolution, it still lags coal regionally. This has consequences for the emissions from electricity generation. Figure 5 illustrates the pounds of carbon dioxide per megawatt hour of electricity produced with both the national average fuel mix and the RFCW fuel mix.

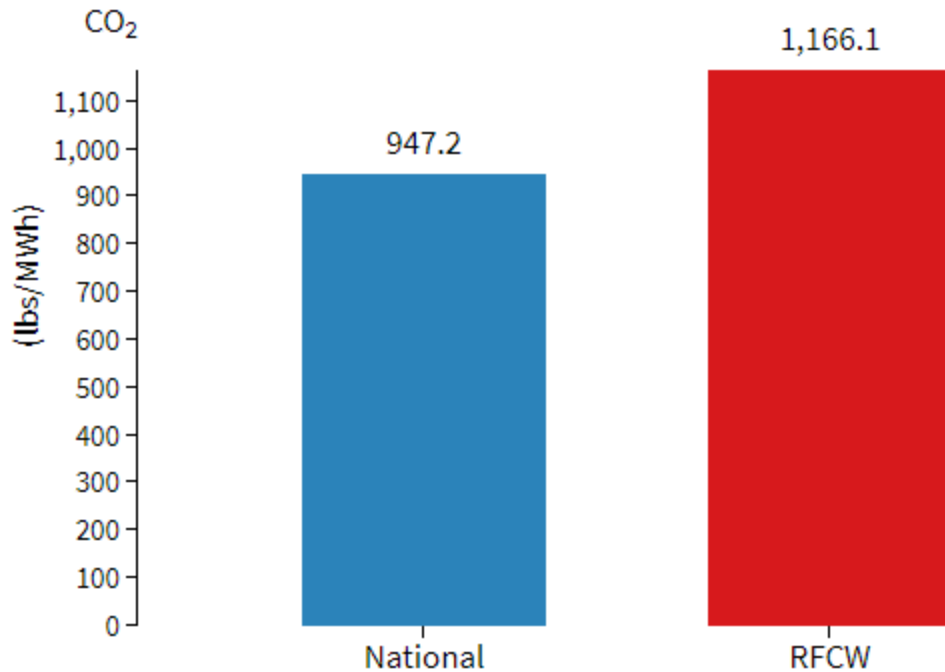


Figure 5: National and Regional CO₂ Emissions Rates from Electricity Generation
 Source: [EPA Power Profiler](#)

Natural Gas

Natural gas emissions include metered natural gas use for residential, commercial, industrial, governmental, and institutional buildings as well as estimated natural gas losses through the distribution of natural gas within the township. Columbia Gas provided consumption and customer count data broken into residential, commercial, and industrial categories at the county level. The data was then scaled down to the township level by using the 2012-2016 American Community Survey data and 2012 Economic Census of the US, both of which are supported by the US Census Bureau.

On-site fuels

The on-site fuels sector comprises fossil fuels burned on-location, primarily for residential and commercial heating. Obtaining complete data on fuel oil, kerosene, wood, and other fuel use is currently not possible due to the nature of the distribution process, which involves many individual private suppliers. As a result, the fuel use was estimated based on the following methods described below.

Residential: These values were determined based on census data from the U.S. Census Bureau's 2012-2016 ACS5 to first define the proportion of households in Centre County that utilize these fuels. Then, state-level

data from the U.S. Energy Information Administration (EIA) was used to determine the annual per-household energy intensity for each fuel type (completed by dividing total statewide fuel use by the total number of households in PA using that fuel). The energy intensity is then multiplied by the number of households in Ferguson Township using that fuel type.

Commercial: This data is more limited than that available for the residential sector. Fuel oil is the only fuel that can be estimated. Using local data from the Code Agency, the square footage of commercial space for the Centre Region was estimated, and then extrapolated to Ferguson Township. Next, the regional data from US EIA is used to determine the proportion of those commercial buildings using fuel oil and determine the energy intensity (fuel oil gallons consumed per square foot). The fuel consumed is calculated by multiplying this energy intensity by the estimated Ferguson commercial square footage.

Transportation

The transportation sector encompasses direct fossil fuel combustion emissions in on-road vehicles driven within the boundaries of Ferguson Township. The inventory focused on road-bound vehicular traffic as data from mobile off-road sources and fuel purchased for use in-township was not readily available. Ferguson Township does not have any water or rail transportation emissions sources, and aviation emissions from the University Park Airport were disregarded due to the inventory boundary (potential double-count) and lack of resident-specific travel data. Private aviation emissions may occur within the inventory boundary, such as agriculture applications or locally-stationed small aircraft, but data to recognize these sources was unavailable.

For boundary purposes, only vehicular traffic within Ferguson Township's geographic boundary was quantified for the emissions inventory, though pass-through traffic was included due to the nature of available data and conservative treatment. This likely represents a double-count risk due to overlap with Penn State's inventory and other municipalities, counties, states, and governments that recognize transportation emissions beyond geographic boundaries from vehicles considered to be in their inventory scope.

Vehicle Miles Traveled

Vehicular Miles Traveled (VMT) within the Township boundary was determined by conducting a Geographic Information System (GIS) analysis of 2016 Pennsylvania Traffic Counts provided by the Pennsylvania Department of Transportation (PennDOT) and obtained through the Pennsylvania Spatial Data Access (PASDA) clearinghouse. PennDOT monitors and reports traffic volumes, both measured and calculated amounts, of vehicle traffic that travel sections of roads as well as the daily VMT. Both daily VMT ("DLY_VMT"), assumed to represent all vehicles not classified as a medium- or heavy-duty trucks (MDT and HDT, respectively), and daily

truck VMT (“DLY_TRK_VM”), were output for analysis from this GIS dataset. Information from PennDOT includes conflicting information on their definition of a truck for VMT reporting, and the inclusion of MDTs in this category was for conservative valuation in consideration of vehicle weights and design characteristics.

The data set used to obtain daily VMT through GIS analysis only reports on PennDOT managed roadways; as such, the inventory increased the GIS output of VMT proportional to the ratio of VMT by Centre County travel jurisdiction reported in the 2016 Pennsylvania Highway Statistics. It was determined that, in Centre County, the total VMT was 12.7% higher than VMT on PennDOT managed only roads due to the inclusion of other agency and local municipality-managed roads. As such, VMT values reported in the GIS output were increased by this factor to conservatively estimate all traffic VMT and include traffic on non-PennDOT roads within the Township not accounted for by the analysis.

Public Transit Miles

The Centre Area Transportation Authority (CATA) operates a fleet of compressed natural gas (CNG) transit busses in the Centre Region (**CATABUS**), in addition to traditional gasoline and diesel fueled vans and small busses for rideshares (**CATARIDE**) and commuters (**CATACOMMUTE**). For the purposes of this inventory, only **CATABUS** was assessed for emissions generation as the other transportation services are properly captured by using the PennDOT VMT assessment. **CATABUS** emissions are assessed by mileage for CNG consumption, and the calculated VMT figure is deducted from truck VMT in the PennDOT VMT assessment to recognize avoided diesel emissions.

At the timing of this assessment, CATA did not have records of natural gas consumed by the **CATABUS** fleet for revenue and non-revenue consumption, records of actual overall mileage and actual revenue mileage traveled (historic performance), or ridership by municipality. However, CATA does provide fiscal year budgets on their website (catabus.com), which forecasts revenue mileage allocated to municipalities by scheduled routes. Total revenue mileage and Ferguson Township’s percent share provided in “Revenue Mileage – Allocation to Municipalities” tables from the 2015/2016 and 2016/2017 fiscal year budgets are used and calendar year data extrapolated for inventory quantification.

Emissions Sources

In order to accurately reflect the emissions from different vehicle types and ages, further analyses were conducted using the 2016 Pennsylvania Highway Statistics report, 2016 Federal Highway Statistics report, IHS Markit reported average vehicle ages for passenger vehicles (12 years) and heavy trucks (14 years), and Argonne GREET Model for emissions factors.

From the 2016 Pennsylvania Highway Statistics report, we extracted information from one table to assess daily VMT by travel jurisdictions and extract Centre County data for interpolation to Ferguson Township roads, as previously discussed.

From the Federal Highway Administration's 2016 Highway Statistics publication, we extracted state-specific information from a number of tables including motor vehicle registrations (table MV-1), truck and tractor registrations (table MV-9), gasoline fuel sales (table MF-33GA), and special fuel sales (table MF-33F). From this information, we were able to determine the approximate ratio of passenger vehicles (PAX), light-duty trucks (LDT), heavy-duty trucks (HDT), and the associated fuel-type distribution and apply these ratios to VMT results. VMT broken down by vehicle category and fuel type for the 2016 inventory is reported in Appendix A, Table A-3.

Next, the Argonne National Laboratory GREET Life-Cycle Model (GREET) was used to determine the emissions profiles of the established vehicle and fuel distribution types. Each vehicle type was modeled based on the average vehicle year to determine the on-road average emissions factor for CO₂, CH₄, and N₂O. For conservative modeling, gasoline consumed by on-road vehicles in the township was modeled as US blended reformulated gasoline (E10) and diesel was assumed to be a low sulfur US blend from crude. Biogenic and alternative fuels were not considered in this inventory due to a lack of data and conservative preferences.

Solid Waste

The Centre County Refuse and Recycling Authority (CCRRA) provided solid waste data which includes residential, commercial, and construction and demolition waste from Ferguson Township. Because the waste disposal is not uniform, it was characterized based on the 2003 PA Statewide Waste Composition Study, using the Northcentral Region's data.

Landfill emissions are unique among sources of emissions in that the emissions are generated over long periods of time from the activity that caused them. Following the Community Protocol, the inventory method attributes future landfill gas generation to the inventory year in which the community's waste was generated and deposited. Emissions calculations include information on the landfill methane collection scenario and annual moisture content.

The solid waste generated in Ferguson Township in 2016 was disposed of at the Advanced Disposal Greentree Landfill in Kersey, PA. It has a high BTU gas cleaning plant onsite, treating about 6500 cubic feet per minute of landfill gas. After cleaning, about half of the landfill gas is sent down a 6.5 mile pipeline to a compressor station where it is tied into the National Fuel Interstate pipeline where it is sold as green power to power plants. This landfill's methane collection scenario was defined by Advanced Disposal as 'Aggressive Collection' which is

typical for a bioreactor. The annual moisture content was defined as 'Moderate' for 20 to 40 inches per year based on historical weather data.

Water and Wastewater

Energy use data was obtained from the University Area Joint Authority for the 16-month period dating November 2016 through March 2018. Full calendar year 2016 data was not readily available, so the Climate Action Committee elected to substitute the 2017 data with the understanding that there were no anomalies in usage in either year which would lead to this not being a representative snapshot of anticipated activity data. Electric data for the main wastewater treatment plant (WWTP) and two sewage pumping stations located in Ferguson Township was provided. Data for the Scott Road and Piney Ridge pumping stations were entered directly into the inventory, as that energy is consumed fully within the Township boundary. The WWTP is located outside of the Township boundary, and therefore the following calculation was made to estimate how many kWh can be attributed to Ferguson Township:

Ferguson Township has a WWTP service population of 16,482 people, 26% of the total regional WWTP service population.

In 2017, the WWTP consumed 11,124,326 kWh. Scott Road pumping station consumed 105,695 kWh. Piney Ridge consumed 27,736 kWh.

$$(11,124,326 \text{ kWh/yr} * 0.26) + 105,695 \text{ kWh/yr} + 27,736 \text{ kWh} = 3,025,755 \text{ kWh/yr}$$

To calculate volume of water treated attributed to Township residents, the WWTP has an average daily flow of 4.93 MGD.

$$4.93 \text{ million gallons per day} \times 365 \text{ days} \times 0.26 = 469 \text{ million gallons per year}$$

On Lot Septic

Data provided by the Centre Region Council of Governments (COG) showed that 896 septic tanks located in the Township were inspected in 2016. According to the 2016 US Census American Community Survey, the average household size in the Township is 2.54 people. The total Township population served by on-lot septic systems:

$$896 \text{ septic tanks} \times 2.54 \text{ people/household} = 2,275 \text{ people}$$

Water Treatment

Energy use data was obtained from the State College Borough Water Authority for a 12-month period dating January 2017 through December 2017. Electric data for nine facilities located in Ferguson Township, as well as data from the main water treatment plant (WTP) not located within the facility was entered into the inventory. Energy use for the nine facilities located within Township boundaries include three wellfields, three water pumping stations, and three above ground storage tanks. The WTP is located outside of the Township boundary, and therefore the following calculation was made to estimate how many kWh can be attributed to Ferguson Township:

Ferguson Township has a service population of 16,482 people, 26% of the total regional service population.

In 2017, the WTP consumed 1,160,323 kWh.

$$(1,160,323 \text{ kWh/year} * 0.26) = 301,683 \text{ kWh/year}$$

In 2017, the other nine water facilities consumed the following:

Wellfield #4 - 335,200 kWh	Pump Station #2 - 21,760 kWh	Tank #1 - 1,833 kWh
Wellfield #5 - 158,401 kWh	Pump Station #4 - 24,714 kWh	Tank #5 - 1,775 kWh
Wellfield #7 - 27,600 kWh	Pump Station #6 - 4,799 kWh	Tank #9 - 7,988 kWh
Total - 584,070 kWh		

The total electric consumption attributed to water treatment in the Township is calculated:

$$301,683 \text{ kWh/yr} + 584,070 \text{ kWh/yr} = 885,753 \text{ kWh/yr}$$

The total annual volume of water delivered to Township residents was provided by the State College Borough Water Authority and can be found in their Annual Report. That value is 382.89 million gallons per year.

Agriculture

The agriculture sector potentially accounts for a significant volume of greenhouse gas emissions for many farming communities; however, methodologies for quantifying numerous emissions-generating activities are uncommon or unproven. As such, this inventory assesses methane and nitrous oxide emissions from livestock and farmland management activities using well-established quantification methods to estimate emissions from livestock waste decay and fertilizer use.

Fuel consumption for agricultural equipment was not readily available and subsequently passed over in this process, though it may represent a small amount of off-road emissions unaccounted for by this inventory.

Livestock Emissions

Two primary sources of emissions are estimated in this inventory from livestock management: manure management and enteric fermentation. The most prominent livestock categories in Centre County are cattle, swine, equine, and poultry operations. For this inventory, animal populations were extrapolated at the county level from the 2007 and 2012 USDA NASS Ag Census and estimated for the Township using local farmland ratio factors of Agriculture Security Areas. Moreover, quantification was focused on two emissions-intensive animal categories, cattle and swine, as other categories contribute only a small portion of agriculture emissions due to animal type and management practices.

In livestock agriculture, manure is a nutrient rich waste product that may be managed in numerous ways at animal rearing operations. Typically, manure is either stored in pits where the manure is left to decompose under anaerobic conditions or promptly spread on farm fields to decay under aerobic conditions. In either treatment, the waste product is commonly applied to crop fields leveraging its nutrient rich composition to supplant synthetic fertilizers. Each treatment has economic and environmental benefits and pitfalls, but the practicality of storing the manure anaerobically makes it common practice at most farming operations. Without further field analysis and farmer interviews, this inventory conservatively assumes cattle and swine operations predominantly utilize anaerobic manure storage and treatment practices, a higher emissions-intensive practice than the alternatives, as assesses the emissions rates by animal populations using revised 2017 USDA emissions factors and ICLEI emissions factors, where appropriate.

The second source of livestock emissions estimates methane from enteric fermentation, the process of microbial fermentation in ruminant animal digestion. Cattle are the only common ruminants raised in Ferguson Township and are the only animal category assessed for enteric methane emissions in the inventory.

Farmland Management Emissions

Second to emissions from livestock management, fertilizing farm soils accounts for a significant rate of nitrous oxides deposited in the atmosphere from agriculture. While direct nitrous oxide emissions from managed soils are still difficult to quantify, the 2006 IPCC Guidelines for National Greenhouse Gas Inventories provides estimated ranges for nitrogen additions from fertilizers, organic soil amendments, crop residues, and mineralized nitrogen due to soil carbon loss. Additionally, the Pennsylvania Department of Agriculture reports the tonnage of fertilizer produced by county; this data was assumed to represent Centre County usage and scaled down to the Township level based on Agriculture Security Areas.

Beyond the Inventory: Thinking Ahead to Climate Action

An initial inventory is a crucial step in understanding Township-related greenhouse gas emissions, which then allows for focused efforts to reduce those emissions in corresponding sectors. What are the next steps for Ferguson Township?

- Provide public access to the inventory and all associated reports (existing and forthcoming) on the Ferguson Township website

At the outset of this work, Ferguson Township, along with State College Borough, were the only municipalities in the region undertaking this work or these ambitious reduction targets. However, in 2018, the Centre Region began its own emissions inventorying process and is finalizing a regional Climate Action and Adaptation Plan later in 2021.

- Form a subsequent committee of resident volunteers to evaluate proposed climate actions for Ferguson Township and to work directly with the ongoing Centre Region efforts.
- Establish interim GHG emissions reduction targets by sector for years 2030 and 2040.
- Implement reduction strategies to achieve targets in support of Ferguson's 2017-14 Resolution and the Centre Region's Climate Action and Adaptation Plan.
- Track progress on implemented reduction strategies.
- Review township ordinances to understand possible opportunities to support climate actions as well as identify opportunities to enhance local policy's ability to incentivize climate action.

- Collaborate with the Centre Region COG to contribute to regular inventorying updates. Consider another township-specific inventory for 2022 and every 5 years subsequent to that.

These steps will be accomplished through the following means:

- Working cooperatively with Township leaders, businesses, and the community to lower GHG emissions.
- Aligning our actions, targets, and goals with other local, state, and federal initiatives, such as the Centre Region Climate Action and Adaptation Plan and Governor Wolf's Executive Order 2019-01.
- Continuing close communication and coordination with the Centre Region Council of Governments Office of Planning, the State College Borough and the surrounding Townships of Harris, Patton, Halfmoon and College, as well as the Pennsylvania State University.
- Engaging the Ferguson Township community to identify concerns and opportunities related to the impacts of climate change as well as the strategies to decrease emissions and ensure resiliency.
- Encouraging climate-friendly development in our community by supporting developers who employ best building practices that are environmentally friendly, energy efficient, promote natural lighting and are positioned to accept renewable resources.

Sustainability & Climate Change Mitigation Activities in Ferguson Township

Ferguson Township has already implemented programs that have or will lead to ancillary benefits in the form of energy conservation and greenhouse gas mitigation; the more pertinent activities include:

Already completed:

- Adopted Ferguson Township Resolution 2017-14, which commits the Township to develop and implement a strategy to achieve net zero greenhouse gas emissions no later than 2050.
- Converted all Township owned and operated outdoor lighting, including street and traffic lights, to LED technology.
- Endorsed the Pennsylvania Cap and Trade Petition as proposed in November 2018.
- Purchased a Chevy Bolt through a 2018 application to the Alternative Fuels Incentive Grant Program. Installed a 2-port charging station at the Township office with one port dedicated to the township vehicle and the other open to the public.
- Included low-impact development standards in the most recent Zoning Ordinance.

In progress:

- Constructing the Ferguson Township Public Works Building with plans to install rooftop solar PV.
- Considering a draft ‘green infrastructure policy’ for public parks to encourage native and low-mow landscaping in some passive grass parks areas.
- The Township, through engagement with local developers, is encouraging “environmentally friendly” development districts, which includes constructing manufactured homes using recycled materials and situating structures on lots to maximize southerly exposure. The Township’s planned Public Works Building and Whitehall Park Regional Pavilion will be aligned to accept rooftop solar arrays and maximize sunlight potential.
- Pending adoption of a policy for using only environmentally responsible cleaning products within Township facilities.

Summary

This inventory marks completion of Milestone One of the Five Milestones for Climate Mitigation. The next steps are to set incremental emissions reduction targets between the present and 2050’s net zero target, and to develop a climate action plan that identifies specific quantified strategies that can cumulatively meet that target. Ferguson Township should continue to track key energy use and emissions indicators on an ongoing basis. While ICLEI recommends completing a re-inventory at least every five years to measure emissions reduction progress, the Climate Action Committee recommends updating the inventory every three years. The Climate Action Committee recommends that Ferguson Township continue to work in close partnership with the Centre Region Council of Governments, which is developing a regional climate action and adaptation plan after having completed a 2016 baseline inventory as well. Successful mitigation of emissions and adaptations to observed and expected climate change impacts will necessitate a concerted effort across municipal boundaries. Subsequent inventorying at the regional scale will provide sufficient data for monitoring successful implementation of reduction strategies and ensures that Township staff and volunteer committee members from the community can focus their attention to action implementation rather than duplicating inventorying efforts.

Appendix A: Community Inventory Details

Table A-1: summary of the activity sources and emissions data included in the community GHG emissions inventory

A-1: 2016 GHG EMISSIONS INVENTORY FOR FERGUSON TOWNSHIP				
Sector	Fuel or Source	Usage	Usage Units	MTCO2E
Residential Energy	Electricity	98,470,673	kWh	55,911
	Natural Gas	289,154	MMBtu	15,376
	Propane	11,710	MMBtu	727
	Distillate Fuel Oil No. 2	77,806	MMBtu	5,792
	Residential Energy Total: 77,997			
Commercial Energy	Electricity	63,512,987	kWh	36,062
	Natural Gas	157,689	MMBtu	8,385
	Distillate Fuel Oil No. 2	1,452	Gallons	15
	Commercial Energy Total: 44,462			
Industrial Energy	Electricity	24,767,506	kWh	14,063
Industrial Energy Total: 14,063				
Transportation & Mobile Sources	CNG (CATA)	12,532,041	SCF	705
	PAX Cars & Motorcycles – gasoline	48,798,734	VMT	18,839
	LDT Trucks, Vans & Other – gasoline	16,316,172	VMT	10,263
	LDT SUVs – gasoline	28,579,153	VMT	14,966
	LDT Trucks, Vans & Other – diesel	4,863,220	VMT	2,777
	Heavy & Medium Duty Trucks – diesel	3,395,318	VMT	5,944
	Transportation & Mobile Sources Total: 53,494			
Solid Waste	Waste Sent to Landfill	15,394	Tons	6097
	Collection & Transportation			461
	Process Emissions from landfilling			252
	Solid Waste Total: 6,810			
Water & Wastewater	Water Supply Energy – electricity	824,161	kWh	468
	Wastewater Supply Energy – electricity	3,025,756	kWh	1,718
	Septic Tank Biogenic Emissions	2,276	people	247
	Waste and Wastewater Total: 2,433			
Agriculture	Enteric Fermentation	2,289	Cattle	13,577
	Manure Management	6,179	Livestock	7,487
	Fertilizer Application	31,653	Acres Cultivated	2,679
	Agriculture Total: 23,743			

TOTAL 2016 FERGUSON TOWNSHIP GHG EMISSIONS: 222,812 MTCO2E

Table A-2: summary of the emissions sources and activities that are included in the community inventory, as well as those potential sources that are excluded

SI – Local Government Significant Influence | CA – Community-wide Activities | HC – Household Consumption
 IE – Included Elsewhere | NE – Not Estimated | NA – Not Applicable | NO – Not Occurring

A-2: SUMMARY OF INCLUDED AND EXCLUDED COMMUNITY EMISSIONS

Emissions Type	Source or Activity?	Required Activities	Included under reporting frameworks:			Excluded (IE, NA, NO, or NE)	Explanatory Notes	Emissions (MTCO ₂ e)
			SI	CA	HC			
Stationary Energy – Built Environment								
Use of fuel in residential and commercial stationary combustion equipment	Source & Activity	X	X	X				6,534
Industrial stationary combustion sources	Source					NO	No industrial facilities in the community	
Electricity	Power generation in the community	Source				NO	No power plants in the community	
	Use of electricity by the community	Activity	X	X	X			106,036
District Heating/Cooling	District heating/cooling facilities in the community	Source				NO	No sources in the community	
	Use of district heating/cooling by the community	Activity				NO	No sources in the community	
Industrial process emissions in the community	Source					NO	No industrial facilities in the community	
Refrigerant leakage in the community	Source					NE	No data available	

Transportation and Other Mobile Sources									
On-road Passenger Vehicles	On-road passenger vehicles operating within the community boundary	Source	X	X	X				46,845
	On-road passenger vehicle travel associated with community land uses	Activity					IE	Obtained data for alternative method TR 1.B (source data, not activity)	
On-road Freight Vehicles	On-road freight and service vehicles operating within the community boundary	Source	X	X	X				5,944
	On-road freight and service vehicle travel associated with community land uses	Activity					IE	Obtained data for alternative method TR 1.B (source data, not activity)	
On-road transit vehicles operating within the community boundary		Source		X				Included CATA data	705
Transit Rail	Transit rail vehicles operating within the community boundary	Source					NO	No rail transit	
	Use of transit rail travel by the community	Activity					NE	No data available	
Inter-city passenger rail vehicles operating within the community boundary		Source					NO	No passenger rail	
Freight rail vehicles operating within the community boundary		Source					NE	No data available	
Marine	Marine vessels operating within the community boundary	Source					NO	No waterways in community	
	Use of ferries by the community	Activity					NO	No waterways in community	
Off-road surface vehicles and other mobile equipment operating within the community boundary		Source					NE	No data available	
Use of air travel by the community		Activity					NE	No data available	

Solid Waste										
Solid Waste	Operation of solid waste disposal facilities in the community	Source						IE	Included our portion of the operations	
	Generation and disposal of solid waste by the community	Activity	X	X	X					6,810
Water and Wastewater										
Potable Water - Energy Use	Operation of water delivery facilities in the community	Source	X	X	X				SCBWA	468
	Use of energy associated with use of potable water by the community	Activity								
	Use of energy associated with generation of wastewater by the community	Activity	X	X	X					1,718
Centralized Wastewater Systems - Process Emissions	Process emissions from operation of wastewater treatment facilities located in the community	Source		X				NO	Does not occur within Township boundary	
	Process emissions associated with generation of wastewater by the community	Activity						NO		
	Use of septic systems in the community	Source & activity		X	X					247
Agriculture										
	Domesticated animal production	Source			X				Includes enteric fermentation	13,577
	Fertilizer application	Activity			X					2,679
	Manure decomposition and treatment	Source			X					7,487
Upstream Impacts of Community-Wide Activities										

Upstream impacts of fuels used in stationary applications by the community	Activity					NE		
Upstream and transmission and distribution (T&D) impacts of purchased electricity used by the community	Activity					NE		
Upstream impacts of fuels used for transportation in trips associated with the community	Activity					NE		
Upstream impacts of fuels used by water and wastewater facilities for water used and wastewater generated within the community boundary	Activity					IE	Included in water and wastewater operations	
Upstream impacts of select materials (concrete, food, paper, carpets, etc.) used by the whole community	Activity					NE		

Table A-3: calculation methods and data sources for each included activity and source

Residential use of electricity	Activity data		Emissions factor			Method
	Value	Unit	CO2 lbs/MWh	CH4 lbs/GWh	N2O lbs/GWh	
	98,470,673	kWh	1243.4	108.19	18.59	
Method and data source notes:						
West Penn Power provided cumulative electricity consumption for residential accounts in the Township. Emissions factors from the EPA eGRID 2016 for RFCW region						
Commercial use of electricity	Activity data		Emissions factor			Method
	Value	Unit	CO2 lbs/MWh	CH4 lbs/GWh	N2O lbs/GWh	
	63,385,148	kWh	1243.4	108.19	18.59	
Method and data source notes:						
West Penn Power provided cumulative electricity consumption for commercial accounts in the Township. Emissions factors from the EPA eGRID 2016 for RFCW region. Includes consumption from commercial, institutional, and governmental entities and street/stop lighting categories						
Industrial use of electricity	Activity data		Emissions factor			Method
	Value	Unit	CO2 lbs/MWh	CH4 lbs/GWh	N2O lbs/GWh	
	24,767,506	kWh	1243.4	108.19	18.59	
Method and data source notes:						
West Penn Power provided cumulative electricity consumption for industrial accounts in the Township. Emissions factors from the EPA eGRID 2016 for RFCW region. Includes consumption industrial categories.						

Residential use of stationary combustion equipment	Activity Data			Emissions factor			Method	
	Fuel Type	Value	Unit	CO2 kg/MMBtu	CH4 kg/MMBtu	N2O kg/MMBtu		
	Natural Gas	289,154	MMBtu	53.02	0.005	0.0001		Community Protocol Method BE.1.1
	Distillate Fuel 2	77,806	MMBtu	73.96	0.01087	0.000724		
Propane	11,710	MMBtu	61.46	0.01099	0.001099			

Method and data source notes:

Columbia Gas provided natural gas consumption for Centre County and it was scaled down to the municipality. Propane and distillate fuel estimates were obtained using the US Energy Information Administration (EIA) data for PA and scaling down to the municipality using the US Census – American Community Survey data.

Commercial use of stationary combustion equipment	Activity data			Emissions factor			Method
	Fuel Type	Value	Unit	CO2 kg/MMBtu	CH4 kg/MMBtu	N2O kg/MMBtu	
	Natural Gas	157,689	MMBtu	53.02	0.005	0.0001	
Distillate Fuel 2	1452	gallons	73.96	0.01087	0.000724		

Method and data source notes:

Columbia Gas provided natural gas consumption for Centre County which was then scaled down to the municipality. Distillate fuel estimates were obtained using the US Energy Information Administration (EIA) data for PA and scaling down to the Township using the US Census – American Community Survey data.

Public Transit CATABUS	Activity data			Emissions factor			Method
	Fuel Type	Value	Unit	CO2 kg/scf	CH4 g/mi	N2O g/mi	
	CNG	12,532,040.94	SCF	.0544	1.966	.0175	

Method and data source notes:

CATA provided fuel efficiency factors, revenue miles and data to calculate % of routes in Ferguson Township. Excluded routes operated specifically for Penn State commuters (included in PSU emissions) and routes outside the Township. CATARIDE and CATACOMMUTE emissions not included here but are included in on-road vehicle travel calculations due to methodology constraints.

CATARIDE and CATACOMMUTE: For the purposes of this Public Transit inventory, only CATABUS was assessed for emissions generation as the other transportation services are properly captured by using the PennDOT VMT assessment for on-road vehicles using gasoline/diesel. Emissions from CATACOMMUTE are accounted for because the inventory is a pass-through model, and not an origination/destination model (data insufficient).

Emission factors are from EPA GHG inventory guidance – Appendix B

On-road passenger vehicle travel	Activity Data			Emissions factor			Method
	Vehicle Type	Value	Unit	CO2 g/mi	CH4 g/mi	N2O g/mi	
	Passenger Cars (gasoline)	48,798,733.97	VMT	380	0.01571	0.01903	

	Light Duty (gasoline)	16,316,172.25	VMT	600	0.05519	0.09262	GREET Model (2016)
	Light Duty SUV (gasoline)	28,579,153.44	VMT	510	0.03779	0.04265	

Method and data source notes:

Vehicular Miles Traveled (VMT) includes origination and pass-through traffic of automobiles, motorcycles, and light-duty vehicles. Emission factors calculated from region-specific GREET Emissions Model.

On-road freight and service vehicle travel	Activity Data			Emissions factor			Method
	Vehicle Type	Value	Unit	CO2 g/mi	CH4 g/mi	N2O g/mi	
	Light Duty (diesel)	4,863,220.21	VMT	570	0.00278	0.00313	Community-specific GREET Model (2016)
	Heavy Duty (diesel)	3,395,318.39	VMT	1750	0.00481	0.00206	

Method and data source notes:

Vehicular Miles Traveled (VMT) includes origination and pass-through traffic of automobiles, motorcycles, and light-duty vehicles. Emission factors calculated from region-specific GREET Emissions Model.

Generation of solid waste by the community	Activity data		Emissions factor			Method
	Value	Unit	CO2	MT CH4 / ton	MT N2O / ton	
MSW	15,394.23	Tons	Factor different for each waste type (see notes)			Community Protocol Method SW.4
			Collection and Transportation: 0.014 MTCO2e/ton Processing: 0.0164 MTCO2e/ton			Community Protocol Method SW.6 and SW.5

Method and data source notes:

Waste composition percentages are from the PA Statewide Waste Composition Study by PA Dept of Environmental Protection (April 2003) and reflect data from the year 2001. Download the [report](#).

Use of energy associated with use of potable water	Activity data		Emissions factor			Method
	Value	Unit	CO2	CH4	N2O	
	824,161	kWh	1243.4 lbs/MWh	108.19 lbs/GWh	18.59 lbs/GWh	Community Protocol BE.2.1

Method and data source notes:

Electricity consumption provided by State College Borough Water Authority. It is not included in the commercial electricity data. Emissions factors from the EPA eGRID 2016 for RFCW region.

	Activity data	Emissions factor			Method
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Use of energy associated with generation of wastewater	Value	Unit	CO2	CH4	N2O	
	3,025,755.76	kWh	1243.4 lbs/MWh	108.19 lbs/GWh	18.59 lbs/GWh	Community Protocol WW.15

Method and data source notes:

Electricity consumption provided by University Area Joint Authority. This electricity data is not included in the commercial electricity data. Emissions factors from the EPA eGRID 2016 for RFCW region

Biogenic Emissions from septic tanks and wastewater treatment	Activity data		Emissions factor			Method
	Value	Unit	CO2	CH4	N2O	
	2275.84	people	n/a	0.0482 MT CH4 / daily kg BOD5	n/a	Community Protocol WW.11 (alt)

Method and data source notes:

Population served: 896 septic tanks in Centre Region (Source: COG Code Agency--POC Kathy Woods) x 2.54 people (Source: 2016 US Census American Community Survey average household size in township) =7,723.98 people

Emissions from Agriculture Activities	Activity data		Emissions factor			Method
	Value	Unit	Process	CH4	N2O	
	2075	Dairy cows	Enteric fermentation	158.7 kg/CH ₄ /animal		Comm Protocol Method A1 (Enteric Fermentation)
			Manure	137 kg/CH ₄ /animal	0.07 kg N ₂ O/animal	Comm Protocol Method A2
	3636	Other cows	Enteric fermentation	58 kg/CH ₄ /animal		Comm Protocol Method A1 (Enteric Fermentation)
Manure			2.4 kg/CH ₄ /animal	0.07 kg N ₂ O/animal	Comm Protocol	

						Method A2
	470	Swine	Manure	15 kg/CH ₄ /animal	0.108 kg N ₂ O/animal	Comm Protocol Method A2
	31,653	Acres cultivated	Fertilizer	0	0.03 kg N ₂ O/ton	IPCC 2006 Chapter 11

Method and data source notes:

Obtained data from (a) 2012 and 2017 Census of Agriculture reported by the Department of Agriculture and (b) the PA Department of Agriculture Bureau of Plant Industry Fertilizer report. Emissions factors are from 2006 IPCC Guidelines for National Greenhouse Gas Inventories^{xiii} and from current research updating the emission factors for livestock management (Revised methane emissions factors and spatially distributed annual carbon fluxes for global livestock^{xiv}

Appendix B: Reference Materials

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ORDINANCE NO. _____

AN ORDINANCE OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A UTILITY FEE FOR STORMWATER COLLECTION AND MANAGEMENT.

WHEREAS, The Ferguson Township Board of Supervisors is authorized under the Second-Class Township Code, and otherwise authorized and obligated under laws of the Commonwealth of Pennsylvania to regulate stormwater through its Municipal Separate Storm Sewer System (MS4) Permit; and

WHEREAS, the existing stormwater management system and infrastructure requires maintenance, repair, improvements, and replacement to meet current and future needs, including addressing increased precipitation and flooding events; and

WHEREAS, the Township, through its obligations under its Stormwater Management Ordinance and MS4 Permit requirements, maintains significant public-owned (either in fee or by easement) capital and operational infrastructure necessary to provide for water quality and rate control; and

WHEREAS, a comprehensive multi-phased analysis was completed to evaluate the feasibility, need, and structure of a proposed Stormwater Management Utility Fee; and

WHEREAS, the analysis included a sustained public input and community engagement campaign; the engagement of a stormwater advisory committee consisting of multiple stakeholders and interests; a multi-year needs assessment and alternatives analysis; and

WHEREAS, the Board of Supervisors hereby determines that a Stormwater Management Utility Fee is necessary to equitably and proportionately assess property owners in the Township for stormwater runoff contributed to the public system as a result of the impact of land development.

NOW, THEREFORE, BE IT ORDAINED that the Ferguson Township Board of Supervisors hereby enacts and implements a Stormwater Management Utility Fee for the purposes of meeting the needs described herein and in accordance with the following provisions:

Section 1 – Purpose and Policy.

The Board of Supervisors finds that an adequate, sustainable source of revenue for stormwater management is necessary to protect the general health, safety, and welfare of the residents of the Township. Further, the Board of Supervisors finds that higher amounts of impervious area contribute greater amounts of stormwater runoff and associated pollutants to the stormwater management system. Therefore, the Board of Supervisors determines that it is in the best interest of the public to enact a stormwater utility fee that allocates stormwater management program costs to property owners based on impervious area.

Section 2 – Definitions.

- A. Agricultural Properties – Properties that meet the definition of “agricultural use” as defined in Section 2 of the Act of December 19, 1974, known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," regardless of whether the area is comprised of more than one deeded tract.
- B. Developed Parcel – A parcel that contains an impervious area equal to or greater than five hundred (500) square feet.
- C. Director – Refers to the Director of Public Works or his/her designee.
- D. Equivalent Residential Unit ("ERU") - The basic unit for the computation of Stormwater Program Fees. An ERU is based on the analysis of all single-family-detached-residential properties within the Township and is the value of impervious area found on the median. It is 3,097 square feet of impervious area. The ERU billing unit of 3,097 square feet is used to calculate the Stormwater Utility Fee for each parcel of developed property within the Township.
- E. Impervious Area - A surface that prevents the percolation of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration. Gravel or crushed stone shall be considered impervious area when designed or primarily utilized to support vehicular traffic. The Director may develop specifications for the mapping of impervious area for the purpose of this Article, including the establishment of a uniform threshold under which a contiguous unit of impervious area is considered de minimis and not subject to mapping.
- F. Owner - any person, individual, firm, corporation, entity, institution, partnership, trust, company, association, government agency, society, or group owning real property in the Township.
- G. Single-Family-Detached-Residential ("SFDR") - Property which has been assigned a Residential Land Use designation by the County of Centre Assessment and Tax Claim Office as "R" [Residential] except those properties, or portions thereof, which are being used for non-single-family-detached residential purposes which include, but are not limited to, apartments, boarding houses, hotels and motels, churches, industrial properties, commercial and retail properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots, private roadways, common areas as part of a condominium and/or planned community, and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, office buildings, government properties, and mixed-use properties.
- H. Stormwater - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

- I. Stormwater Management Program - The activities of the Township necessary to operate, maintain, enhance, and expand the stormwater management system and the activities necessary to carry out the Township's municipal separate storm sewer system (MS4) permit and the stormwater-related provisions of the Stormwater Management Ordinance.
- J. Stormwater Management System - The system of runoff avoidance, infiltration, collection, and conveyance, including storm sewers, curbs, pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, channels, detention ponds, streets, drains, and all devices, appliances, and stormwater management practices and facilities used for collecting, conducting, pumping, conveying, detaining, infiltrating, reducing, managing, avoiding generation of, and treating stormwater.
- K. Township Manager – Refers to the Township Manager or his/her designee.

Section 3 – Stormwater Utility Fee Established.

- A. A stormwater utility fee shall be imposed on every developed parcel in the Township that appears in the Centre County parcel database as of October 31st of each year. All stormwater utility fees shall be deposited into the Stormwater Management Fund of the Township described in Section 4.
- B. The rate per billing unit to be used for calculating the stormwater utility fee shall be established by Resolution of the Board of Supervisors and shall be reviewed annually.

Section 4 – Stormwater Management Fund.

The Stormwater Management Fund is established as a separate enterprise fund of the Township, which shall be used solely to cover the cost of the Township's stormwater management program and maintaining the Stormwater Management System in the Township. The fund shall consist of revenue generated by the stormwater utility fee and other deposits that may be made from time to time by the Board of Supervisors, including but not limited to federal or state grants and revenue from the sale of bonds. All interest or other income derived from stormwater utility fees shall remain or otherwise be deposited into the fund.

Section 5 – Stormwater Utility Fee Calculation.

- A. Unless otherwise specified in this Article, the stormwater utility fee for each SFDR parcel shall be calculated in the following manner:
 - a. Determine the location of the parcel as either within or outside of the Regional Growth Boundary;
 - b. Determine the product of one (1) ERU and the appropriate rate established by Resolution of the Board of Supervisors for parcels within or outside the Regional Growth Boundary; and
 - c. Deduct any credits or exemptions for which the parcel qualifies.
- B. Unless otherwise specified in this Article, the stormwater utility fee for each non-SFDR parcel shall be calculated in the following manner:

- a. Determine the location of the parcel as either within or outside of the Regional Growth Boundary;
 - b. Determine the impervious area of the parcel in square feet;
 - c. Divide the impervious area of the parcel by 3,097 square feet to determine the number of ERUs assigned to the parcel;
 - d. Round the resulting calculation using natural rounding to determine the whole number of ERUs;
 - e. Multiply the number of ERUs by the rate established by Resolution of the Board of Supervisors for parcels within or outside the Regional Growth Boundary, to obtain the stormwater utility fee for the parcel; and
 - f. Deduct any credits or exemptions for which the parcel qualifies.
- C. Impervious area held in common ownership shall be calculated using the methodology in Section 5(B), above. The resulting stormwater utility fee will then be divided equally among parcels sharing common ownership. The Township Manager may, on a case by case basis and at the request of an association representing the owners of the property under common ownership or the recommendation of the Director, implement alternative methodology for dividing the stormwater utility fee, including but not limited to an established par value.
- D. Stormwater Fee Calculation for Exempt Properties. Properties which are deemed eligible for a full or partial exemption as provided for in Section 7 shall have their fees calculated as described in the appropriate exemption policy. Unless otherwise noted, it shall be the responsibility of the property owner to request an exemption and demonstrate eligibility.

Section 6 – Stormwater Utility Fee Credits.

- A. The Board of Supervisors shall adopt by Resolution a Stormwater Management Program Credit Policy Manual for reductions in the stormwater utility fee in recognition of practices that are targeted to reduce the cost of the Township's stormwater management program. The types and amounts of credits are at the sole discretion of the Board of Supervisors. The credits shall be applied after determination of the stormwater utility fee in accordance with Section 5, above.
- B. The Director shall develop written policies and procedures necessary to implement the system of credits. These policies and procedures shall include, but not be limited to, provisions to reduce or eliminate the amount of credit to a property owner if the Director determines that the BMP or credit feature or practice is not functioning as intended.
- C. The revenue source for the implementation of any credits established by the Board of Supervisors shall be separate and distinct from the stormwater management utility fee and shall be deposited by the Township from the General Fund into the Stormwater Fund. Nothing shall prevent the Board of Supervisors from modifying or eliminating any established credits. Any such modification or elimination may apply to beneficiaries of existing credit(s) at the discretion of the Board of Supervisors.

Section 7 – Exemptions.

- A. The Board of Supervisors may adopt by Resolution as part of the Stormwater Management Utility Fee policies and procedures a hardship policy that reduces or eliminates the stormwater management utility fee for a property owner who demonstrates financial hardship as a result of the imposition of the stormwater management utility fee.
- B. The Board of Supervisors may adopt by Resolution as part of the Stormwater Management Utility Fee policies and procedures a policy to reduce the stormwater management utility assessed to Agricultural Properties whose total area of impervious surface does not exceed thirty percent (30%) of the property's total land area to a fee that does not exceed twice the median assessment fee imposed on all other properties in the township. Dwelling units on agricultural lots shall be assessed separately.
- C. Notwithstanding Section 3.A. above, the following impervious area shall be exempt from the imposition of the stormwater utility fee:
 - a. Streets, sidewalks and shared use paths contained in a Right-of-Way as defined in Chapter 22, Subdivision and Land Development; Section 202, Definitions and further referenced in Section 502, Streets; and
 - b. Rail and associated rail ballast.
- D. The revenue source for the implementation of any exemptions established by the Board of Supervisors shall be separate and distinct from the stormwater management utility fee and shall be deposited by the Township from the General Fund into the Stormwater Fund. Nothing shall prevent the Board of Supervisors from modifying or eliminating any established exemptions. Any such modification or elimination may apply to beneficiaries of an existing exemption at the discretion of the Board of Supervisors.

Section 8 – Billing, Interest, and Enforcement.

- A. The stormwater utility fee shall be billed each year on or before March 1 to the record owner of each parcel subject to the fee in combination with bill for real estate taxes. If the property owner is making real estate tax payments on an installment basis as authorized in this ordinance, then the stormwater utility fee will be collected on the same schedule. Any portion of a stormwater utility fee that is unpaid as of the subsequent December 31st of each year the property owner or agent was billed shall be considered delinquent except if the unpaid stormwater utility fee is subject to an appeal in accordance with Section 9.
- B. The penalty assessed for delinquent fees will be 1.5% per month.
- C. In addition to any penalty assessed in Section 8(B.) above, any cost or fee incurred by the Township in conjunction with the collection of a delinquent fee shall be the responsibility of and paid by the owner of the subject parcel.
- D. A delinquent fee, along with cumulative penalties and collection costs or fees, shall constitute a lien on the parcel ranking on a parity with liens for unpaid real estate taxes and shall be handled in the same manner as provided for the collection of municipal liens.

- E. For properties exempt from the assessment of municipal liens, the Township reserves all rights pursuant to law to collect any delinquent fees.

Section 9 – Appeal Process and Procedure.

- A. Any owner of a parcel who believes the provisions of this Article have been applied in error may appeal in accordance with this Section, provided, however, that grounds for appeal are limited to the following:
 - a. An error was made regarding the square footage of the impervious area attributed to the parcel;
 - b. The property is exempt under Section 7(C);
 - c. There is a mathematical error in calculating the stormwater utility fee;
 - d. The identification of the parcel owner invoiced is in error; and/or
 - e. Disputes over the application or qualification of credits.
- B. The parcel owner shall complete and submit to the Township Manager a Stormwater Utility Fee Appeal Form in a format approved by the Township within thirty (30) days of the charge being mailed or otherwise issued to the owner (“appeal date”). A Hearing Officer, designated by the Director, shall review the appeal for completeness and make a determination within fifteen (15) calendar days. In the event that the Hearing Officer finds that the appeal is incomplete, the Hearing Officer shall offer the owner thirty (30) calendar days from the determination that the appeal is incomplete to supply the missing information. If all information requested is not provided within the thirty (30) calendar days, the petition for appeal shall be deemed to have been withdrawn.
- C. Once the appeal has been determined to be complete, the Hearing Officer shall conduct a technical review of the alleged error and respond to the owner in writing within thirty (30) calendar days. The Hearing Officer may deny the appeal or adjust the stormwater utility fee if it is found to be in error.
- D. A decision by the Hearing Officer that is adverse to the appellant may be further appealed to the Township Manager within thirty (30) days of the determination being mailed or otherwise issued to the owner. The Township Manager shall review the determination of denial made by the Hearing Officer and either affirm, reject, or modify the determination. The Township Manager’s determination will be provided to the owner in writing by certified or registered mail within thirty (30) calendar days of receiving the denial appeal request. The Township Manager’s decision shall constitute the official municipal action subject to appeal as provided in Section E.
- E. Any person aggrieved by a decision of the Township Manager may further appeal to the Centre County Court of Common Pleas within thirty (30) days of receipt of such written final decision.
- F. If payment is not made within fifteen (15) calendar days after the expiration of the owner’s right to appeal in accordance with this Section or December 31st of each year, whichever date is later, or a decision that is adverse to the owner made by the Centre County Court

of Common Pleas, the unpaid fee shall be considered delinquent and subject to the provisions of Section 8(B.) through Section 8(D.).

Section 10 – Policies and Procedures.

- A. The Board of Supervisors may by Resolution adopt such policies and procedures it deems appropriate to ensure collection of stormwater utility fees imposed pursuant to this article.
- B. The Director may implement such administrative procedures necessary to implement the requirements set forth in this Article.

Section 11 – Repealer.

Any and all previous Ordinance(s) or parts thereof which are inconsistent with the terms and provisions of this Ordinance are hereby repealed.

Section 12 – Severability.

If any section, subsection, sentence, clause, phrase, provision, or portion of this Ordinance is found to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision. Such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 13 – Effective Date.

This Ordinance shall become effective on January 1, 2022.

ORDAINED and ENACTED this _____ day of _____ 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

David G. Pribulka, Secretary

RESOLUTION NO. _____

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.

WHEREAS, the Ferguson Township Board of Supervisors adopted Ordinance #_____ on February 16, 2021 establishing a Stormwater Management Utility Fee for all property owners in Ferguson Township; and

WHEREAS, the intention of the ordinance and fee is to offset the direct and indirect costs of stormwater management in Ferguson Township; and

WHEREAS, a component of the Township's stormwater management obligations is to encourage and incentivize best management practices for the conveyance and treatment of stormwater by property owners in the Township;

WHEREAS, a Credit Policy Manual has been enabled by the ordinance to provide a mechanism for property owners to reduce their annual fee by invoking certain credits related to the reduction of the impact on public infrastructure and the cost of stormwater management to the Township.

NOW THEREFORE, the Ferguson Township Board of Supervisors hereby establishes a Credit Policy Manual for the Stormwater Management Utility Fee attached hereto and made part of this Resolution as Exhibit "A".

RESOLVED this ____ day of _____, 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

David G. Pribulka, Secretary



TOWNSHIP OF FERGUSON

Stormwater Management Program

Credit Manual -2021



Your guide to reducing your stormwater fee and protecting Ferguson's water resources.

Township of Ferguson
Public Works Department

February 9, 2021

Ferguson Township

Stormwater Protection Program

Credit Manual

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Forms

Credit Application Form

Structure Certification Form

Why manage stormwater?

Stormwater is rain and melted snow that “runs off” the land. In natural, undeveloped areas, soil absorbs and filters most of the stormwater in a process called infiltration. The water that runs off the land in Ferguson Township impacts the Spruce Creek Watershed and Halfmoon Creek, Spruce Creek, Beaver Branch and Slab Cabin Run.

During development, natural areas are replaced with roofs, driveways, sidewalks, and streets. These hard surfaces, called impervious surfaces, do not allow water to penetrate them. Stormwater runoff carries fertilizers, sediment, oil, grease, heavy metals, trash, and anything else deposited on impervious surfaces directly into the Township’s storm drain system and natural stream systems. This can cause:

- Erosion of streams and decreased water quality;
- Contamination of downstream water quality and drinking water supplies; and,
- Flooding, property damage, and damage to public storm drains.

Ferguson Township is taking action to clean up our community’s polluted stormwater runoff and to make investments in our aging stormwater infrastructure. Half of the Township’s pipes are corrugated metal pipe that has met or exceeded its projected life and is deteriorating. This will not only help to improve water quality and our environment for future generations, but also help protect residents and private property from damage due to flooding.

Did you know that Ferguson Township ...

- **Maintains over 33 miles of pipe and channels, 2,000 catch basins, and 56 miles of curbing to channel runoff safely from roadways?**

Half of pipe in the system is deteriorating because corrugated metal performance is at or near its useful life.

- **Plants and maintains over 5,000 street trees across the Township?**

Trees help decrease runoff and cool the urban environment.

- **Is required by state and federal law to reduce stormwater pollution and improve the quality of our local streams?**




Stormwater Protection Program

Ferguson Township has been working diligently to develop solutions to our water quality and flood control challenges. After considering different options, the Township has implemented a stormwater utility fee. A stormwater utility fee is a charge based on the amount of impervious area on a property.

This approach has several advantages. First, it fairly distributes the cost of the Township's stormwater services since the amount of impervious area is related to the amount of stormwater that must be managed and all property owners directly benefit from a well maintained and regulated drainage management system. This concept is similar to measuring usage and calculating fees for drinking water and sanitary sewer services. Second, the amount of the fee must be linked to demonstrated need for publicly provided stormwater management services addressing flood abatement, water quality protection, infrastructure operation and maintenance, and regulatory compliance. All revenue is deposited into a special fund that can only be used for stormwater management.

How is the fee calculated?

Since a stormwater utility is a fee for service, all properties are charged regardless of their tax status. In Ferguson, properties are charged per ERU or equivalent residential unit. In determining what an ERU equals, staff examined every residential property in the Township and calculated an average amount of impervious area for residential lots. This was determined to be 3,097 square feet, which is used to define one ERU. For non-residential properties, the number of ERUs assigned is determined by dividing the total impervious area of the parcel by 3,097 square feet. A property's fee is then determined by multiplying the number of ERUs that apply to the property by the rate per ERU. Once that amount is determined, any credits or exemptions that apply are deducted and the difference represents the final fee assessed to the property.

Sample Property	Factor	Calculation
	Impervious Area	53,873 Square Feet
	Billing Unit = ERU	3,097 Square Feet
	Number of Billing Units on Property	$53,873 \div 3,097 = 17.4$
	Natural Rounding	17 Billing Units
	User Fee	17 Billing Units \times Rate Set by Township Board of Supervisors

A property with less than 500 SF of impervious area results in a billing unit of zero and is therefore not assessed a fee.

Can I reduce my bill?

Yes! Another advantage of a stormwater utility fee approach is that it allows the Township to provide “credits” to property owners who have implemented practices that reduce the impact of stormwater on the publicly-managed system.

Ferguson property owners can reduce their fee in two ways:

[1] Reduce your impervious area.

Property owners can remove un-needed impervious area. If the removal of impervious area results in fewer billing units, there is a reduction in the total fee charged. The Township’s Engineering section is happy to work with any property owner to assess whether a planned reduction will result in a lower fee.

[2] Take credit for a stormwater management structure on your property.

The Township will provide credit to property owners who operate and maintain qualifying stormwater management structures. These private structures help the Township by reducing the cost of managing the public system. Typical facilities include dry ponds, wet ponds and wetlands, bioretention, bioswales and filter strips, permeable pavers, and green roofs.

This manual provides a step-by-step process for determining whether your stormwater structure qualifies for credit.



A stormwater structure, such as the bioretention facility above, may qualify a property owner for a credit on the stormwater utility fee.

Will the Township help partner if I want to improve my property?

To assist willing property owners, the Township has implemented a program designed to help property owners who have pipe or basins that perform a public function by carrying stormwater across their property or receive stormwater flow from the publicly owned and operated drainage system. The partnership program is a part of the capital improvement strategy for maintaining the stormwater system.

Some of these practices are eligible for credits if designed and maintained to meet certain standards.

Credit Policy

The Township will provide a stormwater utility fee credit for any stormwater management structure, whether built voluntarily or as a condition of development, if it meets the requirements in the Credit Eligibility Table:

Credit Eligibility Table for Post Construction Structures

Component	Requirement
<p>Technical Standards</p>	<ul style="list-style-type: none"> ● Condition of Development The structure is designed, installed, and certified in accordance with the technical standards required by the Township stormwater management ordinance at the time of construction. ● Voluntary The structure is designed, installed, and certified in accordance with the technical standards required by the Township stormwater management ordinance at the time of development and installation. Other standards may be approved at the discretion of the Township Engineer if they meet the treatment requirements of the Township's Municipal Separate Storm Sewer System (MS4) permit.
<p>Maintenance Agreement</p>	<ul style="list-style-type: none"> ● The structure must be subject to a properly executed maintenance agreement with the Township. ● For a voluntarily implemented structure, the maintenance agreement must be for at least a 20-year period from the date the structure becomes operational unless a different amount of time is agreed to in writing by the Township. When the agreement expires, it may be renewed or allowed to lapse, the latter of which will result in the credit being discontinued. ● As a condition for a new or renewed credit, the Township may require an existing maintenance agreement to be updated to meet current standards for maintenance and inspection.
<p>Function Verification</p>	<ul style="list-style-type: none"> ● The structure must be functioning as designed. ● This requirement is satisfied if the structure has previously been certified by a stormwater engineer, has passed its most recent inspection, and is compliant with any reporting requirements contained in the maintenance agreement. ● If the above conditions have not been met, this requirement is satisfied if a professional engineer or other professional recognized by the Township certifies that the structure is operating as designed. ● If the structure fails a Township inspection, the Township will revoke the credit if corrective actions are not taken within the time specified by the Township.

How much credit can I get?

The Township's credit system accounts for the fact that different structures and design standards provide different levels of benefit. Some structures provide only quality or flood control, while others provide both. Some structures provide higher levels of pollutant reduction than others. The credit system is also designed to encourage redevelopment of existing impervious areas and to incentivize voluntary installation of structures by a property owner. The following credit amounts will be applied to an eligible stormwater management structure.

Summary of Available Credits

Table 1. Summary of Available Credits by Property Type.

Credit	Eligible Property Type					Maximum Credit
	RES	NR				
		ALL	EDUC	AG	MS4	
Public Engagement		X				10%
Education			X			10%
Structural BMP Rate Control	X	X				10%
BMP for Water Quality	X	X				20%
BMP for Recharge	X	X				40%
Voluntary Exceedance	X	X				15%
BMP Operations and Maintenance Plan	X	X				5%
Disconnected Impervious (low impact develop.)	X	X				5%
Riparian Buffer/Floodplain Protection	X	X				30%
Turf Nutrient Management Plan	X	X				15%
Manure, Pesticide, Nutrient Management, E&S Controls				X		15%
Stream Buffer				X		30%
Adopt an Inlet	X					20%
Rain Barrel and Downspout disconnection	X					20%
Separate MS4 permit holder					X	50%
Urban Tree Canopy Expansion	X	X				40%
Innovation	X	X				20%

Table definitions of abbreviations

RES: A Residential use property

NR: A Non-Residential use property

ALL: Any NR property charged a Stormwater Management Program Fee

EDUC: Any public or private educational system property (K-12)

AG: Agriculture use property as defined in Chapter 27 Zoning of the Ferguson Township Code of Ordinances.

MS4: Any NR property charged a Stormwater Management Program Fee that is also the holder of a Municipal Separate Storm Sewer permit

BMP: a best management practice or stormwater control measure (SCM) as defined by the Pennsylvania Department of Environmental Protection and/or allowed by the Township stormwater ordinance

Table Notes:

1. Non-Residential properties that are categorized as **EDUC** or **AG** are also potentially eligible for any Non-Residential Credits listed as **ALL**.
2. All credits are cumulative but cannot exceed a total 40% credit for any property except MS4 properties which cannot exceed a cumulative total of 50% for any property.
3. Urban Tree Canopy Expansion – reference Table 2 for amount of credit
4. Unless noted below, credit assignment shall be the maximum credit allowed.

Credits

Public Engagement (NR ALL)

Community groups, businesses, non-profits, and other organizations are eligible for this credit and encouraged to promote water quality and sound stormwater management principles by providing opportunities for individuals to participate in activities such as:

- Stream cleanups,
- Rain barrel workshops,
- Roadside clean-up,
- Township approved tree planting,
- Sponsoring an educational event at a public venue.

Education (NR EDUC)

Deliver specific messages to target audiences consistent with the Township’s stormwater management program and MS4 (municipal separate storm sewer system) permit. The Township encourages both public and private educational systems (K-12) to educate and inform their students on the importance of surface water and ground water resources, and the relationship to stormwater management, and how that relationship plays a role in preserving the quality of the Township’s water resources.

The educational program may include but is not limited to:

- participation in a water resource-themed student poster session or science fair,
- take-home materials,
- classroom lessons,
- field trips.

The educational program/materials must be approved by the Township. A list of educational resources and materials can be found on the Township’s web site.

Education Credits only apply to the impervious area on the school property associated with the teaching facility where the stormwater education is taught. For example, a high school course offering would allow a credit for impervious area on the high school property, not on the property of a middle school or elementary school.

Structural BMP for Rate Control (RES and NR ALL)

Demonstrate the ability to limit post-development runoff rates to pre-development runoff rates. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP

Structural BMP for Volume Control (RES and NR ALL)

Demonstrate the ability to retain at least one inch of rainfall onsite through infiltration, reuse, or evapotranspiration. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

BMP for Water Quality (RES and NR ALL)

Demonstrate the ability to improve the quality of surface runoff prior to discharge from the property. BMPs may be non-structural such as soil media and vegetated filter strips, or structural such as man made filters or hydrodynamic devices. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

BMP for Recharge (RES and NR ALL)

Demonstrate the ability to infiltrate the runoff volume associated with at least 1 ½" (one and one half inches) of rainfall completely on site. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

Voluntary Exceedance (RES and NR ALL)

Demonstrate that an on-site BMP exceeds the minimum regulatory control requirements of the Township stormwater ordinance for rate or volume control by at least 20%. For existing approved stormwater facilities, the minimum regulatory control requirements may be either those in effect at the time of subdivision or land development approval or the current Township stormwater management ordinance. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

BMP Operations and Maintenance Plan (RES and NR ALL)

This credit applies to a property with a BMP such as a stormwater basin on site, yet no recorded operations and maintenance plan nor easement exists on the property for the BMP. The applicant receives this credit by recording a Township approved BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

Disconnected Impervious or Low Impact Development (RES and NR ALL)

A property must meet the following criteria:

Have 10% or less of the total site area as impervious area,

OR

Have 20% or less of the total site area as impervious area AND,

the impervious areas are not directly connected (for example but not limited to: gutter, swale, channel, pipe) to a storm sewer, curb line, stream, channel, street or other surface water conveyance AND,

the impervious areas are a minimum of fifty (50) feet (measured horizontally) from the edge of a stream, channel, wetland, or other surface water conveyance.

Riparian Buffer/Floodplain Protection (RES and NR ALL)

This credit is available to property owners who create or have and then maintain a riparian buffer alongside a stream as defined in Chapter 27, Zoning Ordinance on their property (maintaining a stream buffer on property other than the Owner's may be eligible for a Public Participation Credit). The riparian buffer can be existing or a newly-planted buffer of native plants. Buffers must meet the following criteria:

1. A minimum of twenty-five (25) contiguous linear feet of stream must be buffered from the top of bank to a minimum distance of 25 feet measured horizontally from and perpendicular to the stream
2. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

Turf Nutrient Management Plan (NR except AG)

Properties with lawns or landscape areas where fertilizers and pesticides are typically applied may apply for this credit (AG properties are eligible for a different credit). A property must meet the following criteria:

1. Soil fertility sample(s) must be collected and submitted to a qualified lab such as the Pennsylvania State Agricultural Analytical Services Laboratory for a soil fertility test. A sample must be taken a minimum of once every three years and a copy of the results must be submitted to the Township with the credit application;
2. The property owner must commit to following the recommendations provided on the soil fertility report, including the application of lime if recommended.
3. The impervious area of the property cannot exceed 40% of the total parcel area.

Manure, Pesticide, Nutrient Management, E&S Controls (NR AG)

To be eligible for this credit, agricultural properties must have current plans in place as applicable for manure, pesticide, nutrient, and/or erosion control management as required by the Centre County Conservation District. Property owner to provide evidence of appropriate approved plans with the credit application.

Stream Buffer (NR AG)

This credit is available to agricultural property owners who create or have and then maintain a stream buffer of plantings alongside a stream as defined in Chapter 27, Zoning on their property. A property must meet the following criteria:

1. A minimum of half the length of the stream on the property must be buffered from the top of bank to a minimum distance of 35 feet measured horizontally from and perpendicular to the stream,
2. The stream buffer BMP must be reviewed and approved by the Centre County Conservation District,
3. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

Adopt and Inlet (RES)

This credit is available to property owners that participate in the Adopt an Inlet program. Although residents may adopt as many inlets as they like, only one adopted inlet will be applied per property for the purpose of Credit. Adopted inlets should be in close proximity to the property receiving the Credit. If there are no inlets in close proximity to the property, a property owner to adopt an inlet elsewhere in the Township. Participants will be responsible for keeping leaves and other debris

away from their adopted inlet. Approved participants will receive periodic emails to alert them to check on and remove surface debris from their adopted inlet. Additionally, participants will be asked to alert the Township of any maintenance issues that need addressed around their adopted inlet.

Rain Barrel and Downspout Disconnects (RES)

This credit is available to property owners if downspouts on the property are properly connected to a rain barrel, cistern, or other approved containment device that provides a minimum of 40 gallons of storage per downspout. If all downspouts are connected to rain barrels, then all available credit per the table will be applied. If only half of the downspouts have rain barrels, then half the available credit will be applied. In lieu of counting the number of downspouts, the percentage of roof area captured can also be used to determine Credit amount.

Property owners are available for this credit if downspouts are disconnected from directly discharging into a stream, channel, stormwater inlet, stormwater conveyance pipe, driveway or other surface conveyance feature, including all IA. The amount of the Credit will be determined by the percent of downspouts disconnected or by the percent of the roof area discharged to disconnected downspouts. Disconnected downspouts should have a minimum of ten (10) feet of pervious land separation from the nearest down gradient impervious surface to qualify for Credit. The use of rain barrels and downspout disconnection can be used together. For example, if you have four (4) downspouts and two (2) are connected to two (2) rain barrels and two (2) are disconnected and drain into the lawn, then you would be eligible for half available credit (rain barrel) + half available credit (downspout disconnection) = Total Credit.

Separate MS4 Permit Holder (NR MS4)

A Credit is available to those properties that have been identified by PADEP as being required to obtain and comply with the terms of a Non-Municipal MS4 permit. To be eligible for the Credit, the MS4 permit must be kept in full compliance and the Township must be provided a copy of the MS4 permit as well as copies of the annual reports.

Urban Tree Canopy Expansion (RES and NR) All properties

Property owners who complete an urban tree planting project on their property are eligible for this credit. Tree canopy Credits can also be applied to existing trees if the tree canopy covers existing impervious surfaces. New trees are not required to cover existing impervious surfaces. To be eligible, the planted tree must have a minimum diameter at breast height (DBH) of one (1)-inch. A minimum of four (4) trees are needed to qualify for the Credit, and can consist of a combination of existing and new plantings. Credits will be applied based on Table 2. Planting trees as part of restoration efforts associated with tree harvesting is not an eligible activity to receive Credits. Trees required to be planted as part of a land development plan including but not limited to street trees and buffer plantings, trees required under the tree preservation ordinance, are not eligible plantings to receive this credit. For RES properties, credits are applied based on absolute number of trees. For NR properties, credits are applied based on the number of trees per ERU. Two examples of how Credits are calculated are shown below:

RES Example: Property has two (2) existing trees along the street in front of their house. The property owner plants three (3) additional trees in the backyard for a total of five (5) trees. The property owner is eligible for a 20% Credit for the five (5) trees.

NR Example: A property with 100 ERUs of IA has no existing trees. The property owner plants 30 trees around the perimeter of the property. This is equivalent to planting five (5) trees per ERU for six (6) ERUs. The property owner is eligible for a 40% Credit on six (6) of their 100 ERUs.

Table 2. Tree Canopy Credit based on Number of Trees

Number of Eligible Trees		Credit
RES	NR	
4	2 per ERU	15%
6	3 per ERU	25%
8	4 per ERU	35%
10	5 per ERU	40%

Innovation (RES and NR ALL)

Ferguson Township recognizes that the ultimate goal of the SMP and Credit Policy is to improve our stormwater management system and local and regional water quality. Therefore, Ferguson Township encourages property owners to propose other means to improve their property and our community through the use of innovative stormwater technologies. If a property owner has an idea for a project worthy of stormwater credits, the property owner may submit the project idea under the Innovation Credit. The project eligibility will be determined by the Director.

Common Questions

- Does the credit apply to the entire property? For structural facilities (Post Construction and Green Infrastructure) the credit only applies to the impervious area draining to the structure, not the entire property.
- Can I take credit for impervious area from another property? Yes, but only if the area is not subsequently treated by a structure on the contributing property. However, in no case can the credit taken by a property owner exceed 40% of the total stormwater utility fee for the property.
- What about structures that are maintained by a homeowner's association? These structures are subject to specific procedures and are addressed later in this manual.
- **How do I know the design standard for my structure?** The Township will assign the design standard based on when the development was reviewed and approved, which aligns with the Township stormwater requirements at that time.
- **What if my structure exceeded the design standard in place at the time of development?** Most structures were designed to meet the overall requirements for the property at the time of development. The Township will grant an additional credit as stated in table 1 for those that exceed 20% of the design standard requirement.
- **Why can't I get 100% credit on my stormwater bill?** The Township's stormwater program is designed to be comprehensive and includes public services such as rehabilitation and replacement of the storm drainage system, and regulatory compliance. All properties receive a benefit from the overall program and therefore contribute to the funding needed for stormwater management.

- **If I build a structure using Township cost-share funds, does that affect my credit?** Yes. Under the Partnership Program a credit will be reduced by the percent of public funds used to design and install (or retrofit) the structure. The reduction applies for the expected functional life-time of the structure (20 years unless otherwise provided by the Township).

Post Construction and Green Stormwater Structures serving homeowner associations.

A stormwater management structure may be operated and maintained by a homeowner association (HOA) on behalf of its members. **In these cases, the credit applicant is the association, not the individual property owners.** This is because some properties that belong to the association pay for maintenance of the structure but may not actually drain to the structure. Conversely, some properties that drain to the structure may not belong to the association.

HOAs have two options and should contact the Township's Engineer for more information prior to submitting a credit application.

Separate Billing and Consolidated Credit

The HOA and individual property owners will be billed separately for their impervious area. However, credit for the stormwater structure(s) is analyzed as if the HOA was a single property. When submitting an application, the association enters the total impervious area within the association boundary draining to the structure. The resulting credit is provided to the association. If the amount of the HOA's utility bill is less than the credit, the HOA will receive a check from the Township. It is then up to the association, on behalf of its members, to determine how to distribute the credit among property owners (direct payment, reduction in HOA fees, deposit into a structure maintenance fund, etc.).

How and when do I apply?

A Credit Application Form must be submitted to the Township by the operator of the structure, or his/her legal agent, and approved by the Township's Engineer to receive credit no later than September 30 for the following fiscal year user fees. Separate forms may be needed when there are multiple structures that are eligible for different credit levels. Once an application is approved, it will be applied to the next full billing period. Credits are not retroactively applied to a previous billing period.

Credit Application Checklist

Documentation	Description
Credit Application Form	This form is located under Forms at the end of this manual.
Structure Certification Form	This form is required ONLY if the structure has not been approved by the Township and accepted into the Township's inspection program. The form is completed under the authority of a professional engineer or other qualified professional. The form must include certification that the structure is functioning as originally designed.
The following must be submitted on request if not on-file with the Township:	
Drainage Area Map	Provide a to-scale map showing property lines, impervious areas, stormwater drainage area boundaries, and the total impervious cover draining to the structure(s).
Structure Design Plan/As-Built Drawing	Provide the design plan and as-built drawing for the structure(s).
Maintenance Agreement	Provide a copy of the agreement that allows the Township access to the site and establishes enforceable maintenance and reporting requirements. An updated maintenance agreement may be required as a condition of receiving credit.

Do I need to re-apply for credit?

At the discretion of the Township, credit will continue to renew on an annual basis provided that the operator complies with all requirements of the maintenance agreement. The Township reserves the right to change the criteria for receiving credit or require additional information for the operator of the structure to continue receiving credit.

The Township will periodically inspect properties to verify functionality of the structures or best practices. If the inspection results in a determination of non-compliance or performance with the terms of the credit, the property owner will be provided time to make corrections/improvements. If such deficiencies are not corrected, the credit will be revoked.

Credit Application Form Structures and Buffers

FILL OUT THIS FORM FOR EACH STORMWATER MANAGEMENT STRUCTURE IF THERE ARE MULTIPLE STRUCTURES ON A PROPERTY

Applicant Name:

Date:

Property Information:

Owner

Street

Township, State, ZIP Code

Property Type

Choose an item.

Mailing Address: (if different from property address)

Street

Township, State, ZIP Code

Email Address:

Phone Number:

Homeowner Association Information:

Is the structure operated by a homeowner association?

Yes No

Facility/Buffer Information:

Leave blank if information is unknown.

Facility, Buffer or Practice Type

Year of Installation

If buffer, width & length in feet:

W _____ L _____

If buffer, name stream protected:

Was this facility/buffer constructed as a condition of development? Yes No

If structure was a condition of development, was the facility designed to control new impervious cover, existing impervious cover, or a combination of both?

New Impervious Cover

Existing Impervious Cover

Both New and Existing Impervious Cover

Impervious Area Treated:

New Impervious Area Treated SF

Existing Impervious Area Treated SF

Total Impervious Area Treated SF

Additional Information:

Please include additional information if necessary either in the box below or as a separate attachment:

The following supporting documentation may be required if it is not already on-file with the Township. Township staff will contact the applicant if the information is needed.

- **Drainage Area Map** – A to-scale map showing property lines, impervious areas, stormwater drainage area boundaries, and the total impervious cover draining to the structure(s).
- **Structure Design Plan/As-Built Drawing** – A design plan and as-built drawing for the structure(s).
- **Maintenance Agreement** – A copy of the agreement that allows the Township access to the site and establishes enforceable maintenance and reporting requirements. An updated maintenance agreement may be required as a condition of receiving credit.

Certification and Inspection Agreement

- I am the legal operator or I am duly authorized to act on behalf of the legal operator, I have reviewed the information contained in this application and the supporting documentation, and to the best of my knowledge believe that it is true and accurate.
- I commit to maintaining the stormwater management structure in good working condition.
- I authorize the Township or its representative to enter the site for the sole purpose of visually inspecting the stormwater management structure.
- I understand that if an inspection by the Township indicates that the structure is not properly maintained, that the structure will no longer be eligible for credit if deficiencies are not corrected within the timeframe provided by Township staff.

Name/Title:

Signature _____ Date _____

Return this form and supporting documentation to:

Ferguson Township

Credit Application Form Non-Structural/Buffers

FILL OUT THIS FORM FOR EACH STORMWATER PRACTICE (NUTRIENT MANAGEMENT PLAN, DISCONNECTED IMPERVIOUS AREA, INFILTRATION PRACTICE/GROUNDWATER RECHARGE) IF THERE ARE MULTIPLE ACTIVITIES/PRACTICES ON A PROPERTY.

Applicant Name: **Date:**

Property Information:

Owner
Street
Township, State, ZIP Code
Property Type Choose an item.

Mailing Address: (if different from property address)

Street
Township, State, ZIP Code

Email Address:

Phone Number:

Information:

Please include detailed information if necessary either in the box below or as a separate attachment to describe the activity or practice. Identify the credit applied for on this property.

Structure Certification Form

FILL OUT THIS FORM ONLY IF THE STRUCTURE HAS NOT ALREADY BEEN ACCEPTED INTO THE TOWNSHIP'S INSPECTION SYSTEM

Applicant Name:

Date:

Property Information:

Owner

Street

Township, State, ZIP Code

Property Type

Choose an item.

Structure Type:

Year Built:

Design Standard:

Impervious Area Treated (SF):

General Condition:	Yes	No	N/A
Is the primary outfall pipe/ ditch clear and functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the inflow pipes/ ditches clear and functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the water quality pool at the correct height (if present)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are water quality pool control weirs, pipes, etc. working properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are emergency overflow devices clear and functional (if present)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the structure clear of sediment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the structure clear of trash?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are embankments free of erosion, woody vegetation (unless called for in the design), animal burrows, or signs of deterioration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is vegetation being managed in a manner appropriate to the facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Certification

This certification must be made by or under the guidance of a licensed professional engineer, landscape architect, or other professional recognized by the Township to make this certification.

- Based on a visual inspection of the above facility conducted on I certify that the structure is currently functioning as designed.
- I certify that the total impervious area served by the structure is true and accurate.

Attach documentation of the structure inspection, including photographs.

Name:

Qualification:

Address of Inspector:

Email:

Phone:

Signature _____ **Date** _____

Return this form and supporting documentation to:

Ferguson Township



TOWNSHIP OF FERGUSON

Stormwater Management Program

Credit Manual -2021



Your guide to reducing your stormwater fee and protecting Ferguson's water resources.

Township of Ferguson
Public Works Department

February 9, 2021

Ferguson Township

Stormwater Protection Program

Credit Manual

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Forms

Credit Application Form

Structure Certification Form

Why manage stormwater?

Stormwater is rain and melted snow that “runs off” the land. In natural, undeveloped areas, soil absorbs and filters most of the stormwater in a process called infiltration. The water that runs off the land in Ferguson Township impacts the Spruce Creek Watershed and Halfmoon Creek, Spruce Creek, Beaver Branch and Slab Cabin Run.

During development, natural areas are replaced with roofs, driveways, sidewalks, and streets. These hard surfaces, called impervious surfaces, do not allow water to penetrate them. Stormwater runoff carries fertilizers, sediment, oil, grease, heavy metals, trash, and anything else deposited on impervious surfaces directly into the Township’s storm drain system and natural stream systems. This can cause:

- Erosion of streams and decreased water quality;
- Contamination of downstream water quality and drinking water supplies; and,
- Flooding, property damage, and damage to public storm drains.

Ferguson Township is taking action to clean up our community’s polluted stormwater runoff and to make investments in our aging stormwater infrastructure. Half of the Township’s pipes are corrugated metal pipe that has met or exceeded its projected life and is deteriorating. This will not only help to improve water quality and our environment for future generations, but also help protect residents and private property from damage due to flooding.

Did you know that Ferguson Township ...

- **Maintains over 33 miles of pipe and channels, 2,000 catch basins, and 56 miles of curbing to channel runoff safely from roadways?**

Half of pipe in the system is deteriorating because corrugated metal performance is at or near its useful life.

- **Plants and maintains over 5,000 street trees across the Township?**

Trees help decrease runoff and cool the urban environment.

- **Is required by state and federal law to reduce stormwater pollution and improve the quality of our local streams?**




Stormwater Protection Program

Ferguson Township has been working diligently to develop solutions to our water quality and flood control challenges. After considering different options, the Township has implemented a stormwater utility fee. A stormwater utility fee is a charge based on the amount of impervious area on a property.

This approach has several advantages. First, it fairly distributes the cost of the Township's stormwater services since the amount of impervious area is related to the amount of stormwater that must be managed and all property owners directly benefit from a well maintained and regulated drainage management system. This concept is similar to measuring usage and calculating fees for drinking water and sanitary sewer services. Second, the amount of the fee must be linked to demonstrated need for publicly provided stormwater management services addressing flood abatement, water quality protection, infrastructure operation and maintenance, and regulatory compliance. All revenue is deposited into a special fund that can only be used for stormwater management.

How is the fee calculated?

Since a stormwater utility is a fee for service, all properties are charged regardless of their tax status. In Ferguson, properties are charged per ERU or equivalent residential unit. In determining what an ERU equals, staff examined every residential property in the Township and calculated an average amount of impervious area for residential lots. This was determined to be 3,097 square feet, which is used to define one ERU. For non-residential properties, the number of ERUs assigned is determined by dividing the total impervious area of the parcel by 3,097 square feet. A property's fee is then determined by multiplying the number of ERUs that apply to the property by the rate per ERU. Once that amount is determined, any credits or exemptions that apply are deducted and the difference represents the final fee assessed to the property.

Sample Property	Factor	Calculation
	Impervious Area	53,873 Square Feet
	Billing Unit = ERU	3,097 Square Feet
	Number of Billing Units on Property	$53,873 \div 3,097 = 17.4$
	Natural Rounding	17 Billing Units
	User Fee	17 Billing Units \times Rate Set by Township Board of Supervisors

A property with less than 500 SF of impervious area results in a billing unit of zero and is therefore not assessed a fee.

Can I reduce my bill?

Yes! Another advantage of a stormwater utility fee approach is that it allows the Township to provide “credits” to property owners who have implemented practices that reduce the impact of stormwater on the publicly-managed system.

Ferguson property owners can reduce their fee in two ways:

[1] Reduce your impervious area.

Property owners can remove un-needed impervious area. If the removal of impervious area results in fewer billing units, there is a reduction in the total fee charged. The Township’s Engineering section is happy to work with any property owner to assess whether a planned reduction will result in a lower fee.

[2] Take credit for a stormwater management structure on your property.

The Township will provide credit to property owners who operate and maintain qualifying stormwater management structures. These private structures help the Township by reducing the cost of managing the public system. Typical facilities include dry ponds, wet ponds and wetlands, bioretention, bioswales and filter strips, permeable pavers, and green roofs.

This manual provides a step-by-step process for determining whether your stormwater structure qualifies for credit.



A stormwater structure, such as the bioretention facility above, may qualify a property owner for a credit on the stormwater utility fee.

Will the Township help partner if I want to improve my property?

To assist willing property owners, the Township has implemented a program designed to help property owners who have pipe or basins that perform a public function by carrying stormwater across their property or receive stormwater flow from the publicly owned and operated drainage system. The partnership program is a part of the capital improvement strategy for maintaining the stormwater system.

Some of these practices are eligible for credits if designed and maintained to meet certain standards.

Credit Policy

The Township will provide a stormwater utility fee credit for any stormwater management structure, whether built voluntarily or as a condition of development, if it meets the requirements in the Credit Eligibility Table:

Credit Eligibility Table for Post Construction Structures

Component	Requirement
<p>Technical Standards</p>	<ul style="list-style-type: none"> ● Condition of Development The structure is designed, installed, and certified in accordance with the technical standards required by the Township stormwater management ordinance at the time of construction. ● Voluntary The structure is designed, installed, and certified in accordance with the technical standards required by the Township stormwater management ordinance at the time of development and installation. Other standards may be approved at the discretion of the Township Engineer if they meet the treatment requirements of the Township's Municipal Separate Storm Sewer System (MS4) permit.
<p>Maintenance Agreement</p>	<ul style="list-style-type: none"> ● The structure must be subject to a properly executed maintenance agreement with the Township. ● For a voluntarily implemented structure, the maintenance agreement must be for at least a 20-year period from the date the structure becomes operational unless a different amount of time is agreed to in writing by the Township. When the agreement expires, it may be renewed or allowed to lapse, the latter of which will result in the credit being discontinued. ● As a condition for a new or renewed credit, the Township may require an existing maintenance agreement to be updated to meet current standards for maintenance and inspection.
<p>Function Verification</p>	<ul style="list-style-type: none"> ● The structure must be functioning as designed. ● This requirement is satisfied if the structure has previously been certified by a stormwater engineer, has passed its most recent inspection, and is compliant with any reporting requirements contained in the maintenance agreement. ● If the above conditions have not been met, this requirement is satisfied if a professional engineer or other professional recognized by the Township certifies that the structure is operating as designed. ● If the structure fails a Township inspection, the Township will revoke the credit if corrective actions are not taken within the time specified by the Township.

How much credit can I get?

The Township's credit system accounts for the fact that different structures and design standards provide different levels of benefit. Some structures provide only quality or flood control, while others provide both. Some structures provide higher levels of pollutant reduction than others. The credit system is also designed to encourage redevelopment of existing impervious areas and to incentivize voluntary installation of structures by a property owner. The following credit amounts will be applied to an eligible stormwater management structure.

Summary of Available Credits

Table 1. Summary of Available Credits by Property Type.

Credit	Eligible Property Type					Maximum Credit
	RES	NR				
		ALL	EDUC	AG	MS4	
Public Engagement		X				10%
Education			X			10%
Structural BMP Rate Control	X	X				10%
BMP for Water Quality	X	X				20%
BMP for Recharge	X	X				40%
Voluntary Exceedance	X	X				15%
BMP Operations and Maintenance Plan	X	X				5%
Disconnected Impervious (low impact develop.)	X	X				5%
Riparian Buffer/Floodplain Protection	X	X				30%
Turf Nutrient Management Plan	X	X				15%
Manure, Pesticide, Nutrient Management, E&S Controls				X		15%
Stream Buffer				X		30%
Adopt an Inlet	X					20%
Rain Barrel and Downspout disconnection	X					20%
Separate MS4 permit holder					X	50%
Urban Tree Canopy Expansion	X	X				40%
Innovation	X	X				20%

Table definitions of abbreviations

RES: A Residential use property

NR: A Non-Residential use property

ALL: Any NR property charged a Stormwater Management Program Fee

EDUC: Any public or private educational system property (K-12)

AG: Agriculture use property as defined in Chapter 27 Zoning of the Ferguson Township Code of Ordinances.

MS4: Any NR property charged a Stormwater Management Program Fee that is also the holder of a Municipal Separate Storm Sewer permit

BMP: a best management practice or stormwater control measure (SCM) as defined by the Pennsylvania Department of Environmental Protection and/or allowed by the Township stormwater ordinance

Table Notes:

1. Non-Residential properties that are categorized as **EDUC** or **AG** are also potentially eligible for any Non-Residential Credits listed as **ALL**.
2. All credits are cumulative but cannot exceed a total 40% credit for any property except MS4 properties which cannot exceed a cumulative total of 50% for any property.
3. Urban Tree Canopy Expansion – reference Table 2 for amount of credit
4. Unless noted below, credit assignment shall be the maximum credit allowed.

Credits

Public Engagement (NR ALL)

Community groups, businesses, non-profits, and other organizations are eligible for this credit and encouraged to promote water quality and sound stormwater management principles by providing opportunities for individuals to participate in activities such as:

- Stream cleanups,
- Rain barrel workshops,
- Roadside clean-up,
- Township approved tree planting,
- Sponsoring an educational event at a public venue.

Education (NR EDUC)

Deliver specific messages to target audiences consistent with the Township’s stormwater management program and MS4 (municipal separate storm sewer system) permit. The Township encourages both public and private educational systems (K-12) to educate and inform their students on the importance of surface water and ground water resources, and the relationship to stormwater management, and how that relationship plays a role in preserving the quality of the Township’s water resources.

The educational program may include but is not limited to:

- participation in a water resource-themed student poster session or science fair,
- take-home materials,
- classroom lessons,
- field trips.

The educational program/materials must be approved by the Township. A list of educational resources and materials can be found on the Township’s web site.

Education Credits only apply to the impervious area on the school property associated with the teaching facility where the stormwater education is taught. For example, a high school course offering would allow a credit for impervious area on the high school property, not on the property of a middle school or elementary school.

Structural BMP for Rate Control (RES and NR ALL)

Demonstrate the ability to limit post-development runoff rates to pre-development runoff rates. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP

Structural BMP for Volume Control (RES and NR ALL)

Demonstrate the ability to retain at least one inch of rainfall onsite through infiltration, reuse, or evapotranspiration. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

BMP for Water Quality (RES and NR ALL)

Demonstrate the ability to improve the quality of surface runoff prior to discharge from the property. BMPs may be non-structural such as soil media and vegetated filter strips, or structural such as man made filters or hydrodynamic devices. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

BMP for Recharge (RES and NR ALL)

Demonstrate the ability to infiltrate the runoff volume associated with at least 1 ½" (one and one half inches) of rainfall completely on site. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

Voluntary Exceedance (RES and NR ALL)

Demonstrate that an on-site BMP exceeds the minimum regulatory control requirements of the Township stormwater ordinance for rate or volume control by at least 20%. For existing approved stormwater facilities, the minimum regulatory control requirements may be either those in effect at the time of subdivision or land development approval or the current Township stormwater management ordinance. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

BMP Operations and Maintenance Plan (RES and NR ALL)

This credit applies to a property with a BMP such as a stormwater basin on site, yet no recorded operations and maintenance plan nor easement exists on the property for the BMP. The applicant receives this credit by recording a Township approved BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

Disconnected Impervious or Low Impact Development (RES and NR ALL)

A property must meet the following criteria:

Have 10% or less of the total site area as impervious area,

OR

Have 20% or less of the total site area as impervious area AND,

the impervious areas are not directly connected (for example but not limited to: gutter, swale, channel, pipe) to a storm sewer, curb line, stream, channel, street or other surface water conveyance AND,

the impervious areas are a minimum of fifty (50) feet (measured horizontally) from the edge of a stream, channel, wetland, or other surface water conveyance.

Riparian Buffer/Floodplain Protection (RES and NR ALL)

This credit is available to property owners who create or have and then maintain a riparian buffer alongside a stream as defined in Chapter 27, Zoning Ordinance on their property (maintaining a stream buffer on property other than the Owner's may be eligible for a Public Participation Credit). The riparian buffer can be existing or a newly-planted buffer of native plants. Buffers must meet the following criteria:

1. A minimum of twenty-five (25) contiguous linear feet of stream must be buffered from the top of bank to a minimum distance of 25 feet measured horizontally from and perpendicular to the stream
2. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

Turf Nutrient Management Plan (NR except AG)

Properties with lawns or landscape areas where fertilizers and pesticides are typically applied may apply for this credit (AG properties are eligible for a different credit). A property must meet the following criteria:

1. Soil fertility sample(s) must be collected and submitted to a qualified lab such as the Pennsylvania State Agricultural Analytical Services Laboratory for a soil fertility test. A sample must be taken a minimum of once every three years and a copy of the results must be submitted to the Township with the credit application;
2. The property owner must commit to following the recommendations provided on the soil fertility report, including the application of lime if recommended.
3. The impervious area of the property cannot exceed 40% of the total parcel area.

Manure, Pesticide, Nutrient Management, E&S Controls (NR AG)

To be eligible for this credit, agricultural properties must have current plans in place as applicable for manure, pesticide, nutrient, and/or erosion control management as required by the Centre County Conservation District. Property owner to provide evidence of appropriate approved plans with the credit application.

Stream Buffer (NR AG)

This credit is available to agricultural property owners who create or have and then maintain a stream buffer of plantings alongside a stream as defined in Chapter 27, Zoning on their property. A property must meet the following criteria:

1. A minimum of half the length of the stream on the property must be buffered from the top of bank to a minimum distance of 35 feet measured horizontally from and perpendicular to the stream,
2. The stream buffer BMP must be reviewed and approved by the Centre County Conservation District,
3. Must have a recorded BMP operation and maintenance plan and easement agreement allowing the Township to inspect the BMP.

Adopt and Inlet (RES)

This credit is available to property owners that participate in the Adopt an Inlet program. Although residents may adopt as many inlets as they like, only one adopted inlet will be applied per property for the purpose of Credit. Adopted inlets should be in close proximity to the property receiving the Credit. If there are no inlets in close proximity to the property, a property owner to adopt an inlet elsewhere in the Township. Participants will be responsible for keeping leaves and other debris

away from their adopted inlet. Approved participants will receive periodic emails to alert them to check on and remove surface debris from their adopted inlet. Additionally, participants will be asked to alert the Township of any maintenance issues that need addressed around their adopted inlet.

Rain Barrel and Downspout Disconnects (RES)

This credit is available to property owners if downspouts on the property are properly connected to a rain barrel, cistern, or other approved containment device that provides a minimum of 40 gallons of storage per downspout. If all downspouts are connected to rain barrels, then all available credit per the table will be applied. If only half of the downspouts have rain barrels, then half the available credit will be applied. In lieu of counting the number of downspouts, the percentage of roof area captured can also be used to determine Credit amount.

Property owners are available for this credit if downspouts are disconnected from directly discharging into a stream, channel, stormwater inlet, stormwater conveyance pipe, driveway or other surface conveyance feature, including all IA. The amount of the Credit will be determined by the percent of downspouts disconnected or by the percent of the roof area discharged to disconnected downspouts. Disconnected downspouts should have a minimum of ten (10) feet of pervious land separation from the nearest down gradient impervious surface to qualify for Credit. The use of rain barrels and downspout disconnection can be used together. For example, if you have four (4) downspouts and two (2) are connected to two (2) rain barrels and two (2) are disconnected and drain into the lawn, then you would be eligible for half available credit (rain barrel) + half available credit (downspout disconnection) = Total Credit.

Separate MS4 Permit Holder (NR MS4)

A Credit is available to those properties that have been identified by PADEP as being required to obtain and comply with the terms of a Non-Municipal MS4 permit. To be eligible for the Credit, the MS4 permit must be kept in full compliance and the Township must be provided a copy of the MS4 permit as well as copies of the annual reports.

Urban Tree Canopy Expansion (RES and NR) All properties

Property owners who complete an urban tree planting project on their property are eligible for this credit. Tree canopy Credits can also be applied to existing trees if the tree canopy covers existing impervious surfaces. New trees are not required to cover existing impervious surfaces. To be eligible, the planted tree must have a minimum diameter at breast height (DBH) of one (1)-inch. A minimum of four (4) trees are needed to qualify for the Credit, and can consist of a combination of existing and new plantings. Credits will be applied based on Table 2. Planting trees as part of restoration efforts associated with tree harvesting is not an eligible activity to receive Credits. Trees required to be planted as part of a land development plan including but not limited to street trees and buffer plantings, trees required under the tree preservation ordinance, are not eligible plantings to receive this credit. For RES properties, credits are applied based on absolute number of trees. For NR properties, credits are applied based on the number of trees per ERU. Two examples of how Credits are calculated are shown below:

RES Example: Property has two (2) existing trees along the street in front of their house. The property owner plants three (3) additional trees in the backyard for a total of five (5) trees. The property owner is eligible for a 20% Credit for the five (5) trees.

NR Example: A property with 100 ERUs of IA has no existing trees. The property owner plants 30 trees around the perimeter of the property. This is equivalent to planting five (5) trees per ERU for six (6) ERUs. The property owner is eligible for a 40% Credit on six (6) of their 100 ERUs.

Table 2. Tree Canopy Credit based on Number of Trees

Number of Eligible Trees		Credit
RES	NR	
4	2 per ERU	15%
6	3 per ERU	25%
8	4 per ERU	35%
10	5 per ERU	40%

Innovation (RES and NR ALL)

Ferguson Township recognizes that the ultimate goal of the SMP and Credit Policy is to improve our stormwater management system and local and regional water quality. Therefore, Ferguson Township encourages property owners to propose other means to improve their property and our community through the use of innovative stormwater technologies. If a property owner has an idea for a project worthy of stormwater credits, the property owner may submit the project idea under the Innovation Credit. The project eligibility will be determined by the Director.

Common Questions

- Does the credit apply to the entire property? For structural facilities (Post Construction and Green Infrastructure) the credit only applies to the impervious area draining to the structure, not the entire property.
- Can I take credit for impervious area from another property? Yes, but only if the area is not subsequently treated by a structure on the contributing property. However, in no case can the credit taken by a property owner exceed 40% of the total stormwater utility fee for the property.
- What about structures that are maintained by a homeowner's association? These structures are subject to specific procedures and are addressed later in this manual.
- **How do I know the design standard for my structure?** The Township will assign the design standard based on when the development was reviewed and approved, which aligns with the Township stormwater requirements at that time.
- **What if my structure exceeded the design standard in place at the time of development?** Most structures were designed to meet the overall requirements for the property at the time of development. The Township will grant an additional credit as stated in table 1 for those that exceed 20% of the design standard requirement.
- **Why can't I get 100% credit on my stormwater bill?** The Township's stormwater program is designed to be comprehensive and includes public services such as rehabilitation and replacement of the storm drainage system, and regulatory compliance. All properties receive a benefit from the overall program and therefore contribute to the funding needed for stormwater management.

- **If I build a structure using Township cost-share funds, does that affect my credit?** Yes. Under the Partnership Program a credit will be reduced by the percent of public funds used to design and install (or retrofit) the structure. The reduction applies for the expected functional life-time of the structure (20 years unless otherwise provided by the Township).

Post Construction and Green Stormwater Structures serving homeowner associations.

A stormwater management structure may be operated and maintained by a homeowner association (HOA) on behalf of its members. **In these cases, the credit applicant is the association, not the individual property owners.** This is because some properties that belong to the association pay for maintenance of the structure but may not actually drain to the structure. Conversely, some properties that drain to the structure may not belong to the association.

HOAs have two options and should contact the Township's Engineer for more information prior to submitting a credit application.

Separate Billing and Consolidated Credit

The HOA and individual property owners will be billed separately for their impervious area. However, credit for the stormwater structure(s) is analyzed as if the HOA was a single property. When submitting an application, the association enters the total impervious area within the association boundary draining to the structure. The resulting credit is provided to the association. If the amount of the HOA's utility bill is less than the credit, the HOA will receive a check from the Township. It is then up to the association, on behalf of its members, to determine how to distribute the credit among property owners (direct payment, reduction in HOA fees, deposit into a structure maintenance fund, etc.).

How and when do I apply?

A Credit Application Form must be submitted to the Township by the operator of the structure, or his/her legal agent, and approved by the Township's Engineer to receive credit no later than September 30 for the following fiscal year user fees. Separate forms may be needed when there are multiple structures that are eligible for different credit levels. Once an application is approved, it will be applied to the next full billing period. Credits are not retroactively applied to a previous billing period.

Credit Application Checklist

Documentation	Description
Credit Application Form	This form is located under Forms at the end of this manual.
Structure Certification Form	This form is required ONLY if the structure has not been approved by the Township and accepted into the Township's inspection program. The form is completed under the authority of a professional engineer or other qualified professional. The form must include certification that the structure is functioning as originally designed.
The following must be submitted on request if not on-file with the Township:	
Drainage Area Map	Provide a to-scale map showing property lines, impervious areas, stormwater drainage area boundaries, and the total impervious cover draining to the structure(s).
Structure Design Plan/As-Built Drawing	Provide the design plan and as-built drawing for the structure(s).
Maintenance Agreement	Provide a copy of the agreement that allows the Township access to the site and establishes enforceable maintenance and reporting requirements. An updated maintenance agreement may be required as a condition of receiving credit.

Do I need to re-apply for credit?

At the discretion of the Township, credit will continue to renew on an annual basis provided that the operator complies with all requirements of the maintenance agreement. The Township reserves the right to change the criteria for receiving credit or require additional information for the operator of the structure to continue receiving credit.

The Township will periodically inspect properties to verify functionality of the structures or best practices. If the inspection results in a determination of non-compliance or performance with the terms of the credit, the property owner will be provided time to make corrections/improvements. If such deficiencies are not corrected, the credit will be revoked.

Credit Application Form Structures and Buffers

FILL OUT THIS FORM FOR EACH STORMWATER MANAGEMENT STRUCTURE IF THERE ARE MULTIPLE STRUCTURES ON A PROPERTY

Applicant Name:

Date:

Property Information:

Owner

Street

Township, State, ZIP Code

Property Type

Choose an item.

Mailing Address: (if different from property address)

Street

Township, State, ZIP Code

Email Address:

Phone Number:

Homeowner Association Information:

Is the structure operated by a homeowner association?

Yes No

Facility/Buffer Information:

Leave blank if information is unknown.

Facility, Buffer or Practice Type

Year of Installation

If buffer, width & length in feet:

W _____ L _____

If buffer, name stream protected:

Was this facility/buffer constructed as a condition of development? Yes No

If structure was a condition of development, was the facility designed to control new impervious cover, existing impervious cover, or a combination of both?

New Impervious Cover

Existing Impervious Cover

Both New and Existing Impervious Cover

Impervious Area Treated:

New Impervious Area Treated SF

Existing Impervious Area Treated SF

Total Impervious Area Treated SF

Additional Information:

Please include additional information if necessary either in the box below or as a separate attachment:

The following supporting documentation may be required if it is not already on-file with the Township. Township staff will contact the applicant if the information is needed.

- **Drainage Area Map** – A to-scale map showing property lines, impervious areas, stormwater drainage area boundaries, and the total impervious cover draining to the structure(s).
- **Structure Design Plan/As-Built Drawing** – A design plan and as-built drawing for the structure(s).
- **Maintenance Agreement** – A copy of the agreement that allows the Township access to the site and establishes enforceable maintenance and reporting requirements. An updated maintenance agreement may be required as a condition of receiving credit.

Certification and Inspection Agreement

- I am the legal operator or I am duly authorized to act on behalf of the legal operator, I have reviewed the information contained in this application and the supporting documentation, and to the best of my knowledge believe that it is true and accurate.
- I commit to maintaining the stormwater management structure in good working condition.
- I authorize the Township or its representative to enter the site for the sole purpose of visually inspecting the stormwater management structure.
- I understand that if an inspection by the Township indicates that the structure is not properly maintained, that the structure will no longer be eligible for credit if deficiencies are not corrected within the timeframe provided by Township staff.

Name/Title:

Signature _____ Date _____

Return this form and supporting documentation to:

Ferguson Township

Credit Application Form Non-Structural/Buffers

FILL OUT THIS FORM FOR EACH STORMWATER PRACTICE (NUTRIENT MANAGEMENT PLAN, DISCONNECTED IMPERVIOUS AREA, INFILTRATION PRACTICE/GROUNDWATER RECHARGE) IF THERE ARE MULTIPLE ACTIVITIES/PRACTICES ON A PROPERTY.

Applicant Name: **Date:**

Property Information:

Owner

Street

Township, State, ZIP Code

Property Type Choose an item.

Mailing Address: (if different from property address)

Street

Township, State, ZIP Code

Email Address:

Phone Number:

Information:

Please include detailed information if necessary either in the box below or as a separate attachment to describe the activity or practice. Identify the credit applied for on this property.

Structure Certification Form

FILL OUT THIS FORM ONLY IF THE STRUCTURE HAS NOT ALREADY BEEN ACCEPTED INTO THE TOWNSHIP'S INSPECTION SYSTEM

Applicant Name:

Date:

Property Information:

Owner

Street

Township, State, ZIP Code

Property Type

Choose an item.

Structure Type:

Year Built:

Design Standard:

Impervious Area Treated (SF):

General Condition:	Yes	No	N/A
Is the primary outfall pipe/ ditch clear and functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the inflow pipes/ ditches clear and functioning?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the water quality pool at the correct height (if present)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are water quality pool control weirs, pipes, etc. working properly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are emergency overflow devices clear and functional (if present)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the structure clear of sediment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the structure clear of trash?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are embankments free of erosion, woody vegetation (unless called for in the design), animal burrows, or signs of deterioration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is vegetation being managed in a manner appropriate to the facility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Certification

This certification must be made by or under the guidance of a licensed professional engineer, landscape architect, or other professional recognized by the Township to make this certification.

- Based on a visual inspection of the above facility conducted on I certify that the structure is currently functioning as designed.
- I certify that the total impervious area served by the structure is true and accurate.

Attach documentation of the structure inspection, including photographs.

Name:

Qualification:

Address of Inspector:

Email:

Phone:

Signature _____ **Date** _____

Return this form and supporting documentation to:

Ferguson Township

RESOLUTION NO. _____

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.

WHEREAS, the Ferguson Township Board of Supervisors adopted Ordinance #_____ on February 16, 2021 establishing a Stormwater Management Utility Fee for all property owners in Ferguson Township; and

WHEREAS, the intention of the ordinance and fee is to offset the direct and indirect costs of stormwater management in Ferguson Township; and

WHEREAS, a component of the Township's stormwater management obligations is to encourage and recognize best management practices for the conveyance and treatment of stormwater by property owners in the Township; and

WHEREAS, in recognition of the unique attributes that agricultural properties possess to recharge the watershed and reduce the burden on public and private treatment of stormwater runoff, the Board of Supervisors is desirous of providing a partial exemption to qualified Agricultural Properties from the Stormwater Management Utility Fee.

NOW THEREFORE, the Ferguson Township Board of Supervisors hereby establishes a partial exemption for Agricultural Properties from the Stormwater Management Utility Fee as described in the policy attached hereto and made part of this Resolution as Exhibit "A".

RESOLVED this ___ day of _____, 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

David G. Pribulka, Secretary

Exhibit "A"

Ferguson Township Stormwater Management Utility Fee Agricultural Properties Exemption Policy

Adopted: _____

Amended: _____

Purpose

The Ferguson Township Board of Supervisors enacted Ordinance ____ on _____, 2021, establishing a Stormwater Management Utility Fee for the purposes of funding the Township's obligation to maintain its stormwater management infrastructure; complying with state and federal permit requirements; and to more equitably assess all property owners in accordance with each property's total impervious area. This policy is intended to provide a partial exemption for agricultural properties that limits the maximum fee assessed to twice the median assessment fee imposed on all other properties in the Township. It is the intent of this Policy to acknowledge the unique infiltrative characteristics of agricultural properties.

Definitions

- 1) Agricultural Properties. Properties that meet the definition of "agricultural use" as defined in Section 2 of the Act of December 19, 1974, known as the "Pennsylvania Farmland and Forest Land Assessment Act of 1974," regardless of whether the area is comprised of more than one deeded tract.
- 2) Dwelling Unit. A dwelling used by one family or single housekeeping unit.
- 3) Equivalent Residential Unit ("ERU"). The basic unit for the computation of Stormwater Program Fees. An ERU is based on the analysis of all single-family-detached-residential properties within the Township and is the value of impervious area found on the median. It is 3,097 square feet of impervious area. The ERU billing unit of 3,097 square feet is used to calculate the Stormwater Utility Fee for each parcel of developed property within the Township.
- 4) Impervious Area. A surface that prevents the percolation of water into the ground. Impervious surfaces (or areas) shall include, but not be limited to: roofs; additional indoor living spaces, patios, garages, storage sheds and similar structures; and any new streets or sidewalks. Decks, parking areas, and driveway areas are not counted as impervious areas if they do not prevent infiltration. Gravel or crushed stone shall be considered impervious area when designed or primarily utilized to support vehicular traffic. The Director may develop specifications for the mapping of impervious area for the purpose of this Article, including the establishment of a uniform threshold under which a contiguous unit of impervious area is considered de minimis and not subject to mapping.

Policy

- 1) By enactment of this Policy, Ferguson Township limits the maximum Stormwater Management Utility Fee assessed to Agricultural Properties in the Township whose total impervious area does not exceed thirty percent (30%) of the property's total land area to no greater than twice the median assessment fee imposed on all other properties in the Township. As established by Ordinance, this shall equal a maximum of two (2) Equivalent Residential Units, or "ERUs".
- 2) Dwelling units situated on Agricultural Properties, regardless of whether or not they are located on the same tax parcel as the property in agricultural use, shall be assessed separately and distinctly from the property in agricultural use. Therefore, the maximum fee that may be assessed to Agricultural Properties that include one or more dwelling units shall equal the sum of the assessment to the property in agricultural use and the assessment charged to the dwelling units.
 - a. For example, an Agricultural Property with one (1) single-family detached dwelling unit could be assessed a maximum of three (3) ERUs, including a maximum of two (2) ERUs for the property in agricultural use, and one (1) ERU for the dwelling unit. The total number of ERUs assessed to the property shall be multiplied by the rate assessed per ERU for properties inside or outside the Regional Growth Boundary, whichever applies to the specific property, to determine the total fee assessed.
 - b. For the purposes of determining whether the Agricultural Property with one or more dwelling units qualifies for the partial exemption established by this Policy, the maximum allowable impervious area permitted for the property to qualify shall not include the impervious area attributable to the dwelling unit(s), including any driveways used to access the dwelling unit(s) regardless of whether the driveways are also used to access property in agricultural use.
- 3) Applications for exemption shall be filed each year in accordance with the maximum income thresholds, as may be revised. No applications shall be accepted after September 30th of each year without written authorization from the Township Manager. Applicants who fail to reapply for the exemption, or whose property no longer meets the definition of Agricultural Property as defined herein, shall be deemed ineligible for the exemption and will be subject to the applicable stormwater management utility fee for their respective property in the upcoming fiscal year.
- 4) By October 31st of each year, the Director of Finance shall review each application for an exemption under this policy and provide a written response to the applicant communicating the outcome of the review. Applications which are deemed rejected or non-compliant may be appealed to the Township Manager no later than November 30th of each year. On appeal, the Township Manager shall make a determination as to whether the guidelines prescribed above have been met and whether the household is eligible for the exemption. The outcome of the appeal to the Township Manager shall be communicated to the applicant no later than December 31st of each year. The decision of the Township Manager shall be binding and not subject to further appeal under this policy.

- 5) It shall be permissible for a property that qualifies for a partial exemption under the provisions of this policy to further reduce its associated Stormwater Management Utility Fee by an additional amount through the application of qualified eligible credits as defined in the Credit Policy Manual. The credits shall be applied to the total fee assessed to the property including any dwelling units that are situated on the property.
 - a. For example, a qualified agricultural property with one (1) dwelling unit would be assessed a maximum of three (3) ERUs (2 ERUs for the agricultural property and one for the dwelling unit), and the cumulative fee could be further reduced through any eligible credits on the property.
- 6) The revenue source for the implementation of the agricultural exemption policy shall be separate and distinct from the stormwater management utility fee and shall be deposited by the Township from the General Fund into the Stormwater Fund. Nothing shall prevent the Board of Supervisors from modifying or repealing the agricultural exemption policy. Any such modification or elimination may apply to beneficiaries of an existing agricultural exemption at the discretion of the Board of Supervisors.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING AN EXEMPTION POLICY FOR CERTAIN ECONOMIC HARDSHIPS AS DESCRIBED IN EXHIBIT "A".

WHEREAS, the Ferguson Township Board of Supervisors adopted Ordinance #_____ on February 16, 2021 establishing a Stormwater Management Utility Fee for all property owners in Ferguson Township; and

WHEREAS, the intention of the ordinance and fee is to offset the direct and indirect costs of stormwater management in Ferguson Township; and

WHEREAS, the Board of Supervisors is desirous of establishing a partial and full exemption process for individuals and families who demonstrate an economic hardship as described in the attached policy; and

NOW THEREFORE, the Ferguson Township Board of Supervisors hereby establishes a full and partial exemption process from the Stormwater Management Utility Fee for individuals and families who demonstrate and economic hardship as described in the policy attached hereto and made part of this Resolution as Exhibit "A".

RESOLVED this ____ day of _____, 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

David G. Pribulka, Secretary

Exhibit "A"

Ferguson Township Stormwater Management Utility Fee Non-Profit Hardship Policy

Adopted: _____

Amended: _____

Purpose

The Ferguson Township Board of Supervisors enacted Ordinance ____ on _____, 2021, establishing a Stormwater Management Utility Fee for the purposes of funding the Township's obligation to maintain its stormwater management infrastructure; complying with state and federal permit requirements; and to more equitably assess all property owners in accordance with each property's total impervious area. This policy is intended to provide an opportunity for individuals and families whose earnings are equal to or less than the established federal poverty guideline as described below to receive a full exemption from the stormwater management utility fee applicable to their property.

Policy

- 1) It shall be the policy of the Township to provide a full (100%) exemption to individuals and families who earn less than or equal to two hundred percent (200%) of the Federal Poverty Income Level by household size as defined by the United States Department of Health and Human Services. A fifty percent (50%) exemption shall apply to individuals and families who earn less than or equal to two hundred and fifty percent (250%) of the Federal Poverty Income Level by household size as defined by the United States Department of Health and Human Services.
- 2) Individuals and households who wish to claim this exemption must do so by filing an application with the Township no later than September 30th of each year prior to the fiscal year for which the exemption is being requested. In order to be deemed eligible, applicants must demonstrate that their maximum household earnings does not exceed the relevant maximum threshold as defined above. This shall be done by providing supporting documentation such as the most recent Form 1040, U.S. Individual Income Tax Return for all individuals in the household. Other supporting documentation may be deemed eligible by the Director of Finance.
- 3) Applications for exemption shall be filed each year in accordance with the maximum income thresholds, as may be revised. No applications shall be accepted after September 30th of each year without written authorization from the Township Manager. Applicants who fail to reapply for the exemption, or whose household income exceeds the relevant maximum income guidelines described above, shall be deemed ineligible for the exemption and will be subject to the applicable stormwater management utility fee for their respective property in the upcoming fiscal year.
- 4) By October 31st of each year, the Director of Finance shall review each application for an exemption under this policy and provide a written response to the applicant

communicating the outcome of the review. Applications which are deemed rejected or non-compliant may be appealed to the Township Manager no later than November 30th of each year. On appeal, the Township Manager shall make a determination as to whether the guidelines prescribed above have been met and whether the household is eligible for the exemption. The outcome of the appeal to the Township Manager shall be communicated to the applicant no later than December 31st of each year. The decision of the Township Manager shall be binding and not subject to further appeal under this policy.

- 5) The revenue source for the implementation of the hardship policy shall be separate and distinct from the stormwater management utility fee and shall be deposited by the Township from the General Fund into the Stormwater Fund. Nothing shall prevent the Board of Supervisors from modifying or eliminating the hardship policy. Any such modification or elimination may apply to beneficiaries of an existing hardship policy at the discretion of the Board of Supervisors.
- 6) Only residential property owners are eligible to receive an exemption under this program. Tenants of rental properties shall not be eligible to apply for this exemption on behalf of the property owner.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWNSHIP OF FERGUSON, CENTRE COUNTY, PENNSYLVANIA ESTABLISHING A MAXIMUM FUND BALANCE PERMITTED TO ACCRUE IN FUND 20, STORMWATER.

WHEREAS, the Ferguson Township Board of Supervisors adopted an ordinance on February 16, 2021 to establish a Utility Fee for Stormwater Collection and Management, and

WHEREAS, the Board of Supervisors desires to limit the fund balance for Fund 20 to be no more than thirty percent (30%) of proposed budgeted expenditures in the fund for the fiscal year, and

WHEREAS, the Board of Supervisors' intent is to limit the stormwater management utility fee assessed to property owners to the minimum required by the fund for budgeted expenditures and the allowable fund balance; and

WHEREAS, should Fund 20 exceed the maximum amount set at thirty percent (30%) of planned expenditures, the Board of Supervisors retains the authority to consider such fund balance surplus for one-time expenditures that are non-recurring in nature and which will not require additional funds, or to reduce the stormwater management utility fee for the fiscal year to offset the additional fund balance.

NOW THEREFORE, the Ferguson Township Board of Supervisors does hereby resolve that the maximum fund balance for the Ferguson Township Stormwater Fund, Fund 20, shall be no greater than thirty percent (30%) of budgeted expenditures for the fiscal year.

RESOLVED this ____ day of _____ 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

David Pribulka, Secretary



January 27, 2021

Mr. Dave Pribulka
Manager
3147 Research Drive
State College, PA 16801

Dear Mr. Pribulka,

The Spring Creek Watershed Commission is an organization dedicated to the support of projects and programs which protect and enhance the quality of life within the Watershed. Members of the Commission include twelve municipalities within the Watershed.

I am writing to request that Ferguson Township sponsor C-NET coverage of two meetings of the Spring Creek Watershed Commission in 2021. Meetings of the Commission are scheduled for the third Wednesday of every other month. Meetings are cablecast on Channel 7, and available online at cnet1.org.

In order for C-NET to record and televise these meetings, a C-NET member organization must agree to sponsor the coverage. Sponsorship of the Commission meetings is shared among nine C-NET member organizations, which lessens the impact to any one member's annual dues. Ferguson Township last sponsored meetings of the Commission in 2019.

Please feel free to contact me if you have any questions regarding this request. Confirmation of the Township's sponsorship may be emailed to me at chahn@cnet1.org.

Sincerely,

Cynthia L. Hahn
C-NET Executive Director

2021 Ferguson Township Tree Commission Work Plan

Key:

H = High
M = Medium
L = Low

Approved by the FTTC__01-25-2021_____

Approved by the BOS_____

	Activity	Priority	Board Goal	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Comments
1	Evaluate Insect & Disease Threats to Ferguson Township's Urban Forest. The Tree Commission should offer advise on mitigation strategies to limit the Township's exposure.	H	1,4,5	Initiate	Review	Complete		Develop Information for residents regarding invasive pests.
2	Planting and Removal Recommendations. Review, comment and make recommendations to the Arborist on proposed tree removals and plantings.	H	4,5,6		Initiate	Review	Complete	Continue using the native but diverse planting strategy.
3	Identify Planting Opportunities. Continue to identify tree planting locations that have not been utilized in order to continue the expansion of the Urban Forest.	M	3,4,7		Initiate	Review	Complete	Locate opportunities to "fill in" or expand the urban forest
4	Land Development Plan Reviews. Continue to review, comment, and provide recommendations on land development plans that are submitted to the Township.	M	3,4,8	As Needed				Continue to lobby for the use of native species. Continue to use right tree right place logic.
5	Tree Canopy Survey Utilization. Continue to review information received in the Tree Canopy Survey. Use this data to make recommendations regarding planting priorities and future policy.	H	3,4,5	Initiate	Review	Complete		Locate areas of the township that have low canopy cover or where canopy cover is decreasing.
6	Outreach and Education. Continue building the outreach and education program to inform residents on the benefits of trees and the rules and regulations pertinent to trees in Ferguson Township.	H	4,6,8	Ongoing				Use a diverse approach including newsletters, township website, and possible podcasts
7	Regional Cooperation. Participate in regional discussions and interact with neighboring tree commissions to discuss common goals and potential threats to the urban forest.	L	4,5,9	As Needed				Take part in regional discussions. Plan for a future regional tree commission meeting



TOWNSHIP OF FERGUSON

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

February 17, 2021

Ms. Alison Beam
Acting Secretary
PA Department of Health
Health & Welfare Building
8th Floor West
625 Forster Street
Harrisburg, PA 17120

RE: Centralized COVID-19 Vaccine Registration

Dear Acting Secretary Beam:

On behalf of the Board of Supervisors of Ferguson Township, Centre County, I am writing today with concerns over the lack of a clear, consistent, and centralized Covid-19 vaccine sign-up process. The reliance on multiple distribution partners, platforms, and points of contact has created confusion and frustration amongst the public. There is an immediate need for a better approach to vaccinating our public.

A Commonwealth or County based centralized registration portal accessible via the web or telephone would provide ease of access. This is especially critical for our senior population, which may have limited ability to navigate the current system(s). Online, this centralized system could offer simple directions for signing up for or scheduling a vaccination appointment. Over the phone, users could be helped by staff to sign up.

Short of this, we encourage the Department of Health and healthcare providers to coordinate public messaging on the availability of vaccination appointments and the process for scheduling.

Like most communities in Pennsylvania, Ferguson Township residents have relied on the PA Department of Health and local healthcare providers for direction and guidance during this pandemic. We urge you to take immediate action on the above suggestions.
Thank you for your consideration of this request.

Sincerely,
Township of Ferguson

Laura Dininni
Chair, Board of Supervisors

c: Ferguson Township Board of Supervisors
Centre County Commissioners
Shawn Kauffman, Emergency Management Coordinator
Kathleen Rhine, CEO, Mount Nittany Medical Center
Dr. Jaewon Ryu, M.D., J.D., CEO, Geisinger Health Systems
Deborah Berini, President, Penn State Health - Hershey
Correspondence File

APPLICATION FOR PAYMENT

TO OWNER: Ferguson Township Public Works Dept
 3147 Research Drive
 State College, PA 16801

PROJECT : New Public Works Bldg (HVAC)

APPLICATION NO. 4
 PERIOD TO :: 12/31/2020
 PROJECT #'s : 12-19-018
 CONTRACT DATE:
 Invoice: 53938

Distribution to :
 OWNER
 ARCHITECT
 CONTRACTOR

FROM CONTRACTOR: Allied Mechanical & Elec. Inc. ARCHITECT :
 2141 Sandy Drive
 State College, PA 16803



CONTRACT FOR:

CONTRACTOR'S SUMMARY OF WORK

Application is made for payment as shown below.
 Continuation Page attached.

1. ORIGINAL CONTRACT AMOUNT.....	\$1,100,000.00
2. NET CHANGE BY CHANGE ORDERS.....	\$0.00
3. CONTRACT AMOUNT TO DATE (Line 1+/- 2).....	\$1,100,000.00
4. TOTAL COMPLETED AND STORED TO DATE	\$683,728.75
(Column G on Continuation Page)	
5. RETAINAGE:	
a. 5 % of Completed Work.....	34,186.47
(Columns D + E on Continuation Page)	
b. 0 % of Stored Material	0.00
(Column F on Continuation Page)	
Total Retainage (Line 5a + 5b or	
Column I on Continuation Page)	\$ 34,186.47
6. TOTAL EARNED LESS RETAINAGE	\$649,542.28
(Line 4 minus Line 5 Total)	
7. LESS PREVIOUS APPLICATIONS FOR PAYMENT	\$283,954.51
(Line 6 from prior Application)	
8. CURRENT PAYMENT DUE	\$365,587.77
9. BALANCE TO FINISH, INCLUDING RETAINAGE	
(Line 3 minus Line 6)	\$450,457.72

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR: Allied Mechanical & Elec. Inc.
 By: David Horner Date: 1-22-21

State of: Pennsylvania
 County of: Centre

Subscribed and sworn to before me this 22nd day of January 2021
 Notary Public Todd E. Horner

Commonwealth of Pennsylvania - Notary Seal
 Todd E. Horner, Notary Public
 Centre County
 My commission expires June 28, 2023
 Commission number 1354041
 Member, Pennsylvania Association of Notaries

My Commission Expires : 06-28-2023

ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefore, and (4) Architect knows of no reason why payment should not be made.

pay from 2020 budget
 AMOUNT CERTIFIED \$365,587.77

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Page that are changed to conform to the amount certified.)

Construction Manager: Brad E. Wade
 Brad E. Wade, PE
 By: on behalf of David Modricker Date: 02/03/21

Contract: 2018-PWGG
 Fund: 30.409.750

Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

CONTINUATION PAGE

APPLICATION FOR PAYMENT
 containing Contractor's signed Certification is attached
 One Column I when variable retainage for line items may apply

Project: 12-19-018 / New Public Works Bldg (HVAC)

APPLICATION NO. :

PROJECT #'S :

12-19-018

PERIOD TO :

12/31/2020

Invoice:

53938

A	B	C	D		E	F	G	H	I	
ITEM #	WORK DESCRIPTION	SCHEDULED VALUE	COMPLETED WORK	FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD	STORED MATERIALS (NOT IN D OR E)	TOTAL COMPLETED AND STORED (D + E + F)	% (G/C)	BALANCE TO COMPLETION (C - G)	RETAINAGE (IF VARIABLE RATE)
325	BAS System:									

APPLICATION FOR PAYMENT
 containing Contractor's signed Certification is attached
 The Column I when variable retainage for line items may apply

Project: 12-19-018 / New Public Works Bldg (HVAC)

APPLICATION NO. :

PROJECT #'S :

12-19-018

PERIOD TO :

12/31/2020

Invoice:

53938

A ITEM #	B WORK DESCRIPTION	C SCHEDULED VALUE	D COMPLETED WORK		F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H % (G/C)	I BALANCE TO COMPLETION (C - G)	J RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D+B)	THIS PERIOD					
330	BAS Engineeering	25,300.00	18,975.00	6,325.00		25,300.00	100.00		1,265.00
340	BAS Software	13,800.00	10,350.00			10,350.00	75.00	3,450.00	517.50
350	BAS Equip & Material	181,700.00		145,360.00		145,360.00	80.00	36,340.00	7,268.00
360	BAS Instll Labor	126,270.00		50,508.00		50,508.00	40.00	75,762.00	2,525.40
370	Startup & Checkout Labor	26,450.00						26,450.00	
380	Ductwork	47,250.00	23,625.00	11,812.50		35,437.50	75.00	11,812.50	1,771.88
390	Ductwork Install Labor	90,475.00	45,237.50	22,618.75		67,856.25	75.00	22,618.75	3,392.82
400	Duct Insulation	14,310.00						14,310.00	
410	Duct Insulation Install Labor	22,230.00						22,230.00	
420	GRDs and Wall Louvers	6,050.00						6,050.00	
430	GRD/Wall Louvers Install Lab	3,600.00						3,600.00	
440	Balancing (Mostly Labor)	12,535.00						12,535.00	
450	Crane & Rigging	4,350.00	4,350.00			4,350.00	100.00		
460	Commissioning	8,000.00						8,000.00	
470	O&Ms/Closeout	3,000.00						3,000.00	217.50
Totals		\$ 1,100,000.00	\$ 298,899.50	\$ 384,829.25		\$ 683,728.75	62	\$ 416,271.25	\$ 34,186.47

**CONTRACTOR ACKNOWLEDGMENT OF PROGRESS PAYMENT
AND RELEASE OF LIENS AND CLAIMS**

Allied Mechanical & Electrical, Inc. ("Contractor") hereby acknowledges upon receipt from Ferguson Township ("Owner") of the sum of \$365,587.77 (the "Progress Payment"), which Progress Payment, together with all payments previously paid by Owner to or for the account of Contractor, constitutes payment in full of all sums presently due from Owner to Contractor for labor performed and materials and equipment furnished by Contractor, and any and all of its subcontractors and suppliers, pursuant to that certain contract between Owner and Contractor dated November 21, 2019 as modified by and including any and all change orders, extras, additions and substitutions (the "contract"), in connection with Contract 2018-PWGG New Public Works Building -HVAC (the "Project") together with all related site improvements (the "Property").

The Progress Payment is more particularly described in the Contractor Application for Payment dated December 31, 2020 (the "Contractor Application") previously submitted by Contractor to Owner which Invoice is incorporated herein by this reference.

Contractor hereby represents and warrants to Owner that (I) except for retainage in the amount of Thirty Four Thousand One Hundred Eighty Six Dollars and Forty Seven Cents (\$ 34,186.47) (the "Retainage"), the Progress Payment constitutes payment in full of all amounts due from Owner to Contractor for labor performed and materials and equipment furnished arising out of or relating to the Contract as of the effective date of the Invoice, (II) no notice of unpaid balance and right to file lien or mechanic's or materialman's lien or claim has been filed against the Property by Contractor, (III) to the best of Contractor's knowledge, information and belief, no notice of unpaid balance and right to file lien, stop notice or mechanic's or materialman's lien or claim has been filed against the Property by any of its subcontractors or suppliers of Contractor who performed labor or furnished materials or equipment with respect to the Project, (IV) there is no known basis for the filing of any mechanic's or materialmen's lien, claim or stop notice with respect to the Project, and (V) all subcontractors and suppliers of contractors who were entitled to receive a portion of any progress payment previously paid to Contractor with respect to the Project have been paid in full.

Contractor, on behalf of itself and its subcontractors and suppliers, in consideration of the Progress Payment, hereby forever waives, releases and relinquishes any and all actions, causes of actions, liens, claims and demands whatsoever, which it now has or might or could have on or against the Project, the Property, Owner, Owner's surety, Owner's successors and assigns, for labor performed or materials or equipment furnished in connection with the Project; provided, however, that this release does not apply to the Retainage or to any labor performed or materials furnished by Contractor pursuant to the contract after the effective date of the Invoice.

Contractor further declares that, by signing and sealing this instrument, Contractor shall be completely barred from filing or maintaining any and all liens, and claims against the Project and the Property for or with respect to the work described in the Contractor Application, and that in the event that any such lien, claim or stop notice is filed, Contractor shall immediately take steps to cause such lien, or claim to be discharged and satisfied. Contractor shall indemnify, defend and hold harmless Owner from and against all claims, damages, losses and expenses, including, but not limited to, attorney's fees, arising out of or resulting from the assertion by Subcontractor, or any of its subcontractors or suppliers, of any mechanic's lien or claim or the filing of any mechanic's lien, claim, or notice of intention against the Project or the Property or the failure to discharge mechanic's liens, claims and other filings, as aforesaid.

IN WITNESS WHEREOF, Contractor, intending to be legally bound hereby, has caused this instrument to be executed, under seal, as of this 22 day of January, 2021.

CONTRACTOR:

By Diane Horner
Diane Horner Accounting Manager
State of: **Pennsylvania**
County of: **Centre**

Commonwealth of Pennsylvania - Notary Seal Todd E. Horner, Notary Public Centre County My commission expires June 28, 2023 Commission number 1354041 Member, Pennsylvania Association of Notaries
--

Sworn to and Subscribed before me this 22nd day of January, 2021.

Todd E. Horner
Notary Public

My Commission Expires: 06-28-2023

APPLICATION FOR PAYMENT

TO OWNER: Ferguson Township Public Works Dept
3147 Research Drive
State College, PA 16801

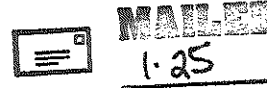
PROJECT : New Public Works Bldg (PL)

APPLICATION NO. 6

PERIOD TO :: 12/31/2020
PROJECT #'s : 12-19-019
CONTRACT DATE:
Invoice: 53937

Distribution to :
 OWNER
 ARCHITECT
 CONTRACTOR

FROM CONTRACTOR: Allied Mechanical & Elec. Inc. ARCHITECT :
2141 Sandy Drive
State College, PA 16803



CONTRACT FOR:

CONTRACTOR'S SUMMARY OF WORK

Application is made for payment as shown below.
Continuation Page attached.

1. ORIGINAL CONTRACT AMOUNT..... \$480,000.00
2. NET CHANGE BY CHANGE ORDERS..... \$0.00
3. CONTRACT AMOUNT TO DATE (Line 1+/- 2)..... \$480,000.00
4. TOTAL COMPLETED AND STORED TO DATE \$318,645.00
(Column G on Continuation Page)
5. RETAINAGE:
a. 5 % of Completed Work..... 15,932.25
(Columns D + E on Continuation Page)
b. 0 % of Stored Material 0.00
(Column F on Continuation Page)
Total Retainage (Line 5a + 5b or
Column I on Continuation Page) \$ 15,932.25
6. TOTAL EARNED LESS RETAINAGE \$302,712.75
(Line 4 minus Line 5 Total)
7. LESS PREVIOUS APPLICATIONS FOR PAYMENT \$260,912.75
(Line 6 from prior Application)
8. CURRENT PAYMENT DUE \$41,800.00
9. BALANCE TO FINISH, INCLUDING RETAINAGE
(Line 3 minus Line 6) \$177,287.25

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Changes approved in previous months by Owner		
Total approved this Month		
TOTALS		
NET CHANGES by Change Order		

Contractor's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) the Work has been performed as required in the Contract Documents, (2) all sums previously paid to Contractor under the Contract have been used to pay Contractor's costs for labor, materials and other obligations under the Contract for Work previously paid for, and (3) Contractor is legally entitled to this payment.

CONTRACTOR:

Allied Mechanical & Elec. Inc.

By : Diane Danner Date : 1-22-2021

State of: Pennsylvania
County of: Centre

Subscribed and sworn to before
me this 22nd day of January 2021

Notary Public Todd E. Horner

My Commission Expires : 06-28-2023

Commonwealth of Pennsylvania - Notary Seal
Todd E. Horner, Notary Public
Centre County
My commission expires June 28, 2023
Commission number 1354041
Member, Pennsylvania Association of Notaries

ARCHITECT'S CERTIFICATION

Architect's signature below is his assurance to Owner, concerning the payment herein applied for, that: (1) Architect has inspected the Work represented by this Application, (2) such Work has been completed to the extent indicated in this Application, and the quality of workmanship and materials conforms with the Contract Documents, (3) this Application for Payment accurately states the amount of Work completed and payment due therefore, and (4) Architect knows of no reason why payment should not be made.

pay from 2020 budget

AMOUNT CERTIFIED... \$41,800.00

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Page that are changed to conform to the amount certified.)

Construction Manager: Brad E. Wade
Brad E. Wade, PE

Contract: 2018-PWGG
Fund: 30.409.750

By : on behalf of David Modricker Date : 02/03/21

Neither this Application nor payment applied for herein is assignable or negotiable. Payment shall be made only to Contractor, and is without prejudice to any rights of Owner or Contractor under the Contract Documents or otherwise.

APPLICATION FOR PAYMENT
 containing Contractor's signed Certification is attached
 One Column I when variable retainage for line items may apply

Project: 12-19-019 / New Public Works Bldg (PL)

APPLICATION NO.:

PROJECT #'S:

12-19-019

PERIOD TO:

12/31/2020

Invoice:

53937

A ITEM #	B WORK DESCRIPTION	C SCHEDULED VALUE	D COMPLETED WORK		F STORED MATERIALS (NOT IN D OR E)	G TOTAL COMPLETED AND STORED (D + E + F)	H % (G/C)	I BALANCE TO COMPLETION (C - G)	J RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
10	General Conditions	16,000.00	16,000.00			16,000.00	100.00		800.00
20	Mobilization	4,500.00	4,500.00			4,500.00	100.00		225.00
30	LEED Activities	1,500.00	750.00			750.00	50.00	750.00	37.50
40	Underground Plumbing Labor	30,100.00	24,080.00			24,080.00	80.00	6,020.00	1,204.00
50	Underground Plumbing Materi	15,000.00	12,000.00			12,000.00	80.00	3,000.00	600.00
60	Above Grade DWV Labor	15,000.00	13,500.00			15,000.00	100.00		750.00
70	Above Grade DWV Material	16,000.00	14,400.00			16,000.00	100.00		800.00
80	Domestic Water System Labor	25,000.00	17,500.00			20,000.00	80.00	5,000.00	1,000.00
90	Domestic Water System Mate	22,000.00	15,400.00			17,600.00	80.00	4,400.00	880.00
100	Gas Piping Labor	18,000.00	9,000.00			16,200.00	90.00	1,800.00	810.00
110	Gas Piping Material	14,000.00	11,200.00			12,600.00	90.00	1,400.00	630.00
120	Air Piping Labor	16,000.00						16,000.00	125.00
130	Air Piping Material	5,000.00						5,000.00	
140	Lubrication Piping Labor	9,000.00						9,000.00	
150	Lubrication Piping Material	9,000.00						9,000.00	
160	Fixture Labor	17,000.00	3,400.00			4,500.00	50.00	4,500.00	225.00
170	Fixture Material	40,500.00	10,125.00			3,400.00	20.00	13,600.00	170.00
180	Water Heater	1,500.00				10,125.00	25.00	30,375.00	506.25
190	Air Compressors	28,000.00						1,500.00	
200	Water Softener	21,000.00	16,800.00			16,800.00	80.00	28,000.00	
210	Insulation Labor	7,400.00	740.00			740.00	10.00	4,200.00	840.00
220	Insulation Material	4,500.00	450.00			450.00	10.00	6,660.00	37.00
230	Sprinkler System	106,000.00	84,800.00			95,400.00	90.00	4,050.00	22.50
240	Excavation	25,000.00	20,000.00			25,000.00	100.00	10,600.00	4,770.00
250	Welding	5,000.00				5,000.00	100.00		1,250.00
260	Commissioning	5,000.00				5,000.00	100.00		250.00
270	O&M/Closeout	3,000.00						5,000.00	
	Totals	\$ 480,000.00	\$ 274,645.00	\$ 44,000.00		\$ 318,645.00	66	\$ 161,355.00	\$ 15,932.25

**CONTRACTOR ACKNOWLEDGMENT OF PROGRESS PAYMENT
AND RELEASE OF LIENS AND CLAIMS**

Allied Mechanical & Electrical, Inc. ("Contractor") hereby acknowledges upon receipt from Ferguson Township ("Owner") of the sum of \$ 41,800.00 (the "Progress Payment"), which Progress Payment, together with all payments previously paid by Owner to or for the account of Contractor, constitutes payment in full of all sums presently due from Owner to Contractor for labor performed and materials and equipment furnished by Contractor, and any and all of its subcontractors and suppliers, pursuant to that certain contract between Owner and Contractor dated November 21, 2019 as modified by and including any and all change orders, extras, additions and substitutions (the "contract"), in connection with Contract 2018-PWGG New Public Works Building -Plumbing (the "Project") together with all related site improvements (the "Property").

The Progress Payment is more particularly described in the Contractor Application for Payment dated December 31, 2020 (the "Contractor Application") previously submitted by Contractor to Owner which Invoice is incorporated herein by this reference.

Contractor hereby represents and warrants to Owner that (I) except for retainage in the amount of Fifteen Thousand Nine Hundred Thirty Two Dollars and Twenty Five Cents (\$ 15,932.25) (the "Retainage"), the Progress Payment constitutes payment in full of all amounts due from Owner to Contractor for labor performed and materials and equipment furnished arising out of or relating to the Contract as of the effective date of the Invoice, (II) no notice of unpaid balance and right to file lien or mechanic's or materialman's lien or claim has been filed against the Property by Contractor, (III) to the best of Contractor's knowledge, information and belief, no notice of unpaid balance and right to file lien, stop notice or mechanic's or materialman's lien or claim has been filed against the Property by any of its subcontractors or suppliers of Contractor who performed labor or furnished materials or equipment with respect to the Project, (IV) there is no known basis for the filing of any mechanic's or materialmen's lien, claim or stop notice with respect to the Project, and (V) all subcontractors and suppliers of contractors who were entitled to receive a portion of any progress payment previously paid to Contractor with respect to the Project have been paid in full.

Contractor, on behalf of itself and its subcontractors and suppliers, in consideration of the Progress Payment, hereby forever waives, releases and relinquishes any and all actions, causes of actions, liens, claims and demands whatsoever, which it now has or might or could have on or against the Project, the Property, Owner, Owner's surety, Owner's successors and assigns, for labor performed or materials or equipment furnished in connection with the Project; provided, however, that this release does not apply to the Retainage or to any labor performed or materials furnished by Contractor pursuant to the contract after the effective date of the Invoice.

Contractor further declares that, by signing and sealing this instrument, Contractor shall be completely barred from filing or maintaining any and all liens, and claims against the Project and the Property for or with respect to the work described in the Contractor Application, and that in the event that any such lien, claim or stop notice is filed, Contractor shall immediately take steps to cause such lien, or claim to be discharged and satisfied. Contractor shall indemnify, defend and hold harmless Owner from and against all claims, damages, losses and expenses, including, but not limited to, attorney's fees, arising out of or resulting from the assertion by Subcontractor, or any of its subcontractors or suppliers, of any mechanic's lien or claim or the filing of any mechanic's lien, claim, or notice of intention against the Project or the Property or the failure to discharge mechanic's liens; claims and other filings, as aforesaid.

IN WITNESS WHEREOF, Contractor, intending to be legally bound hereby, has caused this instrument to be executed, under seal, as of this 22 day of January, 2021.

CONTRACTOR:

By Diane Horner
Diane Horner Accounting Manager

State of: **Pennsylvania**
County of: **Centre**

Commonwealth of Pennsylvania - Notary Seal Todd E. Horner, Notary Public Centre County My commission expires June 28, 2023 Commission number 1354041 Member, Pennsylvania Association of Notaries
--

Sworn to and Subscribed before me this 22nd day of January, 2021.

Todd E. Horner
Notary Public

My Commission Expires: 06-28-2023

APPLICATION AND CERTIFICATE FOR PAYMENT

To (OWNER): FERGUSON TWP
3147 RESEARCH DRIVE
STATE COLLEGE, PA 16801

Project: FERGUSON PUBLIC WORKS
3147 RESEARCH DRIVE
STATE COLLEGE, PA 16801

Application No: 9
Invoice No: 9 DEC 20
Period To: 12/31/2020

From: WESTMORELAND ELECTRIC SERVICES LLC
193 CENTRAL ROAD
TARRS, PA 15688

Via (Architect):

Architect's
Project No:

Contract Date:

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet is attached.

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Approved previous months	16,567.27	0.00
Approved this month	0.00	0.00
TOTALS	16,567.27	0.00
Net change by change orders	16,567.27	

1. ORIGINAL CONTRACT SUM	\$	846,000.00
2. Net change by Change Orders	\$	16,567.27
3. CONTRACT SUM TO DATE (LINE 1+/-2)	\$	862,567.27
4. TOTAL COMPLETED & STORED TO DATE (Column G on Continuation Sheet)	\$	698,184.84
5. RETAINAGE	\$	34,909.25
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5)	\$	663,275.59
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	599,230.43
8. SALES TAX	\$	0.00
9. CURRENT PAYMENT DUE	\$	64,045.16
10. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$	199,291.68

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payment received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: WESTMORELAND ELECTRIC SERVICES LLC
By: [Signature] Date: 01/15/2021

State of: Pennsylvania County of: Westmoreland
Subscribed and sworn to before me this 15th day of January, 2021
Notary Public: Lori R. Stoner
My Commission expires: 11-22-2023
Commonwealth of Pennsylvania - Notary Public
Lori R. Stoner, Notary Public
Westmoreland County
My commission expires November 22, 2023
Commission number 1360086
Member, Pennsylvania Association of Notaries

[Signature: Lori R. Stoner]

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....**64,045.16**.....\$
(Attach explanation if amount certified differs from the amount applied for.)

Construction Manager: Brad E. Wade Contract: 2018-PWGG
Brad E. Wade, PE Fund: 30.409.750

By David Modricker Date 01/20/2021

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

PAY FROM LAST YEAR'S BUDGET 2020
djm

[Signature: David Modricker]

By dmodricker at 1:29:44 PM, 2/3/2021

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application Number: 9
 Application Date: 12/31/2020
 Period To: 12/31/2020
 Architect's Project No:

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED FROM PREV APPLICATION (D+E)	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STORED (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE TO FINISH (C-G)	RETAINAGE
E-1	JOB MOBILIZATION-M	42,601.00	42,601.00	0.00	0.00	42,601.00	100	0.00	2,130.05
E-2	SUBMITTALS-M	20,000.00	17,500.00	2,500.00	0.00	20,000.00	100	0.00	1,000.00
E-3	SUPERVISION & PROJECT MANAGEMENT-L	23,000.00	20,700.00	460.00	0.00	21,160.00	92	1,840.00	1,058.00
E-4	COMMISSIONING-L	3,680.00	0.00	0.00	0.00	0.00	0	3,680.00	0.00
E-5	NETA TESTING-M	5,000.00	0.00	3,750.00	0.00	3,750.00	75	1,250.00	187.50
E-6	NETA TESTING-L	1,840.00	0.00	1,380.00	0.00	1,380.00	75	460.00	69.00
E-7	CLOSE OUT AND PUNCH LIST-M	25,380.00	6,345.00	0.00	0.00	6,345.00	25	19,035.00	317.25
E-8	JOB DE-MOBILIZATION-M	20,000.00	0.00	0.00	0.00	0.00	0	20,000.00	0.00

DWG C-007 SITE UTILITIES PLAN

E-9	FEEDER CONDUIT-M	5,000.00	5,000.00	0.00	0.00	5,000.00	100	0.00	250.00
E-10	FEEDER CONDUIT-L	10,120.00	10,120.00	0.00	0.00	10,120.00	100	0.00	506.00
E-11	TELECOM CONDUIT-M	2,000.00	2,000.00	0.00	0.00	2,000.00	100	0.00	100.00
E-12	TELECOM CONDUIT-L	4,600.00	4,600.00	0.00	0.00	4,600.00	100	0.00	230.00
E-13	FIBER-M	1,000.00	0.00	0.00	0.00	0.00	0	1,000.00	0.00
E-14	FIBER-L	276.00	0.00	0.00	0.00	0.00	0	276.00	0.00
E-15	GENERATOR-M	130,000.00	130,000.00	0.00	0.00	130,000.00	100	0.00	6,500.00
E-16	GENERATOR-L	4,600.00	4,600.00	0.00	0.00	4,600.00	100	0.00	230.00
E-17	EXCAVATION-L	9,660.00	9,660.00	0.00	0.00	9,660.00	100	0.00	483.00
E-18	COUNTERPOISE-M	3,500.00	3,500.00	0.00	0.00	3,500.00	100	0.00	175.00

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E-19	COUNTERPOISE-L	920.00	920.00	0.00	0.00	920.00	100	0.00	46.00
		171,676.00	170,400.00	0.00	0.00	170,400.00	99	1,276.00	8,520.00

DWG C-011 SITE LIGHTING PLAN

E-20	BRANCH CONDUIT-M	1,000.00	1,000.00	0.00	0.00	1,000.00	100	0.00	50.00
E-21	BRANCH CONDUIT-L	1,840.00	1,840.00	0.00	0.00	1,840.00	100	0.00	92.00
E-22	BRANCH WIRE-M	1,000.00	0.00	750.00	0.00	750.00	75	250.00	37.50
E-23	BRANCH WIRE-L	920.00	0.00	460.00	0.00	460.00	50	460.00	23.00
E-24	ESCAVATION-L	3,680.00	3,680.00	0.00	0.00	3,680.00	100	0.00	184.00
E-25	FIXTURES-M	6,240.00	0.00	0.00	6,240.00	6,240.00	0	0.00	312.00
E-26	FIXTURES-L	1,196.00	0.00	0.00	0.00	0.00	0	1,196.00	0.00
E-27	LIGHT BASES-M	2,000.00	2,000.00	0.00	0.00	2,000.00	100	0.00	100.00
E-28	LIGHT BASES-L	736.00	736.00	0.00	0.00	736.00	100	0.00	36.80
		18,612.00	9,256.00	1,210.00	6,240.00	16,706.00	56	1,906.00	835.30

DWG E-101 1ST FL LTG PLAN

E-29	BRANCH LIGHTING-M	3,000.00	3,000.00	0.00	0.00	3,000.00	100	0.00	150.00
E-30	BRANCH LIGHTING-L	9,200.00	9,200.00	0.00	0.00	9,200.00	100	0.00	460.00
E-31	FIXTURES-M	23,868.49	0.00	0.00	23,868.49	23,868.49	0	0.00	1,193.42
E-32	FIXTURES-L	4,600.00	0.00	0.00	0.00	0.00	0	4,600.00	0.00
E-33	LIGHTING CONTROL DEVICES	7,500.00	0.00	0.00	0.00	0.00	0	7,500.00	0.00

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	ROUGH-IN-M								
E-34	LIGHTING CONTROL DEVICES ROUGH-IN-L	3,450.00	3,450.00	0.00	0.00	3,450.00	100	0.00	172.50
E-35	LIGHTING CONTROL DEVICES-M	7,631.51	7,631.51	0.00	0.00	7,631.51	100	0.00	381.58
E-36	LIGHTING CONTROL DEVICES-L	3,450.00	0.00	0.00	0.00	0.00	0	3,450.00	0.00
		62,700.00	23,281.51	0.00	23,868.49	47,150.00	37	15,550.00	2,357.50

DWG E-102 2ND FL/ROOF LTG PLAN

E-37	BRANCH LIGHTING-M	4,000.00	0.00	3,000.00	0.00	3,000.00	75	1,000.00	150.00
E-38	BRANCH LIGHTING-L	6,440.00	0.00	4,830.00	0.00	4,830.00	75	1,610.00	241.50
E-39	FIXTURES-M	30,000.00	0.00	0.00	10,485.04	10,485.04	0	19,514.96	524.25
E-40	FIXTURES-L	5,750.00	0.00	0.00	0.00	0.00	0	5,750.00	0.00
E-41	LIGHTING CONTROL DEVICES ROUGH-IN-M	4,500.00	0.00	0.00	0.00	0.00	0	4,500.00	0.00
E-42	LIGHTING CONTROL DEVICES ROUGH-IN-L	2,070.00	2,070.00	0.00	0.00	2,070.00	100	0.00	103.50
E-43	LIGHTING CONTROL DEVICES-M	4,500.00	4,500.00	0.00	0.00	4,500.00	100	0.00	225.00
E-44	LIGHTING CONTROL DEVICES-L	2,070.00	0.00	0.00	0.00	0.00	0	2,070.00	0.00
		59,330.00	6,570.00	7,830.00	10,485.04	24,885.04	24	34,444.96	1,244.25

DWG E-201 1ST FL PWR PLAN

E-45	FEEDER CONDUIT-M	12,000.00	10,800.00	1,200.00	0.00	12,000.00	100	0.00	600.00
E-46	FEEDER CONDUIT-L	20,700.00	18,630.00	2,070.00	0.00	20,700.00	100	0.00	1,035.00
E-47	FEEDER WIRE-M	30,000.00	0.00	30,000.00	0.00	30,000.00	100	0.00	1,500.00
E-48	FEEDER WIRE-L	3,680.00	0.00	3,680.00	0.00	3,680.00	100	0.00	184.00

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E-49	GROUNDING-M	1,500.00	1,500.00	0.00	0.00	1,500.00	100	0.00	75.00
E-50	GROUNDING-L	1,840.00	1,840.00	0.00	0.00	1,840.00	100	0.00	92.00
E-51	BRANCH POWER (OVERHEAD)-M	20,000.00	20,000.00	0.00	0.00	20,000.00	100	0.00	1,000.00
E-52	BRANCH POWER (OVERHEAD)-L	32,200.00	28,980.00	0.00	0.00	28,980.00	90	3,220.00	1,449.00
E-53	BRANCH POWER (IN WALL)-M	550.00	550.00	0.00	0.00	550.00	100	0.00	27.50
E-54	BRANCH POWER (IN WALL)-L	2,530.00	2,530.00	0.00	0.00	2,530.00	100	0.00	126.50
E-55	WIRING DEVICES-M	1,100.00	1,100.00	0.00	0.00	1,100.00	100	0.00	55.00
E-56	WIRING DEVICES-L	506.00	0.00	0.00	0.00	0.00	0	506.00	0.00
E-57	CORD REELS-M	2,250.00	2,250.00	0.00	0.00	2,250.00	100	0.00	112.50
E-58	CORD REELS-L	414.00	0.00	0.00	0.00	0.00	0	414.00	0.00
E-59	SPECIAL PURPOSE DEVICES-M	100.00	0.00	0.00	0.00	0.00	0	100.00	0.00
E-60	SPECIAL PURPOSE DEVICES-L	46.00	46.00	0.00	0.00	46.00	100	0.00	2.30
E-61	HVAC AND MOTORS-M	1,000.00	0.00	0.00	0.00	0.00	0	1,000.00	0.00
E-62	HVAC AND MOTORS-L	920.00	0.00	0.00	0.00	0.00	0	920.00	0.00
E-63	CHARGE POINT CHARGING STATION-M	15,000.00	0.00	0.00	10,553.08	10,553.08	0	4,446.92	527.65
E-64	CHARGE POINT CHARGING STATION-L	920.00	460.00	0.00	0.00	460.00	50	460.00	23.00
E-65	RADIANT HEAT TRACE-M	18,000.00	18,000.00	0.00	0.00	18,000.00	100	0.00	900.00
E-66	RADIANT HEAT TRACE-L	3,680.00	3,680.00	0.00	0.00	3,680.00	100	0.00	184.00

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		168,936.00	110,366.00	36,950.00	10,553.08	157,869.08	87	11,066.92	7,893.45

DWG E-202 2ND FL/ROOF PWR PLAN

E-67	FEEDER CONDUIT-M	600.00	540.00	60.00	0.00	600.00	100	0.00	30.00
E-68	FEEDER CONDUIT-L	920.00	828.00	92.00	0.00	920.00	100	0.00	46.00
E-69	FEEDER WIRE-M	2,000.00	0.00	2,000.00	0.00	2,000.00	100	0.00	100.00
E-70	FEEDER WIRE-L	460.00	0.00	460.00	0.00	460.00	100	0.00	23.00
E-71	PANELBOARDS-M	2,000.00	0.00	0.00	2,000.00	2,000.00	0	0.00	100.00
E-72	PANELBOARDS-L	460.00	230.00	0.00	0.00	230.00	50	230.00	11.50
E-73	BRANCH POWER (OVERHEAD)-M	7,000.00	7,000.00	0.00	0.00	7,000.00	100	0.00	350.00
E-74	BRANCH POWER (OVERHEAD)-L	18,400.00	13,800.00	0.00	0.00	13,800.00	75	4,600.00	690.00
E-75	BRANCH POWER (IN WALL)-M	2,600.00	2,600.00	0.00	0.00	2,600.00	100	0.00	130.00
E-76	BRANCH POWER (IN WALL)-L	1,196.00	1,196.00	0.00	0.00	1,196.00	100	0.00	59.80
E-77	WIRING DEVICES-M	520.00	520.00	0.00	0.00	520.00	100	0.00	26.00
E-78	WIRING DEVICES-L	239.20	0.00	0.00	0.00	0.00	0	239.20	0.00
E-79	FLOOR BOXES-M	1,250.00	1,250.00	0.00	0.00	1,250.00	100	0.00	62.50
E-80	FLOOR BOXES-L	230.00	184.00	0.00	0.00	184.00	80	46.00	9.20
E-81	HVAC AND MOTORS-M	1,000.00	0.00	0.00	0.00	0.00	0	1,000.00	0.00
E-82	HVAC AND MOTORS-L	920.00	0.00	0.00	0.00	0.00	0	920.00	0.00
E-83	RADIANT HEAT TRACE-M	2,000.00	1,004.11	0.00	0.00	1,004.11	50	995.89	50.21

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E-84	RADIANT HEAT TRACE-L	920.00	230.00	230.00	0.00	460.00	50	460.00	23.00
		42,715.20	29,382.11	2,842.00	2,000.00	34,224.11	75	8,491.09	1,711.21

DWG E-301 1ST FL SYSTEMS PLAN

E-85	FIRE ALARM BRANCH-M	1,000.00	1,000.00	0.00	0.00	1,000.00	100	0.00	50.00
E-86	FIRE ALARM BRANCH-L	2,760.00	2,760.00	0.00	0.00	2,760.00	100	0.00	138.00
E-87	FIRE ALARM (IN WALL)-M	1,000.00	1,000.00	0.00	0.00	1,000.00	100	0.00	50.00
E-88	FIRE ALARM (IN WALL)-L	3,680.00	3,680.00	0.00	0.00	3,680.00	100	0.00	184.00
E-89	FIRE ALARM WIRE-M	500.00	0.00	375.00	0.00	375.00	75	125.00	18.75
E-90	FIRE ALARM WIRE-L	1,840.00	0.00	0.00	0.00	0.00	0	1,840.00	0.00
E-91	FIRE ALARM DEVICES-M	6,450.00	0.00	0.00	0.00	0.00	0	6,450.00	0.00
E-92	FIRE ALARM DEVICES-L	1,978.00	0.00	0.00	0.00	0.00	0	1,978.00	0.00
E-93	DATA (IN WALL)-M	500.00	500.00	0.00	0.00	500.00	100	0.00	25.00
E-94	DATA (IN WALL)-L	1,840.00	1,840.00	0.00	0.00	1,840.00	100	0.00	92.00
E-95	DATA CABLING-M	2,000.00	0.00	0.00	2,000.00	2,000.00	0	0.00	100.00
E-96	DATA CABLING-L	920.00	0.00	0.00	0.00	0.00	0	920.00	0.00
E-97	DATA JACKS-M	680.00	0.00	0.00	680.00	680.00	0	0.00	34.00
E-98	DATA JACKS-L	391.00	0.00	0.00	0.00	0.00	0	391.00	0.00
E-99	DATA TESTING-L	368.00	0.00	0.00	0.00	0.00	0	368.00	0.00
E-100	SECURITY (IN WALL) RACEWAYS ONLY-M	1,000.00	1,000.00	0.00	0.00	1,000.00	100	0.00	50.00

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E-101	SECURITY (IN WALL) RACEWAYS ONLY-L	3,680.00	3,680.00	0.00	0.00	3,680.00	100	0.00	184.00
E-102	FIRE ALARM PANEL-M	2,500.00	0.00	0.00	0.00	0.00	0	2,500.00	0.00
E-103	FIRE ALARM PANEL-L	460.00	0.00	0.00	0.00	0.00	0	460.00	0.00
		33,547.00	15,460.00	375.00	2,680.00	18,515.00	47	15,032.00	925.75

DWG E-302 2ND FL/ROOF SYS PLAN

E-104	FIRE ALARM BRANCH-M	300.00	300.00	0.00	0.00	300.00	100	0.00	15.00
E-105	FIRE ALARM BRANCH-L	920.00	920.00	0.00	0.00	920.00	100	0.00	46.00
E-106	FIRE ALARM (IN WALL)-M	500.00	500.00	0.00	0.00	500.00	100	0.00	25.00
E-107	FIRE ALARM (IN WALL)-L	1,840.00	1,840.00	0.00	0.00	1,840.00	100	0.00	92.00
E-108	FIRE ALARM WIRE-M	300.00	0.00	225.00	0.00	225.00	75	75.00	11.25
E-109	FIRE ALARM WIRE-L	920.00	0.00	0.00	0.00	0.00	0	920.00	0.00
E-110	FIRE ALARM DEVICES-M	2,550.00	0.00	0.00	0.00	0.00	0	2,550.00	0.00
E-111	FIRE ALARM DEVICES-L	782.00	0.00	0.00	0.00	0.00	0	782.00	0.00
E-112	DATA (IN WALL)-M	300.00	300.00	0.00	0.00	300.00	100	0.00	15.00
E-113	DATA (IN WALL)-L	920.00	0.00	0.00	0.00	0.00	0	920.00	0.00
E-114	DATA CABLING-M	1,500.00	0.00	0.00	1,500.00	1,500.00	0	0.00	75.00
E-115	DATA CABLING-L	690.00	0.00	0.00	0.00	0.00	0	690.00	0.00
E-116	DATA JACKS-M	520.00	0.00	0.00	520.00	520.00	0	0.00	26.00
E-117	DATA JACKS-L	299.00	0.00	0.00	0.00	0.00	0	299.00	0.00

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E-118	DATA TESTING-L	368.00	0.00	0.00	0.00	0.00	0	368.00	0.00
E-119	SECURITY (IN WALL) RACEWAYS ONLY-M	100.00	100.00	0.00	0.00	100.00	100	0.00	5.00
E-120	SECURITY (IN WALL) RACEWAYS ONLY-L	184.00	184.00	0.00	0.00	184.00	100	0.00	9.20
E-121	FIRE ALARM PANEL-M	1,000.00	0.00	0.00	0.00	0.00	0	1,000.00	0.00
E-122	FIRE ALARM PANEL-L	230.00	0.00	0.00	0.00	0.00	0	230.00	0.00
		14,223.00	4,144.00	225.00	2,020.00	6,389.00	31	7,834.00	319.45

DWG E-401 ENLRGD PWR/SYS PLAN

E-123	BRANCH POWER (OVERHEAD)-M	2,200.00	2,200.00	0.00	0.00	2,200.00	100	0.00	110.00
E-124	BRANCH POWER (OVERHEAD)-L	4,600.00	3,450.00	0.00	0.00	3,450.00	75	1,150.00	172.50
E-125	BRANCH POWER (IN WALL)-M	3,900.00	3,100.00	800.00	0.00	3,900.00	100	0.00	195.00
E-126	BANCH POWER (IN WALL)-L	1,794.00	1,426.00	368.00	0.00	1,794.00	100	0.00	89.70
E-127	WIRING DEVICES-M	780.00	780.00	0.00	0.00	780.00	100	0.00	39.00
E-128	WIRING DEVICES-L	358.80	0.00	0.00	0.00	0.00	0	358.80	0.00
E-129	DATA (IN WALL)-M	300.00	300.00	0.00	0.00	300.00	100	0.00	15.00
E-130	DATA (IN WALL)-L	920.00	920.00	0.00	0.00	920.00	100	0.00	46.00
E-131	DATA CABLING-M	3,000.00	0.00	0.00	813.35	813.35	0	2,186.65	40.67
E-132	DATA CABLING-L	1,840.00	0.00	0.00	0.00	0.00	0	1,840.00	0.00
E-133	DATA JACKS-M	520.00	0.00	0.00	520.00	520.00	0	0.00	26.00
E-134	DATA JACKS-L	299.00	0.00	0.00	0.00	0.00	0	299.00	0.00

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application Number: 9
 Application Date: 12/31/2020
 Period To: 12/31/2020
 Architect's Project No:

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED FROM PREV APPLICATION (D+E)	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STORED (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE TO FINISH (C-G)	RETAINAGE
E-135	DATA TESTING-L	368.00	0.00	0.00	0.00	0.00	0	368.00	0.00
E-136	DATA RACKS AND EQUIPMENT-M	2,000.00	0.00	0.00	0.00	0.00	0	2,000.00	0.00
E-137	DATA RACKS AND EQUIPMENT-L	920.00	0.00	0.00	0.00	0.00	0	920.00	0.00
E-138	PANELBOARDS AND EQUIPMENT-M	18,000.00	8,000.00	10,000.00	0.00	18,000.00	100	0.00	900.00
E-139	PANELBOARDS AND EQUIPMENT-L	4,140.00	3,220.00	460.00	0.00	3,680.00	89	460.00	184.00
E-140	MDP AND METERING-M	28,000.00	28,000.00	0.00	0.00	28,000.00	100	0.00	1,400.00
E-141	MDP AND METERING-L	2,300.00	1,725.00	575.00	0.00	2,300.00	100	0.00	115.00
E-142	ATS-M	24,000.00	24,000.00	0.00	0.00	24,000.00	100	0.00	1,200.00
E-143	ATS-L	920.00	920.00	0.00	0.00	920.00	100	0.00	46.00
		101,159.80	78,041.00	12,203.00	1,333.35	91,577.35	89	9,582.45	4,578.87

TEMPORARY

E-144	TEMPORARY-M	2,000.00	2,000.00	0.00	0.00	2,000.00	100	0.00	100.00
E-145	TEMPORARY-L	4,600.00	4,600.00	0.00	0.00	4,600.00	100	0.00	230.00
		6,600.00	6,600.00	0.00	0.00	6,600.00	100	0.00	330.00

LIGHTNING PROTECTION

E-146	LIGHTNING PROTECTION-S	25,000.00	22,500.00	0.00	0.00	22,500.00	90	2,500.00	1,125.00
		25,000.00	22,500.00	0.00	0.00	22,500.00	90	2,500.00	1,125.00

CO1	COR 1R2	1,338.85	803.32	0.00	0.00	803.32	60	535.53	40.17
CO1A	COR 2R1	3,570.13	1,249.54	0.00	0.00	1,249.54	35	2,320.59	62.48

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application Number: 9
 Application Date: 12/31/2020
 Period To: 12/31/2020
 Architect's Project No:

A	B	C	D	E	F	G		H	I
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK COMPLETED FROM PREV APPLICATION (D+E)	WORK COMPLETED THIS PERIOD	MATERIALS PRESENTLY STORED (Not in D or E)	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE TO FINISH (C-G)	RETAINAGE
CO1B	COR 4R1	11,658.29	4,080.40	0.00	0.00	4,080.40	35	7,577.89	204.02
		862,567.27	569,279.88	69,725.00	59,179.96	698,184.84	74	164,382.43	34,909.25

SUBCONTRACTOR

RELEASE AND WAIVER OF LIENS AND CLAIMS

The undersigned (the "Releasor") is a seller, supplier, vendor, or subcontractor on the Ferguson Public Works Building at 3147 Research Drive, State College, PA 16801 ("The project") on which Westmoreland Electric Services, LLC is the prime contractor to Ferguson Township ("Owner").

Intending to be legally bound and conditioned only on the receipt of the sum of \$64,045.16 which releasor agrees is the current progress payment amount due it through the date of December 31st, 2020 (net of retainage) in connection with the Project, Releasor, for itself and its subcontractors and/or material and equipment suppliers, does hereby waive, release and forever discharge Contractor, Owner and their respective employees, officers, directors, agents, representatives, successors and assigns from any and all liens or encumbrances against any property of the Owner through the date of this release. Further, Releasor waives, releases and forever discharges Contractor from all claims, causes of action, demands, or damages arising out of or related in any way to the Project including, but not limited to, Releasor's furnishing of labor, materials, equipment or delay and/or inefficiencies of services on the Project through the date of December 31st, 2020 excepting those claims which Releasor has provided written notice in accordance with its subcontract or purchase order.

Westmoreland Electric Services, LLC
(Company Name)

State of Pennsylvania

John P. Reddy
(Title)

County of Westmoreland

[Signature] (Seal)
(Signature of authorized representative)

Given under my hand and seal this

15th day of January, 2021

Managing Partner
(Title)

[Signature]

Notary Public Lori R. Stoner

01/15/2021
(Date)

November 22, 2023

My commission expires

Commonwealth of Pennsylvania - Notary Seal
Lori R. Stoner, Notary Public
Westmoreland County
My commission expires November 22, 2023
Commission number 1360056
Member, Pennsylvania Association of Notaries

APPLICATION AND CERTIFICATE FOR PAYMENT

INVOICE # 14205

PAGE 1 OF 6 PAGES

OWNER: Ferguson Township
3147 Research Drive
State College, PA 16801

PROJECT: Contract 2018-PWGG
New Public Works Building
General Construction

CONTRACTOR: Leonard S. Fiore, Inc.
5506 Sixth Avenue, Rear
Altoona, PA 16602

ARCHITECT: Greenfield Architects
1853 Wm Penn Way
Lancaster, PA 17601

APPLICATION NO.: Ten
PERIOD TO: 01/31/21
LSF Job #: FT-0412
CONTRACT NO.:
% COMPLETE: 94%

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

CONTRACT DATE: 11/15/19

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract. Continuation Sheet, is attached.

1. ORIGINAL CONTRACT SUM \$ 4,416,000.00
2. Net change by Change Orders \$ 51,173.20
3. CONTRACT SUM TO DATE (Line 1 + 2) \$ 4,467,173.20
4. TOTAL COMPLETED & STORED TO DATE \$ 4,198,550.78
(Column G on Continuation Sheet)
5. RETAINAGE:
 - a. 5% of Completed Work \$ 209,927.54
(Columns D + E on Continuation Sheet)
 - b. 5% of Stored Material \$ 0.00
(Columns F on Continuation Sheet)

Total Retainage (Line 5a + 5b or
Total in Column I of Continuation Sheet \$ 209,927.54
6. TOTAL EARNED LESS RETAINAGE \$ 3,988,623.24
(Line 4 less Line 5 Total)
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT
(Line 6 from prior Certificate) \$ 3,549,069.64
8. CURRENT PAYMENT DUE \$ 439,553.60
9. BALANCE TO FINISH INCLUDING RETAINAGE
(Line 3 less Line 6) \$ 478,549.96

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	51,173.20	0.00
Total approved this Month	0.00	0.00
TOTALS	51,173.20	0.00
NET CHANGES by Change Order	51,173.20	

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: LEONARD S. FIORE, INC.

By: Janice Fiore Gurnett

Date: 2/4/2021

State of: PENNSYLVANIA

County of: BLAIR

Subscribed and sworn to before me this
4 day of February, 2021

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
Peggy M. Socie, Notary Public
City of Altoona, Blair County
My Commission Expires March 19, 2021
MEMBER, PENNSYLVANIA ASSOCIATION OF NOTARIES

Notary Public: Peggy M. Socie
My Commission expires: 3/19/2021

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$ 439,553.60

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and the Continuation Sheet that changed to conform to the amount certified.)

Construction Manager: Brad E. Wade, PE
on behalf of David Modricker

Contract: 2018-PWGG
Fund: 30.409.750

Brad E. Wade

Date: 2/09/2021

This certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment, and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

Contract 2018-PWGG

APPLICATION AND CERTIFICATE FOR PAYMENT,
containing Contractor's signed Certification, is attached.

APPLICATION NO.: Ten
APPLICATION DATE: 01/31/21
PERIOD TO: 01/31/21
ARCHITECT'S PROJECT NO.: FT-0412

A ITEM NO.	B DESCRIPTION	C SCHEDULED VALUE	D		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH	I RETAINAGE (IF VARIABLE RATE)	
			E WORK COMPLETED			TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% COMP.			
			FROM PREVIOUS APPLICATION (D + E + F)	THIS PERIOD						
General Conditions										
1	Mobilization	1 LS	8,000.00	8,000.00	0.00	0.00	8,000.00	100%	0.00	400.00
2	Performance & Payment Bond	1 LS	27,220.00	27,220.00	0.00	0.00	27,220.00	100%	0.00	1,361.00
3	Builders Risk Insurance	1 LS	3,100.00	3,100.00	0.00	0.00	3,100.00	100%	0.00	155.00
4	Supervision/Project Management	6 MO	98,500.00	82,740.00	10,835.00	0.00	93,575.00	95%	4,925.00	4,678.75
5	General Conditions	6 MO	74,000.00	62,160.00	8,140.00	0.00	70,300.00	95%	3,700.00	3,515.00
6	Final Cleaning	1 LS	4,500.00	0.00	0.00	0.00	0.00	0%	4,500.00	0.00
7	Dumpsters	1 LS	16,000.00	13,440.00	1,760.00	0.00	15,200.00	95%	800.00	760.00
8	Layout	6 MO	10,000.00	10,000.00	0.00	0.00	10,000.00	100%	0.00	500.00
9	Construction Fencing	1 Ls	6,500.00	6,370.00	0.00	0.00	6,370.00	98%	130.00	318.50
Site Construction										
10	Site Demolition	1 LS	19,500.00	19,500.00	0.00	0.00	19,500.00	100%	0.00	975.00
11	Earthwork	1 LS	251,600.00	246,568.00	0.00	0.00	246,568.00	98%	5,032.00	12,328.40
12	Erosion & Sediment Control	1 LS	22,200.00	21,090.00	0.00	0.00	21,090.00	95%	1,110.00	1,054.50
13	Site Storm Water	1 LS	118,000.00	115,640.00	0.00	0.00	115,640.00	98%	2,360.00	5,782.00

CONTINUATION SHEET

Contract 2018-PWGG

APPLICATION AND CERTIFICATE FOR PAYMENT,
containing Contractor's signed Certification, is attached.

APPLICATION NO.: Ten
APPLICATION DATE: 01/31/21
PERIOD TO: 01/31/21
ARCHITECT'S PROJECT NO.: FT-0412

A ITEM NO.	B DESCRIPTION	C SCHEDULED VALUE	D		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH	I RETAINAGE (IF VARIABLE RATE)	
			E WORK COMPLETED			TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% COMP.			
			FROM PREVIOUS APPLICATION (D + E + F)	THIS PERIOD						
14	Asphalt Paving	100,700.00	100,700.00	0.00	0.00	100,700.00	100%	0.00	5,035.00	
15	Concrete Walks	34,500.00	32,775.00	0.00	0.00	32,775.00	95%	1,725.00	1,638.75	
16	Concrete Pavement	29,800.00	29,800.00	0.00	0.00	29,800.00	100%	0.00	1,490.00	
17	Concrete Slabs (Exterior)	37,940.00	37,940.00	0.00	0.00	37,940.00	100%	0.00	1,897.00	
18	Bollards	16,200.00	15,390.00	810.00	0.00	16,200.00	100%	0.00	810.00	
19	Concrete Curbing	6,200.00	5,890.00	0.00	0.00	5,890.00	95%	310.00	294.50	
20	Site Signage	1,300.00	1,300.00	0.00	0.00	1,300.00	100%	0.00	65.00	
21	Bike Racks	2,500.00	0.00	1,250.00	0.00	1,250.00	50%	1,250.00	62.50	
22	Segmental Retaining Wall	35,600.00	35,600.00	0.00	0.00	35,600.00	100%	0.00	1,780.00	
23	Landscaping	35,000.00	0.00	0.00	0.00	0.00	0%	35,000.00	0.00	
Building Construction										
24	Rebar	51,500.00	51,500.00	0.00	0.00	51,500.00	100%	0.00	2,575.00	
25	Foundation Excavation	43,500.00	43,500.00	0.00	0.00	43,500.00	100%	0.00	2,175.00	
26	Strip Footers	28,900.00	28,900.00	0.00	0.00	28,900.00	100%	0.00	1,445.00	
27	Spread Footers	39,500.00	39,500.00	0.00	0.00	39,500.00	100%	0.00	1,975.00	

CONTINUATION SHEET

Contract 2018-PWGG

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APPLICATION NO.: Ten
APPLICATION DATE: 01/31/21
PERIOD TO: 01/31/21
ARCHITECT'S PROJECT NO.: FT-0412

A ITEM NO.	B DESCRIPTION	C SCHEDULED VALUE	D		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH	I RETAINAGE (IF VARIABLE RATE)
			E WORK COMPLETED			TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% COMP.		
			FROM PREVIOUS APPLICATION (D + E + F)	THIS PERIOD					
28	Columns	30,500.00	30,500.00	0.00	0.00	30,500.00	100%	0.00	1,525.00
29	Trench Drain Walls/Slabs	8,400.00	8,400.00	0.00	0.00	8,400.00	100%	0.00	420.00
30	Lift Pit Walls/Slabs	10,200.00	10,200.00	0.00	0.00	10,200.00	100%	0.00	510.00
31	Wash Equipment Walls/Slabs	9,800.00	9,800.00	0.00	0.00	9,800.00	100%	0.00	490.00
32	Slab on Grade 4"	41,500.00	41,500.00	0.00	0.00	41,500.00	100%	0.00	2,075.00
33	Slab on Grade 8" (cr)	112,000.00	112,000.00	0.00	0.00	112,000.00	100%	0.00	5,600.00
34	Concrete Stoops	22,500.00	22,500.00	0.00	0.00	22,500.00	100%	0.00	1,125.00
35	Slab on Deck	14,500.00	14,500.00	0.00	0.00	14,500.00	100%	0.00	725.00
36	Stair pans/Landing Concrete	1,900.00	1,900.00	0.00	0.00	1,900.00	100%	0.00	95.00
37	Concrete Waterproofing	10,200.00	10,200.00	0.00	0.00	10,200.00	100%	0.00	510.00
38	Unit Masonry	440,000.00	431,200.00	8,800.00	0.00	440,000.00	100%	0.00	22,000.00
39	Structural & Miscellaneous Steel	464,000.00	464,000.00	0.00	0.00	464,000.00	100%	0.00	23,200.00
40	Rough Carpentry	15,200.00	14,440.00	760.00	0.00	15,200.00	100%	0.00	760.00
41	Finish Carpentry	31,500.00	0.00	29,925.00	0.00	29,925.00	95%	1,575.00	1,496.25
42	Urethane Insulation	2,300.00	2,300.00	0.00	0.00	2,300.00	100%	0.00	115.00

CONTINUATION SHEET

Contract 2018-PWGG

APPLICATION AND CERTIFICATE FOR PAYMENT,
containing Contractor's signed Certification, is attached.

APPLICATION NO.: **Ten**
APPLICATION DATE: **01/31/21**
PERIOD TO: **01/31/21**
ARCHITECT'S PROJECT NO.: **FT-0412**

A ITEM NO.	B DESCRIPTION	C SCHEDULED VALUE	D		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G		H BALANCE TO FINISH	I RETAINAGE (IF VARIABLE RATE)
			E WORK COMPLETED			TOTAL COMPLETED AND STORED TO DATE (D + E + F)	% COMP.		
			FROM PREVIOUS APPLICATION (D + E + F)	THIS PERIOD					
43	Metal Wall Panels 1 LS	364,000.00	327,600.00	0.00	0.00	327,600.00	90%	36,400.00	16,380.00
44	TPO Roofing 1 LS	206,000.00	181,280.00	24,720.00	0.00	206,000.00	100%	0.00	10,300.00
45	Intumescent Fireproofing 1 LS	16,300.00	16,300.00	0.00	0.00	16,300.00	100%	0.00	815.00
46	Fire Stopping/Caulking 1 LS	10,000.00	8,000.00	2,000.00	0.00	10,000.00	100%	0.00	500.00
47	Doors/Frames/Hardware 1 LS	56,800.00	39,760.00	11,360.00	0.00	51,120.00	90%	5,680.00	2,556.00
48	Overhead Coiling Doors 1 LS	79,100.00	67,235.00	7,910.00	0.00	75,145.00	95%	3,955.00	3,757.25
49	Entrances/Storefront 1 LS	142,500.00	85,500.00	42,750.00	0.00	128,250.00	90%	14,250.00	6,412.50
50	GWB/Metal Stud Framing 1 LS	191,500.00	143,625.00	44,045.00	0.00	187,670.00	98%	3,830.00	9,383.50
51	Resilient Flooring 1 LS	48,400.00	23,120.00	5,920.00	0.00	29,040.00	60%	19,360.00	1,452.00
52	Resinous Flooring 1 LS	16,500.00	825.00	15,675.00	0.00	16,500.00	100%	0.00	825.00
53	Painting 1 LS	60,900.00	30,450.00	25,578.00	0.00	56,028.00	92%	4,872.00	2,801.40
54	Interior Signage 1 LS	5,600.00	280.00	2,520.00	0.00	2,800.00	50%	2,800.00	140.00
55	Toilet Compartments/Accessories 1 LS	14,000.00	0.00	14,000.00	0.00	14,000.00	100%	0.00	700.00
56	Wall Protection 1 LS	740.00	0.00	740.00	0.00	740.00	100%	0.00	37.00
57	F.E. Cabinets 1 LS	2,000.00	0.00	2,000.00	0.00	2,000.00	100%	0.00	100.00

CONTINUATION SHEET

Contract 2018-PWGG

APPLICATION AND CERTIFICATE FOR PAYMENT,
containing Contractor's signed Certification, is attached.

APPLICATION NO.: **Ten**
APPLICATION DATE: **01/31/21**
PERIOD TO: **01/31/21**
ARCHITECT'S PROJECT NO.: **FT-0412**

A ITEM NO.	B DESCRIPTION	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH	I RETAINAGE (IF VARIABLE RATE)
			FROM PREVIOUS APPLICATION (D + E + F)				% COMP.			
58	Lockers 1 LS	20,500.00	1,025.00	19,475.00	0.00	20,500.00	100%	0.00	1,025.00	
59	Fuel Dispensing System 1 LS	425,400.00	382,860.00	0.00	0.00	382,860.00	90%	42,540.00	19,143.00	
60	Truck Wash System 1 LS	171,000.00	119,700.00	0.00	0.00	119,700.00	70%	51,300.00	5,985.00	
61	Projection Screen/Projector Kit 1 LS	8,400.00	0.00	5,040.00	0.00	5,040.00	60%	3,360.00	252.00	
62	Window Shades 1 LS	8,100.00	0.00	0.00	0.00	0.00	0%	8,100.00	0.00	
63	Vehicle Lifts 1 LS	164,500.00	24,675.00	139,825.00	0.00	164,500.00	100%	0.00	8,225.00	
64	Vehicle Lube Equipment 1 LS	67,000.00	23,450.00	36,850.00	0.00	60,300.00	90%	6,700.00	3,015.00	
CO-01	PCO-002 COVID 19 Associated Shutdown Cost	6,350.49	6,350.49	0.00	0.00	6,350.49	100%	0.00	317.52	
CO-02	PCO-001R Concrete Slab over Buried Fuel Tank	8,995.35	5,936.93	0.00	0.00	5,936.93	66%	3,058.42	296.85	
CO-04	PCO-004R Add Girts per RFI 020	30,253.82	30,253.82	0.00	0.00	30,253.82	100%	0.00	1,512.69	
	PCO-005 Added Sag Rods per SK-S5	5,573.54	5,573.54	0.00	0.00	5,573.54	100%	0.00	278.68	
TOTALS :		4,467,173.20	3,735,862.78	462,688.00	0.00	4,198,550.78	94%	268,622.42	209,927.54	

PARTIAL LIEN WAIVER AND RELEASE UPON PROGRESS PAYMENT
(CONTRACTOR)

THIS PARTIAL LIEN WAIVER AND RELEASE UPON PROGRESS PAYMENT is executed this 5th day of **February, 2021** by Leonard S. Fiore, Inc. ("Contractor").

WHEREAS, on or about January 15th, 2020, Contractor entered into an agreement with the Ferguson Township, State College, PA ("Owner"), pursuant to which Contractor agreed to provide certain construction services in connection with the New Public Works Building, Contract 2018-PWGG (the "Project").

NOW THEREFORE, contingent only upon Contractor's receipt of the partial payment of \$439,553.60 for sums attributable to any claims for payments on the Project through **01/31/21**, Contractor does hereby release and forever discharge Owner and its respective officers, directors, shareholders, partners, successors, assigns, agents, insurers, sureties and legal representatives of and from any and all manner of actions, causes of action, suits, demands, damages, debts, contracts, contributions, claims, mechanic's liens, public improvement liens, rights in materials or goods furnished, stop notices, claims against a bond, judgments and executions whatsoever, in law or equity or otherwise, which Contractor ever had, now has or may hereafter have, whether known or unknown, against Owner related to, created by or arising out of any claim for payments (excluding retainage) relating to the Project as of **01/31/21**. This release and partial waiver of liens is contingent only upon Contractor's receipt of payment as set forth herein, and Contractor agrees that this partial lien waiver and release shall become unconditional upon Contractor's receipt of said payment.

This release covers only progress payments (excluding retainage) for all goods, materials, equipment, labor and/or services furnished directly or indirectly to or on behalf of Owner on the Project as of **01/31/21** such that all claims for goods, materials, equipment, labor and/or services furnished to or on behalf of Owner as of **01/31/21** are hereby released to the full extent of payment received for such work. This release does not cover retention or items furnished after **01/31/21**.

In executing this release, Contractor represents that all labor charges, wages, taxes and applicable fringe benefits have been paid in full on behalf of Contractor's employees and laborers who performed work on the Project as of **01/31/21** and that all subcontractors and suppliers who provided labor, goods, materials and/or services to Contractor in connection with the Project have also been or will be paid in full as of **01/31/21**. Contractor further agrees that it shall, at its sole cost and expense, forever defend and hold harmless Owner and its respective insurers and sureties, if any, from any and all claims, demands, damages, judgments and liens asserted or brought by any employee, supplier or subcontractor of Contractor in connection with the Project.

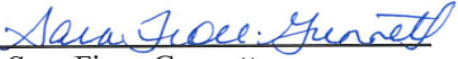
In the event that any of the work performed by Contractor on the Project (including the materials used or incorporated therein and the workmanship thereof) is the subject of any guaranty or warranty by Contractor, neither the giving of this release and waiver of liens by Contractor nor its acceptance by Owner shall operate in any way to reduce or modify such

guaranty or warranty or to release the undersigned therefrom. Contractor further agrees that if it hereafter performs any labor or furnishes any materials, tools, equipment, supplies, or services pursuant to such guaranty or warranty, it will fully pay for the same, will pay any and all taxes and charges in connection therewith and will release, discharge, defend and hold harmless Owner from any and all claims, demands, liens and claims of lien arising in connection therewith all in a like manner and to the same extent as is herein provided with respect to labor, materials, etc., heretofore furnished.

In executing this partial lien waiver and release, Contractor states under penalty of perjury that the sum to be paid herewith is the entire and complete sum owed or due to Contractor for goods, materials, equipment, labor and/or services on the Project as of **01/31/21** and for which payment has not previously been made by Owner or any other person or entity.

Signature:

Contractor: Leonard S. Fiore, Inc.
Address: 5506 Sixth Ave., Rear
Altoona, PA 16602

Signature: 
Title: Sara Fiore-Gunnett
Director of Finance

Witness: Jill Hart

RESOLUTION NO. _____

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.

WHEREAS, the Township has established a Code Section 457(b) Deferred Compensation Plan for Government Employers; and

WHEREAS, the 457(b) Plan is established pursuant to applicable state law and is intended to comply with the provisions of Section 457(b) of the Internal Revenue Code of 1986, as amended, Treasury Regulations thereunder, and applicable law; and

WHEREAS, the 457(b) Plan consists of provisions set forth in the basic plan document attached hereto as Exhibit "B" and made part of the Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby authorizes the Township Manager to execute the Adoption Agreement for the 457(b) Deferred Compensation Plan for Government Employers attached hereto as Exhibit "A" and made part of the Resolution.

RESOLVED, this 16th day of February 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

By: _____
David G. Pribulka, Secretary

Exhibit "A"

**TOWNSHIP OF FERGUSON
ADOPTION AGREEMENT FOR
457(b) DEFERRED COMPENSATION PLAN
FOR GOVERNMENTAL EMPLOYERS**

The undersigned Employer adopts the 457(b) Deferred Compensation Plan for Governmental Employers for those Employees who will qualify as Participants hereunder, to be known as the

Township of Ferguson 457(b) Deferred Compensation Plan

It will be effective as of the date specified below. The Employer hereby selects the following Plan specifications:

EMPLOYER INFORMATION (Plan Section 1.11)

Name of Employer: Township of Ferguson
Address: 3147 Research Drive
State College, PA 19608

Telephone Number: 814-238-4651

Employer Identification Number: 25-1197270

Location of Employer:

The Plan shall be governed in accordance with retirement plan laws of the

- State of
- Commonwealth of Pennsylvania
- District of

_____.

Employer Fiscal Year:

The 12-consecutive month period commencing on January 1 and ending on December 31.

PLAN INFORMATION

Effective Date:

This Adoption Agreement of the 457(b) Deferred Compensation Plan for Governmental Employers will:

- establish a new Plan effective as of _____.
- constitute an amendment and restatement in its entirety of a previously established 457(b) Plan of the Employer which was effective June 14, 1977. Except as specifically provided in the Plan, the effective date of this amendment and restatement is April 1, 2021,

Plan Year (Plan Section 1.22):

The 12-consecutive month period beginning on January 1 and ending on December 31.

Name of Administrator (Plan Section 1.1):

- Employer (use Employer address)
- Name(s): David Pribulka
Address: 3147 Research Drive
State College, PA 16801
Telephone: 814-238-4651

Eligibility (Plan Section 2.1)

Eligible Individuals for Purposes of Participant Deferral Contributions:

- All Employees
- All Employees other than the following group or groups of Employees elected below:
 - Nonresident aliens with no U.S. source of income
 - Employees who normally work less than 20 hours per week
 - Students performing services for the Employer whose Compensation is not considered wages under the Federal Insurance Contributions Act ("FICA")
 - Collectively bargained employees

NOTE: The group(s) specified must correspond to a group of the same designation that is defined in statutes, ordinances, rules, regulations, personnel manuals or other authority for the state or local jurisdiction of the Employer.

Independent Contractors

For purposes of this section, the term Eligible Individual:

- Will **not** include Independent Contractors
- Will include all Independent Contractors
- Will include all Independent Contractors other than as specified below:

CONTRIBUTIONS AND ALLOCATIONS

Roth 457(b) Contributions (Plan Section 1.25)

- will will not be permitted under the Plan.

In-Plan Roth Rollovers (Plan Section 1.14)

- will will not be permitted under the Plan.

In-Plan Roth Conversions (Plan Section 1.15)

- will will not be permitted under the Plan

Age 50 Plus Catch-Up Contributions (Plan Section 1.3):

- will will not be permitted under the Plan.

Special 457(b) Catch-up Contributions (Plan Section 1.27):

- will will not be permitted under the Plan.

Rollover Contributions (Plan Section 1.24):

- will will not be permitted under the Plan.

Transfers into the Plan (Plan Section 3.7):

- will will not be permitted.

Deferral of Accumulated Sick Pay, Accumulated Vacation Pay and Back Pay (Plan Section 3.1(b)):

Participant may elect to defer (check all that are applicable) to the Plan:

- accumulated sick pay
- accumulated vacation pay
- back pay

Note: any amounts deferred under Section 3.1(b) of the Plan must be consistent with applicable state and local law, including, but not limited to, the terms of any collective bargaining agreements.

Normal Retirement Age for Purposes of the Special Section 457 Catch-up (Plan Section 1.17):

Note: The Employer, together with any related employers, is not permitted to have more than one Normal Retirement Age for each Participant under all of the plans under Section 457(b) of the Code that it sponsors.

For purposes of the Special 457 Catch-Up Deferral Election under Section 3.2, Normal Retirement Age will be:

- Age 65
- Age 70½
- Other stated age between 65 and 70½ : _____
- X** The Normal Retirement Age as elected by the Participant that is between:
 - the earlier of the earliest retirement age under the Employer's pension plan at which the Participant immediately could receive unreduced retirement benefits; and
 - age 70 ½.
- The Normal Retirement Age as elected by the Participant that is between:
 - 65; and
 - age 70 ½.

Normal Retirement Age for Police or Firefighters

For purposes of the Special 457 Catch-Up Deferral Election under Section 3.2, Normal Retirement Age will be:

- the earliest retirement age at which an individual could receive unreduced benefits under the Employer's pension plan
 - Age 40
 - Age 55
 - Age 65
 - Age 70 1/2
 - Other: _____
- NOTE: Age specified for this option generally may not be less than age 40 or more than age 70 ½.**
- X** the Normal Retirement Age as elected by the Participant that is between:
 - the earlier of the earliest retirement age under the Employer's pension plan at which the Participant immediately could receive unreduced retirement benefits; and
 - age 70 ½.
 - the Normal Retirement Age as elected by the Participant that is between:
 - age 40; and
 - age 70 ½.

DISTRIBUTIONS

Distribution Options (Plan Section 4.3(c)):

- Lump sum
- Immediate or deferred annuity (including life annuities and installment payment annuities)
- Systematic distribution option
- Under any distribution method permitted under the Investment Product.
- Other: _____

Death Benefits Payable to Beneficiary (Plan Section 4.3(d)):

Amounts payable to the Beneficiary may be elected by the Beneficiary in the following forms of benefit payment:

- Same distribution options as available to the Participant
- Other:

NOTE: Distribution options selected are available to the extent permitted by applicable law and the terms of the Investment Product.

Rollovers and In-Plan Roth Rollovers (Plan Section 4.1(b)):

Amounts attributable to Rollovers and In-Plan Roth Rollovers will be paid to a Participant:

- Upon attainment of an event as described in Section 4.1
- Upon the request of a Participant
- Other:

Unforeseeable Emergency Withdrawals (Plan Section 4.6):

X will will not be permitted under the Plan.

If Unforeseeable Emergency withdrawals are allowed by the Plan, amounts eligible for such withdrawals shall be in accordance with the Investment Product.

A Participant **X** may may not take an Unforeseeable Emergency Withdrawal resulting from the illness or accident of a primary Beneficiary designated by the Participant.

Small Balance Distribution (Plan Section 4.7):

will will not be permitted under the Plan.

Transfer of Amounts for Purchase of Service Credits in Governmental Retirement System (Plan Section 4.9)

will will not be permitted under the Plan.

Loans to Participants (Plan Section 4.11):

will will not be permitted under the Plan.

Distributions for Health Insurance and Long Term Care (Plan Section 4.12):

will will not be permitted under the Plan.

Mandatory Distributions (Plan Section 4.13)

will will not be permitted under the Plan.

If mandatory distributions are permitted under the Plan, the dollar amount of a mandatory distribution under the Plan is \$5,000 (not to exceed \$5,000).

CERTIFICATION AND SIGNATURE

The undersigned Employer hereby represents that it is a unit of a State or local government or an agency or instrumentality of one or more units of a State or local government as described in Code Section 414(d).

This Adoption Agreement and the Plan document together constitute the Plan. The Plan is a specimen plan, not a master or prototype plan, and has not been approved by the IRS. The adoption of this Plan and related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

IN WITNESS WHEREOF, the Employer hereby causes this Plan to be executed on this _____ day of _____, 2021.

TOWNSHIP OF FERGUSON

By: _____
Name & Title

Exhibit "B"

**457(b) DEFERRED COMPENSATION
PLAN FOR GOVERNMENTAL
EMPLOYERS
BASIC PLAN DOCUMENT**

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**457(b) DEFERRED COMPENSATION
PLAN FOR GOVERNMENTAL EMPLOYERS
PREAMBLE**

The Employer hereby establishes the Code Section 457(b) Deferred Compensation Plan for Governmental Employers (the "Plan").

The Plan is established pursuant to applicable state law and is intended to comply with the provisions of Section 457(b) of the Internal Revenue Code of 1986, as amended, Treasury Regulations thereunder and applicable law. The Plan consists of the provisions set forth in this basic plan document and the Adoption Agreement, and is applicable to each Eligible Individual.

**ARTICLE I
DEFINITIONS**

As used in this Plan, the following words and phrases will have the meanings set forth herein unless a different meaning is clearly required by the context.

1.1 "Administrator" means the person(s), committee or organization appointed by the Employer pursuant to Section 5.2 to administer the Plan and perform administrative functions for the Plan as specified by the Employer.

1.2 "Adoption Agreement" means the separate agreement that is executed by the Employer and sets forth the elective provisions of the Plan. The Adoption Agreement is considered a part of the Plan.

1.3 "Age 50 Plus Catch-Up Contribution" means, if elected by the Employer in the Adoption Agreement, the catch-up contribution for Participants who attain age 50 by the end of the calendar year, as permitted under Code Section 414(v) and pursuant to Section 3.3.

1.4 "Beneficiary" means the individual, individuals or trust designated by the Participant in writing on a form acceptable to the Administrator, and received by the Administrator before the Participant's death, to receive any undistributed amounts under the Participant Account which becomes payable upon the Participant's death. A Beneficiary may designate his own Beneficiary. If a Participant or Beneficiary does not designate a Beneficiary in a form acceptable to the Administrator, then his estate will be deemed to be his Beneficiary. In addition, any Beneficiary designation will meet the requirements of applicable state law.

1.5 "Code" means the Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.

1.6 "Compensation" means for an Employee all cash compensation for services to the Employer, including salary, wages, fees, commissions, bonuses, and overtime pay, that is includible in the Employee's gross income for the calendar year, plus amounts that would be cash compensation for services to the Employer includible in the Employee's gross income for the calendar year but for a compensation reduction election under Code Sections 125, 132(f), 401(k), 403(b) or 457(b) (including an election under Article III to defer Compensation under the Plan). For purposes of an Independent Contractor, "Compensation" will mean all amounts payable to a Participant from the Employer as remuneration for services rendered which would be includible in income for federal tax purposes if not deferred under this Plan, subject to the provisions of the current Code.

1.7 “Deferrals” means the amount of Compensation deferred by a Participant to the Plan, including Elective Deferrals and, if elected by the Employer in the Adoption Agreement and the Participant so elects on a Participation Agreement, Roth 457(b) Contributions.

1.8 “Elective Deferrals” means amounts made by the Employer to the Plan on a voluntary pre-tax basis pursuant to a Participation Agreement entered into by a Participant,

1.9 “Eligible Individual” means any Employee who is in one or more of the classifications specified in the Adoption Agreement, and, if elected by the Employer, may include Independent Contractors.

1.10 “Employee” means any common law employee who is employed by the Employer and who performs services for the Employer for which Compensation is payable.

1.11 “Employer” means a state or the District of Columbia, any political subdivision of a state or the District of Columbia, or any agency or instrumentality of a state or the District of Columbia, which satisfies the definition of Code Section 457(e)(1)(A) (together with any other entity required to be aggregated with such governmental employer under Code Sections 414(b), (c), (m) or (o)) and which has adopted this Plan as indicated in the Adoption Agreement.

1.12 “Includible Compensation” means an Employee’s actual wages in box 1 of Form W-2 for the Employer, but increased (up to the dollar maximum) by any compensation reduction election under Code Section 125, 132(f), 402(g)(3) or 457(b). The amount of Includible Compensation is determined without regard to any community property laws. Pursuant to Section 1.457-4(d)(1) of the Treasury Regulations, Includible Compensation will include any payments made to a Participant who has had a Severance from Employment, provided that the Includible Compensation is paid by the later of 2 ½ months after the Participant’s Severance from Employment or the end of the calendar year that contains the date of such Participant’s Severance from Employment. In addition, pursuant to Section 1.457-4(d)(1) of the Treasury Regulations, Includible Compensation will include payments made to an individual who does not currently perform services for the Employer by reason of qualified military service (as defined in Code Section 414(u)(5)) to the extent those payments do not exceed the amount the individual would have received if the individual had continued to perform services for the Employer rather than enter qualified military service. Includible Compensation will not include Employee pick-up contributions described in Code Section 414(h)(2).

1.13 “Independent Contractor” means any person to whom Compensation from the Employer is payable for services rendered pursuant to one or more written or oral contracts, if such person is not a common-law employee.

1.14 “In-Plan Roth Rollover” means, if elected by the Employer in the Adoption Agreement, a Rollover Contribution to the Plan that consists of a distribution of Elective Deferrals and/or Rollover Contributions under the Plan that are otherwise distributable, in accordance with Code Section 402A(c)(4)(A). In-Plan Roth Rollovers will be subject to the IRS guidance applicable to Roth 457(b) Contributions, including the requirement that gains, losses, and other credits or charges thereon must be separately allocated for on a reasonable and consistent basis for each Participant.

1.15 “In-Plan Roth Conversion” means, if elected by the Employer in the Adoption Agreement, amounts in the Participant Account consisting of Elective Deferrals and/or Rollover Contributions under the Plan that are not otherwise distributable which are transferred and treated as Roth 457(b) Contributions, including the requirement that gains, losses, and other credits or charges thereon must be separately allocated for on a reasonable and consistent basis for each Participant in accordance with Code Section 402A(c)(4)(E) and IRS guidance thereunder.

1.16 “Investment Product” means group or individual annuity contracts or such other investment arrangements issued by or offered through the Provider and used to hold assets of the Plan.

1.17 “Normal Retirement Age” means the age as elected by the Employer in the Adoption Agreement that is used for the Special 457 Catch-up Contribution election under Section 3.2. The Employer is not permitted to have more than one Normal Retirement Age for each Participant under all plans under Code Section 457(b) that it (together with any other entity required to be aggregated with the Employer under Code Section 414(b), (c), (m) or (o)) sponsors.

1.18 “Participant” means any individual who has entered into a Participation Agreement to make Deferrals under the Plan or has previously made Deferrals under the Plan and who has not yet received a distribution of his entire Participant Account under the Plan. As appropriate, a Participant means a Beneficiary or an alternate payee as defined in Code Section 414(p)(8).

1.19 “Participant Account” means the account(s) or separate accounting for recordkeeping purposes established for the Participant and maintained by the Administrator, including any earnings and losses attributable thereon,

1.20 “Participation Agreement” means an agreement, which meets the requirements of Section 2.4, entered into between an Eligible Individual and the Employer pursuant to which an Eligible Individual agrees to defer Elective Deferrals and/or Roth 457(b) Contributions to the Plan and thus to become a Participant.

1.21 “Plan” means the name of the Plan as indicated in the Adoption Agreement.

1.22 “Plan Year” means the Plan's 12-consecutive month accounting year as elected by the Employer in the Adoption Agreement.

1.23 “Provider” means Voya Retirement Insurance and Annuity Company and/or ReliaStar Life Insurance Company or such other provider entity as the Employer may approve.

1.24 “Rollover Contribution” means, if elected by the Employer in the Adoption Agreement, contributions made by a Participant (or, if applicable, Eligible Individual) of “eligible rollover distributions” in accordance with Code Section 402(c)(4), including rollovers of Roth amounts, as applicable.

1.25 “Roth 457(b) Contributions” means, if elected by the Employer in the Adoption Agreement, contributions that are:

(a) Made by the Employer to the Plan pursuant to a Participation Agreement entered into by a Participant, which qualifies as a “designated Roth contribution” within the meaning of Code Section 402A;

(b) irrevocably designated by the Participant at the time of the cash or deferred election as a Roth 457(b) Contribution that is being made in lieu of all or a portion of the Elective Deferrals the Participant is otherwise eligible to make under the Plan; and

(c) Treated by the Employer as includible in the Participant’s income at the time the Participant would have received that amount in cash if the Participant had not made a cash or deferred election.

Contributions of Roth 457(b) Contributions and withdrawals of Roth 457(b) Contributions, including gains, losses, and other credits or charges thereon must be separately allocated for on a reasonable and consistent basis for each Participant in accordance with applicable IRS guidance.

1.26 “Severance from Employment” means the date on which the Employee dies, retires or otherwise has a severance from employment with the Employer, as determined by the Administrator.

1.27 “Special Section 457 Catch-up Contributions” means, if elected by the Employer in the Adoption Agreement, the catch-up contribution for a Participant in the three consecutive years prior to the

year in which the Participant reaches Normal Retirement Age, as permitted under Code Section 457(b)(3) and pursuant to Section 3.2.

1.28 "Unforeseeable Emergency" means, if elected by the Employer in the Adoption Agreement, a financial hardship of the Participant or Beneficiary resulting from:

- (a) An illness or accident of:
 - (1) the Participant or the Beneficiary
 - (2) the spouse of the Participant or Beneficiary, or
 - (3) the dependent of the Participant or Beneficiary;
- (b) Loss of the Participant's or Beneficiary's property due to casualty; or
- (c) Similar extraordinary and unforeseeable circumstances arising as a result of events beyond the control of the Participant or Beneficiary.

In addition, if elected by the Employer in the Adoption Agreement, an Unforeseeable Emergency means a severe financial hardship of the Participant resulting from an illness or accident of a primary Beneficiary designated by the Participant under the Plan.

A determination of an Unforeseeable Emergency will be based on each Participant's and Beneficiary's specific facts and circumstances.

ARTICLE II PARTICIPATION

2.1 Eligibility

Each Eligible Individual will be a Participant in the Plan when he satisfies the eligibility requirements specified by the Employer in the Adoption Agreement and has executed a Participation Agreement.

2.2 Determination of Eligibility and Effective Date of Participation

(a) The Administrator will determine whether an Eligible Individual has satisfied the eligibility requirements specified by the Employer in the Adoption Agreement based upon information furnished by the Employer. Such determination will be conclusive and binding and the criteria for such determination will be applied uniformly to all Participants.

(b) The Participant will provide investment direction for contributions made to an Investment Product on such forms as may be required by the Provider.

2.3 Termination of Eligibility

In the event a Participant will go from a classification of an Eligible Individual to a non-Eligible Individual, such Participant will not be able to make Deferrals to the Plan until he is again reclassified as an Eligible Individual. The Participant Account of such inactive Participant will continue to be allocated any attributable earnings and losses based on the investment direction supplied by the Participant.

2.4 Participation Agreements

(a) In order to participate in the Plan, a Participant must complete a Participation Agreement with the Employer and file such Participation Agreement in a manner and method determined by the Administrator. The Participation Agreement will specify:

- (1) The amount (expressed either as a dollar amount or as a percentage) of the Participant's Compensation which the Participant agrees to make as Deferrals, subject to the limitations of Article III; and
- (2) The date as of which Deferrals pursuant to the Participation Agreement will begin.

(b) A Participant may make Deferrals payable in the calendar month during which the Eligible Individual first becomes a Participant if the Participation Agreement providing for such Deferrals is entered into before the first day of the month in which the Compensation is paid or becomes available.

(c) Notwithstanding subsection (b), a new Employee who is also an Eligible Individual may become a Participant and make Deferrals payable in the calendar month during which he first becomes an Employee if a Participation Agreement providing for the Deferrals is entered into on or before the first day on which he performs services for the Employer.

(d) A Participant may, by amendment of a Participation Agreement or by any manner as the Administrator may prescribe, do any of the following:

- (1) change the specification of the investment for any contributions to a Participant Account under an Investment Product;
- (2) change prospectively the amount of Deferrals; or
- (3) revoke the Participation Agreement.

An amendment to or revocation of the Participation Agreement will be effective as early as administratively practicable, but not earlier than the first day of the following calendar month in which the Compensation is paid or made available.

2.5 Information Provided by the Employee

Each Eligible Individual enrolling in the Plan should provide to the Administrator at the time of initial enrollment, and later if there are any changes, any information necessary for the Administrator to administer the Plan, including, without limitation, whether he is a participant in any other eligible plan under Code Section 457(b).

2.6 Contributions Made Promptly

All contributions under the Plan will be transferred to the applicable Investment Product within a period that is not longer than is reasonable for the proper administration of the Participant Accounts. For purposes of this requirement, Deferrals under the Plan by a Participant must be transferred to the Investment Product within 15 business days following the month in which these amounts would otherwise have been paid to the Participant.

2.7 Leave of Absence

Unless an election is otherwise revised, if an Employee is absent from work by leave of absence, Deferrals under the Plan will continue to the extent that Compensation continues.

ARTICLE III CONTRIBUTIONS AND LIMITATIONS

3.1 Deferrals

(a) Except as provided in Section 3.2 and 3.3 and subject to any applicable law or under any applicable collective bargaining agreement, the maximum amount of Deferrals which may be made by a Participant in any taxable year will not exceed the lesser of (1) the applicable dollar amount provided

under Code Section 457(b)(2) (adjusted for cost of living under Code Section 457(e)(15)) or (2) 100% of the Participant's Includible Compensation.

(b) If elected by the Employer in the Adoption Agreement, a Participant may elect to make Deferrals from accumulated sick pay, accumulated vacation pay and back pay, provided the Participant enters into a Participation Agreement pursuant to Section 2.4 to make such Deferrals before the amounts would otherwise be paid or made available. A Participant who is a former Employee may make Deferrals from accumulated sick pay, vacation pay and back pay, provided that the Participant enters into a Participation Agreement pursuant to Section 2.4 prior to the first day of the calendar month to make such Deferrals before the amounts would otherwise be paid or made available, provided that such amounts are payable within the later of 2 ½ months after the Participant's Severance from Employment or the end of the calendar year that includes the date of the Participant's Severance from Employment.

3.2 Special 457 Catch-Up Contributions

(a) In any one or more of a Participant's last three calendar years ending before the year in which the Participant attains Normal Retirement Age, as defined by the Employer in the Adoption Agreement, the Participant may elect to make Deferrals in an amount not exceeding the lesser of (1) twice the dollar amount permitted as a general deferral under Section 3.1 or (2) the sum of the maximum deferral permitted under Section 3.1 for the current tax year and as much of the applicable deferral limit under Code Section 457(b)(2) in prior years before the current tax year that had not previously been used ("underutilized amount"). For purposes of this Section, a prior year will be taken into account only if such year began after December 31, 1978, and the Participant was eligible to participate in the Plan during all or a portion of the prior year. A Participant may only make this election under this subsection once with respect to any plan under Code Section 457(b) of the Employer.

(b) In determining a Participant's underutilized amount, the Plan will take into consideration:

- (1) Prior to 2002, if a Participant made Deferrals to the Plan and deferrals to any other plan under Code Section 457(b), salary reduction contributions made to plans under Code Section 401(k), plans under Code Section 403(b), simplified employee pension (SARSEP) plans under Code Section 402(h)(1), simple retirement accounts under Code Section 408(p), and amounts deferred under any plan for which a deduction is allowed because of a contribution to an organization described in Code Section 501(c)(18), such deferrals to the other plans will be taken into account in determining a Participant's underutilized amount under Code Section 457(b)(2). In addition, Includible Compensation will be limited to the limitation in effect in the calendar year in which the deferrals were made. If such deferrals cumulatively exceed the then-applicable dollar amount in Code Section 457(b)(2) in the year that such amounts were deferred, then there will be no underutilized amount for that year.
- (2) To the extent that the Employer did not maintain a plan under Code Section 457(b), no underutilized limitation is available to a Participant for that prior year.
- (3) After 2001, only deferrals to plans under Code Section 457(b) will be taken into account for purposes of determining the underutilized amount.
- (4) Age 50 Plus Catch-Up Contributions will not be taken into account for purposes of determining a Participant's underutilized amount.

3.3 Age 50 Plus Catch-Up Contributions

If elected by the Employer in the Adoption Agreement, a Participant who has attained age 50 before the close of the calendar year may elect Age 50 Plus Catch-up Contributions. Such contributions are not subject to the limitations of Code Section 457(b). The maximum dollar amount of the Age 50 Plus Catch-up Contributions for a calendar year adjusted for cost of living under Code Section 414(v)(2)(C).

3.4 Maximum Amount of Catch-Up Contributions

Any catch-up contributions made by a Participant pursuant to Section 3.2 or Section 3.3 may not exceed the greater of (a) the amount that the Participant is eligible to make as Deferrals under Section 3.2 or (b) the amount that the Participant is eligible to make as Deferrals under Section 3.3.

3.5 Participant Covered by More than One 457(b) Plan

If a Participant is or has been a participant in one or more other plans under Code Section 457(b) in the same calendar year, then the Plan and all such other plans will be considered as one plan for purposes of applying the limitations of this Article III. For this purpose, the Administrator will take into account any other such plan of the Employer under Code Section 457(b) in which the individual participated in the same calendar year and, to the extent the Participant provides the Administrator with sufficient information concerning his participation.

3.6 Excess Deferrals

(a) In the event that the limit on Deferrals is exceeded pursuant to this Article III, the Administrator will direct the Provider as to the proper correction method permissible under applicable law, including calculation of any earnings or losses and the proper tax reporting with respect to such distributions as soon as administratively practicable after the Administrator determines that the amount is an excess deferral.

(b) A Participant who participates in the Plan and another 457(b) plan of another employer will be responsible for complying with the deferral limits of this Article III. In the event of an excess amount, the Participant will notify the Administrator so that the excess may be distributed as soon as practicable after the Administrator determines that the amount is an excess deferral.

3.7 Transfers from Other Plans under Code Section 457(b)

(a) If elected by the Employer in the Adoption Agreement, the Plan will accept transfers of amounts previously deferred under another plan under Code Section 457(b) maintained by another employer as defined in Code Section 457(e)(1)(A).

(b) A transfer under subsection (a) will only be permitted if:

- (1) the transferring plan provides for the transfer of such amounts, and
- (2) the Participant has a benefit equal to the amount immediately after the transfer at least equal to the amount under the Plan immediately before the transfer.

(c) The Administrator may require such documentation from the transferring plan as it deems necessary to effectuate the transfer in accordance with Section 1.457-10(b) of the Treasury Regulations and to confirm that the transferring plan is an eligible government plan as defined in Code Section 457(e)(1)(A). The amount so transferred will be credited to the appropriate account under the Participant Account and will be held, accounted for, administered and otherwise treated in the same manner as amounts as held in the transferor plan, except that the transferred amounts will not be taken into consideration for purposes of Code Section 457(b)(2) for the year of transfer.

3.8 Rollovers to the Plan

The Employer may elect in the Adoption Agreement to permit an Eligible Individual, whether a Participant at the time, to rollover amounts that are considered eligible rollover distributions as defined in Code Section 402(c)(4) to the Plan from an eligible retirement plan, as defined in Code Section 402(c)(8)(B).

3.9 Investments

Amounts contributed to the Plan will be invested in an Investment Product. Participants will direct the investment of their Participant Accounts among the investment options available under the Investment

Product. Contributions will be allocated to a Participant Account in accordance with this Article III and earnings and losses attributable to such contributions will be allocated to such Participant Account. If any provision of an Investment Product agreement is not consistent with the Plan provisions, the terms of the Plan will control.

3.10 Protection of Persons Who Serve In a Uniformed Service

(a) An Employee whose employment is interrupted by qualified military service under Code Section 414(u) or who is on a leave of absence for qualified military service under Code Section 414(u) may elect to make additional Deferrals upon resumption of employment with the Employer equal to the maximum Deferrals that the Employee could have elected during that period if the Employee's employment with the Employer had continued (at the same level of Compensation) without the interruption or leave, reduced by the Deferrals, if any, actually made for the Employee during the period of the interruption or leave. Except to the extent provided under Code Section 414(u), this right applies for five years following the resumption of employment (or, if sooner, for a period equal to three times the period of the interruption or leave).

(b) In the case of a Participant who dies while performing qualified military service (as defined in Code Section 414(u)), the Beneficiaries are entitled to any additional benefits (other than Deferrals relating to the period of qualified military service) provided under the Plan had the Participant resumed employment and then had a Severance from Employment on account of death.

ARTICLE IV BENEFIT DISTRIBUTIONS

4.1 Distributions Under the Plan

(a) Accounts attributable to Elective Deferrals, Roth 457(b) Contributions or In-Plan Roth 457(b) Conversions may not be paid to a Participant (or, if applicable, the Beneficiary) until one of the following events has occurred:

- (1) upon the Participant's Severance from Employment;
- (2) the calendar year in which the Participant attains age 70 ½;
- (3) an Unforeseeable Emergency, within the meaning of and subject to Section 4.6; or
- (4) the election of a small balance distribution within the meaning of and subject to Section 4.7.

(b) A Participant may choose to receive a distribution from amounts attributable to Rollovers and In-Plan Roth 457(b) Rollovers at the time elected by the Employer in the Adoption Agreement.

(c) An Independent Contractor will be considered to have a Severance from Employment upon the expiration of all of the contracts under which services are performed for the Employer, if the expiration constitutes a good faith and complete termination of the contractual relationship. An expiration of such contractual relationship will not be considered to be a good faith and complete termination if the Employer anticipates a renewal of such contractual relationship or the Independent Contractor becomes an Employee.

4.2 Distributions of Roth amounts will be tax-free for federal income tax purposes if:

- (1) The distribution meets the requirements of Section 4.1(a);
- (2) The Roth amounts are held for the applicable 5-year holding period, and
- (3) The distribution is due to a Participant's attainment of age 59 ½, death, or in the event of the Participant's becoming disabled.

4.3 Determination of Benefits Payable to a Participant

(a) Upon attainment of a distributable event described in Section 4.1, but in no event later than the requirement to commence minimum distribution payments in accordance with Code Section 401(a)(9) and the Treasury Regulations thereunder, a Participant may elect a benefit distribution option to which benefits will be paid.

(b) Upon a Participant's application for benefits, the Administrator will direct the distribution of a Participant Account in accordance with this Section 4.2.

(c) A Participant may choose a benefit distribution option as elected by the Employer in the Adoption Agreement. In the event a Participant fails to make an election as to a benefit distribution option, any benefit payable to such Participant will be distributed as elected by the Employer in the Adoption Agreement. The terms of any annuity contract purchased and distributed by the Plan to a Participant will comply with the requirements of the Plan.

4.4 Determination of Benefits upon Death

(a) Upon the death of a Participant, the Administrator will direct that the deceased Participant's Participant Account be distributed to the Beneficiary in accordance with the provisions of this Section.

(b) The designation of a Beneficiary will be made on a form satisfactory to the Administrator. A Participant or Beneficiary may at any time revoke his designation of a Beneficiary or change his Beneficiary by filing notice of such revocation or change with the Administrator. In the event no valid designation of Beneficiary exists at the time of the Participant's or Beneficiary's death, the death benefit will be payable to the Participant's or Beneficiary's estate.

(c) The Administrator may require such proper proof of death and such evidence of the right of any person to receive payment of the value of the Participant Account of a deceased Participant or Beneficiary, as the Administrator may deem appropriate. The Administrator's determination of death and of the right of any person to receive payment will be conclusive.

(d) Death benefits payable to a Beneficiary will be made in a form as selected by the Beneficiary in accordance with the available options as elected by the Employer in the Adoption Agreement. In the event a Beneficiary fails to make an election as to a benefit distribution option, any benefit payable to such Beneficiary will be distributed in accordance with Code Section 401(a)(9). The terms of any annuity contract purchased and distributed by the Plan to a Beneficiary will comply with the requirements of the Plan.

4.5 Minimum Distributions.

(a) All distributions under the Plan will comply with the minimum distribution requirements of Code Section 401(a)(9) and the Treasury Regulations.

((b) Notwithstanding the foregoing, a Participant or Beneficiary who would have been required to receive required minimum distributions for 2009 but for the enactment of Code Section 401(a)(9)(H) ("2009 RMDs"), and who would have satisfied that requirement by receiving distributions that are (1) equal to the 2009 RMDs or (2) one or more payments in a series of substantially equal distributions (that include the 2009 RMDs) made at least annually and expected to last for the life (or life expectancy) of the Participant, the joint lives (or joint life expectancy) of the Participant and the Participant's Beneficiary, or for a period of at least 10 years ("Extended 2009 RMDs"), will not receive those distributions for 2009 unless the Participant or Beneficiary chooses to receive such distributions. Participants and Beneficiaries described in the preceding sentence will be given the opportunity to elect to receive the distributions described in the preceding sentence.

(c) In addition, notwithstanding Section 4.8, 2009 RMDs and Extended 2009 RMDs will be treated as eligible rollover distributions as defined in Code Section 402(c)(4).

4.6 Unforeseeable Emergency Withdrawals

(a) If elected by the Employer in the Adoption Agreement, a Participant or Beneficiary may request an Unforeseeable Emergency withdrawal subject to the following requirements:

- (1) The request for an Unforeseeable Emergency withdrawal will be determined by the Administrator based on the Participant's or Beneficiary's relevant facts and circumstances.
- (2) The request for an Unforeseeable Emergency may be made only to the extent that such emergency is or may not be relieved through:
 - reimbursement or compensation from insurance or otherwise;
 - liquidation of the Participant's or Beneficiary's assets, to the extent the liquidation of such assets would not itself cause severe financial hardship; or
 - cessation of the Participant's Deferrals to the Plan.
- (3) Distributions due to an Unforeseeable Emergency must be limited to the amount reasonably necessary to satisfy the emergency need (which may include any amounts necessary to pay federal, state, or local income taxes or penalties reasonably anticipated to result from the distribution).

(b) A Participant or Beneficiary may request an Unforeseeable Emergency withdrawal by submitting that request to the Administrator who will review and approve the request. If the request is denied, a request for review of the determination may be made in writing to such entity as the Administrator may designate, provided that such entity has accepted the designation. If the review of the determination fails to confirm a claim of Unforeseeable Emergency, an appeal may be made to the appellate committee established by the Administrator in writing. When a request for an Unforeseeable Emergency withdrawal is approved, the Employer will direct the Provider to distribute the amount approved to meet the Unforeseeable Emergency to the Participant or Beneficiary.

(c) Unforeseeable Emergency withdrawals will be made in accordance with the procedures established by the applicable Provider's Investment Products.

4.7 Small Balance Distribution

If elected by the Employer in the Adoption Agreement and upon proper written request, a Participant may elect to receive a small balance distribution, payable in a lump sum, if the Participant's Participant Account, not including Rollover Contributions, value is \$5,000 or less, and the Participant has not made Deferrals to the Plan for a period of two years before distribution. A Participant may take a small balance distribution under this Section only once while a Participant under the Plan.

4.8 Rollovers from the Plan

(a) Notwithstanding any provision of the Plan to the contrary, a Participant, a surviving spouse who is the designated Beneficiary of the Participant or a spouse or former spouse who is the alternate payee will be permitted to elect to have any eligible rollover distribution as defined in Code Section 402(c)(4) paid directly to an eligible retirement plan as defined in as defined in Code Section 402(c)(8)(B) or to a Roth IRA established under Code Section 408A specified by the Participant. The Participant will, in the time and manner prescribed by the Administrator, specify the amount to be rolled

over and the eligible retirement plan to receive such rollover. Any portion of a distribution which is not rolled over will be distributed directly to the Participant.

(b) A non-spousal Beneficiary may elect to roll over death benefits amounts in accordance with Code Section 402(c)(11) provided that:

- (1) such amounts are rolled over to an inherited IRA via a direct trustee-to-trustee transfer; and
- (2) the rolled over amounts are eligible rollover distributions as defined in Code Section 402(c)(4).

4.9 Permissive Service Credit Transfers

(a) If elected by the Employer in the Adoption Agreement and if a Participant is also a participant in a tax qualified defined benefit governmental plan (as defined in Code Section 414(d)) that provides for the acceptance of plan-to-plan transfers with respect to the Participant, then the Participant may elect to have any portion of his Participant Account that would otherwise be taxable transferred to the defined benefit governmental plan in accordance with Code Section 457(e)(17). A transfer under this Section may be made before the Participant has had a Severance from Employment.

(b) A transfer may be made under subsection (a) only if the transfer is either for the purchase of permissive service credit (as defined in Code Section 415(n)(3)(A)) under the receiving defined benefit governmental plan or a repayment to which Code Section 415 does not apply by reason of Code Section 415(k)(3).

4.10 Transfers to Other Plans under Code Section 457(b) Upon Severance From Employment

(a) If elected by the Employer in the Adoption Agreement and upon a Participant's Severance from Employment, a Participant or Beneficiary may elect to have all or a portion of the Participant Account transferred to a plan under Code Section 457(b) of an employer defined in Code Section 457(e)(1)(A). Such amounts will be transferred at the Participant's election, provided:

- (1) The plan under Code Section 457(b) to which the Participant's or Beneficiary's benefit is being transferred provides for the acceptance of such amounts;
- (2) The Participant or Beneficiary has a benefit equal to the amount immediately after the transfer to least equal to the amount under the Plan immediately before the transfer; and
- (3) In the case of a transfer made on behalf of a Participant, such individual has had a Severance from Employment with the Employer and is performing services for the employer maintaining the receiving plan.

(b) Upon the transfer of amounts under subsection (a), the Plan's liability to pay benefits to the Participant or Beneficiary under the Plan will be discharged to the extent of the amount so transferred on behalf of the Participant or Beneficiary. The Administrator may require such documentation from the receiving plan as it deems appropriate or necessary to comply with this Section or effectuate the transfer pursuant to Section 1.457-10(b) of the Treasury Regulations. If Roth 457(b) Contributions are transferred, the receiving plan must permit Designated Roth contributions as defined in Code Section 402A.

4.11 Loans to Participants

(a) If elected by the Employer in the Adoption Agreement, a Participant may receive a loan from eligible amounts in his Participant Account, subject to the requirements of the Investment Product and as set forth in the loan program created by the Employer.

(b) For purposes of this Section, all plans of the Employer will be considered one plan in accordance with Code Section 72(p) and Treasury Regulations thereunder, and the balance of all loans under any plan of the Employer under which the Participant participates must be aggregated in determining the maximum loan available under subsection (d).

(c) The Provider may, in accordance with the Administrator's direction, make loans to Participants under the following circumstances: (1) loans will be made available to all Participants on a reasonably equivalent basis; (2) loans will bear a reasonable rate of interest; (3) loans will be adequately secured; and (4) will provide for periodic repayment over a reasonable period of time.

(d) No loan made pursuant to this Section will exceed the lesser of:

- (1) \$50,000 reduced by the excess (if any) of the highest outstanding balance of loans from the Plan to the Participant during the one-year period ending on the day before the date on which such loan is made, over the outstanding balance of loans from the Plan to the Participant on the date on which such loan was made, or
- (2) one-half (1/2) of the Participant Account.

For purposes of this Section, any loan from any other plan maintained by the Employer will be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan will be considered a vested interest under this Plan; provided, however, that the provisions of this paragraph will not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this paragraph.

(e) Loans will provide for level amortization with payments to be made not less frequently than quarterly over a period not to exceed five (5) years. However, loans used to acquire any dwelling unit which, within a reasonable time, is to be used (determined at the time the loan is made) as a principal residence of the Participant will provide for periodic repayment over a reasonable period to be determined by the Administrator of time that may exceed five (5) years. Notwithstanding the foregoing, in the event a Participant enters the uniformed services of the United States and retains reemployment rights under law, repayments will be suspended and interest will cease to accrue during the period of leave and the period of repayment will be extended by the number of months of leave in the uniformed services. In the event a Participant is on an Employer-approved bona fide leave of absence without pay, loan payments may be suspended (but interest will continue to accrue) for the period of leave but not to exceed one year; however, the loan must be repaid by the original loan repayment date.

(f) An assignment or pledge of any portion of a Participant's interest in the Plan will be treated as a loan under this Section.

(g) Any security interest held by the Plan by reason of an outstanding loan to the Participant will be taken into account in determining the amount of the death benefit or single lump-sum payment.

4.12 Distributions from Governmental Plans for Health and Long Term Care.

If elected by the Employer in the Adoption Agreement and pursuant to Code Section 457(a)(3), annual distributions of up to \$3,000 from the Plan that would otherwise be taxable are excludable for income tax purposes if the following conditions are satisfied: (1) the distribution is used to pay for qualified health insurance premiums (accident, health insurance or long term care) for an eligible retired public safety officer as defined in Code Sections 402(l)(4)(B) and 402(l)(4)(C), or spouse or dependent of the public safety officer, (2) the public safety officer is separated from service due to disability or attainment of the age which the Participant has the right to retire and receive unreduced retirement benefits from the Employer's basic pension plan, and (3) the distributions are paid directly to the insurer or to the administrator of a self-insured plan.

4.13 Mandatory Distributions

(a) To the extent permitted by the Investment Product and if elected by the Employer in the Adoption Agreement, if the value of a Participant Account of a Participant who has had a Severance from Employment does not exceed an amount as elected by the Employer in the Adoption Agreement, then a distribution may be made in the form of a lump sum payment, without the consent of the Participant or Beneficiary.

(b) If a mandatory distribution made pursuant to this Section is greater than \$1,000 and the Participant does not elect to have such distribution paid directly to an eligible retirement plan as defined in Code Section 402(c)(8)(B) or to receive the distribution directly in cash, then the Administrator shall transfer such amount to an individual retirement account described in Code Section 408(a) or an individual retirement annuity described in Code Section 408(b) designated by the Administrator in accordance with the requirements of Code Section 401(a)(31)(B).

ARTICLE V ADMINISTRATION

5.1 Powers and Responsibilities of the Employer

(a) The Employer will have full power to interpret and construe the Plan in a manner consistent with its terms and the provisions of Code Section 457, including the applicable Treasury Regulations and to establish practices and procedures conforming to those provisions. In all such cases, the Employer's determination will be final and conclusive upon all persons. It is recognized that unusual circumstances may occur and questions may arise that are not specifically covered by any provision of the Plan, and the Employer will have the right to resolve all such questions. Notwithstanding the above, the Employer's power and responsibility under the Plan will not extend to, nor have any control over, those responsibilities and duties of the Provider.

(b) The Employer will be empowered to appoint and remove the Administrator from time to time as it deems necessary for the proper administration of the Plan to assure that the Plan is being operated for the exclusive benefit of the Participants and their Beneficiaries in accordance with the terms of the Plan and the Code.

(c) The Employer will periodically review the performance of any person to whom duties have been delegated or allocated by it under the provisions of this Plan or pursuant to procedures established hereunder. This requirement may be satisfied by formal periodic review by the Employer or by a qualified person specifically designated by the Employer, through day-to-day conduct and evaluation, or through other appropriate ways.

5.2 Designation of Administrative Authority

The Employer may appoint a committee ("Committee") of one or more persons to serve as the Administrator and to discharge the Administrator's responsibilities under the Plan. The Employer may remove a Committee member for any reason by giving such member ten (10) days' notice and may thereafter fill any vacancy thus created. If the Employer does not appoint a Committee to administer the Plan, the Employer will be the Administrator.

5.3 Allocation and Delegation of Responsibilities

If more than one person is appointed as Administrator, the responsibilities of each Administrator may be specified by the Employer and accepted in writing by each Administrator. In the event that the Employer makes no such delegation, the Administrators may allocate the responsibilities among themselves, in which event the Administrators will notify the Employer in writing of such action and specify the responsibilities of each Administrator.

5.4 Powers and Duties of the Administrator

The primary responsibility of the Administrator is to administer the Plan for the benefit of the Participants and their Beneficiaries, subject to the specific terms of the Plan. The Administrator will administer the Plan in accordance with its terms and will have the power and discretion to construe the terms of the Plan and determine all questions arising in connection with the administration, interpretation, and application of the Plan. Any such determination by the Administrator will be conclusive and binding upon all persons. The Administrator may establish procedures, correct any defect, supply any information, or reconcile any inconsistency in such manner and to such extent as will be deemed necessary or advisable to carry out the purpose of the Plan; provided, however, that any procedure, discretionary act, interpretation or construction will be done in a nondiscriminatory manner based upon uniform principles consistently applied and will be consistent with the intent that the Plan will continue to be deemed a plan qualified under the terms of Code Section 457, and will comply with the terms of all Treasury Regulations issued pursuant thereto. The Administrator will have all powers necessary or appropriate to accomplish his duties under this Plan. The Administrator will be charged with the duties of the general administration of the Plan, including, but not limited to, the following:

- (a) the discretion to determine all questions relating to the eligibility of Employees and Independent Contractors to participate or remain a Participant hereunder and to receive benefits under the Plan;
- (b) determine the amounts to be contributed to each Participant Account;
- (c) to authorize and direct the Provider with respect to all disbursements to which a Participant is entitled under the Plan;
- (d) to maintain all necessary records for the administration of the Plan;
- (e) to maintain practices and procedures necessary to administer the Plan as are consistent with the terms hereof;
- (f) to determine the type of any Investment Product to be offered by the Provider; and
- (g) to assist any Participant regarding his rights, benefits, or elections available under the Plan.

5.5 Records and Reports

The Administrator will keep a record of all actions taken and will keep all other books of accounts, records, and other data that may be necessary for proper administration of the Plan and will be responsible for supplying all information and reports to the Internal Revenue Service, Participants, Beneficiaries and other parties as required by law.

5.6 Appointment of Advisors

The Administrator may appoint/employ such agents, attorneys, actuaries, accountants, auditors, investment counsel, and clerical assistants, and other persons or entities as the Administrator deems necessary or desirable in connection with the administration of this Plan.

5.7 Information from the Employer

To enable the Administrator to perform his functions, the Employer will supply the necessary information to the Administrator on a timely basis regarding the Participants under the Plan, including but not limited to Compensation, date of hire, date of death, Severance from Employment, and such other pertinent facts and data as the Administrator may require. The Administrator may rely upon such information as is supplied by the Employer and will have no duty or responsibility to verify such information.

5.8 Payment of Expenses

All expenses of administration will be paid by the Employer. Such expenses will include any expenses incident to the functioning of the Administrator, including, but not limited to, fees of accountants, counsel, and other specialists and their agents, and other costs of administering the Plan.

5.9 Discontinuance of Provider

Notwithstanding Section 3.9, if any Provider ceases to be eligible to receive Deferrals under the Plan, the Employer may direct that both existing amounts under Participant Accounts that were invested with such Provider and any future contributions be transferred to the Investment Products of those Providers which are currently approved to receive Deferrals under the Plan.

ARTICLE VI AMENDMENT AND TERMINATION

6.1 Amendment

(a) The Employer will have the right at any time to amend this Plan. Any such amendment will become effective as provided therein upon its execution.

(b) No amendment to the Plan will be effective if it authorizes or permits any part of the Investment Product (other than such part as is required to pay taxes and administration expenses) to be used for or diverted to any purpose other than for the exclusive benefit of Participants or Beneficiaries; or causes any reduction in the amount credited to the account of any Participant or Beneficiary; or causes or permits any portion of the Investment Product to revert to or become property of the Employer.

6.2 Termination

(a) The Employer will have the right at any time to terminate the Plan by resolution of its governing board. In addition, the Employer must deliver notice of discontinuance of the Investment Product to the Provider.

(b) Upon the full termination of the Plan, the Employer will direct the distribution of the assets to Participants and Beneficiaries in a manner which is consistent with and satisfies the provisions of Article IV as soon as administratively practicable after termination of the Plan.

6.3 Transfer of Entire Plan Assets to Another Eligible Plan Within the Same State

Subject to this Section, the Employer may direct the transfer of all assets of the Plan to another plan under Code Section 457(e)(1)(A) and that is located in the same state, provided that the requirements of Code Section 457(b) and Section 1.457(b)-10 (b)(3) of the Treasury Regulations are satisfied. If Roth 457(b) Contributions are transferred, the receiving plan must permit Designated Roth contributions as defined in Code Section 402A.

ARTICLE VII MISCELLANEOUS

7.1 Assets For Exclusive Benefit Of Participants And Beneficiaries

All amounts in the Participant Accounts under this Plan, all property and rights which may be purchased with such amounts and all income attributable to such amounts, property or rights will be held in trust (or a custodial account or annuity contract described in Code Section 401(f)) for the exclusive benefit of Participants and their Beneficiaries. All such amounts will not be subject to the claims of the Employer's general creditors.

7.2 Participant Rights

This Plan will not be deemed to constitute a contract between the Employer and any Participant or to be a consideration or an inducement for the employment of any Participant, Employee, or Independent Contractor. Nothing contained in this Plan will be deemed to give any Participant, Employee, or Independent Contractor the right to be retained in the service of the Employer or to interfere with the right of the Employer to discharge any Participant, Employee or Independent Contractor at any time regardless of the effect which such discharge will have upon him as a Participant in this Plan.

7.3 Alienation

Subject to applicable state law (and Code Section 401(g) if the Investment Product consists of an annuity contract) and except as provided in Section 7.4, no benefit which will be payable to any person (including a Participant or his Beneficiary) will be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, or charge the same will be void; and no such benefit will in any manner be liable for, or subject to, the debts, contracts, liabilities, engagements, or torts of any such person, nor will be subject to attachment or legal process for or against such person, and the same will not be recognized except to such extent as may be required by law.

7.4 Recognition of Approved Domestic Relations Orders

Notwithstanding Section 7.3, if a judgment, decree or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child, or other dependent of a Participant is made pursuant to the domestic relations law of any State ("domestic relations order") and Code Section 414(p), then the amount of the Participant Account will be paid in the manner and to the person or persons so directed in the domestic relations order. Such payment will be made without regard to whether the Participant is eligible for a distribution of benefits under the Plan. The Administrator will establish reasonable procedures for determining the status of any such decree or order and for effectuating distribution pursuant to the domestic relations order.

7.5 IRS Levy

Notwithstanding Section 7.3, if a Participant or Beneficiary is entitled to a distribution in accordance with Article IV, the Administrator may pay from a Participant's or Beneficiary's Account the amount that the Administrator finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to that Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary.

7.6 Distribution for Minor Beneficiary or Incompetent

If a Participant or Beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the

Administrator, benefits will be paid to such person as the Administrator may designate for the benefit of such Participant or Beneficiary. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan.

7.7 Mistaken Contributions

If any contribution (or any portion of a contribution) is made to the Plan by a good faith mistake of fact, then within one year after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in value, if any, allocable thereto) will be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Employer.

7.8 Procedure When Distributee Cannot Be Located

The Plan Administrator shall make all reasonable attempts to determine the identity and address of a Participant entitled to benefits under the Plan. For this purpose, a reasonable attempt includes the following:

- (a) the mailing by certified mail of a notice to the last known address of the missing individual shown on the Employer's or the Plan Administrator's records;
- (b) the mailing of a letter to the missing individual following the employer and administrator(s) of related plans searching their records for a more current address;
- (c) the mailing of a letter to the missing individual after identifying and contacting any beneficiary of the missing individual designated in accordance with applicable law for a more current address for that missing individual;
- (d) reasonable use of Internet search tools that do not charge a fee (including Internet search engines, public record databases (such as those for licenses, mortgages and real estate taxes), obituaries and social media) for a more current address for the missing individual, and (e) such other attempts as may be provided under applicable law.

If, despite these attempts, the individual has not responded within a reasonable period of time, or if there has been no claim made for such benefits, the Investment Product shall continue to hold the benefits due such individual, with investment direction provided by the Plan Administrator, under the Plan. In the event a Participant is located subsequent to his benefit being held in such account, such benefit shall be restored, including any applicable interest, and paid to the individual in accordance with Article I.

7.9 Governing Law

The Plan will be construed, administered and enforced according to the Code and the laws of the state in which the Employer has its principal place of business.

7.10 Headings

Headings of the Plan have been inserted for convenience of reference only and are to be ignored in any construction of the provisions hereof.

7.11 Gender

Pronouns used in the Plan in the masculine or feminine gender include both genders unless the context clearly indicates otherwise.

RESOLUTION NO. _____

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.

WHEREAS, the Township has established a Code Section 401(a) Defined Contribution Plan for Government Employers; and

WHEREAS, the 401(a) Plan is intended to be a qualified plan within the meaning of Code Section 401(a); based on the election of the Employer in the Adoption Agreement, a money purchase pension plan within the meaning of Treasury Regulation Section 1-401-1(b)(1)(i) or a profit sharing plan within the meaning of Treasury Regulation Section 1-401-1(b)(1)(ii); and a governmental plan within the meaning of Code Section 414(d) and Section 3(32) of the Employee Retirement Income Security Act of 1974.

WHEREAS, the 401(a) Plan consists of provisions set forth in the basic plan document attached hereto as Exhibit "B" and made part of the Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors hereby authorizes the Township Manager to execute the Adoption Agreement for the 401(a) Defined Contribution Plan for Government Employers attached hereto as Exhibit "A" and made part of the Resolution.

RESOLVED, this 16th day of February 2021.

TOWNSHIP OF FERGUSON

By: _____
Laura Dininni, Chair
Board of Supervisors

[S E A L]

ATTEST:

By: _____
David G. Pribulka, Secretary

Exhibit "A"

**TOWNSHIP OF FERGUSON
ADOPTION AGREEMENT FOR
401(a) DEFINED CONTRIBUTION PLAN**

The undersigned Employer adopts the 401(a) Defined Contribution Plan for Governmental Employers for those Employees who qualify as Participants hereunder, to be known as the

Township of Ferguson 401(a) Defined Contribution Plan

It shall be effective as of the date specified below. The Employer hereby selects the following Plan specifications:

EMPLOYER INFORMATION (Plan Section 1.11)

Name of Employer: Township of Ferguson
Address: 3147 Research Drive
State College, PA 16801

Telephone Number: 814-238-4651
Employer Identification Number: 25 - 1197270

Location of Employer:

The Plan shall be governed in accordance with retirement plan laws of the

- State of
- Commonwealth of Pennsylvania
- District of

_____.

Employer Fiscal Year (Plan Section 1.14):

The 12-consecutive month period commencing on January 1 and ending on December 31.

PLAN INFORMATION

Type of Plan:

This 401(a) Defined Contribution Plan for Governmental Employers is designed as:

- a money purchase pension plan within the meaning of Treas. Reg. Section 1-401-1(b)(1)(i).
- a profit sharing plan within the meaning of Treas. Reg. Section 1-401-1(b)(1)(ii).

Effective Date:

This 401(a) Defined Contribution Plan for Governmental Employers shall:

- establish a new Plan effective as of _____.
- constitute an amendment and restatement in its entirety of a previously established 401(a) Defined Contribution Plan of the Employer which was effective June 28, 1988
- Except as specifically provided in the Plan, the effective date of this amendment and restatement is April 1, 2021

Plan Year (Plan Section 1.23):

The 12-consecutive month period beginning on January 1 and ending on December 31.

Anniversary Date of Plan (Annual Valuation Date) (Plan Section 1.5):

December 31

Name of Administrator:

- Employer (use Employer address)
- Other:

Name: David Pribulka
Address: 3147 Research Drive
State College, PA 16801
Telephone: 814-238-4651

COMPENSATION

Compensation (Plan Section 1.8)

- Compensation for purposes of Code Section 415, as defined in Treas. Reg. Sections 1.415(c)-2(b)(1) and 1.415(c)-2(c).
- Base Salary Compensation reportable as wages on Form W-2, not to include overtime or other supplemental wages. For purposes of the Plan, amounts paid to any Leased Employees by the leasing organization for services performed for the Employer shall be treated as Compensation paid by the Employer.

Compensation shall be based on:

- the Plan Year.
- the Fiscal Year (consisting of 12-consecutive months) coinciding with or ending within the Plan Year.
- the 12-consecutive months comprising of the calendar year coinciding with or ending within the Plan Year.

TYPES OF CONTRIBUTIONS

- Employer Contributions (Plan Section 1.12)
- Matching Contributions (Money Purchase Pension Plan only) (Plan Section 1.18)
- Code Section 414(h) Contributions (Plan Section 1.2)
- Voluntary Contributions (Plan Section 1.29)
- Rollover Contributions (Plan Section 1.25)

ELIGIBILITY, CONTRIBUTIONS AND ALLOCATIONS

Leased Employees (Plan Section 1.17)

For purposes of the Plan, the term Employee:

- shall include any Leased Employees
- shall not include any Leased Employees.

Employees eligible for Employer Contributions:

- To be eligible, Employee must fund the Township of Ferguson 457(b) Deferred Compensation Plan at a rate of no less than 2% of employee's gross base compensation

Employee Status:

- All Employees
- The following Employees who have satisfied the eligibility requirements:
 - Full-time, Non-Uniformed Employees hourly paid
 - Full-time, Non-Uniformed Employees paid by annualized salary
 - Collectively bargained employees who participate in the following unions:
 - Employees whose employment is NOT governed by a collective bargaining agreement between the Employer and employee representatives

- Management employees
- Treasurer
- Administrator
- Other (specify): Non-Uniformed Employees Only

NOTE: The Eligible Employees specified above must correspond to a group of the same designation that is defined in statutes, ordinances, rules, regulations, personnel manuals, collective bargaining agreements or other authority for the state or local jurisdiction of the Employer.

Age and Service Requirements

Employees that have satisfied the service and age requirements specified below:

- Service Requirement→ Years of service with the Employer: _____
- N/A – there is no service requirement for Employer Contributions
- Age Requirement→ Attained age: 18
- N/A – there is no age requirement for Employer Contributions

Effective Date of Plan Participation

For purposes of Employer Contributions, an Eligible Employee who has satisfied the Plan's eligibility requirements shall become a Participant as of:

- Immediate upon the satisfaction of the eligibility requirements
- The first day of the month
- Semi-annual. The first day of the first month and the seventh month of the Plan Year
- The first day of the Plan Year
- Other (specify): _____

Money Purchase Pension Plan: Amount of Annual Employer Contribution

For each Plan Year, the Employer Contribution shall be:

- 10% of each Participant's Base Salary Compensation contributed to the Employer Contributions Account of each Participant.
- \$_____ contributed to the Employer Contributions Account of each Participant.
- An amount, determined uniformly with respect to each Employee classification within the applicable collective bargaining agreement, to the Employer Contributions Account of each Participant as specified in the applicable collective bargaining agreement.

NOTE: If Employer Contributions are available to collectively bargained employees, such Employer Contributions formula must also reflect the terms of the collective bargaining agreement.

Profit Sharing Plan: Allocation of Annual Employer Contribution

If the Employer chooses to make an Employer Contribution for a Plan Year, the Employer Contribution shall be allocated as follows:

- _____% of each Participant's Compensation contributed to the Employer Contributions Account of each Participant.
- \$_____ contributed to the Employer Contributions Account of each Participant.
- An amount, determined uniformly with respect to each Employee classification within the applicable collective bargaining agreement, to the Employer Contributions Account of each Participant as specified in the applicable collective bargaining agreement.

NOTE: If Employer Contributions are available to collectively bargained employees, such Employer Contributions formula must also reflect the terms of the collective bargaining agreement.

Matching Contributions: Money Purchase Pension Plan only:

- N/A – Matching Contributions are not permitted under the Plan

Employees eligible for Matching Contributions:

- All Employees
- The following Employees who have satisfied the eligibility requirements:
 - Employees hourly paid
 - Employees paid by annualized salary
 - Collectively bargained employees who participate in the following unions:
 - _____
 - Employees whose employment is NOT governed by a collective bargaining agreement between the Employer and employee representatives
 - Management employees
 - Treasurer
 - Administrator
 - Other (specify): _____

NOTE: The Eligible Employees specified above must correspond to a group of the same designation that is defined in statutes, ordinances, rules, regulations, personnel manuals, collective bargaining agreements or other authority for the state or local jurisdiction of the Employer.

Age and Service Requirements for Matching Contributions

Employees that have satisfied the service and age requirements specified below:

- Service Requirement→ Years of service with the Employer: _____
- N/A – there is no service requirement for Matching Contributions
- Age Requirement→ Attained age: _____
- N/A – there is no age requirement for Matching Contributions

Effective Date of Participation

For purposes of Matching Contributions, an Eligible Employee who has satisfied the Plan's eligibility requirements shall become a Participant as of:

- Immediate upon the satisfaction of the eligibility requirements
- The first day of the month
- Semi-annual. The first day of the first month and the seventh month of the Plan Year
- The first day of the Plan Year
- Other (specify): _____

Amount of Annual Matching Contribution

For each Plan Year, the Matching Contribution shall match a Participant's (select all that apply):

- Code Section 414(h) Pick-Up Contributions
- Voluntary Contributions
- Elective Deferrals (include Roth contributions) made to the following plan(s):
 - 457 plan. Enter Plan name: _____
 - 403(b) plan(s). Enter Plan name: _____

Amount of Matching Contribution:

- A matching contribution equal to ____% of each Participant's contribution to the Plan.
- A matching contribution equal to \$____ of each Participant's contribution to the Plan.
- A matching contribution equal to a percentage of each Participant's contribution to the Plan in an amount to be determined each Plan Year by the Employer or the applicable collective bargaining agreement.

NOTE: If Matching Contributions are available to collectively bargained employees, such Matching Contributions formula must also reflect the terms of the collective bargaining agreement.

Employees eligible for Code Section 414(h) Contributions:

- N/A – Code Section 414(h) Contributions are not permitted under the Plan

Employee status:

-
- All Employees
 - The following Employees who have satisfied the eligibility requirements:
 - Employees hourly paid
 - Employees paid by annualized salary
 - Collectively bargained employees who participate in the following unions: _____
 - Employees whose employment is NOT governed by a collective bargaining agreement between the Employer and employee representatives
 - Management employees
 - Treasurer
 - Administrator
 - Other (specify): _____

NOTE: The Eligible Employees specified above must correspond to a group of the same designation that is defined in statutes, ordinances, rules, regulations, personnel manuals, collective bargaining agreements or other authority for the state or local jurisdiction of the Employer.

Age and Service Requirements

Employees that have satisfied the service and age requirements specified below:

- Service Requirement→ Years of service with the Employer: ____
- N/A – there is no service requirement for Code Section 414(h) Contributions
- Age Requirement→ Attained age: _____
- N/A – there is no age requirement for Code Section 414(h) Contributions

Effective Date of Participation

For purposes of Code Section 414(h) Pick-Up Contributions, an Eligible Employee who has satisfied the Plan's eligibility requirements shall become a Participant as of:

- Immediate upon the satisfaction of the eligibility requirements
- The first day of the month
- Semi-annual. The first day of the first month and the seventh month of the Plan Year
- The first day of the Plan Year
- Other (specify): _____

Amount of Annual Code Section 414(h) Contributions

For each Plan Year, each Participant shall make Code Section 414(h) Pick-Up Contributions as indicated below:

- _____% of each Participant's Compensation
- \$_____

NOTE: If Code Section 414(h) Contributions are available to collectively bargained employees, such Code Section 414(h) Contribution formula must also reflect the terms of the collective bargaining agreement.

Participants eligible for Voluntary Contributions:

- N/A – Voluntary Contributions are not permitted under the Plan

Employee status:

- All Employees
- The following Employees who have satisfied the eligibility requirements:
 - Employees hourly paid
 - Employees paid by annualized salary
 - Collectively bargained employees who participate in the following unions: _____
 - Employees whose employment is NOT governed by a collective bargaining agreement between the Employer and employee representatives
 - Management employees
 - Treasurer
 - Administrator
 - Other (specify): _____

NOTE: The Eligible Employees specified above must correspond to a group of the same designation that is defined in statutes, ordinances, rules, regulations, personnel manuals, collective bargaining agreements or other authority for the state or local jurisdiction of the Employer.

Age and Service Requirements

Employees that have satisfied the service and age requirements specified below:

- Service Requirement→Years of service with the Employer: _____
- N/A – there is no service requirement for Voluntary Contributions
- Age Requirement→Attained age: _____
- N/A – there is no age requirement for Voluntary Contributions

Effective Date of Participation

For purposes of Voluntary Contributions, an Eligible Employee who has satisfied the Plan's eligibility requirements shall become a Participant as of:

- Immediate upon the satisfaction of the eligibility requirements

- The first day of the month
- Semi-annual. The first day of the first month and the seventh month of the Plan Year
- The first day of the Plan Year
- Other (specify): _____

Amount of Annual Voluntary Contribution

For each Plan Year, each Participant may make Voluntary Contributions as indicated below:

- _____% of Compensation
- \$ _____
- Other (specify): _____

Rollover Contributions (Plan Section 3.6):

Rollover Contributions:

- shall be permitted into the Plan.
- X** shall not be permitted into the Plan.

Rollover Contributions of after-tax amounts from another eligible retirement plan:

- shall be permitted into the Plan.
- X** shall not be permitted into the Plan.

VESTING (Plan Section 3.8)

Vesting of Participant's Interest in Employer Contributions

The vesting schedule, based on number of completed years with the Employer, shall be as follows:

- | | | | |
|---|-------------------------|---|---------------------|
| ○ | 100% upon entering Plan | | |
| ○ | 0-2 years 0% | ○ | 0-4 years 0% |
| | 3 years 100% | | 5 years 100% |
| ○ | 0-1 year 0% | ○ | 1 year 25% |
| | 2 years 33% | | 2 years 50% |
| | 3 years 66% | | 3 years 75% |
| | 4 years 100% | | 4 years 100% |

- o

1 year	20%
2 years	40%
3 years	60%
4 years	80%
5 years	100%

X

0-2 year	0%
3 years	20%
4 years	40%
5 years	60%
6 years	80%
7 years	100%

- o

Other: Years	

Percentage

Vesting of Participant's Interest in Matching Contributions

The vesting schedule, based on number of years with the Employer, shall be as follows:

- o 100% upon entering Plan

- o

0-2 years	0%
3 years	100%

o

0-4 years	0%
5 years	100%

- o

0-1 year	0%
2 years	33%
3 years	66%
4 years	100%

o

1 year	25%
2 years	50%
3 years	75%
4 years	100%

- o

1 year	20%
2 years	40%
3 years	60%
4 years	80%
5 years	100%

o

0-1 year	0%
2 years	20%
3 years	40%
4 years	60%
5 years	80%
6 years	100%

- o

Other: Years	

Percentage

NOTE: Notwithstanding the foregoing, a Participant will be 100% vested in any Employer Contributions and Matching Contributions upon attaining Normal Retirement Age, termination of the Plan, the complete discontinuance of Employer contributions, death of the Participant and the Total and Permanent Disability of the Participant.

Notwithstanding any other provision of the Plan to the contrary, a Participant is always 100% vested in his Code Section 414(h) Pick-Up Contributions, Rollover Contributions, Voluntary Contributions and the earnings thereon.

DISTRIBUTIONS

Normal Retirement Age (Plan Section 1.19)

NOTE: The IRS issued proposed regulations [Prop. Treas. Reg. Section 1.401(a)-1(b)(2)(v)] on 1/27/16 on what constitutes a normal retirement age for governmental retirement plans and provided safe harbor definitions of normal retirement age. Any normal retirement age must be reasonably representative of the typical retirement age for the industry in which the covered workforce is employed. The IRS has stated that governmental plan sponsors may currently rely on the proposed regulations.

Normal Retirement Age for Employees other than Qualified Public Safety Employees:

- Age 60 and 5 years of service
- Age 55 and 10 years of service
- Combined age and years of service of 80 or more → Age ____ and ____ years of service
- Other: _____

Normal Retirement Age for Qualified Public Safety Employees:

- Age 50
- Combined age and years of service of 70 or more → Age ____ and ____ years of service
- Other: _____

Distribution Options for Participants (Plan Section 4.2):

- Lump sum
- Immediate or deferred annuity (including life annuities and installment payment annuities)
- Systematic distribution option
- Under any distribution method available under the Investment Product
- Other: _____

Death Benefits Payable to Beneficiary (Plan Section 4.3(d)):

Amounts payable to the Beneficiary may be elected by the Beneficiary in the following forms of benefit payment:

- Same distribution options as available to the Participant
- Other:

NOTE: Distribution options selected are available to the extent permitted by applicable law and the terms of the Investment Product.

Distribution of a Participant Rollover Account (Plan Section 4.1(b)):

- N/A – Rollover Contributions are not permitted under the Plan

Amounts payable under a Participant Rollover Account will be paid to a Participant:

- Upon attainment of an event as described in Section 4.1
- Upon the request of a Participant
- Other: _____

Distribution of a Participant Voluntary Contribution Account (Plan Section 4.1(b)):

- N/A – Voluntary Contributions are not permitted under the Plan

Amounts payable under a Participant Voluntary Contribution Account will be paid to a Participant:

- Upon attainment of an event as described in Section 4.1
- Upon the request of a Participant
- Other: _____

MISCELLANEOUS

Loans to Participants (Plan Section 4.6):

Loans:

- shall be permitted under the Plan
- shall not be permitted under the Plan.

Distributions for Health Insurance and Long Term Care (Plan Section 4.7):

Distributions to pay for health insurance and long term care:

- shall be permitted under the Plan
- shall not be permitted under the Plan.

Mandatory Distributions (Plan Section 4.8)

Mandatory distributions:

- shall be permitted under the Plan
- shall not be permitted under the Plan.

If mandatory distributions are permitted under the Plan, the dollar amount of a mandatory distribution under the Plan is \$5,000 (not to exceed \$5,000).

CERTIFICATION AND SIGNATURE

Employer hereby represents that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government as described in Code Section 414(d). If Employer ceases to be considered a governmental entity within the meaning of Code Section 414(d), then it would be ineligible to sponsor this plan prospectively and will be required to restate its plan accordingly.

This Adoption Agreement and this basic plan document together constitute the Plan. The Plan is a specimen plan, not a master or prototype plan, and has not been approved by the IRS. The adoption of this Plan, determination of its qualification by the IRS, and related tax consequences are the responsibility of the Employer and its independent tax and legal advisors.

IN WITNESS WHEREOF, the Employer hereby causes this Plan to be executed on this _____ day of _____, 2021.

TOWNSHIP OF FERGUSON

By: _____
Name & Title

Exhibit "B"

**401(a) DEFINED CONTRIBUTION
PLAN FOR GOVERNMENTAL
EMPLOYERS
BASIC PLAN DOCUMENT**

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**401(a) DEFINED CONTRIBUTION PLAN
FOR GOVERNMENTAL EMPLOYERS
PREAMBLE**

The Employer hereby establishes the Internal Revenue Code (the "Code") Section 401(a) Defined Contribution Plan for Governmental Employers (the "Plan").

The Plan is intended to be a qualified plan within the meaning of Code Section 401(a); based on the election of the Employer in the Adoption Agreement, a money purchase pension plan within the meaning of Treas. Reg. Section 1-401-1(b)(1)(i) or a profit sharing plan within the meaning of Treas. Reg. Section 1-401-1(b)(1)(ii); and a governmental plan within the meaning of Code Section 414(d) and Section 3(32) of the Employee Retirement Income Security Act of 1974.

The Plan consists of the provisions set forth in this basic plan document and the Adoption Agreement and is applicable to each Eligible Employee.

**ARTICLE I
DEFINITIONS**

As used in this Plan, the following words and phrases shall have the meanings set forth herein unless a different meaning is clearly required by the context.

1.1 "414(h) Pick-Up Contributions" means mandatory contributions that all Participants must make if required under the Adoption Agreement pursuant to Code Section 414(h). 414(h) Pick-Up Contributions are picked up by the Employer in accordance with Code Section 414(h)(2) and are treated as Employer Contributions for federal income tax purposes, but are considered "wages" for purposes of FICA and FUTA.

1.2 "414(h) Pick-Up Contributions Account" means the account (including any earnings and losses attributable thereon) established and maintained by the Administrator for each Participant with respect to his total interest under the Plan resulting from 414(h) Pick-Up Contributions.

1.3 "Administrator" means the person(s), committee or organization appointed by the Employer pursuant to Section 5.2 to administer the Plan and perform administrative functions for the Plan as specified by the Employer.

1.4 "Adoption Agreement" means the separate agreement which is executed by the Employer and sets forth the elective provisions of the Plan. The Adoption Agreement is considered a part of the Plan.

1.5 "Anniversary Date" means the annual date for valuation of Plan assets specified in the Adoption Agreement, but in no event shall a valuation of Plan assets be performed less than once a year occurring on the last day of the Plan Year.

1.6 "Beneficiary" means the individual, individuals or trust designated by the Participant in writing on a form acceptable to the Administrator, and received by the Administrator before the Participant's death, to receive any undistributed amounts under the Participant Account which becomes payable upon the Participant's death. A Beneficiary may designate his own Beneficiary. If a Participant or Beneficiary does not designate a Beneficiary in a form acceptable to the Administrator, then his estate will be deemed to be his Beneficiary. In addition, any Beneficiary designation will meet the requirements of applicable state law.

1.7 "Code" means the Internal Revenue Code of 1986, as now in effect or as hereafter amended. All citations to sections of the Code are to such sections as they may from time to time be amended or renumbered.

1.8 "Compensation" with respect to any Participant means such Participant's annual compensation as defined in the Adoption Agreement and as determined within the 12-consecutive month period specified in the Adoption Agreement that is paid during that 12-consecutive month. If a Participant's compensation is determined for a period of less than 12 months, the annual compensation limit described below is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12.

The annual compensation of each Participant that may be taken into account in determining allocations for any Plan Year shall not exceed \$200,000, as adjusted for the cost of living increases in accordance with Code Section 401(a)(17)(B). The Plan may provide that the Compensation of an "eligible Participant" be not less than such Participant's Compensation determined as of July 1, 1993 and adjusted for cost of living. For purposes of this Section, an eligible Participant is an individual who first became a Participant in the Plan before the first day of the first Plan Year beginning after the earlier of:

(a) the last day of the Plan Year by which the Plan is amended to provide for the 1995 limit on Compensation and such amendment becomes effective, or

(b) December 31, 1995.

The cost of living adjustment in effect for a calendar year applies to Compensation for the determination period that begins with or within such calendar year.

1.9 "Eligible Employee" means any individual Employee of the Employer who meets the criteria set forth in Section 2.1, and is in one or more of the classifications of Employees specified in the Adoption Agreement.

1.10 "Employee" means any person who is employed by the Employer and who performs services for the Employer for which compensation is paid. If elected by the Employer in the Adoption Agreement, the term Employee shall include Leased Employees.

1.11 "Employer" means the governmental employer that satisfies the definition of Code Section 414(d) and is named in the Adoption Agreement (together with any other entity required to be aggregated with such governmental employer under Code Sections 414(b), (c), (m) or (o)), and any successor which shall maintain this Plan, and any predecessor which has maintained this Plan.

1.12 "Employer Contributions" means the Employer's contributions to the Plan in accordance with the formula selected in the Adoption Agreement.

1.13 "Employer Contributions Account" means that portion of the Participant Account established and maintained by the Administrator for each Participant with respect to his total interest (including any earnings and losses attributable thereon) under the Plan resulting from Employer Contributions and/or Matching Contributions.

1.14 "Fiscal Year" means the Employer's 12-month consecutive accounting year specified by the Employer in the Adoption Agreement.

1.15 "Forfeiture" means that portion of a Participant's Employer Contributions Account that is not Vested and in which the Participant no longer has an interest and will be treated in accordance with Section 3.8(c).

1.16 "Investment Product" means group or individual annuity contracts or such other investment arrangements issued by or offered through the Provider and used to hold the assets of the Plan. Notwithstanding the previous sentence, life insurance shall not be a permissible investment product under the Plan.

1.17 "Leased Employee" means any person (other than an Employee of the Employer) who, pursuant to an agreement between the Employer and any other person or entity ("leasing organization") has performed services for the Employer (or for the Employer and related persons determined in accordance with Code Section 414(n)(6)) on a substantially full time basis for a period of at least one year, and such services are performed under primary direction or control by the Employer. Contributions or benefits provided for a leased employee by the leasing organization which are attributable to services performed for the Employer will be treated as provided by the Employer.

A leased employee will not be considered an employee of the Employer if: (a) such individual is covered by a money purchase pension plan sponsored by the leasing organization providing: (1) a nonintegrated employer contribution rate of at least 10 percent of compensation, as defined in Code Section 415(c)(3), including amounts contributed pursuant to a salary reduction agreement which are excludable from the individual's gross income under Code Section 125, 402(e)(3), 402(h)(1)(B), 403(b) or 132(f)(4), (2) immediate participation, and (3) full and immediate vesting, and (b) leased employees do not constitute more than 20 percent of the Employer's nonhighly compensated work force.

1.18 "Matching Contribution" means the Employer's contributions to the Plan that match a Participant's Code Section 414(h) Contributions or Voluntary Contributions in accordance with the formula selected in the Adoption Agreement.

1.19 "Normal Retirement Age" means the earliest date attained by a Participant as selected by the Employer in the Adoption Agreement and thus is entitled to a distribution under the Plan. The Employer can elect a separate Normal Retirement Age for Qualified Public Safety Employees as defined in Code Section 72(t)(10)(B). In addition, at Normal Retirement Age, a Participant shall become fully Vested in his Participant Account.

1.20 "Participant" means any individual who participates in the Plan or has previously participated in the Plan and who has not yet received a distribution of his entire Participant Account under the Plan. As appropriate, a Participant means a Beneficiary or an alternate payee as defined in Code Section 414(p)(8).

1.21 "Participant Account" means the total of a Participant's 414(h) Pick-Up Contributions Account, Rollover Contributions Account, Voluntary Contributions Account and the Employer Contributions Account for each Participant in the Plan, the account established for a Beneficiary after a Participant's death, and any account or accounts established for an alternate payee (as defined in Code Section 414(p)(8)).

1.22 "Plan" means the name of the Plan as indicated in the Adoption Agreement.

1.23 "Plan Year" means the Plan's 12-consecutive month accounting year as elected by the Employer in the Adoption Agreement.

1.24 "Provider" means Voya Retirement Insurance and Annuity Company and/or ReliaStar Life Insurance Company or such other provider entity as the Employer may approve.

1.25 "Rollover Contribution" means, if so elected by the Employer in the Adoption Agreement, contributions made by a Participant (or, if applicable, Eligible Employee) pursuant to Section 3.6 of "eligible rollover distributions" in accordance with Code Section 402(c)(4). If elected by an Employer in the Adoption Agreement, the Plan will accept Rollover Contributions of after-tax amounts from another eligible retirement plan described in Section 3.6 and as permitted by the Code.

1.26 "Rollover Contributions Account" means the account established and maintained by the Administrator for each Participant (or, if applicable, Eligible Employee) with respect to his total interest (including any earnings and losses attributable thereon) under the Plan resulting from Rollover Contributions. To the extent that an Eligible Employee rolls over after-tax amounts to the plan from another eligible retirement plan described in Section 3.6 and as permitted by the Code, such after-tax amounts in the Rollover Contributions Account will be separately accounted for.

1.27 "Total and Permanent Disability" means the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment that can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months. The determination of Total and Permanent Disability of a Participant shall be performed by a licensed physician chosen by the Administrator. However, if the condition constitutes total disability under the federal Social Security Acts, the Administrator may rely upon such determination that the Participant is totally and permanently disabled for the purposes of this Plan. The criteria for determination of Total and Permanent Disability shall be applied uniformly to all Participants.

1.28 "Vested" means the nonforfeitable portion of any account maintained on behalf of a Participant in accordance with Section 3.8.

1.29 "Voluntary Contributions" means a contribution made to a Plan by a Participant on an after-tax basis pursuant to the election of the Participant.

1.30 "Voluntary Contributions Account" means the account established and maintained by the Administrator for each Participant with respect to his total interest (including any earnings and losses attributable thereon) under the Plan resulting from Voluntary Contributions.

ARTICLE II ELIGIBILITY

2.1 Eligibility

Each Eligible Employee will be a Participant in the Plan when he satisfies the eligibility requirements specified in the Adoption Agreement.

2.2 Determination of Eligibility and Effective Date of Participation

(a) The Administrator will determine whether an Eligible Employee has satisfied the eligibility requirements specified in the Adoption Agreement based upon information furnished by the Employer. Such determination will be conclusive and binding and the criteria for such determination will be applied uniformly to all Participants.

(b) An Eligible Employee who has become eligible to be a Participant shall become a Participant effective as of the day specified in the Adoption Agreement. In the event an Employee who has satisfied the Plan's service and age requirements for eligibility but who has not satisfied one of the classifications of an Eligible Employee at any time becomes an Eligible Employee, such Employee shall become a Participant immediately as of the date he becomes an Eligible Employee.

2.3 Termination of Eligibility

In the event a Participant will go from a classification of an Eligible Employee to a non-Eligible Employee, such Participant will not be able to participate in the Plan until he is again reclassified as an Eligible Employee. The Participant Account of such inactive Participant will continue to be allocated any attributable earnings and losses.

2.4 Information Provided by the Employee

Each Eligible Employee enrolling in the Plan should provide to the Administrator at the time of initial enrollment, and later if there are any changes, any information necessary or advisable for the Administrator to administer the Plan.

2.5 Leave of Absence

If an Employee is absent from work by leave of absence, contributions under the Plan shall continue to the extent that Compensation continues.

2.6 Payment of Contributions to Investment Product

The Employer shall remit to the Provider the contributions to be allocated under the Investment Product to fund benefits under the Plan within the time period prescribed by applicable law or under any applicable collective bargaining agreement.

ARTICLE III CONTRIBUTION AND ALLOCATION

3.1 Employer Contributions and Matching Contributions

If the Plan is a money purchase pension plan within the meaning of Treas. Reg. Section 1-401-1(b)(1)(i) as elected by the Employer in the Adoption Agreement, the Employer will make Employer Contributions and/or Matching Contributions for each Plan Year as elected in the Adoption Agreement. If the Plan is a profit sharing plan within the meaning of Treas. Reg. Section 1-401-1(b)(1)(ii) as elected by the Employer in the Adoption Agreement, the Employer may elect to make Employer Contributions each Plan Year and such Employer Contributions shall be allocated in accordance with the formula elected by the Employer in the Adoption Agreement. Employer Contributions are subject to any limitations imposed under applicable law or under any applicable collective bargaining agreement. Such Employer contributions shall be allocated to the Participant's Employer Contributions Account.

3.2 414(h) Pick-Up Contributions

A Participant shall make 414(h) Pick-Up Contributions as indicated in the Adoption Agreement, subject to any limitations imposed under applicable law or under any applicable collective bargaining agreement. Such contributions shall be allocated to the 414(h) Pick-Up Contributions Account of each Participant.

3.3 Voluntary Contributions

A Participant may make Voluntary Contributions to the Plan as indicated in the Adoption Agreement, subject to any limitations imposed under applicable law or under any applicable collective bargaining agreement. Such contributions shall be allocated to the Voluntary Contributions Account of each Participant.

3.4 Maximum Annual Additions

(a) The maximum permissible Annual Additions that may be contributed or allocated to each Participant Account under the Plan for any Limitation Year shall not exceed the lesser of:

- (1) \$40,000, as adjusted for increase in the cost of living under Code Section 415(d), or
- (2) 100 percent of the Participant's Compensation for the Limitation Year.

(b) For purposes of this Section, "Annual Additions" means, for any Limitation Year, the sum of Employer Contributions, Matching Contributions, 414(h) Pick-Up Contributions, Voluntary Contributions and Forfeitures to the Plan and any contributions and forfeitures allocated to any other qualified defined contribution plans of the Employer which are required to be aggregated with the Plan in accordance to Treas. Reg. Section 1.415(c)-1(a)(2). For this purpose, any excess amount applied under Code Section 415 in the Limitation Year to reduce Employer Contributions shall be considered "Annual Additions" for such Limitation Year.

(c) For purposes of this Section, "Limitation Year" means the 12-consecutive month calendar year. If the Employer maintains any other qualified defined contribution plans as defined in Treas. Reg. Section 1.415(c)-1(a)(2), such other plans shall also use the calendar year as the Limitation Year.

(d) If a Participant participates in another qualified defined contribution plan maintained by the Employer (as defined in Treas. Reg. Section 1.415(c)-1(a)(2)) which is required to be aggregated with the Plan for purposes of this Section, the amount of Annual Additions which may be credited to an individual's Participant Account for any Limitation Year shall not exceed the maximum permissible amount described in subsection (a). If amounts allocated to an individual's participant account maintained under such other plans are equal or greater than the maximum permissible amount described in subsection (a) in a Limitation Year, no amount shall be contributed to the Participant Account under the Plan for that Limitation Year.

3.5 Adjustment for Excess Annual Additions

(a) Notwithstanding Section 3.4(d), if the maximum permissible amount described in Section 3.4(a) is exceeded and if the Employer sponsors more than one qualified defined contribution plan, then any excesses will first be cured from such other qualified plan. If excesses remain or if there is no other qualified defined contribution plan of the Employer, then any remaining excesses shall be corrected in accordance with this Section.

(b) Notwithstanding any provision of the Plan to the contrary, if the Annual Additions to a Participant Account under the Plan are exceeded in any Limitation Year, then the Plan shall correct such excess in accordance with the Treasury Regulations and such other guidance as the IRS may issue from time to time.

3.6 Rollovers to the Plan

(a) If elected by the Employer in the Adoption Agreement and with the consent of the Administrator, amounts that are considered eligible rollover distributions as defined in Code Section may be rolled over by an Eligible Employee, whether or not a Participant at the time, from an eligible retirement plan, as defined in subsection (b) below. A Participant who is a surviving spousal Beneficiary or an alternate payee (who is a spouse or former spouse) of another eligible retirement plan may roll over eligible rollover distributions from such eligible retirement plan. Such amounts shall be allocated to the Participant's Rollover Contributions Account.

(b) For purposes of this Section, the term “eligible retirement plan” means any other plan under Code Section 401(a), a plan under Code Section 457(b) maintained by an employer as defined in Code Section 457(e)(1)(A), a plan under Code Section 403(b), an individual retirement account as described in Code Section 408(a), and an individual retirement annuity as described in Code Section, as appropriate.

3.7 Investments

Amounts deferred under the Plan will be invested in any Investment Product. If applicable, a Participant will direct the investment of his Participant Account among the investment options available under the Investment Product. Contributions will be allocated to a Participant Account in accordance with this Article III and earnings and losses attributable to such contributions will be allocated to such Participant Account. If any provision of an Investment Product agreement is not consistent with the Plan provisions, the terms of the Plan will control.

3.8 Vesting

(a) The Vested portion of any Employer Contributions Account will be a percentage of such Account determined on the basis of the Participant's number of years in accordance with the vesting schedule selected by the Employer in the Adoption Agreement. Criteria for determining a Participant's years with the Employer shall be made on a uniform basis applicable to all Eligible Employees and subject to the terms of any applicable collective bargaining agreement.

(b) A Participant is always fully vested in his 414(h) Pick-Up Contributions, Rollover Contributions, Voluntary Contributions and the earnings thereon.

(c) Except as provided in subsection (d) below, any amount that is not Vested upon a Participant's separation from service will be considered to be a Forfeiture and will be used as directed by the Employer.

(d) Notwithstanding the foregoing, a Participant will be 100% vested in any Employer Contributions and Matching Contributions upon attaining Normal Retirement Age, Total and Permanent Disability, death of the Participant, termination of the Plan or the complete discontinuance of Employer contributions.

(e) If the Plan's vesting schedule is amended, or if the criteria for determining years with the Employer is amended in any way that directly or indirectly affects the computation of the Participant's Vested percentage, then each Participant who has performed services for the Employer for at least three (3) years as of the end of the election period as defined below may elect to have such Participant's Vested percentage computed under the Plan without regard to such amendment or change, subject to any applicable collective bargaining agreement. If a Participant fails to make a timely election, then such Participant shall be subject to the new vesting schedule. The Participant's election period shall commence on the adoption date of the amendment and shall end sixty (60) days after the latest of:

- (1) the adoption date of the amendment,
- (2) the effective date of the amendment, or
- (3) the date the Participant receives notice of the amendment from the Employer or Administrator.

3.9 Protection of Persons Who Serve in a Uniformed Service

(a) Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with Code Section 414(u).

(b) In the case of a Participant who dies while performing qualified military service (as defined in Code Section 414(u)), the Beneficiaries are entitled to any additional benefits (other than deferrals relating to the period of qualified military service) provided under the Plan had the Participant resumed employment and then had a separation from service on account of death.

ARTICLE IV DETERMINATION AND DISTRIBUTION OF BENEFITS

4.1 Distributions under the Plan

(a) A Participant Account may not be paid to a Participant (or, if applicable, the Beneficiary) until one of the following events has occurred:

- (1) attainment of Normal Retirement Age,
- (2) separation from service prior to Normal Retirement Age,
- (3) the Participant's Total and Permanent Disability, or
- (4) the Participant's death.

(b) Notwithstanding subsection (a), a Participant may choose to receive a distribution from his Rollover Contributions Account and Voluntary Contributions Account at the time elected by the Employer in the Adoption Agreement.

4.2 Distribution of Benefits upon Normal Retirement Age, Separation From Service and Total and Permanent Disability

(a) Upon attainment of a distributable event described in Section 4.1, but in no event later than the requirement to commence minimum distribution payments in accordance with Code Section 401(a)(9) and the Treasury Regulations thereunder, a Participant may elect a benefit distribution option to which benefits will be paid.

(b) Upon a Participant's application for benefits, the Administrator will direct the distribution of a Participant Account in accordance with this Section 4.2.

(c) A Participant may choose a benefit distribution option as selected by the Employer in the Adoption Agreement. The terms of any annuity contract purchased and distributed by the Plan to a Participant will comply with the requirements of the Plan. In the event a Participant fails to make an election as to a benefit distribution option, any benefit payable to such Participant will be distributed in accordance with Code Section 401(a)(9).

4.3 Distribution of Benefits upon Death

(a) Upon the death of a Participant, the Administrator will direct that the deceased Participant's Participant Account be distributed to the Beneficiary in accordance with the provisions of this Section.

(b) The designation of a Beneficiary will be made on a form satisfactory to the Administrator. A Participant or Beneficiary may at any time revoke his designation of a Beneficiary or change his Beneficiary by filing notice of such revocation or change with the Administrator. In the event no valid designation of Beneficiary exists at the time of the Participant's or Beneficiary's death, the death benefit will be payable to the Participant's or Beneficiary's estate.

(c) The Administrator may require such proper proof of death and such evidence of the right of any person to receive payment of the value of the Participant Account of a deceased Participant or Beneficiary, as the Administrator may deem appropriate. The Administrator's determination of death and of the right of any person to receive payment will be conclusive.

(d) Death benefits payable to a Beneficiary will be made in a form as selected by the Beneficiary in accordance with the available options as elected by the Employer in the Adoption Agreement. In the event a Beneficiary fails to make an election as to a benefit distribution option, any benefit payable to such Beneficiary will be distributed in accordance with Code Section 401(a)(9). The terms of any annuity contract purchased and distributed by the Plan to a Beneficiary will comply with the requirements of the Plan.

4.4 Minimum Distributions

All distributions under the Plan shall comply with the minimum distribution requirements of Code Section 401(a)(9) and the Treasury Regulations.

4.5 Rollovers from the Plan

(a) Notwithstanding any provision of the Plan to the contrary, a Participant will be permitted to elect to have any eligible rollover distribution (as defined in Code Section 402(c)(4)) paid directly to an eligible retirement plan (as defined in Section 3.6(b)) or to a Roth IRA established under Code Section 408A specified by the Participant. Notwithstanding the foregoing, if Voluntary Contributions are permitted under the Plan, they may only be rolled over to another eligible retirement plan described in Section 3.6 and as permitted by the Code. The Participant will, in the time and manner prescribed by the Administrator, specify the amount to be rolled over and the eligible retirement plan to receive such rollover. Any portion of a distribution which is not rolled over will be distributed directly to the Participant.

(b) The election described in subsection (a) also applies to the surviving spouse who is the designated Beneficiary of the Participant or a spouse or former spouse who is the alternate payee, provided that such spouse, former spouse or alternate payee directs the transfer of an eligible rollover distribution, as defined in Code Section 402(c)(4) into an eligible retirement plan, as defined in Section 3.6(b), in which such spouse, former spouse or alternate payee is a participant.

(c) A non-spousal Beneficiary may elect to roll over death benefits amounts in accordance with Section Code 402(c)(11) provided that:

- (1) such amounts are rolled over to an inherited IRA via a direct trustee-to-trustee transfer; and
- (2) the rolled over amounts are eligible rollover distributions as defined in Code Section 402(c)(4).

4.6 Loans to Participants

(a) This Section will apply only if elected by the Employer in the Adoption Agreement and as set forth in the loan program created by the Employer. For purposes of this Section, all plans of the Employer will be considered one plan in accordance with Code Section 72(p) and regulations thereunder, and the balance of all loans under any plan of the Employer under which the Participant participates must be aggregated in determining the maximum loan available under subsection (c).

(b) The Provider may, in accordance with the Administrator's direction, make loans to Participants under the following circumstances: (1) loans will be made available to all Participants on a reasonably equivalent basis; (2) loans will bear a reasonable rate of interest; (3) loans will be adequately secured; and (4) will provide for periodic repayment over a reasonable period of time. Such loans may also be subject to the requirements of the Investment Product.

(c) No loan made pursuant to this Section shall exceed the lesser of:

(1) \$50,000 reduced by the excess (if any) of the highest outstanding balance of loans from the Plan to the Participant during the one-year period ending on the day before the date on which such loan is made, over the outstanding balance of loans from the Plan to the Participant on the date on which such loan was made, or

(2) one-half (1/2) of the Participant Account.

For purposes of this Section, any loan from any other plan maintained by the Employer shall be treated as if it were a loan made from the Plan, and the Participant's vested interest under any such other plan shall be considered a vested interest under this Plan; provided, however, that the provisions of this paragraph shall not be applied so as to allow the amount of a loan to exceed the amount that would otherwise be permitted in the absence of this paragraph.

(d) Loans will provide for level amortization with payments to be made not less frequently than quarterly over a period not to exceed five (5) years. However, loans used to acquire any dwelling unit which, within a reasonable time, is to be used (determined at the time the loan is made) as a principal residence of the Participant will, provide for periodic repayment over a reasonable period to be determined by the Administrator of time that may exceed five (5) years. Notwithstanding the foregoing, in the event a Participant enters the uniformed services of the United States and retains reemployment rights under law, repayments will be suspended and interest will cease to accrue during the period of leave and the period of repayment will be extended by the number of months of leave in the uniformed services. In the event a Participant is on an Employer approved, bona fide leave of absence without pay, loan payments may be suspended (but interest will continue to accrue) for the period of leave but not to exceed one year; however, the loan must be repaid by the original loan repayment date.

(e) An assignment or pledge of any portion of a Participant's interest in the Plan will be treated as a loan under this Section.

(f) Any security interest held by the Plan by reason of an outstanding loan to the Participant will be taken into account in determining the amount of the death benefit or single lump-sum payment.

4.7 Distributions from Governmental Plans for Health and Long Term Care

If elected by the Employer in the Adoption Agreement and pursuant to Code Section 402(l), annual distributions of up to \$3,000 from the Plan that would otherwise be taxable are excludable for income tax purposes if the following conditions are satisfied: (1) the distribution is used to pay for qualified health insurance premiums (accident, health insurance or long term care) for an eligible retired public safety officer as defined in Code Sections 402(l)(4)(B) and 402(l)(4)(C), or spouse or dependent of the public safety officer, (2) the public safety officer is separated from service due to disability or attainment of the age which the Participant has the right to retire and receive unreduced retirement benefits from the Employer's basic pension plan, and (3) the distributions are paid directly to the insurer or to the administrator of a self-insured plan.

4.8 Mandatory Distributions

(a) To the extent permitted by the Investment Product and if elected by the Employer in the Adoption Agreement, if the value of a Vested Participant Account of a Participant who has had a separation from service does not exceed an amount set forth in Code Section 411(a)(11), as amended and as elected by the Employer in the Adoption Agreement, then a distribution may be made in the form of a lump sum payment, without the consent of the Participant or Beneficiary.

(b) If a mandatory distribution made pursuant to this Section is greater than \$1,000 and the Participant does not elect to have such distribution paid directly to an eligible retirement plan as defined in Section 3.6(b) or to receive the distribution directly in cash, then the Administrator shall transfer such amount to an individual retirement account described in Code Section 408(a) or an individual retirement annuity described in Code Section 408(b) designated by the Administrator in accordance with the requirements of Code Section 401(a)(31)(B).

ARTICLE V ADMINISTRATION

5.1 Powers and Responsibilities of the Employer

(a) The Employer shall have full power to interpret and construe the Plan in a manner consistent with its terms and the provisions of Code Section 401(a), including the applicable Treasury Regulations and to establish practices and procedures conforming to those provisions. In all such cases, the Employer's determination shall be final and conclusive upon all persons. It is recognized that unusual circumstances may occur and questions may arise that are not specifically covered by any provision of the Plan, and the Employer shall have the right to resolve all such questions. Notwithstanding the above, the Employer's power and responsibility under the Plan will not extend to, nor have any control over, those responsibilities and duties of the Provider.

(b) The Employer shall be empowered to appoint and remove the Administrator from time to time as it deems necessary for the proper administration of the Plan to assure that the Plan is being operated for the exclusive benefit of the Participants and their Beneficiaries in accordance with the terms of the Plan and the Code.

(c) The Employer shall periodically review the performance of any person to whom duties have been delegated or allocated by it under the provisions of this Plan or pursuant to procedures established hereunder. This requirement may be satisfied by formal periodic review by the Employer or by a qualified person specifically designated by the Employer, through day-to-day conduct and evaluation, or through other appropriate ways.

5.2 Designation of Administrative Authority

The Employer may appoint a committee ("Committee") of one or more persons to serve as the Administrator and to discharge the Administrator's responsibilities under the Plan. The Employer may remove a Committee member for any reason by giving such member ten (10) days' notice and may thereafter fill any vacancy thus created. If the Employer does not appoint a Committee to administer the Plan, the Employer shall be the Administrator.

5.3 Allocation and Delegation of Responsibilities

If more than one person is appointed as Administrator, the responsibilities of each Administrator may be specified by the Employer and accepted in writing by each Administrator. In the event that the Employer makes no such delegation, the Administrators may allocate the responsibilities among themselves, in which event the Administrators shall notify the Employer in writing of such action and specify the responsibilities of each Administrator.

5.4 Powers and Duties of the Administrator

The primary responsibility of the Administrator is to administer the Plan for the benefit of the Participants and their Beneficiaries, subject to the specific terms of the Plan. The Administrator will administer the Plan in accordance with its terms and will have the power and discretion to construe the terms of the Plan and determine all questions arising in connection with the administration, interpretation, and application of the Plan. Any such determination by the Administrator will be conclusive and binding upon all persons. The Administrator may establish procedures, correct any defect, supply any information, or reconcile any inconsistency in such manner and to such extent as will be deemed necessary or advisable to carry out the purpose of the Plan; provided, however, that any procedure, discretionary act, interpretation or construction will be done in a nondiscriminatory manner based upon uniform principles consistently applied and will be consistent with the intent that the Plan will continue to be deemed a qualified plan under the terms of Code Section 401(a), and will comply with the terms of all Treasury Regulations issued pursuant thereto. The Administrator will have all powers necessary or appropriate to accomplish his duties under this Plan. The Administrator will be charged with the duties of the general administration of the Plan, including, but not limited to, the following:

- (a) the discretion to determine all questions relating to the eligibility of Employees and Independent Contractors to participate or remain a Participant hereunder and to receive benefits under the Plan;
- (b) determine the amounts to be contributed to each Participant Account;
- (c) to authorize and direct the Provider with respect to all disbursements to which a Participant or Beneficiary is entitled under the Plan;
- (d) to maintain all necessary records for the administration of the Plan;
- (e) to maintain practices and procedures necessary to administer the Plan as are consistent with the terms hereof;
- (f) to determine the type of any Investment Product to be offered by the Provider; and
- (g) to assist any Participant or Beneficiary regarding his rights, benefits, or elections available under the Plan.

5.5 Records and Reports

The Administrator will keep a record of all actions taken and will keep all other books of accounts, records, and other data that may be necessary for proper administration of the Plan and will be responsible for supplying all information and reports to the Internal Revenue Service, Participants, Beneficiaries and other parties as required by law.

5.6 Appointment of Advisers

The Administrator may appoint/employ such agents, attorneys, actuaries, accountants, auditors, investment counsel, and clerical assistants, and other persons or entities as the Administrator deems necessary or desirable in connection with the administration of this Plan.

5.7 Information from Employer

To enable the Administrator to perform his functions, the Employer will supply the necessary information to the Administrator on a timely basis regarding the Participants under the Plan, including but not limited to Compensation, date of hire, date of death, disability, or termination of employment, and such other pertinent facts and data as the Administrator may require. The Administrator may rely upon such information as is supplied by the Employer and shall have no duty or responsibility to verify such information.

5.8 Payment of Expenses

All expenses of administration will be paid as directed by the Employer. Such expenses will include any expenses incident to the functioning of the Administrator, including, but not limited to, fees of accountants, counsel, and other specialists and their agents, and other costs of administering the Plan.

ARTICLE VI AMENDMENT AND TERMINATION

6.1 Amendment

(a) The Employer shall have the right at any time to amend this Plan. Any such amendment shall become effective as provided therein upon its execution.

(b) No amendment to the Plan will be effective if it authorizes or permits any part of the Investment Product (other than such part as is required to pay taxes and administration expenses) to be used for or diverted to any purpose other than for the exclusive benefit of the Participants or their Beneficiaries; or causes any reduction in the amount credited to the account of any Participant or Beneficiary; or causes or permits any portion of the Investment Product to revert to or become property of the Employer.

6.2 Termination

(a) The Employer shall have the right at any time to terminate the Plan by resolution of its governing board. Upon any full or partial termination all amounts credited to the affected Participant Accounts shall become 100% Vested and shall not thereafter be subject to Forfeiture, and all unallocated amounts shall be allocated to the accounts of all Participants in accordance with the provisions hereof. In addition, the Employer must deliver notice of discontinuance of the Investment Product to the Provider.

(b) Upon the full termination of the Plan, the Employer will direct the distribution of the assets to Participants and Beneficiaries in a manner which is consistent with and satisfies the provisions of Article IV.

ARTICLE VII MISCELLANEOUS

7.1 Assets for Exclusive Benefit of Participants and Beneficiaries

All amounts in the Participant Accounts under this Plan, all property and rights which may be purchased with such amounts and all income attributable to such amounts, property or rights will be held in trust (or a custodial account or annuity contract described in Code Section 401(f)) for the exclusive benefit of Participants and their Beneficiaries. All such amounts will not be subject to the claims of the Employer's general creditors.

7.2 Participant's Rights

This Plan will not be deemed to constitute an employment contract between the Employer and any Participant or to be a consideration or an inducement for the employment of any Participant or Employee. Nothing contained in this Plan will be deemed to give any Participant or Employee the right to be retained in the service of the Employer or to interfere with the right of the Employer to discharge any Participant or Employee at any time regardless of the effect which such discharge shall have upon him as a Participant in this Plan.

7.3 Alienation

Subject to applicable state law (and Code Section 401(g) if the Investment Product consists of an annuity contract) and except as provided in Section 7.4, no benefit which will be payable to any person (including a Participant or their Beneficiaries) will be subject in any manner to anticipation, alienation, sale, transfer, assignment, pledge, encumbrance, or charge, and any attempt to anticipate, alienate, sell, transfer, assign, pledge, encumber, or charge the same will be void; and no such benefit will in any manner be liable for, or subject to, the debts, contracts, liabilities, engagements, or torts of any such person, nor will be subject to attachment or legal process for or against such person, and the same will not be recognized except to such extent as may be required by law.

7.4 Recognition of Approved Domestic Relations Orders

Notwithstanding Section 7.3, if a judgment, decree or order (including approval of a property settlement agreement) that relates to the provision of child support, alimony payments, or the marital property rights of a spouse or former spouse, child, or other dependent of a Participant is made pursuant to the domestic relations law of any State ("domestic relations order") and Code Section 414(p), then the amount of the Participant Account shall be paid in the manner and to the person or persons so directed in the domestic relations order. Such payment shall be made without regard to whether the Participant is eligible for a distribution of benefits under the Plan. The Administrator shall establish reasonable procedures for determining the status of any such decree or order and for effectuating distribution pursuant to the domestic relations order.

7.5 IRS Levy

Notwithstanding Section 7.3, if a Participant or Beneficiary is entitled to a distribution in accordance with Section 5, the Administrator may pay from a Participant's or Beneficiary's Account the amount that the Administrator finds is lawfully demanded under a levy issued by the Internal Revenue Service with respect to that Participant or Beneficiary or is sought to be collected by the United States Government under a judgment resulting from an unpaid tax assessment against the Participant or Beneficiary.

7.6 Distribution for Minor Beneficiary or Incompetent

If a Participant or Beneficiary entitled to receive any benefits hereunder is a minor or is adjudged to be legally incapable of giving valid receipt and discharge for such benefits, or is deemed so by the Administrator, benefits will be paid to such person as the Administrator may designate for the benefit of such Participant or Beneficiary. Such payments shall be considered a payment to such Participant or Beneficiary and shall, to the extent made, be deemed a complete discharge of any liability for such payments under the Plan.

7.7 Mistaken Contributions

If any contribution (or any portion of a contribution) is made to the Plan by a good faith mistake of fact, then within one year after the payment of the contribution, and upon receipt in good order of a proper request approved by the Administrator, the amount of the mistaken contribution (adjusted for any income or loss in value, if any, allocable thereto) shall be returned directly to the Participant or, to the extent required or permitted by the Administrator, to the Employer.

7.8 Procedure When Distributee Cannot Be Located

The Plan Administrator shall make all reasonable attempts to determine the identity and address of a Participant entitled to benefits under the Plan. For this purpose, a reasonable attempt includes the following:

- (a) the mailing by certified mail of a notice to the last known address of the missing individual shown on the Employer's or the Plan Administrator's records;
- (b) the mailing of a letter to the missing individual following the employer and administrator(s) of related plans searching their records for a more current address;
- (c) the mailing of a letter to the missing individual after identifying and contacting any beneficiary of the missing individual designated in accordance with applicable law for a more current address for that missing individual;
- (d) reasonable use of Internet search tools that do not charge a fee (including Internet search engines, public record databases (such as those for licenses, mortgages and real estate taxes), obituaries and social media) for a more current address for the missing individual, and
- (e) such other attempts as may be provided under applicable law.

If, despite these attempts, the individual has not responded within a reasonable period of time, or if there has been no claim made for such benefits, the Investment Product shall continue to hold the benefits due such individual, with investment direction provided by the Plan Administrator, under the Plan. In the event a Participant is located subsequent to his benefit being held in such account, such benefit shall be restored, including any applicable interest, and paid, to the individual in accordance with this Article VII.

7.9 Governing Law

The Plan will be construed, administered and enforced according to the Code and the laws of the State in which the Employer has its principal place of business.

7.10 Headings

Headings of the Plan have been inserted for convenience of reference only and are to be ignored in any construction of the provisions hereof.

7.11 Gender

Pronouns used in the Plan in the masculine or feminine gender include both genders unless the context clearly indicates otherwise.

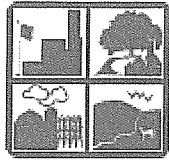
7.12 Approval by Internal Revenue Service

Notwithstanding anything herein to the contrary, if, pursuant to a timely application filed by or on behalf of the Plan, the Commissioner of the Internal Revenue Service or his delegate should determine that the Plan does not initially qualify as a tax-exempt plan under Code Sections 401 and 501, and such determination is not contested, or if contested, is finally upheld, then if the Plan is a new plan, it shall be void and all amounts contributed to the Plan, by the Employer, less expenses paid, shall be returned within one year and the Plan shall terminate. If the disqualification relates to an amended plan, then the Plan shall operate as if it had not been amended and restated. In the event that a contribution is made to the Plan conditioned upon qualification of the Plan as amended, such contribution must be returned to the Employer upon the determination that the amended Plan fails to qualify under the Code.

This Specimen Document, consisting of a Plan document and Adoption Agreement, is for illustrative purposes only, presented by Voya for the consideration of a plan sponsor's legal counsel. This Specimen Document reflects a number of the special rules applicable to governmental 401(a) qualified plans. Because of differences in facts, circumstances, and laws of various states, interested parties should consult their own attorneys or tax advisors. The client's counsel alone must decide whether this specimen or any portion thereof should be used in any particular set of circumstances. This Plan has not been reviewed or approved by the Internal Revenue Service. You should discuss with your legal counsel the submission of the Plan to the IRS for a Determination Letter. This is the sole responsibility of the client.

This Specimen Document includes a number of provisions which are optional, or as part of which there are different options that may be selected. Such provisions are generally indicated on the Adoption Agreement. This does not mean that other provisions may not also be optional, or that other options may not be available. As indicated above, the selection of appropriate options is solely the responsibility of the plan sponsor and should be done only after consulting with the client's own knowledgeable counsel.

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Township of
FERGUSON
Pennsylvania

Planning & Zoning Department

**Ferguson Township, Centre County, Pa.
Application for Zoning Variance/Appeal Hearing**

Application for a Hearing must be filed in the name of the owner of record or in the name of the holder of an option or a contract to purchase, or in the name of the lessee if authorized under a lease.

The application must be completed in full and the following must accompany the application:

1. Thirteen (13) copies of the application.
2. Thirteen (13) copies of a diagram or site plan (as outlined on page 3).
3. For a Variance Hearing a non-refundable filing fee of \$300.00 (make check payable to Ferguson Township).
 - For an Appeal Hearing a filing fee of \$500.00 (make check payable to Ferguson Township). The Appeal Hearing fee is refundable if the applicant prevails in the appeal of a notice of violation.
 - If applying for both a Variance Hearing and an Appeal Hearing both the Variance fee of \$300.00 and the Appeal fee of \$500.00 must be paid to the Township.
4. A copy of the applicant's deed or other instrument showing authority to file this application must be attached.
 - If the instrument attached does not contain a legal description, a legal description must be provided.

All material should be submitted to the Ferguson Township Zoning Office no later than 5:00 PM on the fourth Monday of the month. All incomplete applications will not be processed.

Email kbeldin@gdfengineers.com

ENTRY OF APPEARANCE

ROBERT A. MIX, ESQ.

Name KENNETH W. BELDIN, JR., PE

115 E. HIGH STREET, BELLEFONTE, PA 16823 (MR. MIX)

Address 3121 FAIRWAY DRIVE, ALTOONA, PA 16602 (MR. BELDIN)

I am appearing on my own behalf (Check if this is true.)

I am representing STATE COLLEGE BOROUGH WATER AUTHORITY

Please send me notice at the above address of any final decisions in this matter.

WAIVER OF STENOGRAPHIC RECORD

I agree to waive the requirements of Section 908(7) of the Pennsylvania Municipalities Planning Code which requires that a stenographic record of the proceedings be made, and consent that a record of the proceedings be prepared from a tape recording of the hearing and the recording secretary's minutes.

Applicant's Signature _____

Date _____

The undersigned hereby applies to the Ferguson Township Zoning Hearing Board for a hearing under the provisions of the Ferguson Township Zoning Ordinance affecting the following premises in the manner herein described.

Applicant STATE COLLEGE BOROUGH WATER AUTHORITY

Address 1201 W. BRANCH ROAD, STATE COLLEGE, PA 16801

Phone FAX PHONE: (814) 238-6766

Owner JENNIFER C. McCAULEY

Address 3795 W. COLLEGE AVENUE, STATE COLLEGE, PA 16801

Phone FAX PHONE: (814) 571-8437

1. Location of premises 3795 W. COLLEGE AVENUE, STATE COLLEGE, PA 16801

2. Centre County Tax Map Parcel Number 24-004-,096-,0000

3. Present zoning RURAL AGRICULTURAL (RA)

4. How long has the applicant held an interest in the property? N/A

5. Present use of the premises ESSENTIAL SERVICES - TYPE 1

6. Proposed use of the premises ESSENTIAL SERVICES - TYPE 1

7. Explain extent of proposed alteration(s), if any: SEE ENCLOSED NARRATIVE

8. Describe all existing structures, including type size and height: SEE ENCLOSED NARRATIVE

9. Has the property been involved in previous zoning hearing(s)? NO If so, describe date of hearing, nature of hearing and outcome of hearing:

10. For new construction or alterations:

- a) Have plans been submitted to the Zoning Officer? NO
- b) Has he/she reviewed, approved, and signed the plans? NO
- c) Has he/she issued a permit? NO

11. For a variance hearing, describe the provisions or regulations of the Ferguson Township Zoning Ordinance under which application for a variance is sought:

SEE ENCLOSED NARRATIVE

12. For an appeal hearing, describe the alleged misinterpreted or misapplied provision of the ordinance which will be relieved by granting this appeal:

SEE ENCLOSED NARRATIVE

13. A variance will be granted only upon the showing of an unnecessary hardship meeting all of the following criteria:

- a) The unnecessary hardship is caused by unique physical circumstances in the size, shape or topography of the lot.
- b) Because of the unnecessary hardship so caused, the lot cannot be developed in conformity with the Zoning Ordinance.
- c) The unnecessary hardship was not created by the applicant. a) Key map showing the generalized location of the property.
- d) The variance, if granted, would not alter the essential character of the neighborhood, impair the use or development of adjacent property or be detrimental to the public welfare.
- e) The variance would be the minimum necessary to afford relief and would be the least possible modification of the Zoning Ordinance.

Describe hardship, as listed above, which will be relieved by granting this variance:

SEE ENCLOSED NARRATIVE

14. Attach a diagram or site plan showing the following:

- a) Key map showing the generalized location of the property.
- b) North point.
- c) Name and address of all abutting property owners.
- d) Total tract boundaries of the property showing approximate distances and a statement of total acreage of the tract.
- e) All existing streets including streets of record (recorded but not constructed) on or abutting the tract including names and right-of-ways.
- f) If relevant to the application, existing sewer lines, water lines, fire hydrants, utility lines, culverts, bridges, railroads, watercourses, and easements.
- g) All existing buildings or other structures and approximate location of all tree masses.

15. List all abutting property owners. Include full name, address, and telephone numbers

SEE ENCLOSED PLAN FOR LIST OF ABUTTING PROPERTY OWNERS AND ADDRESSES.

FOR STAFF USE ONLY:

- Plans submitted
- Advertised
- Posted
- Fee Paid

Revised
09/14/2017

Zoning Variance Request Narrative
Ferguson Township, Centre County, Pennsylvania
State College Borough Water Authority
State Route 0026 (West College Avenue) Watermain Relocation

Project Background

The Pennsylvania Department of Transportation (PennDOT) is currently in the process of replacing an existing bridge on SR 0026 (West College Avenue) 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 the State College Borough Water Authority (SCBWA) to relocate an existing 12-inch watermain as indicated on the attached plan. The relocation of this watermain is being mandated by PennDOT due to the existing watermain located along the western side of SR 0026 interfering with the construction of the proposed bridge replacement and roadway improvements.

The existing 12" watermain is to be abandoned in place to minimize the amount of earth disturbance necessary to satisfy the relocation that is being required by PennDOT. The relocated watermain will be installed via open cut and will include a crossing through existing wetlands and the main channel of Slab Cabin Run. Slab Cabin Run is designated in 25 PA Code, Chapter 93, as a cold water fishery and migratory fishery (CWF, MF) and permitting of the proposed disturbances to existing environmental features in the Slab Cabin Run corridor are currently being processed by the Pennsylvania Department of Environmental Protection (DEP) under a General Permit (GP-11 - Maintenance, Testing, Repair, Rehabilitation or Replacement of Water Obstructions and Encroachments) registration.

General Requirements for Variance Requests

In order to perform the watermain relocation mentioned above, it is anticipated that three (3) variances to the requirements of Chapter 27 (Zoning) of the Ferguson Township Code are necessary. Variances may be granted by the Zoning Hearing Board upon the presentation of an unnecessary hardship meeting the following criteria:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located.
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- c. That such unnecessary hardship has not been created by the appellant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- e. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Variance Requests

1. Variance to §27-701.3.C. - (Use Limitations)

As per §27-701.3.C.(1) of the Ferguson Township Zoning Ordinance, “all new construction or development (including substantial improvements) are prohibited” within the limits of the areas defined by the zoning ordinance as a floodplain. Additionally, development is defined as “any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations” in Part 11 of the Zoning Ordinance.

SCBWA currently utilizes a 30’ utility right of way over the subject property that is shared with the University Area Joint Authority (UAJA). In addition to this existing utility right of way, SCBWA currently occupies a portion of the right of way for SR 0026 for the existing 12” watermain. Based upon design drawings for the bridge and the roadway improvements provided by PennDOT’s design consultant, the watermain will need to be relocated as indicated on the enclosed drawings to avoid conflicts with the proposed bridge. Also, the watermain is being relocated to avoid excessive fill over the relocated main during the proposed roadway widening. Additional areas of easement are currently being sought from the affected property owner.

The filling over the watermain is of particular concern due the 12" watermain being the only supply of water to the community of Pine Grove Mills and the surrounding area. The additional fill over the watermain greatly increases the risk to SCBWA crews and significantly diminishes the efficiency in which repairs can be made should the need arise. It is anticipated that repair of the main in the area of the additional fill caused by the roadway improvements may take three or more days should a break occur at this particular location. Water storage for this area is not adequate to supply the current 591 customers with potable water and simultaneously provide adequate fire protection for an extended period. As such, the proposed watermain is proposed to be constructed around the fill for the roadway improvements and a variance to §27-701.3.C. is warranted.

The granting of this variance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare and represent the minimum variance that will afford relief from the Ferguson Township Zoning Ordinance, as written.

2. Variance to §27-701.3.H. - (Floodways)

As per §27-701.3.H. of the Ferguson Township Zoning Ordinance “no activity, land development, structure, building or obstruction shall be permitted within an identified floodway portion of the floodplain district.” A floodway is further defined in §27-1102 (Definitions) as “the designated area of floodplain required to carry and discharge floodwaters of a given magnitude. For the purposes of this section, the floodway shall be capable of accommodating a flood of the 100-year magnitude.” The project area is located in the floodplain identified on FIRM Panel Nos. 42027C0638F and 42027C0855F produced by FEMA. This FEMA mapping does not distinctly define a designated floodway area on either of the panels. A determination has been made by the Ferguson Township Zoning Administrator that the limits of the floodway are concurrent with the limits of the 100-year floodplain boundary in areas where a floodway is not designated on the FIRM panels. Please see the attached email from the Zoning Administrator dated November 11, 2020 for reference.

The existing 12” watermain is nearly completely within the limits of the floodplain identified on the FIRM panels. The proposed relocation will follow a similar course to the existing watermain to minimize the amount of earth disturbance within the floodplain / floodway to the maximum extent which is practicable while providing continual water service to the consumers in the Pine Grove Mills area. As such, disturbance to the floodplain / floodway is unavoidable to meet the requirements set forth by PennDOT for the relocation.

Please refer to the justification for the need of a variance to the requirements of §27-701.3.H. as stated in Variance Request No. 1 above, as the same reasoning applies for this particular variance request as well.

The granting of this variance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare and represent the minimum variance that will afford relief from the Ferguson Township Zoning Ordinance, as written.

3. Variance to §27-701.3.I. - (Use Buffer)

As stated in §27-701.3.I. of the Ferguson Township Zoning Ordinance, “a land buffer remaining in its natural condition shall be not less than 100 feet separating the permitted use from the edge of the top of the bank of the watercourse. The 100-foot distance is to start from the outermost edge of the watercourse measured in a perpendicular direction to the approved use. A fifty-foot land buffer remaining in its natural condition shall be provided between the permitted use and the edge of the floodplain as defined by FEMA.”

The existing 12" watermain is nearly completely within the limits of the floodplain identified on FIRM Panel Nos. 42027C0638F and 42027C0855F produced by FEMA. The proposed relocation will follow a similar course to the existing watermain to minimize the amount of earth disturbance within the floodplain to the maximum extent which is practicable while providing continual water service to the consumers in the Pine Grove Mills area. As such, the entirety of the relocation will be located within the buffer stipulated under §27-701.3.I. of the zoning ordinance. Disturbance to the use buffer is unavoidable to meet the requirements set forth by PennDOT for the relocation.

Please refer to the justification for the need of a variance to the requirements of §27-701.3.I. as stated in Variance Request No. 1 above, as the same reasoning applies for this particular variance request as well.

The granting of this variance will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare and represent the minimum variance that will afford relief from the Ferguson Township Zoning Ordinance, as written.

LIST OF ENCLOSED MATERIALS

- Property Owner Authorization Letter
- Variance Site Plan (attached separately)

January 14, 2021

Township of Ferguson
3147 Research Drive
State College, PA 16801

Attn: Mr. Jeffrey Ressler, Zoning Administrator

**RE: State College Borough Water Authority
Variance Submittal Authorization**

Mr. Ressler:

It is my understanding that the State College Borough Water Authority is submitting a variance application for consideration by the Ferguson Township Zoning Hearing Board which involves my property located at 3795 W. College Ave, State College, PA 16803. More specifically the property in question is identified as Tax Parcel No. 24-004-096-0000.

I authorize the State College Borough Water Authority to submit a variance request on my behalf to Ferguson Township for consideration at the next Zoning Hearing Board meeting.

Thank you.

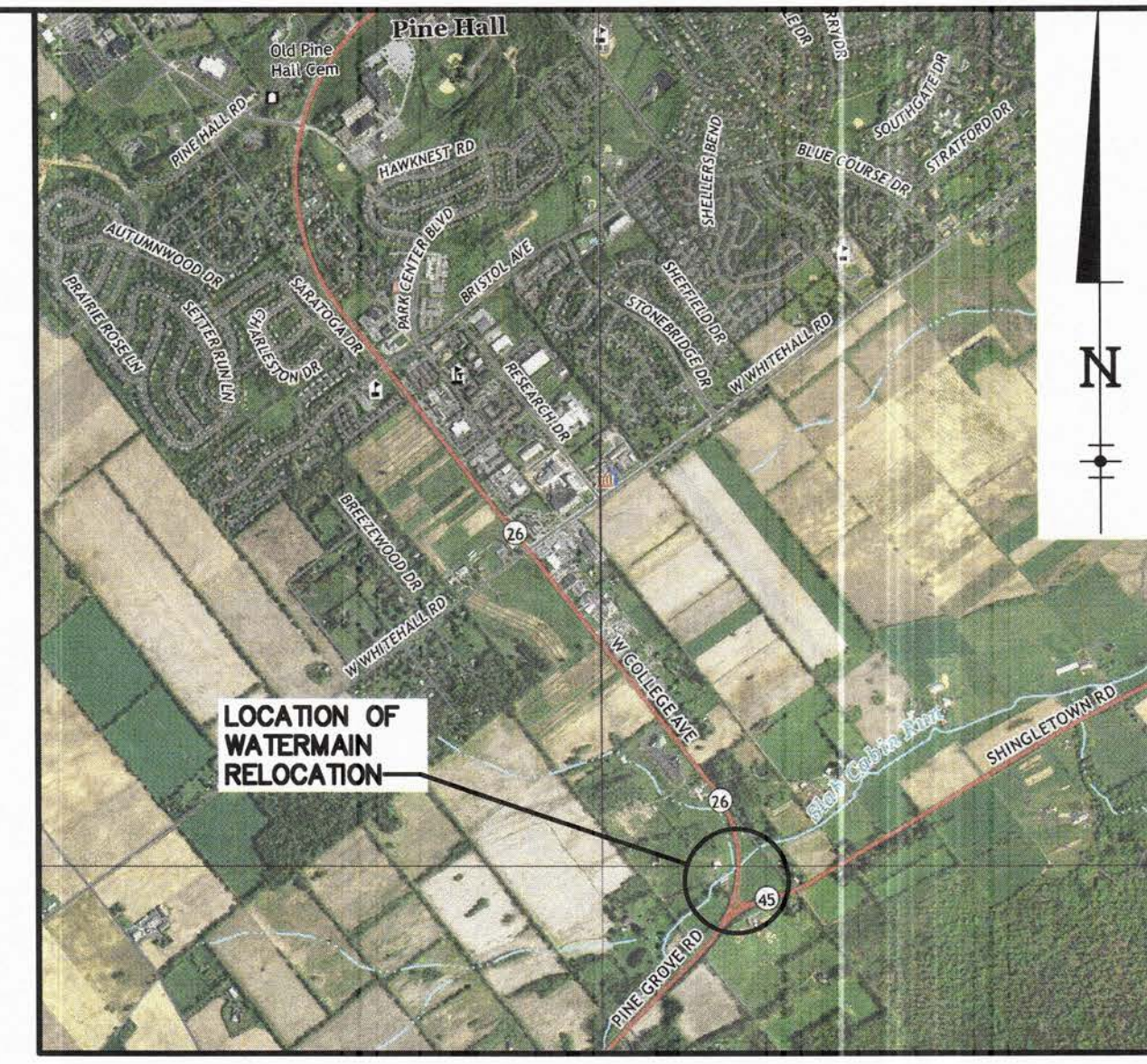
Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer C. McCauley". The signature is fluid and cursive, with the first name being the most prominent.

Jennifer C. McCauley

PARCEL INFORMATION

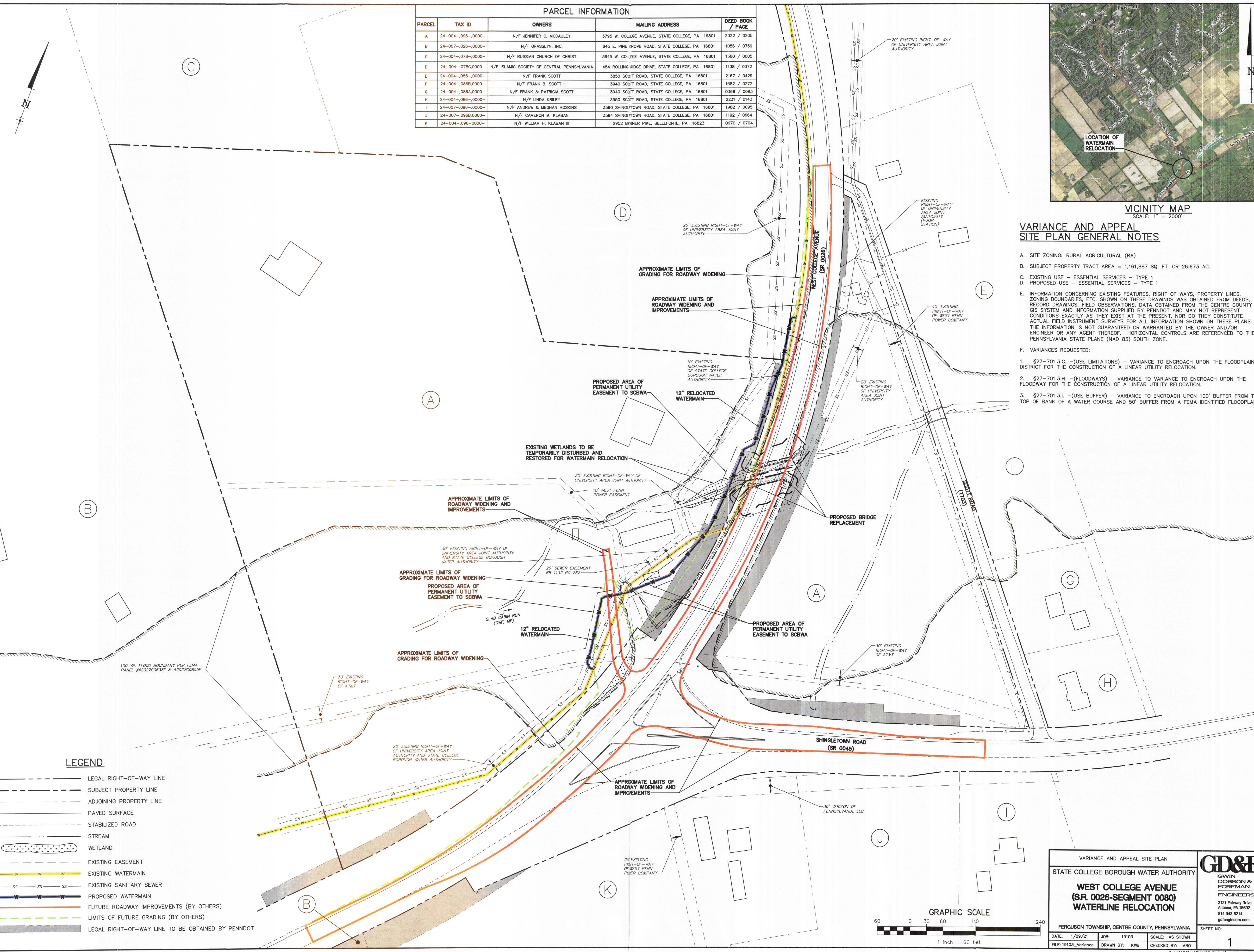
PARCEL	TAX ID	OWNERS	MAILING ADDRESS	DEED BOOK / PAGE
A	24-004-096-0000	N/F JENNIFER C. MCCAULEY	3795 W. COLLEGE AVENUE, STATE COLLEGE, PA 16801	2022 / 0205
B	24-007-026-0000	N/F GRASSLYN, INC.	645 E. PINE GROVE ROAD, STATE COLLEGE, PA 16801	1056 / 0759
C	24-004-078-0000	N/F RUSSIAN CHURCH OF CHRIST	3645 W. COLLEGE AVENUE, STATE COLLEGE, PA 16801	1360 / 0005
D	24-004-078C-0000	N/F ISLAMIC SOCIETY OF CENTRAL PENNSYLVANIA	454 ROLLING RIDGE DRIVE, STATE COLLEGE, PA 16801	1138 / 0372
E	24-004-085-0000	N/F FRANK SCOTT	3850 SCOTT ROAD, STATE COLLEGE, PA 16801	2167 / 0429
F	24-004-086B-0000	N/F FRANK B. SCOTT III	3940 SCOTT ROAD, STATE COLLEGE, PA 16801	1682 / 0272
G	24-004-086A-0000	N/F FRANK & PATRICIA SCOTT	3940 SCOTT ROAD, STATE COLLEGE, PA 16801	0369 / 0083
H	24-004-086-0000	N/F LINDA KRILEY	3950 SCOTT ROAD, STATE COLLEGE, PA 16801	2231 / 0143
I	24-007-096-0000	N/F ANDREW & MEGHAN HOSKINS	3590 SHINGLETOWN ROAD, STATE COLLEGE, PA 16801	1982 / 0095
J	24-007-096B-0000	N/F CAMERON M. KLABAN	3594 SHINGLETOWN ROAD, STATE COLLEGE, PA 16801	1192 / 0664
K	24-004-096-0000	N/F WILLIAM H. KLABAN III	2952 BENNER PIKE, BELLEFONTE, PA 16823	0870 / 0704



VICINITY MAP
SCALE: 1" = 2000'

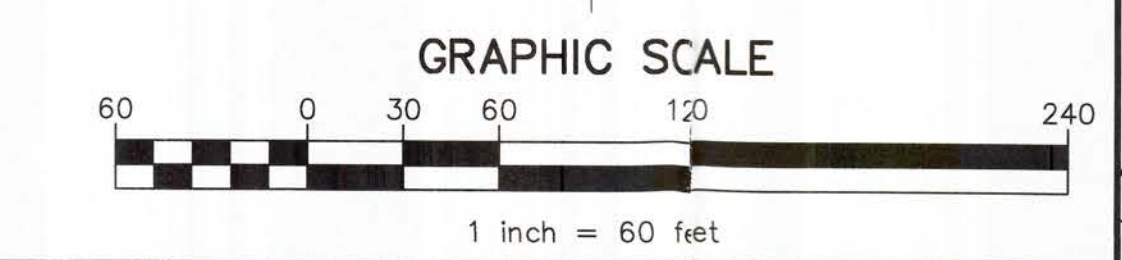
VARIANCE AND APPEAL
SITE PLAN GENERAL NOTES

- A. SITE ZONING: RURAL AGRICULTURAL (RA)
- B. SUBJECT PROPERTY TRACT AREA = 1,161,887 SQ. FT. OR 26.673 AC.
- C. EXISTING USE - ESSENTIAL SERVICES - TYPE 1
- D. PROPOSED USE - ESSENTIAL SERVICES - TYPE 1
- E. INFORMATION CONCERNING EXISTING FEATURES, RIGHT OF WAYS, PROPERTY LINES, ZONING BOUNDARIES, ETC. SHOWN ON THESE DRAWINGS WAS OBTAINED FROM DEEDS, RECORD DRAWINGS, FIELD OBSERVATIONS, DATA OBTAINED FROM THE CENTRE COUNTY GIS SYSTEM AND INFORMATION SUPPLIED BY PENNDOT AND MAY NOT REPRESENT CONDITIONS EXACTLY AS THEY EXIST AT THE PRESENT, NOR DO THEY CONSTITUTE ACTUAL FIELD INSTRUMENT SURVEYS FOR ALL INFORMATION SHOWN ON THESE PLANS. THE INFORMATION IS NOT GUARANTEED OR WARRANTED BY THE OWNER AND/OR ENGINEER OR ANY AGENT THEREOF. HORIZONTAL CONTROLS ARE REFERENCED TO THE PENNSYLVANIA STATE PLANE (NAD 83) SOUTH ZONE.
- F. VARIANCES REQUESTED:
 1. §27-701.3.C. -(USE LIMITATIONS) - VARIANCE TO ENCROACH UPON THE FLOODPLAIN DISTRICT FOR THE CONSTRUCTION OF A LINEAR UTILITY RELOCATION.
 2. §27-701.3.H. -(FLOODWAYS) - VARIANCE TO VARIANCE TO ENCROACH UPON THE FLOODWAY FOR THE CONSTRUCTION OF A LINEAR UTILITY RELOCATION.
 3. §27-701.3.I. -(USE BUFFER) - VARIANCE TO ENCROACH UPON 100' BUFFER FROM THE TOP OF BANK OF A WATER COURSE AND 50' BUFFER FROM A FEMA IDENTIFIED FLOODPLAIN.



LEGEND

- LEGAL RIGHT-OF-WAY LINE
- - - SUBJECT PROPERTY LINE
- - - ADJOINING PROPERTY LINE
- PAVED SURFACE
- - - STABILIZED ROAD
- STREAM
- WETLAND
- EXISTING EASEMENT
- EXISTING WATERMAIN
- SS — EXISTING SANITARY SEWER
- PROPOSED WATERMAIN
- FUTURE ROADWAY IMPROVEMENTS (BY OTHERS)
- LIMITS OF FUTURE GRADING (BY OTHERS)
- LEGAL RIGHT-OF-WAY LINE TO BE OBTAINED BY PENNDOT



VARIANCE AND APPEAL SITE PLAN

STATE COLLEGE BOROUGH WATER AUTHORITY

**WEST COLLEGE AVENUE
(S.R. 0026-SEGMENT 0080)
WATERLINE RELOCATION**

FERGUSON TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA

DATE: 1/29/21 JOB: 19103 SCALE: AS SHOWN SHEET NO: 1

FILE: 19103_Variance DRAWN BY: KWB CHECKED BY: MRO

GD&F
GWIN DOBSON & FOREMAN
ENGINEERS
3121 Fairway Drive
Allison, PA 16802
814.943.5214
gdfengineers.com



TOWNSHIP OF FERGUSON

3147 Research Drive • State College, Pennsylvania 16801

Telephone: 814-238-4651 • Fax: 814-238-3454

www.twp.ferguson.pa.us

TO: Ferguson Township Board of Supervisors

FROM: Ron Seybert, Jr., P.E., Township Engineer

DATE: February 9, 2021

SUBJECT: **AWARD OF 2021-C23**

Traffic Signal Pole Replacement, West College Ave and Science Park Rd

Bids were opened publicly for Contract 2021-C23 'Proposal and Contract for Traffic Signal Pole Replacement, West College Ave and Science Park Rd' at 2:15 pm on Tuesday February 9, 2021 and read aloud via a Microsoft Teams meeting.

The bid opening was attended by Bill Clark of M and B Services, LLC and Nicola Qamout of Kuharchik Construction Company, Inc., as well as Ferguson Township staff Summer Brown and myself. The bid was advertised in the Centre Daily Times on January 18, 2021 and the invitation to bid was sent to qualified bidders.

The signal pole replacement is related to a vehicle crash that occurred on December 7, 2020 and the cost to replace the pole will be covered by insurance.

Two bids were received for the project with M and B Services, LLC submitting the lowest qualified bid in the amount of \$46,020.71. Attached is the bid tabulation.

I recommend that the Board of Supervisors award this contract to M and B Services, LLC in the amount of \$46,020.71.

Attachments: 2021-C23 Bid Tabulation

Copy: D. Pribulka
D. Modricker
2021-C23 File

2021-C23 TRAFFIC SIGNAL POLE REPLACEMENT
WEST COLLEGE AVE AND SCIENCE PARK RD
BID TABULATION

ITEM NO.	ITEM DESCRIPTION	QTY	UNITS	ENGR ESTIMATE		M AND B SERVICES, LLC		KUHARCHIK CONSTRUCTION, INC	
				UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
0608-0001	MOBILIZATION	1	LS	\$2,900.00	\$2,900.00	\$5,753.89	\$5,753.89	\$2,300.00	\$2,300.00
0203-0004	CLASS 1B EXCAVATION	6	CY	\$200.00	\$1,200.00	\$148.15	\$888.90	\$250.00	\$1,500.00
0676-0001	CEMENT CONCRETE SIDEWALK	16	SY	\$250.00	\$4,000.00	\$104.77	\$1,676.32	\$390.00	\$6,240.00
0901-0001	MAINTENANCE AND PROTECTION OF TRAFFIC	1	LS	\$1,450.00	\$1,450.00	\$2,619.64	\$2,619.64	\$1,500.00	\$1,500.00
0910-4116	AWG 8 UNDERGROUND CABLE, COPPER, 1 CONDUCTOR	525	LF	\$2.00	\$1,050.00	\$1.16	\$609.00	\$1.10	\$577.50
0936-0200	STRUCTURE MOUNTED FLAT SHEET ALUMINUM SIGNS	8	SF	\$75.00	\$600.00	\$77.23	\$617.84	\$51.00	\$408.00
9951-2135	TRAFFIC SIGNAL SUPPORT, 35' MAST ARM, WITH 12' LUMINAIRE ARM, (45' MOUNTING HEIGHT)	1	EACH	\$25,000.00	\$25,000.00	\$27,390.00	\$27,390.00	\$28,600.00	\$28,600.00
0954-0012	2 INCH CONDUIT	18	LF	\$10.00	\$180.00	\$6.63	\$119.34	\$4.90	\$88.20
0954-0013	3 INCH CONDUIT	18	LF	\$10.00	\$180.00	\$8.35	\$150.30	\$5.20	\$93.60
0954-0152	TRENCH AND BACKFILL, TYPE II	12	LF	\$150.00	\$1,800.00	\$86.77	\$1,041.24	\$105.00	\$1,260.00
0954-0203	SIGNAL CABLE, 14 AWG, 7 CONDUCTOR	175	LF	\$4.00	\$700.00	\$2.25	\$393.75	\$3.70	\$647.50
0955-3208	VEHICULAR SIGNAL HEAD, THREE 12" SECTIONS	2	EA	\$1,500.00	\$3,000.00	\$884.06	\$1,768.12	\$990.00	\$1,980.00
9000-0001	RELOCATE EXISTING STOP BAR RADAR DETECTOR	1	EA	\$1,500.00	\$1,500.00	\$2,682.70	\$2,682.70	\$3,800.00	\$3,800.00
9000-0002	RELOCATE EXISTING LUMINAIRE, ARM MOUNT	1	EA	\$350.00	\$350.00	\$309.67	\$309.67	\$410.00	\$410.00
PROJECT TOTAL					\$43,910.00		\$46,020.71		\$49,404.80



Pole to be replaced.

2021-C23
West College Ave and
Science Park Rd
Signal Pole Replacement

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite #3

State College, PA 16801

Phone: (814) 231-3077 ■ Fax: (814) 231-3088 ■ Website: www.crcog.net

FACILITIES COMMITTEE

Virtual Meeting

February 2, 2021

8:30 AM

During the COVID-19 health emergency, to continue business operations of the COG and ensure the safety of municipal officials and staff, and to adhere to health emergency recommendations while remaining in compliance with Pennsylvania's guidelines for public meetings, this Facilities Committee meeting will be held via video conference. Written public comment or requests to speak to the Facilities Committee for items not on the agenda, and requests to comment to specific agenda items listed below, may be submitted in advance by emailing lbrungard@crcog.net.

AGENDA

1. CALL TO ORDER

2. PUBLIC COMMENTS

Members of the public are invited to comment on any items not already on the agenda (five minutes per person time limit, please). Comments relating to specific items on the agenda should be deferred until that point in the meeting. Submitted comments will be read into the record at the appropriate time in the meeting.

3. APPROVAL OF MINUTES (Action)

A copy of the minutes of the January 12, 2021 Facilities Committee meeting is **enclosed**.

4. PROJECT UPDATES (Informational)

This is an informational agenda item whereby COG staff will update the Committee on the status of current projects.

- COG Building Code Renovations - Video
- COG Building HVAC evaluation by Lou Brungard
- Park Forest Pool Facility Condition Report by Lou Brungard
- Screens for COG Building by Lou Brungard
- Millbrook Marsh Nature Center boardwalk RFP update by CRPR staff
- COG Building Ownership Discussion with Managers by Eric Norenberg

- Whitehall Road Regional Park Project Update by Pam Salokangas

The Committee members should ask any questions they deem pertinent.

5. FACILITIES INFORMATION FILE

Joe Viglione and Lou Brungard have formatted a file structure that will be a SharePoint file for the Facilities Committee to access. This file structure will contain Facility Conditions Reports, Project Updates, the overall initiative schedule, and pertinent project updates.

6. EXPECTATIONS OF THE FACILITY COORDINATOR

Lou Brungard will provide the “first 30 days” as well as discuss with the Committee plans and objectives for the Facility Coordinator. A discussion is expected to collect feedback from the Committee to ensure information sharing and reporting meets the needs of the Committee.

Enclosed is a copy of the presentation.

7. FINANCE COMMITTEE REPORT (Informational)

Ms. Patti Hartle to provide summary of the 1/14/2021 Finance Committee meeting.

8. MATTERS OF RECORD - Nothing to report

9. OTHER BUSINESS (Informational)

As may come forward by the members and/or staff.

10. ADJOURNMENT

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 4

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

JOINT MEETING OF THE PUBLIC SERVICES AND ENVIRONMENTAL AND TRANSPORTATION AND LAND USE COMMITTEES

Video Conference

February 4, 2021

12:15 PM

GENERAL MEETING INFORMATION

STEP #1: [Click HERE to RSVP and REGISTER for the meeting via ZOOM](#)

After you RSVP, a link to register via Zoom will be shown. Click to register. Once registered, you will receive a confirmation email containing information about joining the meeting.

STEP #2: [Click HERE to locate the AGENDA and ATTACHMENTS](#)

To attend this meeting by phone: +1 929 205 6099 | Meeting ID: 854 5157 6924 Passcode: 886744

Meeting Contact: Shelly Mato (smato@crcog.net, 814-234-7198)

- This meeting and the group chat will be recorded and both video and audio files of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants remain muted with their video turned off unless recognized or are actively speaking. To reduce audio interference, please remain off speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. Members opposed to a motion should vote “No”. For additional information on COG Voting Procedures, please click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#).
- To access agendas and minutes of previously held meetings, and to learn more about the Public Services and Environmental Committee on our website, please click [HERE](#).

JOINT MEETING OF THE PUBLIC SERVICES AND ENVIRONMENTAL AND TRANSPORTATION AND LAND USE COMMITTEES

Video Conference

February 4, 2021

12:15 PM

AGENDA

During the COVID-19 health emergency and in compliance with Pennsylvania's guidelines for public meetings, this Public Services and Environmental Committee meeting will be held via video conference. Written public comment or requests to speak to the Public Services and Environmental Committee for items not on the agenda and for specific agenda items below may be submitted in advance by emailing smato@crcog.net

1. CALL TO ORDER AND ROLL CALL

Chair Hameister will convene the meeting.

Ms. Mato will take a roll call of members to ensure that they can hear and be heard.

2. PUBLIC COMMENTS

Members of the public are invited to comment on any items not already on the agenda (five minutes per person time limit, please). Comments relating to specific items on the agenda should be deferred until that point in the meeting. Submitted comments will be read into the record by the Committee Chair or Recording Secretary at the appropriate time in the meeting.

3. APPROVAL OF MINUTES

A copy of the minutes of the January 11, 2021 Transportation and Land Use Committee and the January 14, 2021 Public Services and Environmental Committee meetings are enclosed. Each committee will vote separately on their minutes.

4. INTRODUCTIONS

Committee members will introduce themselves.

Members of TLU and PSE Committees		
Public Services and Environmental Committee	Transportation and Land Use Committee	Representing
Carla Stilson, Vice Chair	Eric Bernier	College Township
Prasenjit Mitra	Lisa Strickland	Ferguson Township
Danelle Del Corso	David Piper	Halfmoon Township
Denny Hameister, Chair	Frank Harden, Vice Chair	Harris Township
Betsy Whitman	Pamela Robb	Patton Township
Deanna Behring	Theresa Lafer, Chair	State College Borough
-	Neil Sullivan	Penn State

5. CONTEXT AND EXAMPLES OF COMMITTEE WORK - *presented by Jim May*

The purpose of this item is to take a step back from the draft responsibilities discussed by the TLU and PSE committees in previous meetings and discuss some of work the committees could be doing in a broader context. CRPA staff will review the context and provide some specific examples of potential work. The committees should discuss the context, provide comments, and ask any questions for clarification.

For purposes of this item, staff developed the following statement to frame the discussion. “The purpose of this Committee is to collaboratively plan, prioritize, and take actions that strengthen support the long-term development of the Region specifically in the areas of integrating land use planning, transportation planning, and other public infrastructure coordination.” Staff recommends that the newly created committee prepare a mission statement when members start meeting as a new committee.

Planning for land use, transportation, and public infrastructure collaboratively is no trivial task in the Centre Region. There is a legacy of strong cooperation and collaboration, but the governance system is decentralized and unique to the COG. This includes: six diverse municipalities; a major knowledge, employment, and population center at PSU; a sewer authority, several water authorities; a county-wide transportation organization, regional transportation authority, and county-wide transportation office; and many active non-governmental organizations. This does not include the myriad federal and Commonwealth regulatory and political entities that influence projects in the region.

It is anticipated that the newly formed committee will be working primarily in three areas including:

1. Oversight and development of regional and county plans

2. Implementation and monitoring of regional and county plans
3. Communication and collaboration

Each area is briefly discussed below. Staff will provide additional examples in a PowerPoint at the joint meeting.

Oversight and Development of Regional and County Plans

Regional plans include preparation of region-wide or county-wide plans that are adopted or endorsed by the six Centre Region municipalities. This Committee will be the primary COG Committee helping staff to develop region-wide plans for land use and transportation. These plans include: The Centre Region Comprehensive Plan; Centre County Long Range Transportation Plan (LRTP); and the Centre Region Bike Plan. The Comprehensive Plan includes the six Centre Region municipalities and is updated every ten years, with the next scheduled update beginning in 2022. The LRTP is updated every five years however, the next update will occur earlier due to a required transition to performance-based planning. The Committee will primarily focus on projects in the Centre Region, but will also provide input to large scale projects and projects of regional importance outside the Region.

Implementation and Monitoring of Regional and County Plans

Region-wide plans establish guidelines, policies, and goals that are generally implemented by the actions at the regional or municipal level, authorities, or other entities. For example, the CRPA prepares the Regional Development Capacity Report (REDCAP). That document helps the region and municipalities understand the development potential in the regional and implements goals in the Comprehensive Plan related to directing the majority of growth into the Regional Growth Boundary and Sewer Service Area (RGB and SSA). The CRPA also prepares many other reports that implement the Comprehensive Plan and other regional or county-wide plans.

The Act 537 Plan provides sewer planning in the Centre Region and is administered for the municipalities by the CRPA in conjunction with the University Area Joint Authority (UAJA). Part of the Act 537 Plan relating to expansion of the RGB and SSA require approval by the COG General Forum, but the UAJA Board of Directors provides oversight of the UAJA staff for plant operations, sewer fees, budgeting, and personnel.

Communication and Collaboration

Building formal communication networks with authorities to understand regional challenges and issues and collaborate on future planning should core task of this Committee. These may include how land use impacts, or is impacted by priorities, funding, and other challenges for the sewer, water, and transportation authorities and organizations.

A substantial responsibility of the Committee should be to coordinate with authorities and other entities on an established annual or bi-annual schedule to receive reports from

the authorities and determine how authority plans can influence land use and transportation planning. For example, the SCBWA is constructing the Nixon/Kocher Treatment in Ferguson Township and plans to upgrade the Woodside Treatment Plant in Harris Township. How do these major improvements impact residents and businesses in the Region? The Region relies on groundwater. What plans does the SCBWA have in place to protect the drinking water supply? Having a regular communication channel with the SCBWA would provide a process to help clarify this.

The Committee also should develop formal communication and collaboration with other COG committees. For example, this Committee will have oversight of transportation plans that will have a direct relationship with greenhouse gas emissions reductions that are the responsibility of the Climate Action and Sustainability Committee. Staff suggests that there are several methods to coordinate and collaborate including joint meetings, matters of record, staff reports and others that can be developed over time.

To move forward, the committees should discuss this item and provide any feedback to staff. Formal action is not required.

6. REVIEW AND REVISE COMMITTEE RESPONSIBILITIES – presented by Jim May

This item summarizes the draft recommendations and responsibilities in response to comments from the TLU Committee meeting on January 11, 2021 and the PSE Committee meeting on January 14, 2021. Additions and strikeouts are show in the text below. The Committees should continue to refine the draft recommendations and responsibilities and if possible, reach consensus on the draft responsibilities moving forward. The responsibilities should remain in draft form for the first few months of Committee work and be finalized during the preparation of a COG-wide strategic plan and amendments to the COG Articles of Agreement.

Draft Recommendations:

1. The TLU and PSE Committees should be consolidated to form the Land Use, Transportation, and Infrastructure (LUTI) Committee. LUTI should provide oversight for integrating regional land use planning with public infrastructure planning (transportation and public or private utilities) to provide a solid foundation for the Region's future growth, quality of life, and economic prosperity.
2. The LUTI Committee should also be a forum to discuss ~~an approach to~~ regional affordable housing trends, including developing socio-economic and demographic data that can inform and if an approaches to County and local is developed, provide oversight to regional affordable housing issues and programs and ordinances.
3. Draft responsibilities for the LUTI Committee should be prepared by members of the PSE and TLU Committees using draft recommendations provided by staff.

4. *Members of the PSE and TLU Committees should develop a draft mission statement for the LUTI Committee in conjunction with the COG-wide Strategic Plan.*
5. *Responsibilities of the TLU Committee regarding participation in the Centre County Metropolitan Planning Organization (CCMPO) transportation planning process will be substantially reduced to limit redundancy with CCMPO activities. Information and presentations to the LUTI Committee regarding the CCMPO will emphasize projects in the Centre Region, and projects of County-wide significance outside the Region.*
6. *The LUTI Committee should receive reports from the water authorities, sewer authority, Centre Area Transportation Authority (CATA), MS4 Group, and other public infrastructure providers as needed to understand regional impacts of activities associated with these major infrastructure providers.*
7. *The LUTI should meet two time annually with the Centre Regional Planning Commission (CRPC) to coordinate land use planning, transportation planning, infrastructure planning, affordable housing, and to provide input the Comprehensive Plan Implementation Program (CHIP).*

Land Use, Transportation, and Infrastructure Committee (LUTI) - Draft Responsibilities

The TLU and PSE Committees should consider a formal name for the newly formed committee. LUTI is a placeholder.

- i. *To study and prepare recommendations on actions and significant planning efforts relating to regional land use, transportation, sewer, water, and stormwater planning; and delivery of broadband internet, energy services, including electric power, natural gas, and other public infrastructure, and affordable housing.*
- ii. *To coordinate with the Public Safety Committee regarding studies, plans, proposals, and construction of public infrastructure as they relate to the potential impact on public safety and emergency response.*
- iii. *To coordinate with the Climate Action and Sustainability Committee regarding studies, plans, proposals, and construction as they relate to ~~energy conservation or sustainability~~ **reductions in greenhouse gas emissions or to mitigate impacts of a changing climate** (staff recommended comment to be consistent with the primary Climate Action and Sustainability responsibilities).*
- iv. *Receive reports on an as needed basis from the water authorities, sewer authority, CATA, MS4 Group, **Penn State University**, and other public infrastructure and service providers as needed to understand regional impacts of activities associated with these major infrastructure providers.*
- v. *Meet two times annually with the Centre Regional Planning Commission (CRPC) to discuss issues of regional interest and provide input regarding the Comprehensive Plan Implementation Program (CHIP).*

- vi. To study and prepare recommendations on regional land use; transportation; public infrastructure policy, issues, or projects; and affordable housing as requested by the Executive Committee.

To move forward, the committees should discuss this item and reach consensus on the recommendations and draft responsibilities. Formal action is not required.

7. NEXT STEPS

This item is for members of the TLU and PSE Committees to begin discussing which committee members will continue on with the newly formed committee and how that process will work. The committees should also determine a schedule for consolidation of the two committees.

To move forward, committee members should provide any comments and feedback. After discussion, the committees should consider having the Chairs of each committee meet with Mr. Norenberg and Mr. May to compile comments and work on an acceptable approach for consideration during the March meetings of each committee.

To move forward, the committees should discuss this item and provide, feedback to staff, and consider having a meeting between the committee chairs, Mr. Norenberg, and Mr. May.

8. OTHER BUSINESS

A. Matter of Record – The next Public Services and Environmental Committee meeting is scheduled for March 4, 2021 at 12:15 p.m. The next Transportation and Land Use Committee meeting is scheduled for March 1, 2021 at 12:15 p.m.

9. ADJOURNMENT

ENCLOSURES:

<u>Item#</u>	<u>Description</u>
03.1	TLU Minutes January 2021
03.2	PSE Minutes January 2021

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

CLIMATE ACTION & SUSTAINABILITY COMMITTEE

Centre Region Council of Governments Office Building
2643 Gateway Drive

Monday, February 8, 2021
12:15 p.m.

MEETING INFORMATION

Please refer to the links below to **REGISTER** to attend the meeting via Zoom and to **LOCATE** the agenda and attachments.

STEP 1: [CLICK here to register to attend the meeting via Zoom](#)

After registering you will receive a confirmation e-mail from Centre Regional Planning Agency containing information about attending the meeting via Zoom.

STEP 2: [CLICK here to locate the AGENDA and ATTACHMENTS](#)

To attend this meeting via phone:

+1 301 715 8592 | Meeting ID: 845 9017 2449 | Passcode: 745677

Meeting Contact: Marcella Laird (mlaird@crcog.net - 231-3050)

- This meeting will be recorded, and electronic files of the meeting will be made available on the COG website upon its conclusion.
 - We ask that non-voting participants remain muted with their video turned off unless recognized or are actively speaking. To reduce audio interference, please remain off speakerphone during the meeting.
 - **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. Members opposed to a motion should vote “No”.
 - **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#).
 - To access agendas and minutes of previously held meetings, and to learn more about the COG General Forum on our website, please click [HERE](#).
-

CENTRE REGION COUNCIL OF GOVERNMENTS

Centre Regional Planning Agency
2643 Gateway Drive, Suite #4
State College, PA 16801
Phone: (814) 231-3050 Fax: (814) 231-3083

CLIMATE ACTION & SUSTAINABILITY COMMITTEE

Zoom Platform

Monday, February 8, 2021

12:15 p.m.

During the COVID-19 health emergency, to continue business operations of the COG and ensure the safety of municipal officials and staff, and to adhere to health emergency recommendations while remaining in compliance with Pennsylvania's guidelines for public meetings, this Climate Action and Sustainability Committee meeting will be held via video conference. Written public comment or requests to speak to the Climate Action and Sustainability Committee for items not on the agenda, and requests to comment to specific agenda items listed below, may be submitted in advance by emailing mlaird@crcog.net.

AGENDA

1. CALL TO ORDER AND ROLL CALL – Ms. Whitman will convene the meeting. Ms. Laird will review the meeting procedures.
2. PUBLIC COMMENTS
Members of the public are invited to comment on any items not already on the agenda (**five minutes per person time limit, please**). Comments relating to specific items on the agenda should be deferred until that point in the meeting.
3. APPROVAL OF MINUTES
A copy of the minutes of the January 13, 2021 Climate Action and Sustainability Committee meetings are **enclosed**.
4. COMMUNITY SURVEY ON CLIMATE PLANNING – *presented by Pam Adams*
This agenda item provides the Climate Action & Sustainability Committee with information on an upcoming community survey and asks for their consent to release it to the public.

At its January 13, 2021 meeting, the CAS Committee discussed the public outreach phase of the climate action and adaptation planning process intended for the next 6 months. Preparing for and managing climate change-related risks goes beyond local government and will require collective action from across our community. Understanding stakeholders' and residents' interests and priorities is paramount to creating a relevant Climate Action and

Adaptation Plan (CAAP). It can also help build momentum for the implementation of the CAAP.

One method planned to gather public input, is through two survey instruments: an online opinion survey and a random sample mailed survey. The survey aligns with the overall public outreach strategy of initiating and facilitating community conversation about climate action as discussed at the January 13, 2021 CAS Committee meeting. **Enclosed** is the latest draft of the survey that is planned for release mid-February through April. The purpose of the survey is to:

- Determine the community's level of climate literacy and awareness
- Provide key teaching points for future outreach
- Guide decision making and prioritization of strategies to include in the CAAP.

The Climate Action and Adaptation Technical Advisory Group (TAG), municipal staff, and several PSU professors have reviewed and provided input on the survey. Madison McCormick, a PSU MBA student and CRPA Sustainability Intern, is assisting with the survey creation and execution. Through online tools available, Ms. McCormick analyzed and edited the survey so that it is readable at the 9th grade level.

For distribution of the mailed survey, the Centre Regional Planning Agency (CRPA) has drafted a mailer that can be sent to 3,000 random properties. CRPA is using the method followed by the Comprehensive Recreation, Parks, and Open Space Steering Committee for its mailed survey. For the estimated 36,900 households in the Centre Region, the calculated sample size for a 95% confidence level and 5% margin of error is 388 responses.

The **enclosed** mailer will be randomly sent to 2,000 owner-occupied homes and 1,000 rental residential properties (not apartment buildings). Both demographics are included to reflect the makeup of our community. Random addresses will be selected for each municipality based on their owner and rental occupied housing population. For example, more 'owner-occupied' postcards are being sent to residents in Ferguson and College Township than to Halfmoon Township. And State College Borough will have the largest number of rental-occupied postcards sent.

For distribution of the online survey, CRPA will employ traditional communication methods (news media, newsletters, website) and a social media presence. CRPA will use <https://centresustains.com/> in outreach communications for community members to learn about the survey and forum. During the month of January, there were over 1,000 site views, and there are 20 subscribers to receive future emails related to the survey and forum.

The CAS Committee should consider any questions or suggestions they have regarding the survey text and distribution plan. If the committee agrees, the following motion could be considered:

“That the Climate Action and Sustainability Committee authorizes the release of the community survey to gather public input in preparation of the Climate Action and Adaptation Plan.”

All municipalities should vote on this motion.

5. COMMITTEE REPRESENTATION AND MISSION STATEMENT - presented by Jim May

This agenda item asks the Climate Action & Sustainability (CAS) Committee to consider requesting a representative from the State College Area School District (SCASD) and from Penn State University (PSU) join the CAS Committee and discusses an approach to developing a mission statement for the committee.

As defined in the **enclosed** COG Resolution 2020-8, the CAS Committee is intended to have liaison representatives from the SCASD and PSU. The SCASD and PSU representatives would be non-voting representatives of the CAS Committee, but they both represent substantial impacts on sustainability efforts in the Region. The resolution also defines the following two actions for the committee:

- 1) final representation should be reviewed by the new CAS Committee in the first quarter of 2021; and
- 2) deliberate and ratify its mission, responsibilities, and member representation by mid-2021.

Implementation of a Centre Region Climate Action and Adaptation Plan (CAAP) will be most successful if stakeholders of the community share a coordinated and shared vision. Prior to discussing the mission and responsibilities, it seems prudent to consider the stakeholder groups that should be represented.

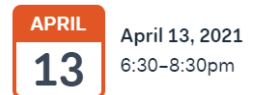
The CAS Committee has a set of draft responsibilities that will be reviewed in future meetings. Staff also recommends that in addition to SCASD and PSU representation, the CAS Committee should prepare a mission statement to explain the essence of sustainability values and objectives clearly and concisely for the Centre Region. It is anticipated that staff will bring forward six to eight mission statements from other organizations at the next meeting. The CAS Committee should utilize these, or other mission statements as brought forward by committee members and draft a mission statement to be included with the final committee responsibilities.

The CAS Committee should discuss and consider extending invitations to SCASD and PSU to have regular representatives on the committee. Other stakeholder groups should be considered if deemed necessary to have representation at committee meetings. The committee should also discuss the approach to the mission statement and provide any input to staff moving forward.

6. OTHER BUSINESS

A. Matter of Record - In November 2020, the PA Department of Environmental Protection (DEP) announced grant awards under section 902 of the Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (ACT 101) to 127 municipalities. Regional awards included grants to College, Ferguson, and Patton Townships for leaf waste processing, to State College Borough for its organic waste curbside collection and organic waste facility, and to the Centre County Recycling and Refuse Authority for its curbside collection and drop-off recycling programs. On January 23, 2021, DEP announced the rescission of the 2021 grant round due to a lack of available moneys in the Recycling Fund. The Recycling Fund is financed through the fee established by ACT 101 of \$2/ton on all municipal waste delivered to a landfill or waste-to-energy facility in the commonwealth. The DEP was forced to cancel the grants when the PA General Assembly took \$50 million from the Recycling Fund to balance the state budget. Act 101 requires the commonwealth to make available grants to assist municipalities in operating the state-mandated recycling and leaf-waste diversion programs, and the loss of these grant funds places that entire burden on local governments instead.

B. Matter of Record - On April 13, 2021 from 6:30 - 8:30pm the PSU Mediation of Environmental and Public Conflicts class students will facilitate a community forum on climate action. It is open to stakeholders and interested citizens to learn what's happening, hear what local government is doing regarding climate action, and share their perspectives on priorities, issues, and challenges.



C. Matter of Record - **Enclosed** is the January 25, 2021 meeting summary of the Climate Action and Adaptation Technical Advisory Group (TAG). The TAG's next meeting is February 22, 2021 at 8:30 a.m. virtually through Zoom.

D. Matter of Record - The CAS Committee will virtually meet regularly on the second Monday of the month at 12:15pm. Note that the CAS Committee meetings will be moved to the second Tuesday of the month on the two occasions that the TLU Committee meets on the second Monday. The approved schedule is:

CAS COMMITTEE MEETING DATES - 2021 2 nd Monday at 12:15 pm	
March 8	August 9
April 12	September 14 <i>(conflicts with TLU)</i>
May 10	October 11
June 14	November 8
July 13 <i>(conflicts with TLU)</i>	December 13

7. ADJOURNMENT

**CENTRE REGION COUNCIL OF GOVERNMENTS (COG)
CLIMATE ACTION & SUSTAINABILITY (CAS) COMMITTEE**

**Minutes
January 11, 2021**

(please refer to the COG audio/video meeting files website when referencing the timestamps)

Mr. May called the January 14, 2021, remote Zoom meeting of the Climate Action & Sustainability (CAS) Committee to order at 12:15 p.m.

Members Present: Carla Stilson, College Township; Betsy Whitman, Patton Township; Prasenjit Mitra, Ferguson Township; Danelle DelCorso, Halfmoon Township; Jesse Barlow, State College Borough

Others Present: Jim May, Centre Regional Planning Agency (CRPA) Director; Mr. Zilla, CRPA Principal Transportation Planner; Mark Boeckel, CRPA Principal Planner; Corey Rilk, CRPA Senior Planner; Nicole Pollock, CRPA Senior Planner; Pam Adams, CRPA Sustainability Planner; Shelly Mato, COG Refuse & Recycling Administrator; Scott Binkley COG Admin Office; Brian Heiser, State College Borough Water Authority (SCBWA); Julia Schaffer, SCBWA; Katie McCaulley, SCBWA; Brandi Robinson, Climate Action and Adaptation Technical Advisory Group (TAG) Chair; Peter Buck, TAG Vice-Chair; Lachlan Campbell, Patton Township Sustainability project volunteer; Denise Gembusia, Halfmoon Township Manager; Lara Fowler, PSU Law Professor; Madison McCormick, CRPA Sustainability Intern; Jasmine Fields, State College Borough Sustainability Assistant

PUBLIC COMMENTS (00:02:35)

There were no public comments.

ELECTION OF OFFICERS (00:02:53)

Mr. May open the floor for nominations for the CAS Committee Chair.

Motion was made by Ms. Stilson and seconded by Ms. DelCorso to nominate Ms. Whitman as Chair for 2021. No other nominations were made. The motion carried 4-0 (Mr. Graham and Mr. Mitra were not in attendance).

Ms. Whitman then opened the floor for nominations for the CAS Committee Vice-Chair.

Motion was made by Ms. Whitman and seconded by Ms. DelCorso to nominate Ms. Stilson as Vice-Chair for 2021. No other nominations were made. The motion carried 4-0.

COG MEETING ETTIQUETTE (00:04:55)

The CAS Committee members briefly reviewed meeting guidelines that were adopted by the COG General Form on November 26, 2018 and moved to the next agenda item.

MEETING DATES, TIMES, AND LOCATIONS (00:05:16)

There was a detailed discussion between Committee members regarding the days and times that the CAS Committee members could meet.

After discussion, motion was made by Ms. Whitman and seconded by Ms. DelCorso for the Climate Action & Sustainability Committee to meet on the second Monday of the month at 12:15 p.m., with a note that the CAS Committee meetings will be moved to the second Tuesday of the month on the two occasions that the TLU Committee meets on the second Monday. The motion carried 4-0.

COMMITTEE RESPONSIBILITIES (00:13:13)

Mr. May provided a brief overview of the draft Climate Action & Sustainability Committee's responsibilities, adopted by the COG General Forum on November 23, 2020. He communicated that the Committee should discuss the draft responsibilities at a future meeting to refine or amend the responsibilities as needed. In addition, a future work task for the CAS Committee will be to deliberate and ratify its mission, responsibilities, and member representation by mid-2021 (*the entire resolution can be found in the January 13, 2021 – Climate Action & Sustainability agenda folder*).

Ms. Stilson communicated that social equity has become an important issue in the Centre Region community, so the Committee should keep that at the forefront when working on different tasks.

Ms. Stilson went on to say that social equity should be worked into all COG Committees to allow for room to discuss how an issue affects people differently.

CLIMATE ACTION AND ADAPTATION PLANNING (00:17:52)

Ms. Adams provided a brief overview of the climate action and adaptation planning process, including work that has been completed and planned tasks for 2021 (*the entire presentation can be found in the January 13, 2021 – Climate Action & Sustainability agenda folder*). There are seven steps to the planning process: inventory emissions, establish targets, conduct a vulnerability assessment, prioritize actions, develop an action plan, implement the plan, and monitor/evaluate progress. Ms. Adams noted that the Centre Region is currently on steps three and four – conduct a vulnerability assessment and prioritize actions. She communicated that the Climate Action and Adaptation Plan (CAAP) objective is to identify pragmatic, fiscally responsible actions for local municipalities to consider in order to mitigate the Region's contribution to greenhouse gas (GHG) emissions and adapt to changing climate conditions.

Ms. Adams provided a few examples of potential objectives and strategies that may be included in the CAAP.

Ms. Adams communicated that the next phase of the climate action and adaptation planning process will be public outreach from January through July 2021. The reasons to initiate and facilitate community conversations about climate action are to:

- Promote an understanding of the purpose and motivation for the creation of the Climate Action and Adaptation Plan (CAAP).
- Use the input to guide decision making and prioritization of strategies to include in the CAAP.
- Build broader ownership of the decisions that must be made.
- Enhance community readiness to participate in collective problem-solving.

In response to a question from Mr. Barlow, Ms. Adams clarified that the planning process includes many renewable energy strategies, and staff intends to advocate at the state level for programs like the Regional Greenhouse Gas Initiative (RGGI) to make solar and renewable energy more widely available for residential use.

In response to a question from Mr. Mitra (*Mr. Mitra entered the meeting at 12:40 p.m.*) regarding actions that a municipality can take to reduce GHG emissions or incentivize residents or businesses to invest in renewable energy, Ms. Adams communicated that the TAG is discussing specific actions and

the impact of each of those actions. There are many factors to weigh, and the TAG is working on packaging the information so that it can be easily understood.

Ms. Adams noted that the Committee will review and discuss more specific strategies in the future; however, today's presentation only provided an overview of the planning process to introduce the topic to the Committee.

REGIONAL GREENHOUSE GAS INITIATIVE (RGGI) (00:33:34)

The Climate Action & Sustainability Committee received a presentation from Mr. Buck, the TAG Vice-Chair on the proposal for Pennsylvania to take part in the Regional Greenhouse Gas Initiative (RGGI) to reduce climate change pollution from electric power plants (*the entire presentation can be found in the January 13, 2021 – Climate Action & Sustainability agenda folder*).

The RGGI is a partnership between Northeastern and mid-Atlantic states that is designed to cap and reduce carbon emissions from fossil fuel fired power plants. The electricity sector is the second leading source of GHG emissions in Pennsylvania. Since 2005, RGGI states have significantly reduced their power sector CO₂ pollution. Participating in RGGI will help Pennsylvania reach its goals to reduce its GHG emissions by 26% by 2025 and by 80% by 2050.

Mr. Buck stated that the TAG is asking the CAS Committee to provide comments to the Department of Environmental Protection's (DEP) Environmental Quality Board because it meets the goal of the COG's Resolution 2020-01, which states, "COG shall...achieve a 45% reduction in GHG emissions by 2030 based on 2010 levels and achieve an 80% reduction in GHG emissions by 2050 based on 2010 levels." Mr. Buck then reviewed the draft comment letter from the TAG as a result of its November and December meetings.

Motion was made by Mr. Barlow and seconded by Ms. Stilson to submit the comment letter to the DEP Environmental Quality Board on behalf of the COG in support of Pennsylvania joining the Regional Greenhouse Gas Initiative. Motion carried 5-0 (Mr. Mitra was in attendance).

PUBLIC OUTREACH (00:57:21)

Ms. Adams provided information on the upcoming outreach initiative for the CAS Committee to discuss and provide feedback on. Ms. Adams communicated that preparing for and managing climate change-related risks goes beyond local government and will require collective action from across the community. It is important to engage with stakeholders and the public to guide the formation of the CAAP and to build momentum for implementation of CAAP.

Ms. Adams stated that there are three main initiatives planned, which will be part of the overall outreach strategy. In addition, there will also be smaller focus group sessions, traditional communication methods (news media, newsletters, website), and a social media presence. The survey and forum will provide valuable input that will guide the TAG's recommendations and the CAS Committee's decisions for what strategies are included in the final CAAP report. Ms. Adams provided an overview of the three main initiatives:

Community Survey: Planned for release in mid-February through April, the survey will help to gauge community knowledge of and interest in various sustainable practices and provide key teaching points for future outreach. Madison McCormick, a PSU MBA student, is assisting the CRPA with the survey

creation and execution. A final draft will be presented to the committee at its February meeting for its input and approval.

Community Forum: PSU Law Professor Lara Fowler's Environmental Mediation Class will facilitate a virtual climate forum in April for stakeholders and interested residents to learn what's happening, hear what local government is doing regarding climate action, and share their perspectives on priorities, issues, and challenges. The date recommended for this event is April 13, 2021 from 6:30 – 8:30pm.

CentreSustains: Ms. Adams has been collaborating with Lachlan Campbell, a State High graduate and current NYU student to create an engagement website to promote the survey, the forum, and provide information on how climate change is relevant to central Pennsylvania. Lachlan's work can be seen at <https://www.centresustains.com>. This site will be used in outreach communications for community members to go to learn about the survey and forum.

Ms. Stilson stated that in regard to the survey, Ms. Adams should ensure that the survey questions are gathering information that represents each demographic area so that the data can be broken down at different levels.

In response to a question from Ms. Whitman regarding the survey, Ms. Adams stated that if the survey is mailed, it will be mailed to random households in the Centre Region to obtain a true random sample. In addition, the survey will be sent electronically through municipalities, and the CRPA is hoping to connect with the Penn State University survey center for best practices.

Ms. Whitman proposed that the community outreach effort be extended until May or June to be able to have outreach events at the regional parks, since outreach events cannot take place indoors during this time. Ms. Whitman stated that it will be very important to make an effort to get out into the public and reach out to residents because in all reality, the community form will only attract those residents who are already on board with climate change efforts. She went on to say that the CAS Committee and staff need to focus outreach towards residents who are neutral about climate change. In addition, it will be important to share this information physically through flyers or yard signs, instead of only sharing this information through social media and the internet.

POTENTIAL CLIMATE ACTION & SUSTAINABILITY COMMITTEE ACTIVITIES (01:29:30)

Mr. May briefly reviewed potential agenda items that the CAS Committee will work on in 2021. The full report can be found in the January 13, 2021 CAS agenda packet.

OTHER BUSINESS (01:30:55)

The next CAS Committee meeting will be held on Monday, February 8, 2021 at 12:15 p.m. via the Zoom meeting platform. CRPA staff will send out a tentative meeting schedule for the CAS Committee.

ADJOURNMENT (01:31:27)

There being no further business, the January 13, 2021 meeting of the COG Climate Action & Sustainability (CAS) Committee was adjourned at 1:48 p.m.

Respectfully submitted,

Marcella Laird
Recording Secretary

Centre Region Climate Action Survey

Platform: Survey Monkey

=====

The Centre Region Council of Governments (COG) wants to know your opinions on how to make the Centre Region a more healthy, equitable, resilient, and sustainable community. The survey should take roughly 15 minutes to complete and your responses are completely anonymous. Your responses will help us gauge community knowledge of, and interest in various sustainable practices, and guide our recommendations on which actions to include in a Climate Action and Adaptation Plan for the Centre Region.

Please complete this survey by April 30, 2020 and be entered to **WIN** an Envinity Home Energy Audit **or** a \$50 Downtown Improvement District Gift Card. (10 donated by RETTEW, a National Leader in Engineering and Construction)

For more information on the Centre Region's efforts, please visit <https://centresustains.com/> or contact sustains@crcoq.net .

Thank you! Your participation is much appreciated!

=====

Section 1: Tell us about you

1. Which of the following describes you? *Check all that apply*

Note that the Centre Region is defined as College, Ferguson, Halfmoon, Harris, and Patton Townships and State College Borough (it is basically the State College Area School District).

I live in the Centre Region	I am a business owner in the Centre Region
I am a property owner in the Centre Region	I work in the Centre Region
I attend school/university in the Centre Region	

2. How concerned are you about the possible impacts a changing climate might have on the Centre Region?

1 - Not at all concerned 5 - Very Concerned

3. What do you think the most significant impacts of a possible change in the climate might be for our community? (Please select up to 3 options)

No significant impact	Impact on agriculture
Increased flooding risk	More severe storms
Increased need for air conditioning	Increased poverty
Health Impacts	Ecosystem impacts
Higher Taxes	Impacts on infrastructure
Other (please specify)	

4. Did you receive a mailed postcard informing you about this survey?
 YES or NO

5. Do you own or rent a home or business property in the Centre Region?

LOGIC QUESTION text in { } explains where survey goes based on response

- **Own** {go to Section A for property owners - page 3}
- **Rent** {got to Section B for renters - page 4}
- **Both** {go to Section A for property owners - page 3}
- **No** {go to Section C for community - page 8}



Section 2: Individual Sustainable practices

A. Buildings and energy for property owners

6. Which of these factors affect your likelihood of doing the following sustainable practices? *Check all that apply*

Cost	Lack of information	Lack of time	Lack of interest	Not an option	I'm doing this
------	---------------------	--------------	------------------	---------------	----------------

- Use energy efficient light bulbs (LEDs or CFLs)
- Complete an energy efficiency audit
- Install solar panels
- Purchase renewable energy through my utility bill (PA Power Switch)
- Use a programmable thermostat to reduce my heating/cooling bills
- Purchase ENERGY STAR appliances

7. Below are examples of strategies that your local government could support to make the region's building be more energy-efficient and increase our renewable energy use. Please rate the strategies below and score each from 1-5, with 1 being least likely to support, and 5 being most likely to support.

1 (least support)	2	3	4	5 (most support)
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- Offer government leasing program or solar cooperatives to make it cost effective to install solar panels on my roof
- Require large commercial buildings to track energy usage and reach certain energy efficiency standards
- Require government entities commit to using 100% renewable energy
- Promote energy audit programs and funding options to upgrade older homes/businesses to be more energy efficient
- Provide incentives for new buildings to be more energy efficient
- Offer education programs on energy conservation in schools and other public places

8. What other actions should be considered as it relates to building and energy?

B. Buildings and energy **for renters**

6. Which of these factors affect your likelihood of doing the following sustainable practices?

Cost	Lack of information	Lack of time	Lack of interest	Not an option	I'm doing this
------	---------------------	--------------	------------------	---------------	----------------

- Use energy efficient light bulbs
- Conserve energy by turning off lights/electronics when I'm not using them
- Purchase renewable energy through my utility bill (PA Power Switch)
- Adjust my thermostat to save money on heating and cooling
- Consider energy efficiency of the property when choosing where I rent

7. Below are examples of strategies that your local government could support to make the region's building be more energy-efficient and increase our renewable energy use. Please rate the strategies below and score each from 1-5, with 1 being least likely to support, and 5 being most likely to support.

1 (least support)	2	3	4	5 (most support)
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- Develop an apartment green-certification program that evaluates its energy efficiency, renewable energy use, and recycling and composting options.
- Require large commercial buildings to track energy usage and reach certain energy efficiency standards
- Require government entities commit to using 100% renewable energy
- Promote energy audit programs and funding options to upgrade homes/businesses to be more energy efficient
- Provide incentives for new buildings to be more
- Offer education programs on energy conservation and renewable energy

8. What other actions should be considered as it relates to building and energy?

Transportation

9. Which of these factors affect your likelihood of doing the following sustainable practices?

Cost	Lack of information	Lack of time	Lack of interest	Not an option	I'm doing this
------	---------------------	--------------	------------------	---------------	----------------

- Walk or bike to work or school
- Carpool to work or school
- Work remotely or have a modified office schedule
- Drive a fuel-efficient car (greater than 27 miles per gallon)
- Drive an alternative fuel (electric, hybrid, CNG) vehicle

10. Below are examples of strategies that your local government could support to help the community choose healthier and more sustainable modes of transportation. Please rate the strategies below and score each from 1-5 with 1 being least likely to support, and 5 being most likely to support.

1 (least support)	2	3	4	5 (most support)
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- Expand access to public transit (increase availability, offer reduced cost CATA bus passes through my employer/school)
- Provide incentives to businesses for sustainable commuting programs
- Expand and connect bike network (routes, lanes, shared use paths)
- Improve walking conditions (sidewalk safety, lighting, more routes)
- Develop regional strategy to expand electric vehicle (EV) fleets and charging infrastructure
- Offer education programs about electric and hybrid vehicles and available incentive programs

11. What other actions should be considered as it relates to transportation?

Food and Recycling

12. Which of these factors affect your likelihood of doing the following sustainable practices?

Cost	Lack of information	Lack of time	Lack of interest	Not an option	I'm doing this
------	---------------------	--------------	------------------	---------------	----------------

- Recycle
- Avoid single-use plastics-products
- Reduce my food waste (changed shopping habits, compost scraps)
- Purchase locally grown food or grow my own
- Eat a more plant-based diet (reduce meat consumption)

13. Below are examples of strategies that your local government could support to the increase the community’s recycling rate and reduce its food waste. Please rate the strategies below and score each from 1-5, with 1 being least likely to support, and 5 being most likely to support.

1 1 (least support)	2	3	4	5 (most support)
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- Require construction and demolition projects to increase their recycling rates
- Provide more cardboard recycling drop off containers throughout region
- Provide businesses with waste audit services to identify waste minimization opportunities
- Expand programs that divert food waste and other organics from landfills
- Provide training and guidelines on sustainable procurement practices for businesses
- Offer education programs on reuse and reduce actions homeowners and businesses can take

14. What other actions should be considered as it relates to solid waste?

Land Use and Water

15. Which of these factors affect your likelihood of doing the following sustainable practices?

Cost	Lack of information	Lack of time	Lack of interest	Not an option	I'm doing this
------	---------------------	--------------	------------------	---------------	----------------

- Plant native flowers, shrubs and/or trees
- Use rain barrels to collect stormwater for re-use
- Install landscaping that reduces my need for watering
- Install landscaping to reduce my lawn mowing needs
- Use compost on my lawn and gardens instead of fertilizers

16. Below are examples of strategies that your local government could consider to help find a workable balance among resource protection, agricultural production, economic growth and community growth. Please rate the strategies below and score each from 1-5, with 1 being least likely to support, and 5 being most likely to support.

1 (least support)	2	3	4	5 (most support)
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

- Develop local policy strengthening the preservation of agricultural and forested properties
- Identify and protect high priority conservation lands to reduce flooding
- Use green infrastructure such as rain gardens and permeable pavement to better manage impacts of stormwater
- Update and/or consider a tree preservation ordinance
- Require government entities to adopt sustainable landscaping standards for reducing water consumption and chemical use
- Partner with local landscapers to offer education and incentive programs on native plants and sustainable landscaping practices

17. What other actions should be considered as it relates to Land Use and Water?

=====

Section 3: Community Interest

18. Of the many benefits experienced by addressing climate change, select the 3 that are most important to you.

- Improved public health
- Increased resilience from climate change and natural disasters
- Saving money from lower utility bills
- Improved air and water quality
- Saving money from lower transportation costs
- Reduced reliance on fossil fuels
- Creation of green jobs
- Reducing waste sent to landfills

19. What is most likely to prevent your community from taking action to address climate change? (please select no more than 3)

- Nothing
- Lack of scientific information
- Lack of agreement on what to do
- Lack of funding or financial resources
- Lack of technical know-how / capacity
- Lack of public-private coordination
- Lack of public support
- Lack of political will
- Other

20. Please state your level of agreement for the following statements

Disagree – Somewhat Disagree – Neutral – Somewhat Agree – Agree

- Climate change is happening
- I understand the science behind climate change
- Addressing climate change will make our community more sustainable
- Addressing climate change will be good for our local economy
- When making decisions today, policy makers in my community should consider scientific projections about what the climate might be like in 50 years

21. Carbon offset programs let individuals and businesses offset their environmental footprint by paying to reduce greenhouse gas emissions elsewhere.

- Do you or have you ever paid for carbon offsets before? YES or NO
- Would you support a local carbon offset program that would use the funds generated to support projects that reduce our community’s emissions such as local reforestation, low income weatherization projects, and public renewable energy installations?
YES or NO or MAYBE, NEED MORE INFO

22. If you would like to be included in email updates on the Centre Region Climate Action and Adaptation Plan, please enter your email address below.
This is optional.

23. If you are a member of an organization that you believe would be interested in the Centre Region Climate Action and Adaptation Plan, please let us know by providing contact information or a website for the organization below.
You may also reach out to us at sustains@crcoq.net. *This is optional.*

=====

Section 5: Demographics

24. If you live in the Centre Region, which municipality do you live in?

College Township	Harris Township
Ferguson Township	Patton Township
Halfmoon Township	State College Borough
	Other

25. How would you describe where you live?

- Urban
- Suburban
- Rural

26. What is your age group?

Under 18	46 - 64
18 - 25	65+
26 - 45	Prefer not to answer

27. What is your gender?

Female	Male
Non-binary/third gender	Prefer not to say
Other	

28. Which race/ethnicity best describes you? (Please choose only one.)

American Indian or Alaskan Native	Asian / Pacific Islander
Black or African American	Hispanic
White / Caucasian	Prefer not to say
Other	

29. How long have you been a member of this community?

<1 year	10 - 20
1 - 3	20+
3 - 10	Other

30. What is your level of education?

Less than high school	High school
Attended college	College degree or study
Post graduate degree or study	Prefer not to answer

31. How did you hear about this survey? Check all that apply

Post card mailer	Newsletter
Social Media	Nextdoor
Email	Flyer
Public Meeting	Other

=====

Thank you for completing the survey. Your comments will be used to help guide the policies and decisions made by the Centre Region municipalities. For more information about the climate action and adaptation planning process, and/or resources about items mentioned within the survey, please visit: <https://centresustains.com/> or contact sustains@crcog.net .

As a thank you, you can be entered in a random drawing to win one of the following **prizes**:

- Envivity Home Energy Audit
- \$50 Downtown Improvement District Gift Card (10 available)

The drawing for prizes will occur in early May and winners will be contacted via email. Results of the survey will be posted on <https://centresustains.com/> .

Please enter your email to be entered into the random drawing to win a prize for completing this survey. The drawing will happen in early May.



The Centre Region Council of Governments (COG), in collaboration with its six member municipalities, is developing a plan to make the Centre Region a more healthy, equitable, resilient, and sustainable community.

You have been randomly selected to **participate in a community survey**. Your responses will help us gauge community knowledge of, and interest in various sustainable practices. The survey results will help guide our selection of strategies to include in a Climate Action and Adaptation Plan for the Centre Region.

Deadline to complete the survey is April 30, 2021.

Thank you, your participation is much appreciated!



Centre Region Council of Governments
2643 Gateway Dr, Suite #4
State College PA 16801

Please visit <https://centresustains.com/> for the survey link and additional information. The survey should take 15 minutes to complete and your responses are completely anonymous.

Complete the survey and have the option to **WIN** an Envinity Home Energy Audit **or** \$50 Downtown Improvement District Gift Card. (10 donated by RETTEW, a National Leader in Engineering & Construction)

For more information on the Centre Region's efforts, please email us at sustains@crcog.net





**CENTRE REGION COUNCIL OF GOVERNMENTS
RESOLUTION 2020-8**

**A RESOLUTION OF THE CENTRE REGION COUNCIL OF GOVERNMENTS TO
ESTABLISH THE CLIMATE ACTION AND SUSTAINABILITY COMMITTEE AS A
STANDING COG COMMITTEE**

WHEREAS, the members of the Centre Region Council of Governments General Forum appreciate and value a balanced approach in planning and actions to continue to achieve social, environmental, and financial stability for the future of the Centre Region; and

WHEREAS, all six Centre Region municipalities are certified as “Sustainable Pennsylvania” municipalities, which is recognition for the policy and practice of using sustainability to advance community prosperity; and

WHEREAS, the members of the Centre Region Council of Governments General Forum passed Resolution 2020-1 on July 27, 2020, to develop and implement a pragmatic, fiscally responsible strategy to mitigate greenhouse gas emissions and adapt to changing climate conditions; and

WHEREAS, the members of the Centre Region Council of Governments General Forum wish to create a Climate Action and Sustainability Committee to provide oversight of strategic and coordinated actions among the COG municipalities to successfully implement the Centre Region Climate Action and Adaptation Plan; and

WHEREAS, the draft responsibilities of the Climate Action and Sustainability Committee are:

- i. To review state and federal policy, provide guidance, and recommend programs and COG policies, and project initiatives relating to climate adaptation and reductions in greenhouse gas emissions.
- ii. To provide oversight of how to measure, monitor, and assess reductions in greenhouse gas emissions and to meet reduction targets over time.
- iii. To promote local climate preparedness and collective risk management efforts that improve resiliency and adapt to climate change in the Centre Region.
- iv. To advance the Centre Region as a leader in diverse sustainable practices that contribute to environmental and human health, economic prosperity, environmental justice and social equity.
- v. To recommend bidding specifications for the Refuse and Recycling Program to the General Forum and to recommend actions on major policy issues affecting that program.

- vi. To coordinate studies, plans, and proposals with other COG Committees as they relate to major land use policy, transportation projects, and other infrastructure projects.
- vii. To study and prepare recommendations on sustainability policy, issues or projects in the Centre Region as requested by the Executive Committee; an

WHEREAS, the Centre Region Council of Governments General Forum has the authority, as outlined in the Articles of Agreement, to “*establish such standing, special or ad hoc committees as deemed appropriate to conduct its business*”;

NOW, THEREFORE, BE IT HERE RESOLVED: That the General Forum of the Centre Region Council of Governments hereby authorizes that the Climate Action and Sustainability Committee be established as a COG standing committee, with representatives from each Centre Region municipality and a liaison representative from the State College Area School District and from Penn State University, and further, final representation should be reviewed by the new CAS Committee in the first quarter of 2021 to determine if other stakeholder groups should also be represented, and be it

FURTHER RESOLVED: That the Climate Action and Sustainability Committee shall deliberate and ratify its mission, responsibilities, and member representation by mid-2021.

RESOLVED, this *twenty-third day of November 2020*, meeting in regular session.

Attest:



Eric Norenberg
Executive Director, Centre Region COG

By:



Elliot Abrams
Chair, Centre Region COG

CLIMATE ACTION AND ADAPTATION TECHNICAL ADVISORY GROUP

January 25, 2021 - 8:30 a.m.

Virtual Meeting - Summary

1. MEMBERS IN ATTENDANCE

Brandi Robinson – Chair, Peter Buck – CoChair, Pam Adams, Franklin Egan, Alan Sam

Others present: Kelly Davidson, SCB AmeriCorp; Bud Graham, Harris Township/CAS Committee; Lara Fowler, PSU Law Professor; Betsy Whitman, Patton Township/CAS Committee

2. PUBLIC COMMENTS

There were none.

3. TAG MANDATE, REPRESENTATION, CHAIRS & MEETING DATES

- Consensus of the group was to remain on the TAG to complete its mandate- the completion of the Climate Action and Adaptation Plan (CAAP).
- Ms. Robinson and Mr. Buck will remain Chair and Vice-Chair, respectively.
- Meetings will regularly occur on the 3rd Monday of the month at 8:30am.
- Ms. Adams will follow up with Mr. Egan and Mr. Wert (*Post meeting: both members concur with the group and will remain on the TAG.*)
- Mr. Sam announced he will retire in April and that Ms. Fields will likely be able to join TAG in his place.

4. COMMITTEE ITEMS

The TAG accepted the December 21, 2020 meeting summary.

5. FEBRUARY MEETING DATE

Due to the Presidents' Day holiday, the group agreed to move the next meeting to February 22, 2021 at 8:30am.

6. PUBLIC OUTREACH - PLANNED

The TAG discussed the need to get input from the community to guide the TAG and the Climate Action and Sustainability (CAS) Committee in setting priorities in the CAAP. Another purpose of outreach is to strengthen connections with stakeholders and identify where our priorities align.

- Ms. Adams reviewed the community survey that is planned to be open February 15 –April 30. It will help to gauge community knowledge of and interest in various sustainable practices and provide key teaching points for future outreach.

- Ms. Adams asked the TAG to plan to attend the community forum on climate action scheduled for April 13, 2021 at 6:30 – 8:30pm.
- Ms. Fowler explained her vision of how a virtual structure will occur for the forum, including breakout rooms for smaller discussion. She explained that her students will be doing stakeholder interviews to prepare for the forum and this process can align with TAG’s interest for stakeholder input. She referenced the [Spring Creek Watershed Commission forum in 2018](#).
- Ms. Fowler stated the students in her Mediation of Environmental and Public Conflicts class asked about the name for the forum. Consensus was that the CAS Committee should provide input on name of the forum, but the group supported using climate in the name. They preferred climate action or planning for climate impacts, not climate change.

7. TAG NEXT STEPS FOR OUTREACH

The TAG discussed other options for public outreach including hosting small focus groups sessions including some or all of these groups:

- religious leaders
- service organizations (i.e. Rotary)
- youth
- business community
- agriculture/forestry
- contractors/builders
- housing services
- environmental
- biking
- public health
- architects/engineers
-

The TAG again stated the purpose of the sessions would be to strengthen connections with stakeholders and identify where our priorities align. It will be important to:

- Explain what is at stake for them, and why they should be part of the conversation and ultimately implement climate action strategies.
- Tailor presentations and conversations to the different interest levels of these groups.

It was noted that youth should include the public and private schools, PTSO and administration.

The TAG should consider how to prioritize the key stakeholder sessions to define who reach out to first. This will be an agenda item for the February meeting.

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 • Fax: (814) 231-3083 • Website: www.crcog.net

PUBLIC SAFETY COMMITTEE

Video Conference

Tuesday, February 9th, 2021

12:15 pm

GENERAL MEETING INFORMATION

STEP #1: [Click HERE to REGISTER for the meeting via ZOOM](#)

Once registered, you will receive a confirmation email containing information about joining the meeting.

STEP #2: [Click HERE to locate the AGENDA and ATTACHMENTS](#)

Should you desire to annotate any attachments you must download them first.

To attend this meeting by phone: [+1 929 205 6099](#) | Meeting ID: [894 1629 9103](#)

Meeting Contact: Tammy Strouse (tes@crcog.net, 814-231-3069)

- This meeting will be recorded, and electronic files of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants remain muted with their video turned off unless recognized or are actively speaking. To reduce audio interference, please remain off speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. Members opposed to a motion should vote “No”. For additional information on COG Voting Procedures, please click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#).
- To access agendas and minutes of previously held meetings, and to learn more about the COG Public Safety Committee on our website, please click [HERE](#).

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PUBLIC SAFETY COMMITTEE

Video Conference

Tuesday, February 9th, 2021

12:15 pm

During the COVID-19 health emergency, to continue business operations of the COG and ensure the safety of municipal officials and staff, and to adhere to health emergency recommendations while remaining in compliance with Pennsylvania's guidelines for public meetings, the Public Safety Committee meeting will be held via video conference. Written public comment or requests to speak to the Public Safety Committee for items not on the agenda and requests to comment to specific agenda items below, may be submitted in advance by emailing tes@crcog.net

AGENDA *revised 2.8.21

1. CALL TO ORDER

Chair Laura Dininni will convene the meeting. Ms. Strouse will review the meeting procedures.

2. PUBLIC COMMENT

Members of the public are invited to comment on any items not already on the agenda (minutes per person time limit, please). Comments relating to specific items on the agenda should be deferred to that point in the meeting. Submitted comments will be read into the record by the Recording Secretary at the appropriate time in the meeting.

3. APPROVAL OF MINUTES

A copy of the minutes of the January 12th, 2021, Public Safety Committee meeting is **enclosed**.

4. STAFF RECOGNITION – *presented by Eric Norenberg*

Mr. Norenberg received the **enclosed** email from a property owner that shared his recent experience with two Code Administration Existing Structures staff.

Mr. Norenberg would like to recognize Kathy Woods and Brian Sampsel for their care, diligence, and professional service.

5. CODE BOARD OF APPEALS - APPOINTMENTS– presented by Walt Schneider

The Joint Articles of Agreement states that the Public Safety Committee shall recommend to the COG General Forum appointments to the Centre Region Building & Housing Code Board of Appeals. The COG General Forum shall consider the appointments and recommend a slate of nominations to the participating municipalities for appointment by the participating municipalities. An appointment to the Board of Appeals includes a three-year term, and members may serve a maximum of three consecutive terms or a total of nine years.

In 2020 the municipalities signed an updated Articles of Agreement that restructured the Board of Appeals, reducing the number of members required from 17 to seven. The revised Agreement also staggers the board member appointment dates; to accomplish this, the current members will be appointed in 2021 and re-appointed in staggered years from now on.

With the reduced number of members required and to create the staggered appointment dates, the staff is recommending the following appointments to serve on the Building and Housing Board of Appeals, starting April 1st, 2021:

Douglas Henry, R.A. (Three-year term, April 1, 2021 – March 30, 2024)
Chad Maholtz (Three-year term, April 1, 2021 – March 30, 2024)
J. Michael Leakey, R.A. (Two-year term, April 1, 2021 – March 30, 2023)
Brian Walker, P.E. (Three-year term, April 1, 2021 – March 30, 2024)
Scott Good, P.E. (Two-year term, April 1, 2021 – March 30, 2023)
Ryan Solnosky, Ph.D., P.E. (One-year term, April 1, 2021 – March 30, 2022)
Alan Popovich, R.A. (new to Board of Appeals) (One-year term, April 1, 2021 – March 30, 2022)

The resumes for the recommended board members for your review are **enclosed**.

To proceed with the appointment of these individuals, the Public Safety Committee should consider forwarding the following motion to the Executive Committee for a referral to the General Forum:

“That the Public Safety Committee recommends that the Executive Committee recommend that the General Forum forward the following nominations to the member municipalities for appointment to the Centre Region Building and Housing Board of Appeals for the identified terms:

Douglas Henry, R.A. (Three-year term, April 1, 2021 – March 30, 2024)
Chad Maholtz (Three-year term, April 1, 2021 – March 30, 2024)
Brian Walker, P.E. (Three-year term, April 1, 2021 – March 30, 2024)
J. Michael Leakey, R.A. (Two-year term, April 1, 2021 – March 30, 2023)
Scott Good, P.E. (Two-year term, April 1, 2021 – March 30, 2023)
Ryan Solnosky, Ph.D., P.E. (One-year term, April 1, 2021 – March 30, 2022)
Alan Popovich, R.A. (new to Board) (One-year term, April 1, 2021 – March 30, 2022)”

Bellefonte Borough should abstain from this motion.

6. COVID WASTEWATER RESEARCH REPORT – presented by Shawn Kauffman

The EM Coordinator has requested that Andrew Read, Ph.D. of the Penn State Department of Entomology, present their COVID Wastewater Research to the General Forum. Mr. Kauffman is seeking a recommendation from the Committee to forward the presentation to the Executive Committee to add to the February 22nd General Forum agenda.

To proceed, the Committee should consider the following motion:

“That the Executive Committee as recommended by the Public Safety Committee add a presentation from Andrew Read, Ph.D. of the Penn State Department of Entomology on COVID Wastewater Research to the February 22nd, 2021 General Forum agenda.”

All municipalities should vote on this motion.

7. STAFF UPDATES

COG Staff will provide updates on the following topics:

- **Code Administration** (Walt Schneider) – The Codes Director will report on current items.
- **Fire Protection** (Steven Bair) – The Fire Director will report on current items.
- **Emergency Management Program** (Shawn Kauffman) – The Emergency Management Coordinator will report on current items.

8. OTHER BUSINESS

- A. Matter of Record - The January 2021 monthly comparison of code statistics, permits issued/permits closed reports are **enclosed**.
- B. Matter of Record – The Regional Fire Protection Programs’ 4th Q 2020 Standard of Cover performance report is **enclosed**.
- C. Matter of Record – The February 1st, 2021 Regional Fire Protection program dashboard is **enclosed**.
- D. Matter of Record – **Enclosed** is a memo from Mr. Bair regarding the Commonwealth’s Fireman Relief program reform

9. TENTATIVE AGENDA ITEMS

The Public Safety Committee’s next meeting, via Zoom, will be Tuesday, March 9th, 2021, at 12:15 pm.

10. ADJOURNMENT

ENCLOSURES

<u>Item #</u>	<u>Description</u>
03	Public Safety Committee Meeting Minutes - January 12th, 2021
04	Staff Recognition email
05a	Henry resume
05b	Maholtz resume
05c	Leakey resume
05d	Walker resume
05e	Good resume
05f	Solnosky resume
05g	Popovich resume
08A	January code statistics, permits issued/closed reports
08B	4 th Q 2020 Standard of Cover report
08C	Regional Fire Protection dashboard
08D	Fireman Relief Reform memo

CENTRE REGION COUNCIL OF GOVERNMENTS

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State College, PA 16801

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FINANCE COMMITTEE

Video Conference

February 11, 2021

8:30 AM

GENERAL MEETING INFORMATION

STEP #1: [Click HERE to RSVP and REGISTER for the meeting via ZOOM](#)

After you RSVP, a link to register via Zoom will be shown. Click to register.

Once registered, you will receive a confirmation email containing information about joining the meeting.

STEP #2: [Click HERE to locate the AGENDA and ATTACHMENTS](#)

Should you desire to annotate any attachments you must download them first.

To attend this meeting by phone: +1 929 205 6099 | Meeting ID: 880 0129 0443

Meeting Contact: Cary Asendorf (casendorf@crcog.net, 814-231-3077)

- This meeting will be recorded, and electronic files of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants remain muted with their video turned off unless recognized or are actively speaking. To reduce audio interference, please remain off speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. Members opposed to a motion should vote “No”. For additional information on COG Voting Procedures, please click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#).
- To access agendas and minutes of previously held meetings, and to learn more about the COG Executive Committee on our website, please click [HERE](#).

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FINANCE COMMITTEE

Video Conference

February 11, 2021

8:30 AM

During the COVID-19 health emergency, to continue business operations of the COG and ensure the safety of municipal officials and staff, and to adhere to health emergency recommendations while remaining in compliance with Pennsylvania's guidelines for public meetings, this Finance Committee meeting will be held via video conference. Written public comment or requests to speak to the Finance Committee for items not on the agenda, and requests to comment to specific agenda items listed below, may be submitted in advance by emailing casendorf@crcog.net.

AGENDA

1. **CALL TO ORDER**

Mr. Myers will convene the meeting. Mr. Asendorf will review the meeting procedures and perform a roll call of members.

2. **PUBLIC COMMENTS**

Members of the public are invited to comment on any items not already on the agenda (five minute per person time limit, please). Comments relating to specific items on the agenda should be deferred until that point in the meeting.

3. **APPROVAL OF MINUTES (Action)**

A copy of the minutes from the January 14, 2021 Finance Committee meeting is **enclosed** for approval.

4. **RETENTION OF CONCORD PUBLIC FINANCIAL ADVISORS**
(DISCUSSION/ACTION) (time estimate – 30 minutes)

The Committee should discuss the municipal meetings/actions/positions since the February 1, 2021 Special Finance Committee meeting and discuss retaining Mr. Chris Gibbons and in what capacity.

At its January 14, 2021 meeting staff has provided regular updates about the Whitehall Road Regional Park project. Based upon the Zoom and Learn, Committee discussion, and

municipal discussion, staff was directed to continue with the bid process. Bids for Phase I of Whitehall Road Regional Park were received on December 15, 2020 and staff has been meeting internally, with their engineers (Stahl Sheaffer), and with their construction management team (Poole Anderson), and held descoping meetings to determine the apparent low bidders.

At its February 1, 2021 meeting the Finance Committee received a project update from Ms. Salokangas, Director of Centre Region Parks and Recreation, and a review of the debt service by Mr. Joe Viglione, COG Finance Director. An extended discussion occurred with the Finance Committee making the following recommendation:

The Finance Committee recommends that the municipalities consider retaining Mr. Chris Gibbons, Concord Public Financial Advisors, for the purposes of refinancing both the Centre Region Parks & Recreation Authority Regional Parks and the Pools loans for a total loan amount of approximately \$10.4 million in order to maintain the current debt service level, while extending the term of the loan, and borrowing additional capital to complete the Whitehall Road Regional Park Phase I as estimated including the current unfunded items (restroom, maintenance storage building, and irrigation system), and furthermore, refers this discussion to the participating municipalities to state their position on this matter.

The motion passed 5-1 with Ferguson Township dissenting.

The municipal representative should come prepared to communicate the outcome of the discussion(s) that occurred at their individual board/council meeting(s) as outlined in the motion above. Staff has **enclosed** those documents shared with the Committee at their February 1, 2021 meeting for reference.

5. **FINANCE COMMITTEE WORK TASKS (Informational)** (time estimate 15 minutes)

The Committee should receive an update on the actions taken by the Executive Committee pertaining to the Finance Committee's work tasks and help define a path forward including clarifying the order of items to be completed.

At its January meeting the Executive Committee discussed the Finance Committee work tasks, endorsed the **enclosed** work tasks as priority work tasks, and referred them back to the Finance Committee for implementation.

Going forward within this process, staff has a few questions/concerns they would like to discuss with the Finance Committee prior to proceeding:

- Who should be the lead staff on the each of the tasks?
- How should we proceed with garnering support for these tasks throughout the COG Committees, COG staff, municipal boards, and municipal staff?
- How do we address the impact on municipal staffing and fit these work tasks into their existing workload at an appropriate priority level?

- How do we address the impact on COG staffing and fit these work tasks into their existing workload at an appropriate priority level?
- How do we address the impact on COG Committees and fit these work tasks into their existing workload at an appropriate priority level?

6. **REVISION TO THE COG DETAILED BUDGET DOCUMENT (Discussion)** (time estimate 10 minutes)

The Committee should review the enclosed section of the detailed budget and begin discussing if amending the detailed budget document might be appropriate. This will be on ongoing discussion covering multiple meetings.

Enclosed is the previous draft and an updated draft section of the detailed budget developed and reviewed by Staff. The updated draft has taken into account the comments from the previous meeting. Staff is also requesting that the Finance Committee consider changing the document from a one-sided document to a two-sided document.

The Finance Committee should review the proposed change to the budget document and provide comments on the appropriateness, transparency, and functionality of the document, and, if they deem the changes to be worthy of consideration, also provide suggestions to Staff as to how to improve it beyond the proposed format. The Committee members should pay careful attention to the text and determine if it provides detailed enough information to answer all detail line item questions – this was a significant comment/concern communicated at the previous meeting.

Based on comments received at the last meeting, staff is also requesting that the Finance Committee determine if there is a desire to move forward with the proposed changes to the individual fund sections. If there is not, perhaps the outcome of this exercise was to determine that COG should maintain the current budget structure and, for the next meeting, redirect its focus to the summary pages at the beginning to amend those documents to address previous Committee comments.

7. **FACILITIES COMMITTEE (Informational)**

This is an informational agenda item. The Committee should receive the update from Ms. Hartle and ask questions they deem appropriate.

Ms. Patti Hartle will provide an update on the Facilities Committee's February meeting.

8. **MONTHLY REPORTS (Action)**

This is an action agenda item. The Committee should review and approve the voucher report.

Copies of the January 2021 **voucher** report are **enclosed** with this agenda. To proceed, the Committee should consider the following motion:

“That the Finance Committee approves the January 2021 voucher report for the Centre Region COG.”

Consistent with past practice, copies of the January 2021 COG financial reports will not be distributed as the December 2020 year is still being closed out.

If the Committee has any questions about the items in the voucher report, please let Finance Director Joe Viglione (jviglione@crcog.net or 231-3062) know as soon as possible so that the information can be researched prior to the next Committee meeting.

9. **OTHER BUSINESS**

- A. Matter of Record – The Payment Protection Program (PPP) Loan Forgiveness application has been received and accepted by the Small Business Administration. This completes the conversion of the PPP Loan from a loan to a grant for Schlow Library. Staff is beginning to investigate the Employee Retention Credit to determine if there would be a benefit to exploring that as an option for Schlow Library.
- B. Matter of Record – The following is an update of the status of planning and evaluation studies currently underway at the COG.

	Planning Activity	Status
1	IT Study	The RFP for the IT Study was updated and refreshed with the help of an intern from PSU during the fall semester. Staff is now formatting the RFP and adding standard boilerplate text (updated for COVID-19). It is on track for release in the first quarter.
2	COG Strategic Plan	Work is progressing on the development of a COG organizational Strategic Plan. Elected officials will be asked for their input on the COG Mission and Vision soon. We are grateful to be receiving the assistance of Penn State University’s Office of Planning, Assessment and Institutional Research.
3	Code Software Study	TRAISS and OpenGov provided demonstrations. Coordinating group representatives will perform site visits to multiple software client locations in March. (Update: A decision-makers group has been identified and will meet within the next two weeks to discuss any possibility of proceeding with the project.)
4	COG Facilities Evaluation	No significant update beyond the Facilities Committee report.
5	Solar Power Purchase Agreement Working Group	The Working Group named Mr. Buck Chair and Ms. Brandt Vice Chair. They also endorsed a timeline to release the RFP for Energy Consulting Services in late April through the approval of a contract with an Energy Consultant Services in mid-September. Prior to the

		approval of the Energy Services Consultant each board will be asked for their endorsement of said consultant.
6	Fleet Management Plan/COG Building Parking Lot Study	There is agreement among COG staff and the elected officials that this should be a priority work objective for 2021 and has been included on the Finance Committee's Priority Work Task List. Staff is soliciting examples of fleet management plans. If any Committee members have such plans in your municipality or workplace that would be good examples, we would appreciate a copy.
7	Evaluation of Boardwalk at Millbrook Marsh Nature Center	The Feasibility Study Working Group reviewed four concept plans from LAN Associates at its January 27 meeting. This was to determine if LAN Associates was heading in the right direction since these concepts will be included in the 70% Feasibility Study document. The team provided feedback and asked questions of LAN. These four concepts also had several surfacing, subsurfacing, and footing suggestions. Since then, the draft 70% Feasibility Study has been received and will be distributed to the Feasibility Study Working Group for their review. At the next project meeting, set for February 10, the group will review and discuss with LAN Associates. Once the draft has been updated from that point, the revised version will be distributed for review and comment.

10. ADJOURNMENT

CENTRE REGION COUNCIL OF GOVERNMENTS

2643 Gateway Drive, Suite 3

State College, PA 16801

Phone: (814) 231-3077 Fax: (814) 231-3083 Website: www.crcog.net

EXECUTIVE COMMITTEE

Video Conference

February 16, 2021

12:15 PM

GENERAL MEETING INFORMATION

STEP #1: [Click HERE to RSVP and REGISTER for the meeting via ZOOM](#)

After you RSVP, a link to register via Zoom will be shown. Click to register.

Once registered, you will receive a confirmation email containing information about joining the meeting.

STEP #2: [Click HERE to locate the AGENDA and ATTACHMENTS](#)

Should you desire to annotate any attachments you must download them first.

To attend this meeting by phone: +1 929 205 6099 | Meeting ID: 867 2640 7851

Meeting Contact: Scott Binkley (sbinkley@crcog.net, 814-235-7818)

- This meeting will be recorded, and electronic files of the meeting will be made available on the COG website upon its conclusion.
- We ask that non-voting participants remain muted with their video turned off unless recognized or are actively speaking. To reduce audio interference, please remain off speakerphone during the meeting.
- **VOTING PROCEDURES:** Members will provide their vote by voice. Clarification will be sought by the Chair if the vote is unclear. Members opposed to a motion should vote “No”. For additional information on COG Voting Procedures, please click [HERE](#).
- **PUBLIC COMMENT GUIDELINES:** Members of the public may comment on any items not already on the agenda (five minutes per person). Comments relating to specific items on the agenda should be deferred until that point in the meeting. For additional information on COG public meeting guidelines, please click [HERE](#).
- To access agendas and minutes of previously held meetings, and to learn more about the COG Executive Committee on our website, please click [HERE](#).

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EXECUTIVE COMMITTEE

Video Conference
February 16, 2021
12:15 PM

During the COVID-19 health emergency, to continue business operations of the COG and ensure the safety of municipal officials and staff, and to adhere to health emergency recommendations while remaining in compliance with Pennsylvania's guidelines for public meetings, this Executive Committee meeting will be held via video conference. Written public comment or requests to speak to the Executive Committee for items not on the agenda, and requests to comment to specific agenda items listed below, may be submitted in advance by emailing sbinkley@crcog.net.

AGENDA

1. CALL TO ORDER AND ROLL CALL

Mr. Hameister will convene the meeting. Mr. Binkley will review the meeting procedures.

2. PUBLIC COMMENTS

Members of the public are invited to comment on any items not already on the agenda (five minutes per person time limit please). Comments relating to specific items on the agenda should be deferred until that point in the meeting. Submitted comments will be read into the record by the Recording Secretary at the appropriate time in the meeting.

3. APPROVAL OF MINUTES

A copy of the minutes of the January 19, 2021 Executive Committee meeting are **enclosed**.

4. CENTRE REGION COUNCIL OF GOVERNMENTS RESOLUTION 2021-2
A RESOLUTION OF COMMENDATION AND APPRECIATION FOR
CATHI ALLOWAY ON HER RETIREMENT AFTER A DECADE OF SERVICE –
Presented by Eric Norenberg

This item asks the Executive Committee to review Resolution 2021-2, a resolution of commendation and appreciation for Cathi Alloway, treasured Library Director, Schlow Centre Region Library on her retirement after a decade of service to the Library, the

Centre Region Council of Governments, its member municipalities, and the residents of the Centre Region.

Cathi Alloway has served the residents of our region since 2010 and will retire from the COG on April 2, 2021.

The Executive Committee is asked to recommend that the General Forum enthusiastically adopt the proposed COG resolution. If the committee agrees, then a possible motion for consideration is:

“That the Executive Committee recommends that the General Forum adopt Resolution 2021-2, a resolution of commendation and appreciation for Cathi Alloway on her retirement from COG after a decade of service to the Schlow Centre Region Library, the Centre Region Council of Governments, its member municipalities, and the residents of the Centre Region.”

All municipalities should vote on this motion.

A **draft** Resolution will be sent to Executive Committee members prior to the meeting for review and comment.

5. APPOINTMENT OF SCHLOW CENTRE REGION LIBRARY DIRECTOR – Presented by Eric Norenberg

Upon having received notification during the early months of 2020 that Library Director Cathi Alloway would retire in 2021, the Library Board and the HR Committee met to review the job description. A plan for the recruitment was developed and a Selection Committee was established to screen candidates and recommend a candidate to the Library Board for final appointment. In accordance with previously approved *Organization and Policy Guidelines between the Centre Region COG and the Schlow Memorial Library*, the Selection Committee consisted of the Executive Committee, three Library Board members appointed by the Library Board President, and a nonvoting library professional:

Selection Committee Members:

- Casey McClain (Schlow Library Board)
- Kimberly Fragola (Schlow Library Board)
- Linda Treviño (Schlow Library Board)
- Eric Bernier (College Township)
- Laura Dininni (Ferguson Township)
- Danelle DelCorso (Halfmoon Township)
- Dennis Hameister (Harris Township)
- Elliot Abrams (Patton Township)
- Jesse Barlow (State College Borough)
- Brady Clemens (District Consultant Librarian at Schlow Centre Region Library)

A recruitment timeline was reviewed and approved by the Selection Committee that included, a survey of staff and stakeholders, the development of a recruitment profile and application process, and the selection of outlets in which to advertise the position.

The survey was conducted, and results were analyzed based upon the data received from stakeholder groups about the qualities that should be sought when selecting the next Library Director. The results were used in developing the final recruitment materials and questions of candidates. The following groups were surveyed in late-September to mid-October:

- Schlow Management Staff
- Schlow Non-Management Staff
- Library Board members
- Library Foundation members
- General Forum members
- Key Users and Donors

The Library Director Selection Committee authorized the formation of a Screening Committee to assist the Selection Committee with the work of reviewing applications, supplemental materials, etc., and to conduct first-round screening interviews. The screening committee consisted of:

- Brady Clemens (District Consultant Librarian at Schlow Centre Region Library)
- Tom Fontaine (State College Borough Manager)
- Eric Norenberg (COG Executive Director)
- Becca Petitt (COG Human Resources Officer)
- David Pribulka (Ferguson Township Manager)
- Denise Sticha (Exec. Director of Centre County Library and Historical Museum)

Regular progress reports were provided to the Library Director Selection Committee and The Library Board. During January, interviews and reference checks were completed. The concluding assessment process for the final two candidates took place last week:

- Presentation to Library Board, COG General Forum members, Schlow Foundation, Schlow staff - Virtual
- Library Tour - In-person (masked and distanced)
- Meet and Greet with Schlow Management Team - Virtual
- Interview with Selection Committee - Virtual

On February 12, 2021, final candidate interviews were conducted, and a recommendation was made by the Library Director Selection Committee. On February 16, 2021, the Schlow Library Board will meet to consider appointment of the next Library Director of the Schlow Centre Region Library. This appointment must also be ratified by the General Forum. Accordingly, it is requested that the Executive Committee approve adding this item to the General Forum agenda.

6. STAFF RECOGNITION – Presented by Eric Norenberg
7. CODE BOARD OF APPEALS – APPOINTMENT & RE-APPOINTMENTS – Presented by Walt Schneider

This agenda item asks the Executive Committee to consider recommendations from the Public Safety Committee for members of the Centre Region Building and Housing Code Board of Appeals and to refer them to the General Forum for endorsement and to the municipalities for appointment.

The Joint Articles of Agreement state that the Public Safety Committee shall recommend to the COG General Forum appointments to the Centre Region Building & Housing Code Board of Appeals. The COG General Forum shall consider the appointments and recommend a slate of nominations to the participating municipalities for appointment by the participating municipalities. An appointment to the Board of Appeals includes a three-year term, and members may serve a maximum of three consecutive terms or a total of nine years.

In 2020, the municipalities updated the Centre Region Building and Housing Code Board of Appeals Articles of Agreement that restructured the Board of Appeals, reducing the number of members required from 17 to 7. The revised Agreement also staggers the board member appointment dates; to accomplish this, the current members will be appointed in 2021 and re-appointed in staggered years moving forward.

With the reduced number of members required and to create the staggered appointment dates, staff is recommending the following appointments to serve on the Building and Housing Board of Appeals, starting April 1st, 2021:

- Douglas Henry, R.A (Three-year term, April 1, 2021 – March 30, 2024)
- Chad Maholtz (Three-year term, April 1, 2021 – March 30, 2024)
- J. Michael Leakey, R.A. (Two-year term, April 1, 2021 – March 30, 2023)
- Brian Walker, P.E. (Three-year term, April 1, 2021 – March 30, 2024)
- Scott Good, P.E. (Two-year term, April 1, 2021 – March 30, 2023)
- Ryan Solnosky, Ph.D., P.E. (One-year term, April 1, 2021 – March 30, 2022)
- Alan Popovich, R.A. (new to Board of Appeals) (One-year term, April 1, 2021 – March 30, 2022)

The resumes for the recommended board members for your review are *enclosed*.

To proceed with these appointments, the Public Safety Committee unanimously asks the Executive Committee to refer the following motion to the General Forum:

“That the Executive Committee recommends that the General Forum forward the following nominations to the member municipalities for appointment to the Centre Region Building and Housing Board of Appeals for the identified terms:

Douglas Henry, R.A (Three-year term, April 1, 2021 – March 30, 2024)
Chad Maholtz (Three-year term, April 1, 2021 – March 30, 2024)
Brian Walker, P.E. (Three-year term, April 1, 2021 – March 30, 2024)
J. Michael Leakey, R.A. (Two-year term, April 1, 2021 – March 30, 2023)
Scott Good, P.E. (Two-year term, April 1, 2021 – March 30, 2023)
Ryan Solnosky, Ph.D., P.E. (One-year term, April 1, 2021 – March 30, 2022)
Alan Popovich, R.A. (One-year term, April 1, 2021 – March 30, 2022).”

All municipalities should vote on this motion.

8. RETENTION OF FINANCE CONSULTANT – Presented by Eric Norenberg and Joe Viglione

On February 1, the COG Finance Committee held a special meeting to discuss possibly refinancing the Regional Parks and Pools loans to take advantage of historically low interest rates and possibly utilize the savings from the refinancing to close part of the gap to fund the Whitehall Road Regional Park (WRRP) Phase 1 project. (Bids on this project were received in mid-December. An update is provided in Matter of Record C., below.) The Finance Committee approved the following motion requesting municipal Councils and Boards discuss refinancing so that the Finance Committee could discuss the feedback and reach a decision during its February 11, 2021 meeting:

“The Finance Committee recommends that the municipalities consider retaining Mr. Chris Gibbons, Concord Public Financial Advisors, for the purposes of refinancing both the Centre Region Parks & Recreation Authority Regional Parks and the Pools loans for a total loan amount of approximately \$10.4 million in order to maintain the current debt service level, while extending the term of the loan, and borrowing additional capital to complete the Whitehall Road Regional Park Phase I as estimated including the current unfunded items (restroom, maintenance storage building, and irrigation system), and furthermore, refers this discussion to the participating municipalities to state their position on this matter.”

During the February 11 Finance Committee meeting the Committee heard and discussed the feedback received from each of the five municipalities. During the discussion, they also heard from Mr. Gibbons and considered options. The Finance Committee discussed options and agreed to further explore the option of refinancing the loan under the following possible terms,

- Investing any savings back into the project,
- Adding additional funds for the shortfall and unfunded items,
- Keeping the municipal debt payment levels the same, and
- Possibly extending the loan if necessary, to manage the payment levels.

There was also discussion regarding the amounts that could be financed. While there was not unanimous support for each of the three options proposed, there was support from each municipality for exploring all three options so that full information about each option would be known and could be considered by municipalities and the COG as final

decisions are made regarding WRRP financing. The Finance Committee approved the following motion at their February 11, 2021 meeting:

“That the Finance Committee recommends to the Executive Committee to retain Mr. Chris Gibbons, Concord Public Financial Advisors, Inc., to advise the Committee about the following borrowings:

- *A borrowing of approximately \$10.5 million to refinance the existing pools and parks debt plus borrow additional funds to complete the unfunded items identified in summary of costs for Whitehall Road Regional Park – approximately \$1.5 million, with the caveat that less may be borrowed in order to maintain the current debt service level while potentially extending the loan.*
- *A refinancing of existing debt to determine the amount of savings that would occur noting:*
 - *The amount that could be reapplied to the Whitehall Road Regional Park project, or*
 - *The amount that could be returned to the municipalities*
- *A refinancing which borrows an amount(s) between the direct refinancing of existing debt and the refinancing of approximately \$10.5 million*

The Finance Committee requested this information be prepared and presented to them at their March 11, 2021 meeting contingent upon the possible approval of the Executive Committee. The estimated cost of retaining Mr. Gibbons is \$_____ to provide these services, which may require a budget amendment within the purview of the Executive Committee should they deem the retention of Mr. Gibbons’ services appropriate.”

The motion passed unanimously.

As of Thursday afternoon, discussions between Finance Director Joe Viglione and Mr. Gibbons were underway. As a result, the final recommendation regarding engaging Mr. Gibbons and the additional approvals that may be necessary will be presented by Mr. Viglione as the information becomes available.

All municipalities, except Halfmoon, should vote on this motion.

9. COVID WASTEWATER RESEARCH REPORT – Presented by Shawn Kauffman

The Executive Committee is asked to consider a recommendation by the Public Safety Committee to include a presentation by Andrew Read, Ph.D. of the Penn State Department of Entomology during the February 22, 2021 meeting of the COG General Forum. Dr. Read has been conducting COVID Wastewater Research during the course of the pandemic and regularly shared findings with Centre Region Emergency Management Agency emergency operations center participants.

To proceed, the Committee should consider the following motion:

“That the Executive Committee as recommended by the Public Safety Committee approves that a presentation is provided by Andrew Read, Ph.D. of the Penn State Department of Entomology on COVID Wastewater Research to General Forum members at its February 22, 2021 meeting.”

(Please note that the previously approved presentation regarding the Centre Region Anti-bias Coalition is scheduled for the February 22 meeting.)

All municipalities should vote on this motion.

10. COMMUNITY SURVEY ON CLIMATE PLANNING – Presented by Pam Adams

This agenda item asks the Executive Committee, as recommended by the Climate Action and Sustainability Committee, to consider asking the General Forum to authorize the release of the community survey to gather public input in preparation of the Climate Action and Adaptation Plan.

At its January 13, 2021 meeting, the CAS Committee discussed the public outreach phase of the climate action and adaptation planning process intended for the next 6 months. Understanding stakeholders’ and residents’ interests and priorities is paramount to creating a relevant Climate Action and Adaptation Plan (CAAP). It can also help build momentum for the implementation of the CAAP.

The survey will include an online version available to the entire community and a statistically valid random sample survey mailed to 3,000 Centre Region households. **Enclosed** is the latest draft of the survey that is planned for release in late February through April. The purpose of the survey is to:

- Determine the community’s level of climate literacy and awareness
- Provide key teaching points for future outreach
- Guide decision making and prioritization of strategies to include in the CAAP.

The survey has been reviewed and tested by multiple organizations including the Climate Action and Sustainability Committee, the Climate Action and Adaptation Technical Advisory Group (TAG), municipal staff, and several PSU professors. Because this is a random sample survey, it has been prepared to be readable at the 10th grade level to account for a broad range of literacy levels.

The CRPA is distributing the random sample survey using the Comprehensive Recreation, Parks, and Open Space Survey as a model. The postcard mailer will be randomly sent to 2,000 owner-occupied homes and 1,000 rental residential properties (not apartment buildings). Both demographics are included to reflect the makeup of our community.

For distribution of the online survey, CRPA will employ traditional communication methods (news media, newsletters, website) and a social media presence. CRPA will use <https://centresustains.com/> in outreach communications for community members to learn about the survey and forum.

As this is a new committee and they are interested in informing the entire body of officials, the Climate Action and Sustainability Committee recommended this item be sent to the General Forum for endorsement. The Executive Committee may consider precedent to determine if this is an item they can authorize or if it is best presented to the General Forum. The survey is planned for release in February 2021.

To proceed, the Committee should consider the following motion:

“That the Executive Committee as recommended by the Climate Action & Sustainability Committee asks the General Forum to authorize the release of the community survey to gather public input in preparation of the Climate Action and Adaptation Plan.”

All municipalities should vote on this motion.

11. COVID LEAVE EXTENSION / ALTERNATIVES – Presented by Eric Norenberg

Overview

As the Executive Committee will recall, the Executive Director was authorized to provide COG employees a bank of COVID Leave at the beginning of the pandemic. The initial bank of COVID leave time (prorated for part-time staff) was 15 days. It was later authorized to be expanded by an additional 20 days. The leave program was slated to expire at the end of 2020. Late in 2020, the Executive Committee authorized the Executive Director to extend the COVID Leave program while alternatives were evaluated. It is now scheduled to expire on February 28, 2021. To complement the COVID Leave program during 2021, the Executive Committee approved a Negative Leave Accrual program last month.

Background

The COG’s COVID Leave program was approved and implemented as an immediate response to an urgent need. Within a few weeks, the federal Families First Coronavirus Response Act was adopted and the COG COVID Leave policy guidelines were amended to align with the Act. Accordingly, COG staff could use their COVID Leave under the following situations:

- The employee is subject to a federal, state, or local quarantine or isolation order related to COVID-19.
- The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19.
- The employee or member of the household is experiencing symptoms of COVID-19 and is seeking a medical diagnosis.

- The employee knows that they have been exposed, is caring for an individual, or resides with an individual, who is subject to either number 1, 2, or 3 as indicated above.
- The employee must care for their child because the school or place of care of the child has been closed, or the childcare provider of such child is unavailable, due to COVID-19 precautions.
- The employee is experiencing any other substantially similar condition specified by the Center for Disease Control and Prevention.
- The employee falls into a high-risk category, resides with, or is caring for an older individual with chronic health issues. i.e. over the age of 60, or that has a pre-existing health issue such as diabetes, heart disease, lung disease, HIV, or pregnancy.

During the early days of the pandemic in March and April, several staff members were unable to work remotely and used much of their COVID Leave. Meanwhile, others were able to work remotely or had emergency response duties that carried on throughout the pandemic and thus used little or no COVID Leave. As the pandemic wore on, the COVID Leave bank was viewed as a key source of reassurance and support both by grateful employees who made use of the leave and by many who have been comforted to know it is there in case they need it, particularly as COVID-19 levels have surged in the Commonwealth and nationally.

Staff continues to monitor possible federal relief legislation that could affect current or future COVID-19-related leave programs. To allow time for staff to assess potential federal legislation and/or to develop alternative leave measures to replace COVID Leave in 2021, it is recommended that the Executive Director be authorized to extend the current COVID Leave program through April 30, 2021, to allow time for replacement/alternative measures to be reviewed, approved and implemented.

If the Executive Committee supports this recommendation, the following motion could be considered for approval:

“That the Executive Committee authorizes the COG Executive Director to extend the current COG COVID Leave program for its employees until April 30, 2021, to allow time for replacement/alternative measures to be reviewed, approved, and implemented.”

All municipalities should vote on this motion.

12. EXTERNAL PRESENTATIONS TO THE GENERAL FORUM POLICY DISCUSSION
– Presented by Eric Norenberg (*The Committee should discuss this item if time permits or consider moving this agenda item to a future meeting.*)

The Committee broadly discussed the structural role of outside groups that make presentations to the General Forum during its January 19, 2021 meeting, especially those presentation requests that do not relate directly to COG functions, agencies, or programs.

It was the consensus of the Executive Committee at its January 19, 2021 meeting that the General Forum is a convenient and open environment for groups to present factual information on regional topics that affect all area municipalities. It was also noted that these presentations are provided to elected officials for informational purposes and are not necessarily conducted with the intent to include them into new or existing COG programs. The Committee requested information for a follow-up discussion.

Currently, these requests are made to the Executive Committee after consideration by the COG Executive Director and the COG Chair based upon their relevance to COG functions, agencies, or programs; their relevance as an issue to the member municipalities; or because the request has arisen from a topical issue that has affected the region. These requests, by in large, are initially made to the Executive Director by an elected or municipal official, Penn State, organizations related to the services of our region, or other outside community groups.

The COG Articles of Agreement state that one of the primary responsibilities of the Executive Committee is to set the meeting agenda for the General Forum. Accordingly, it is the Executive Committee who should make such decisions regarding placing a presentation item on the General Forum agenda. The Executive Committee meeting agenda is set jointly by the Chair and the Executive Director. A discussion is usually held the week before the Executive Committee meeting to agree upon topics, including possible presentations or discussion of unusual items.

The COG Articles of Agreement provides guidance about the role the General Forum and COG should be playing as a venue and forum to hear information about important regional issues, opportunities for cooperation or joint action, or topics that may merit advocacy by the Region. The preamble of the Articles of Agreement includes the following statements:

- Many of the problems and needs confronting this region are independent of political boundaries.
- Any solutions to our problems and the programs that we formulate to meet our common needs will have a greater chance of success if they are undertaken jointly and in a cooperative manner.
- The overriding goal of the COG is to improve the quality of life for the residents of the Centre Region in the face of increasing pressures due to economic and population growth.
- We believe that this goal can best be achieved through cooperative efforts by the regional municipalities. This involves combining our various resources to meet regional challenges which may be beyond our individual capabilities.
- We recognize that cooperation, which is truly regional, will sometimes entail some trade-offs, but we believe it will result in better regional qualities than could be achieved by individual municipal actions.

- This agreement is to establish a council of governments in the Centre Region. It does not create a new layer of government, or a super-government. It does provide a means of communication, cooperation, and joint action in the interest of the municipalities individually and collectively.

So, it is clear that the COG and the General Forum are the appropriate venue for hearing about and discussing subjects of regional nature, and to consider joint efforts to address regional challenges. These aspirational statements can also guide possible future decisions to improve quality of life: cooperative efforts, combining resources, communication, and joint action.

In addition, the Articles elaborate the communications role in Article II Purpose:

- A. Forum:** To serve as a mutual forum to identify, discuss, study, and bring into focus regional issues and needs.
- B. Communication & Coordination:** To provide the organizational structure necessary to ensure effective communications and coordination among municipalities.
- E. Regional Spokesperson:** To maintain liaison with members, governmental units and groups or organizations and to serve as a regional spokesperson for local governments to governmental units and organizations at the county, state, and federal levels.

Summary

The Articles indicate that the communication roles and functions of the COG are not intended to be one-way (i.e. listening to presentations), but to possibly study and discuss regional issues, to provide a structure for communication and cooperation among municipalities, and be a liaison with other organizations and serve as a spokesperson. Accordingly, the General Forum can be an environment for individuals and organizations within the Centre Region to be able to present on issues of regional significance to all members at meetings of the General Forum.

The Executive Committee is invited to discuss and consider next steps if any.

13. GENERAL FORUM ROOM AUDIO/VIDEO ENHANCEMENTS DISCUSSION – Presented by Eric Norenberg (*The Committee should discuss this item if time permits or consider moving this agenda item to a future meeting.*)

This item asks the Executive Committee to begin a discussion on a pathway forward that will allow the General Forum and COG Committees to conduct its meetings successfully in a hybrid manner. During its November 17, 2020 meeting the Executive Committee decided to delay conversation on this topic while the situation on the pandemic evolved.

Background

During the July 27, 2020 meeting of the General Forum, the following motion was passed unanimously:

“That the General Forum as recommended by the Executive Committee, approve Resolution 2020-7 to authorize remote meetings during future emergency circumstances, to authorize individual members to attend and vote remotely subject to a quorum of members being present at the advertised meeting location, and to authorize the Executive Committee to approve and update related procedures as needed, subject to review by the General Forum.”

In addition, at the September 29, 2020 meeting of the General Forum, members unanimously passed the following motion:

“That the General Forum, as recommended by the COG coordinating staff, COG Executive Director, COG Agency Directors, Program Administrators and Coordinators, elected officials, Municipal Managers, and Executive Committee, adopt the consensus COG committee structure recommendations as outlined within the Exhibit A document.”

One of the recommendations identified and endorsed in this document by members was to:

Investigate and implement audio/visual improvements in the General Forum room that support hybrid meetings (participants in the room and attending remotely).
Determine how committee members and the public will connect and be managed.

With the passage of Resolution 2020-7 complete, the COG has the ability to conduct its business in an electronic/remote manner once the COVID-19 Emergency Disaster Declaration has been fully lifted so long as a quorum of members is present in the physical meeting space.

Existing, aging systems in the General Forum room have been assessed and the audio and visual infrastructure required to successfully conduct a hybrid meeting does not currently exist in the room. This is especially challenging given the large number of elected officials, staff, and others that are often present and participate in these meetings. Audio and video enhancements would need to be made to achieve the ability of COG staff to successfully conduct these meetings in a hybrid manner once the COVID-19 Emergency Disaster Declaration is lifted. Post-pandemic hybrid meetings would allow elected officials, staff, presenters, and the public to attend and participate in COG meetings in a remote manner so long as any requirements of a physical quorum of in-person voting members are satisfied. Some additional instances where remote participation may be beneficial:

- Future Public Health or Public Safety Emergency
- Inclement weather events
- Transportation limitations or scheduling conflicts
- Future Pandemics
- Potential financial savings of presenters attending remotely
- Staff or officials cannot attend in person due to sickness or vacation time
- Social distancing measures have been put in place

Staff has reached out to Ferguson Township and the State College Area School District about the possibility of utilizing alternative facilities that might be both larger and have existing A/V systems that could be used. Thus far, the feedback is that meeting conflicts and prohibitions on outside organizations using facilities during the pandemic prevent COG from pursuing those options. Other municipal or private facilities present their own challenges with parking, scheduling, lack of audio and/or video capabilities, and, sanitizing the space before and after use. (We do welcome any suggestions for sites to explore that we may not have been aware of.)

Staff has also received three quotes to address the audio and visual needs of the General Forum room and these preliminary quotes are shown below:

Vendor	Sound Loop (Audio Induction to assist the hearing impaired)	Audio Improvements (Mics, Updated Rack Equipment)	Video Improvements (Hybrid Meeting Capabilities)	Total
A	X			\$31,457.98
B	X	X	X	\$104,174.77 \$2,445.62 / 60 Months
C	X	X	X	\$32,534.28

Note: \$15,000 was approved by the General Forum during the 2019 Budget process to make audio improvements in the General Forum room and these unspent funds could be used to help accomplish these improvements.

It is estimated that this project would take approximately 6-8 weeks to complete following authorization. If desired a presentation can be arranged and be given by vendor representation that could highlight examples of similar systems that have been installed along with some comparisons and justifications.

The Executive Committee is asked to discuss and provide guidance regarding priorities for preparing the General Forum Room for the option of post-pandemic hybrid meetings.

14. EXECUTIVE DIRECTOR'S REPORT

The Executive Director will update the Executive Committee on other items of current interest.

- Cindy Hahn, C-NET Executive Director, has approached the COG Executive Director regarding an opportunity to broadcast meetings of the COG General Forum live on *YouTube*. This additional coverage would not affect the meeting's current airing schedule on C-NET and would be provided at no additional cost.

The Executive Committee is asked to decide if it would like to see this additional coverage of its General Forum meetings and approve of the proposal or if the General Forum should consider this request.

15. OTHER BUSINESS

A. Matter of Record - The next meeting of the Executive Committee is scheduled for Tuesday, March 16, 2021, at 12:15 pm. It has not yet been determined if this will be an in-person or video conference meeting.

B. Matter of Record - At its January 19, 2021 meeting the Executive Committee approved a presentation on the Centre Region Anti-Bias Coalition.

This presentation will take place at the February 22, 2021 meeting of the General Forum and be conducted by Charima Young and Sonia DeLuca Fernandez, members of Community and Campus in Unity (CCU)

The presentation will focus on the purpose, function, and expanded efforts of the Centre Region Anti-Bias Coalition, which is a part of Community & Campus in Unity (CCU). Community & Campus in Unity was launched in the fall of 2014 and its purpose is to promote an inclusive multicultural community that respects and celebrates diversity. CCU is a collaborative group of Police Chiefs, Professors, Pastors, Students, and other Community leaders from the Centre County area. More information can be found on the Community & Campus in Unity website at <https://ccustatecollege.weebly.com> or the CCU Facebook page at <https://www.facebook.com/groups/CCUnity>

C. Matter of Record - The bid de-scoping process was finished on January 22, 2021 for Whitehall Road Regional Park. On January 25, the review team met to review notes and determine at this time the lowest qualified bidders for each bid package. This was necessary to prepare a financial report for the special meeting of the Finance Committee which took place on February 1 at 1 PM.

For that meeting, the financial documents were presented to include all associated low bids, cost allowances for alternates or additional testing/rock/soil movement, and additional allowances for engineering and design work, and contingency. Applied to those figures were the loan proceeds and donations and grants, showing a break-out of what is in-hand and what still needs to be collected as some donors are utilizing pledge payments. This document was updated for the February 11 Finance Committee meeting. Also proposed to be applied to the project are proceeds from savings from refinances and rent paid for ag leases. Applying these funds still needs to be approved through a budget amendment, but they could be used as a DCNR grant match thereby reducing the loan amount. The overall project, despite competitive bids and just about \$1 million in donations/grants, remains just over \$800,000 short for the Phase I budget prior to the above-mentioned budget amendment. The unfunded items include the restroom building, the maintenance storage building, and the irrigation. The combined estimated cost for those items is \$775,000 for a total project shortfall of just under \$1.6 million

without the budget amendment.

Additionally, all apparent qualified low bidders and all qualified second low bidders have agreed to extend their bids through March 30, 2021. It is hoped to either award or reject bids at the March 18, 2021 Authority meeting or call a special Authority meeting prior to March 30, 2021 for these action items.

- D. Matter of Record - On April 13, 2021, from 6:30 - 8:30 PM students in the PSU Mediation of Environmental and Public Conflicts course will facilitate a community forum on climate action. It is open to stakeholders and interested citizens to learn what's happening, hear what local government is doing regarding climate action, and share their perspectives on priorities, issues, and challenges.

16. CALENDAR

A calendar with upcoming COG committee, General Forum, and municipal meetings can be found by clicking the following link: [COG and Municipal Meeting Overlay Calendar](#)

17. ADJOURNMENT

ENCLOSURES

<u>Item #</u>	<u>Description</u>
03	Executive Committee Meeting Minutes ~ January 19, 2021
04	Resolution 2021-2 Cathi Alloway Resolution
07A	Henry Resume
07B	Maholtz Resume
07C	Leakey Resume
07D	Walker Resume
07E	Good Resume
07F	Solnosky Resume
07G	Popovich Resume
10	Community Survey on Climate Planning

From: Dininni, Laura <ldininni@twp.ferguson.pa.us>
Sent: Friday, January 29, 2021 2:36 PM
To: Pribulka, David <dpribulka@twp.ferguson.pa.us>; Norris, Faith <fnorris@twp.ferguson.pa.us>
Subject: agenda addition

Hi there,
The Library Director Selection Committee met today at 12:00 and can be added to the committee reports.
Thanks,
Laura

IMPORTANT WARNING: The information in this message (and the documents attached to it, if any) is confidential and may be legally privileged. It is intended solely for the addressee. Access to this message by anyone else is unauthorized. If you are not the intended recipient, any disclosure, copying, distribution or any action taken, or omitted to be taken, in reliance on it is prohibited and may be unlawful. If you have received this message in error, please delete all electronic copies of this message (and the documents attached to it, if any), destroy any hard copies you may have created and notify me immediately by replying to this email. Thank you.



**Manager's Report
February 16, 2021**

1. The Manager met with Supervisors Strickland and Mitra to discuss the formation of a Financial Advisory Committee. The item was presented through the procedure to place items on the agenda for consideration and will be scheduled for further discussion at a forthcoming Regular Meeting.
2. The Municipal Managers of State College Borough, Bellefonte Borough, and Ferguson Township met on February 3rd to discuss the proposed Discrimination Ordinance and formation of a regional Human Relations Commission to adjudicate allegations of discrimination in employment, housing, and public accommodations. A follow-up meeting with the Chairs of the respective municipalities is being scheduled prior to presenting the item on meeting agendas for further discussion and consideration.
3. Staff met with the Solicitor and co-counsel to discuss potential settlement options for the land use appeals filed by Circleville Road Partners, LLC and the Nittany Valley Environmental Coalition related to the Pine Hall Traditional Town Development General Master Plan.
4. The Public Works Director and the Manager have been working with the 7Group to interview respondents to the Request for Proposals issued for the Solar Power Purchasing Agreement. Two qualified responses were received and a recommendation for an award is expected to be forthcoming pending several follow-up items that need addressed from the interviews.
5. Staff met to consider options for grant funding from the Department of Conservation and Natural Resources to offset some of the construction cost of the Park Hills Drainageway project A request for approval of a grant application will be on the Board's agenda for consideration on March 1st.



TOWNSHIP OF FERGUSON

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Public Works Director's Report to the Board of Supervisors (BOS) for the regular meeting on February 16, 2021

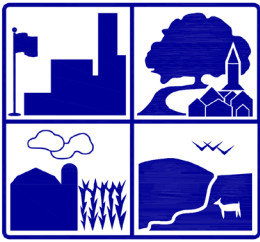
- 1. Public Works Road Crew Activities –** Winter operations in progress. Vehicle and equipment maintenance is ongoing. When not snow fighting, the road crew is performing body work and maintenance on vehicles, painting building interior walls, and completing various work orders. An annual work plan is attached for reference.
- 2. Arborist and Tree Commission Activities-** The FTTC meets next on February 22nd and will continue work on goals set for 2021. Arborist activities continue including: attending the Planning Commission meeting discussion on the Tree Preservation Ordinance, work on the spring tree planting in Haymarket Park basin and spring bare root tree order, sending notice(s) regarding tree trimming and/or performing tree trimming over bikepath(s), and tree inspections.
- 3. New Public Works Facility:** Work by all prime contractors continues on the new public works facility. The project substantial completion date was February 8th. **Contractors did not meet that date and are working to achieve substantial completion.** Certain tasks such as landscaping, installation of an oil water separator for building 3, removal of our existing (abandoned) underground fuel tanks, as well as a punch list of items will remain to be completed. Public works employees will likely start occupying the building sometime in March. Project costs remain within the approved budget. Change orders are being managed in cooperation with our Construction Manager and Architect. **The Construction Manager is on site full time until substantial completion of the project.**
- 4. Stormwater Fee Study Phase 2 –** Staff continues to provide the BOS requested information in preparation of the continued public hearing on February 16th.
- 5. Contract 2016-C11 Traffic Signal Performance Metrics –** Design work on this project continues.
- 6. Contract 2018-C20 Park Hills Drainageway –**Design work continues. A progress meeting was held on January 26th. Staff is preparing a mailing to update property owners abutting the project limits. An informational open house is being planned for March. Completion of design, permitting, easement acquisition, utility relocation this year are needed to progress the project toward construction in 2022.
- 7. Contract 2019-C21 Pine Grove Mills Street Light Conversion:** Phase 1 of the design is complete including base mapping, utility location, identification of meter and power locations, locations of existing and proposed conduit. A preliminary cost estimate was completed by Barton. Barton Associates is providing a professional services proposal to assist with phase 2 of the design. A 3000 Kelvin temperature LED retrofit “corn cob” style bulb was installed in a

fixture nearest the Naked Egg Café. This is the lowest Kelvin temperature bulb available for the existing luminaire. Staff will need direction on either keeping the current 100 watt high pressure sodium bulbs, converting to 3000K retrofit LED bulbs, or purchasing entirely new 2700K LED fixtures at an additional cost of approximately \$43,000.

8. **Contract 2020-C3 Pipe Lining:** The contractor is installing ultraviolet light cured in place pipe liners (UV-CIPP) in corrugated metal pipes in the Chestnut Ridge neighborhood, Saratoga Drive, Blue Course Drive, West Whitehall Road and Deibler Road. This year, College Township piggybacked on the contract.
9. **Contract 2020-C18 Science Park and Sandy Drive Signal Design** – Design of the traffic signal will be completed in-house for bidding and construction in 2021. Signal design is progressing with the next step being utility coordination and subsurface utility engineering.
10. **Contract 2020-C20 Pine Grove Mills Mobility Study** – A contract for this study has been awarded to McCormick Taylor, but a notice to proceed has not been issued due to the coronavirus pandemic which has affected traffic volumes. Staff and consultant are monitoring traffic volumes and activities to determine an appropriate time to begin the project. This project is currently on hold.
11. **Contract 2020-C21 Pine Grove Road & Water Street/Nixon Road Signal Warrant Study** – A contract for this study has been awarded to McCormick Taylor, but a notice to proceed has not been issued due to coronavirus pandemic which has affected traffic volumes. This project is on hold.
12. **Contract 2021-C1 Harold Drive and Gatesburg Road** – This project is in design for a combination of in-house work and contract work to improve roadside drainage and paving.
13. **Contract 2021-C2 Devonshire Drive Inlet Box** – Work includes replacing a very deep oversized inlet on Devonshire Drive at the low point near the Ferguson/Patton Township line.
14. **Contract 2021-C3 Cured in Place Pipe Lining** – This project includes lining old corrugated metal storm pipes predominately in the Brackenridge neighborhood based on a completed video assessment of the pipes.
15. **Contract 2021-C5 Storm Sewer Cleaning and Video Assessment** – This project includes cleaning existing storm pipes and televising the system to document the condition of pipes.
16. **Contract 2021-C6 Concrete curb and ADA ramp upgrades** – This is an annual assessment and upgrade of curb ramps associated with road paving and microsurfacing projects.
17. **Contract 2021-C7 a Fuel** – Annually the Township bids gasoline and diesel fuel.
18. **Contract 2021-C7b Street signs and supplies** – Annually the Township receives quotes for street signs and supplies.
19. **Contract 2021-C7c Asphalt and Aggregate** – Annually the Township bids asphalt and aggregate. The bid is usually advertised in March.
20. **Contract 2021-C 8 Pavement Markings** – Each year the Township bids pavement markings and long lines. A dozen municipalities piggyback on this popular contract.

21. **Contract 2021-C9 Microsurfacing** – This work is bid each year and typically performed in late July when school is out of session and temperatures are favorable for this type of work. Work includes the placement of two layers of a slurry of fine aggregate, minerals, asphalt emulsion and water on the pavement surface as a preventative maintenance measure to cost effectively extend the life of the pavement.
22. **Contract 2021-C10 Sealcoat bikepaths** – Certain bikepaths and multi-use paths are sealcoated to extend the life of the asphalt path. In advance of work, FTPW will edge and sweep the paths, seal any cracks, and repair the asphalt as needed. Work is performed in the summer months.
23. **Contract 2021-C11 Sidewalk Repairs** – FTPW Engineering Section will inspect a portion of the public sidewalks each year. Property owners are sent notices to fix deficient sidewalk sections and given an opportunity to fix it themselves or have the Township perform the work by contract and bill the property owner.
24. **Contract 2021-C12 Traffic Signal Cabinet Installation** – Work includes upgrading the cabinet at the intersection of Science Park Road and West College Avenue
25. **Contract 2021-C13 Traffic Signal LED Replacements** – Signal LEDs are replaced approximately every 7 years.
26. **Contract 2021-C14 Traffic Signal UPS Batteries** – Batteries are needed in the event of power outages and are replaced at the end of their useful life.
27. **Contract 2021-C15 Street Tree Pruning** – Each year a certain number of street trees are pruned to include shaping, clearance, deadwood removal, and hazard mitigation.
28. **Contract 2021-C16 Chesapeake Bay Pollutant Reduction Plan (CBPRP) Design and Permitting** – In compliance with our MS4 permit and CBPRP, certain projects will be advanced through the design and permitting phase.
29. **Contract 2021-C17 Guide Rail Replacement** – Quotes are obtained to replace certain sections of guiderail as needed.
30. **Contract 2021-C18 Homestead Park Play Equipment Installation** – Once equipment is selected, FTPW Engineering Section with assistance as needed from the Road Crew will procure, prepare the playground pit, and oversee installation of playground equipment.
31. **Contract 2021-C19 Louise E. Silvi Baseball Field Fence Installation** – Work includes replacement of a section of ball field fence.
32. **Contract 2021-C20 Songbird Sanctuary Plan Implementation** – A yet to be formalized scope of work including a perimeter walking path and tree planting will be moved forward by FTPW.
33. **Contract 2021-C21 Signal Luminaire Conversion to LED** – This project includes converting select overhead lighting at traffic signal intersections from high pressure sodium to LED.

34. **Contract 2021-C22 Playground Safety and Update Program** – Each year funding is provided to update playground equipment found to be deficient based on playground inspections. No project has yet been assigned to FTPW for this year.
35. **Contract 2021-C23 Traffic Signal Pole Replacement** – Work includes replacement of a traffic signal pole at the intersection of West College Avenue and Science Park Road. The pole was damaged in a vehicle accident. [Reference separate award recommendation memo.](#)



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PLANNING & ZONING DIRECTOR'S REPORT

Tuesday, February 16, 2021

PLANNING COMMISSION

The Planning Commission met February 8th to review the W. College Student Housing Land Development Plan and the Tree Preservation Ordinance.

LAND DEVELOPMENT PLANS AND OTHER PROJECTS

1. Active Plans are listed below for the Board of Supervisors (02/10/2021).
 - Orchard View Subdivision (24-004-,067)
 - Whitehall Road Sheetz Land Development Plan (24-004-067)
 - State College Borough Water Authority (24-006-055E)
 - West College Student Housing Lot Consolidation and Land Development Plan (24-002A-015; 24-002A-016; 24-002A-017; 24-002A-018; and 36-010-006)
 - Wasson/Ash Ave. Subdivision Plan (24-002A-132; 24-002A-134; 24-002A-135)
2. Community Planner is working to complete a private streets map, active/ongoing land development plans map, as well as updating the Township's Agricultural Easement Map.
3. Zoning Administrator and PZ Director met with applicants for Centre Animal Hospital to review a potential addition for the property.
4. PZ Staff attended an APA-PA Webinar on Planning and the Dynamics of the Demographic Grandparents Raising Grandchildren Growth.
5. PZ Director attended the Core Team Kick-Off Meeting for Community Resilience Building Workshop, the VOYA Transition Meeting and Centre County Housing and Land Trust Meeting.
6. Community Planner and PZ Director attended Centre Region Municipal Planners Meeting.
7. PZ Director and Township Manager met with the Township Solicitor to discuss ongoing litigation.

ZONING HEARING BOARD

1. 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.



FERGUSON TOWNSHIP POLICE DEPARTMENT

January 2021 Calls for Service

Part I Crimes Summary	Previous Month Jan. 2020	Current Month Jan. 2021	Previous YTD Jan. 2020	Current YTD Jan. 2021
Homicide	0	0	0	0
Rape	1	0	1	0
Robbery	0	0	0	0
Assault	2	2	2	2
Burglary	0	0	0	0
Theft	0	5	0	5
Auto Theft	0	0	0	0
Arson	0	0	0	0
Total	3	7	3	7

Part II Crimes Summary	Previous Month Jan. 2020	Current Month Jan. 2021	Previous YTD Jan. 2020	Current YTD Jan. 2021
Forgery	0	1	0	1
Fraud	4	3	4	3
Embezzlement	0	0	0	0
Receiving Stolen Property	0	0	0	0
Criminal Mischief	0	1	0	1
Weapons Violation	0	0	0	0
Prostitution and Commercialized Vice	0	0	0	0
Sex Offense	2	0	2	0
Drug Violation	1	2	1	2
Offenses Against Family	0	1	0	1
DUI	2	4	2	4
Liquor Laws (minors law, furnishing, false ID)	0	0	0	0
Public Intoxication	1	0	1	0
Disorderly Conduct	17	15	17	15
Vagrancy	0	0	0	0
All Other Criminal	2	1	2	1
Total	29	28	29	28

Total Crimes	Previous Month Jan. 2020	Current Month Jan. 2021	Previous YTD Jan. 2020	Current YTD Jan. 2021
Part I Crimes	3	7	3	7
Part II Crimes	29	28	29	28
Total	32	35	32	35



FERGUSON TOWNSHIP POLICE DEPARTMENT

January 2021 Calls for Service

Other Calls for Service	Previous Month Jan. 2020	Current Month Jan. 2021	Previous YTD Jan. 2020	Current YTD Jan. 2021
Vehicle Code - Crashes	19	12	19	12
Vehicle Code - Other Traffic Incidents	51	33	51	33
Health and Safety – EMS Assist	52	79	52	79
Health and Safety – Fire Assist	9	7	9	7
Other Health and Safety Incidents	14	12	14	12
Alarms	15	13	15	13
Suspicious Activity	36	25	36	25
Unsecure Property	2	0	2	0
Found Property	2	1	2	1
Lost Property	5	1	5	1
Community Relations/ Crime Prevention	5	4	5	4
Car Seat Check	1	1	1	1
School Check	28	23	28	23
Township Ordinances	9	11	9	11
Request for Assistance – Attempt to locate	4	6	4	6
Request for Assistance – Can-Help	0	0	0	0
Request for Assistance – Civil Matter	6	3	6	3
Request for Assistance - Other	48	40	48	40
Missing Persons/ Runaways	0	0	0	0
Animal Complaints	9	11	9	11
Department Information	3	10	3	10
Assist Other Agencies	15	10	15	10
Total	333	302	333	302

Total Calls for Service	Previous Month Jan. 2020	Current Month Jan. 2021	Previous YTD Jan. 2020	Current YTD Jan. 2021
Part I Crimes	3	7	3	7
Part II Crimes	29	28	29	28
Other Calls for Service	333	302	333	302
Total	365	337	365	337



FERGUSON TOWNSHIP POLICE DEPARTMENT

January 2021

	2020	2021	Previous YTD	Current YTD	Notes:
Traffic Citations	43	16	43	16	
Parking Tickets	97	7	97	7	
Traffic Stops	182	142	182	142	
Criminal Arrests	11	6	11	6	
Supplements	111	67	111	67	
Hearings	24	11	24	11	
Med Return	16.24	6.66	16.24	6.66	

Note:

- Traffic Stops may not include pre scheduled selective enforcement details where two or more police vehicles are assigned for specific enforcement purposes (such as Aggressive Driving Grant details).*
- Criminal Arrests are the number of people arrested, not the number of charges, counts or cases cleared. These include arrests made at the time of the incident as well as those filed after an extended investigation.*

Department Notes:

- Officers assisted the Pennsylvania Office of Attorney General Child Predator Unit execute a search warrant within the township. The Attorney General's Office charged the 57-year-old Ferguson Township man with 50 counts of child pornography.
- A 21-year-old Chester Springs man was charged with Criminal Trespass and Criminal Mischief. The man entered a fenced enclosure and damaged a glass door. The damage exceeds \$1300.
- A 53-year-old State College woman was charged with harassment after she shoved staff at a local bar.

- Act 27 of 2015 requires all police departments, if the victim consents, to submit all sexual assault evidence to an approved laboratory for analysis. Each police department must submit an annual backlogged evidence report to the Pennsylvania State Police. For 2020, we had no untested kits.

Investigations

- Detectives investigated several child abuse allegations. One of the investigations is ongoing.
- Detectives investigated the allegation of a photograph of a naked teenager shared via Snap Chat. The teenage male shared the picture of himself. The case was turned over to the Bald Eagle School District.
- Detectives investigated a child pornography allegation. As a result of a search warrant, it was determined that the pictures were sent from Turkey. No charges will be filed.
- A 35-year-old State College woman was charged with Burglary. She is accused of stealing drugs and other property from her employer's residence.
- A 59-year-old Bellefonte man was charged with Intimidation of Witnesses, Retaliation Against Witnesses and Ethnic Intimidation. The suspect sent threatening communication to a man that provided information to police.
- A 39-year-old Indiana man was charged with Bad Checks. The man attended a local auction and purchased a large quantity of coins. He paid \$8,938 for the coins. The man's account had insufficient funds. The suspect has a history of similar acts and has active arrest warrants in other states.

Community Relations:

- Officers assisted a local business conduct a threat assessment.
- Officers participated in a small parade for an ill 10-year-old girl.
- Officers helped with a school fire drill.

Record List - Total:335

Contact or caller	Nature	Area	Reported	Incident
<u>911CALLDISCNCT (1)</u>				
ACCIDENTAL 911 CALL.	911CALLDISCNCT	FT2H1	15:52:02 01/14/21	21FT00192
<u>911DUP (1)</u>				
DUPLICATE REPORT OUTSIDE AGENCY ASSIST	911DUP	FT2H1	01:44:37 01/08/21	21FT00083
<u>ABANDVEHICL (3)</u>				
ABANDONED VEHICLE	ABANDVEHICL	FT2G1	11:57:53 01/26/21	21FT00376
TWO ABANDONED VEHICLES	ABANDVEHICL	FT2G1	17:42:14 01/14/21	21FT00195
ABANDONED VEHICLE	ABANDVEHICL	FT2G1	13:23:14 01/13/21	21FT00160
<u>ALARM BURGLAR (10)</u>				
COMMERCIAL ALARM-KEYHOLDER ON SCENE WITHOUT CODE	ALARM BURGLAR	FT1B1	11:22:01 01/28/21	21FT00415
COMMERCIAL BURGLAR ALARM	ALARM BURGLAR	FT3K1	10:03:39 01/19/21	21FT00255
COMMERCIAL ALARM CANCELED PRIOR TO ARRIVAL	ALARM BURGLAR	FT1B1	19:15:08 01/17/21	21FT00237
COMMERCIAL BURGLAR ALARM	ALARM BURGLAR	FT1E1	23:59:25 01/15/21	21FT00217
COMMERCIAL BURGLAR ALARM	ALARM BURGLAR	FT1B1	19:04:14 01/15/21	21FT00213
COMMERCIAL BURGLAR ALARM	ALARM BURGLAR	FT2F1	08:55:07 01/09/21	21FT00104
ATM ALARM	ALARM BURGLAR	FT2E1	05:42:11 01/08/21	21FT00084
BUSINESS ALARM	ALARM BURGLAR	FT2G1	06:23:58 01/07/21	21FT00067
RESIDENTIAL BURGLAR ALARM	ALARM BURGLAR	FT1C1	17:22:48 01/05/21	21FT00050
RESIDENTIAL BURGLAR ALARM	ALARM BURGLAR	FT1D1	05:47:36 01/02/21	21FT00006
<u>ALARMFIREPDONLY (1)</u>				
RESIDENTIAL MALFUNCTIONING SMOKE ALARM	ALARMFIREPDONLY	FT1A1	01:56:54 01/17/21	21FT00231
<u>ALARMUNKTYPE (2)</u>				
84 YOM ACIDENTAL MEDICAL ALARM ACTIVATION	ALARMUNKTYPE	FT2G1	15:11:41 01/31/21	21FT00472
CALLER HEARD AN ALARM RING AT SCHOOL.	ALARMUNKTYPE	FT3J1	17:57:36 01/05/21	21FT00051
<u>ALCOHOL (4)</u>				
19 YOM DUI RESULTING FROM TRAFFIC STOP	ALCOHOL	FT1B1	02:09:57 01/31/21	21FT00466
57 YOF DUI; VEHICLE CRASH	ALCOHOL	FT1A1	22:01:07 01/30/21	21FT00459
DAMAGED VEHICLE PULLED INTO SCHOOL PARKING LOT , 26 YOM DRIVER DUI	ALCOHOL	FT1B2	14:15:44 01/27/21	21FT00396
24 YOF, DUI	ALCOHOL	FT1B3	23:53:39 01/22/21	21FT00334
<u>ANIMAL (11)</u>				
CALLER HAD A SQUIRREL IN THE HOUSE	ANIMAL	FT1A1	11:21:53 01/31/21	21FT00468
CALLER HAS A CAT COMING TO HIS BACK PORCH.	ANIMAL	FT2H3	18:19:33 01/29/21	21FT00439
DEER HIT BY CAR ALIVE ON SIDE OF ROADWAY	ANIMAL	FT3T1	08:10:50 01/28/21	21FT00409
CALLER REPORTED HIS TWO DOGS GOT LOOSE AND HAVE NOT RETURNED HOME.	ANIMAL	FT3K1	15:28:04 01/26/21	21FT00379
DOG AT LARGE	ANIMAL	FT1F2	08:36:57 01/22/21	21FT00320
BARKING DOGS	ANIMAL	FT1A1	08:42:58 01/18/21	21FT00242
HORSES RUNNING LOOSE	ANIMAL	FT3N1	09:47:19 01/15/21	21FT00202
SAW A COW LAYING ON THE OUTSIDE OF FENCE.	ANIMAL	FT3T1	14:20:15 01/13/21	21FT00161
DOG MAY GET OUT FROM FENCED IN YARD	ANIMAL	FT2G1	11:13:29 01/09/21	21FT00105
DOG IN VEHICLE	ANIMAL	FT2F1	09:18:07 01/08/21	21FT00091
CHOCOLATE LAB RUNNING IN AREA FOR LAST FEW DAYS	ANIMAL	FT1C1	09:19:11 01/03/21	21FT00017
<u>ASSAULTEARLIER (1)</u>				
MOTHER ALLEGEDLY PUSHED SON OFF OF BED	ASSAULTEARLIER	FT1B1	19:31:12 01/25/21	21FT00373
<u>CHILDABUSE (1)</u>				
MOTHER ALLEGEDLY HIT SON WITH WOODEN DOOR STOP ON REAR END	CHILDABUSE	FT1B1	19:30:06 01/26/21	21FT00383
<u>CHILDCARSEATCHK (1)</u>				
CHECKED CAR SEAT INSTALLATION	CHILDCARSEATCHK	FT2H1	14:32:30 01/27/21	21FT00397
<u>CHILDPORNLAWS (1)</u>				
JUVENILE SAW A NUDE PICTURE ON SNAPCHAT	CHILDPORNLAWS	FT1C1	11:30:00 01/26/21	21FT00377
<u>COMMRELATIONS (4)</u>				
FIRE DRILL AT SCHOOL	COMMRELATIONS	FT2G1	14:20:30 01/21/21	21FT00300

SMALL PARADE FOR VERY SICK 10 YOF.	COMMRELATIONS	FT2H1	13:47:04	01/16/21	21FT00221
THREAT ASSESMENT FOR LOCAL BUSINESS	COMMRELATIONS	FT2H1	09:52:26	01/13/21	21FT00153
2021 FTPD DRUG BOX COLLECTIONS	COMMRELATIONS	FT2H1	11:37:16	01/04/21	21FT00027
CRIMMISCHIEF (1)					
20 YOM DUI AND CRIMINAL MISCHIEF	CRIMMISCHIEF	FT2G1	12:47:27	01/14/21	21FT00189
DeptInfo (1)					
CYS REFERRAL	DeptInfo	FT2H1	12:56:53	01/29/21	21FT00433
DEPTINFO (9)					
PA GAME COMMISSION PUTTING DEER DOWN	DEPTINFO	FT1D1	16:36:51	01/29/21	21FT00435
ONGOING UNWANTED CONTACT FROM COLLEGE ACQUAINTANCE	DEPTINFO	FT2G1	09:41:34	01/28/21	21FT00411
SEX ASSAULT KIT SURVEY COMPLETED	DEPTINFO	FT2H1	14:25:56	01/22/21	21FT00325
INFORMATION ABOUT A PSU EMPLOYEE BEING HARASSED	DEPTINFO	FT1C1	13:27:00	01/15/21	21FT00205
DEPARTMENT EVIDENCE ROOM FULL AUDIT	DEPTINFO	FT2H1	11:34:10	01/14/21	21FT00187
FIREARMS RELINQUISHMENT CHECK	DEPTINFO	FT2H2	14:33:15	01/13/21	21FT00164
ANONYMOUS INFORMATION ABOUT SUSPICIOUS TRUCK	DEPTINFO	FT2H2	14:32:31	01/13/21	21FT00163
SPOT AUDIT OF EVIDENCE ROOM	DEPTINFO	FT2H1	07:55:25	01/13/21	21FT00151
PERCEIVED THREATS AND QUESTION ABOUT PFA	DEPTINFO	FT1B1	21:29:47	01/07/21	21FT00081
DISORDERLYCOND (10)					
LOUD MUSIC	DISORDERLYCOND	FT1B2	00:42:20	01/31/21	21FT00463
REPORT OF LOUD MUSIC	DISORDERLYCOND	FT2I2	13:24:15	01/30/21	21FT00453
REPORT OF FIGHT - GOA	DISORDERLYCOND	FT2H1	07:51:42	01/25/21	21FT00357
LOUD PARTY	DISORDERLYCOND	FT2I2	03:03:28	01/23/21	21FT00337
19 YOM BROKEN NOSE FROM UNINTENTIONAL CONTACT.	DISORDERLYCOND	FT2I2	14:30:30	01/22/21	21FT00327
LOUD MUSIC	DISORDERLYCOND		12:04:38	01/21/21	21FT00298
CUSTOMER REFUSED TO PUT MASK ON; COVID	DISORDERLYCOND	FT2H1	03:42:39	01/17/21	21FT00232
LOUD MUSIC/SINGING	DISORDERLYCOND	FT1F2	23:40:02	01/15/21	21FT00216
LOUD PARTY	DISORDERLYCOND	FT1A1	22:57:11	01/14/21	21FT00197
LOUD VOICES AND MUSIC	DISORDERLYCOND	FT3J1	00:32:38	01/03/21	21FT00015
DOMESTICDISPUTE (2)					
VERBAL DOMESTIC	DOMESTICDISPUTE	FT1B1	19:43:28	01/18/21	21FT00249
DISPUTE BETWEEN BOYFRIEND AND GIRLFRIEND	DOMESTICDISPUTE	FT1A1	07:05:32	01/03/21	21FT00016
DRUGLAW (2)					
DRUG SEARCH WARRANT	DRUGLAW	FT1A1	11:38:58	01/13/21	21FT00166
STATE PAROLE AGENT FOUND DRUGS AT RESIDENCE	DRUGLAW	FT1C1	14:23:07	01/05/21	21FT00047
FORGERY (1)					
18 YOM - FAKE ID	FORGERY	FT1B5	21:49:10	01/27/21	21FT00402
FRAUD (1)					
ONLINE PURCHASES WITH CALLER CREDIT CARD	FRAUD	FT1C1	13:19:42	01/12/21	21FT00142
HARASSMENT (5)					
COMPLAINANT RECIEIVING UNWANTED TEXT MESSAGES	HARASSMENT	FT2I2	12:00:00	01/24/21	21FT00399
EMPLOYEE PUSHED DURING ARGUMENT WITH CO-WORKER	HARASSMENT	FT1B5	21:50:13	01/16/21	21FT00228
HARRASING LETTER RECEIVED	HARASSMENT	FT2H1	17:34:04	01/14/21	21FT00194
REPEATED ATTEMPTS AT CONTACT; UNWANTED	HARASSMENT	FT1B1	17:12:44	01/07/21	21FT00078
CUSTODY COMPLAINT THAT WAS POSSIBLE HARASSMENT.	HARASSMENT	FT3K1	20:38:14	01/06/21	21FT00066
HLTHSFTY (12)					
76 YOF VERY CONFUSED	HLTHSFTY	FT1E1	20:26:24	01/30/21	21FT00458
76 YOM WITH ANXIETY	HLTHSFTY	FT2H1	23:01:59	01/27/21	21FT00403
CHECK ON PATIENT FROM MEDEXPRESS	HLTHSFTY	FT1C1	15:43:23	01/24/21	21FT00352
SUICIDAL 54 YOF.	HLTHSFTY	FT1B1	17:33:54	01/21/21	21FT00307
DIMENTIA RESIDENT WALKED AWAY	HLTHSFTY	FT1E1	13:39:09	01/16/21	21FT00220
ANONYMOUS TIP THROUGH SAFE-TO-SAY	HLTHSFTY	FT1E1	23:00:54	01/15/21	21FT00215
33 YOM TRANSPORTED TO HOSPITAL; MHID	HLTHSFTY	FT1A1	15:56:40	01/15/21	21FT00206
MISSING WATER ACCESS COVER	HLTHSFTY	FT1D1	14:09:03	01/11/21	21FT00122
3 YOF FOUND OUTSIDE SCHOOL	HLTHSFTY	FT3J1	07:14:31	01/08/21	21FT00086
CALLER SAID SOME SORT OF WIRE ON ROADWAY.	HLTHSFTY	FT3S1	14:11:56	01/06/21	21FT00064
WELFARE CHECK	HLTHSFTY	FT2H1	17:11:42	01/03/21	21FT00021
TREE DOWN ON ELECTRIC LINES	HLTHSFTY	FT3O1	07:38:31	01/02/21	21FT00007
HLTHSFTYEMSASST (79)					

25 YOF BREATHING ISSUE (POSS COVID)	HLTHSFTYEMSASST FT1A1	21:23:03 01/31/21	21FT00479
74 YOF HAVING SEIZURES.	HLTHSFTYEMSASST FT1A1	19:23:16 01/30/21	21FT00457
65 YOF SHORTNESS OF BREATH.	HLTHSFTYEMSASST FT1C1	15:54:04 01/30/21	21FT00454
21 YOM, LOW BLOOD SUGAR	HLTHSFTYEMSASST FT1B3	09:50:56 01/30/21	21FT00452
25 YOF - ALCOHOL OVERDOSE	HLTHSFTYEMSASST FT2G1	04:26:50 01/30/21	21FT00451
65 YOM WITH HIGH FEVER, ALTERED MENTAL STATUS	HLTHSFTYEMSASST FT1C1	23:15:23 01/29/21	21FT00442
45 YOF - OUTDOOR GROUND LEVEL FALL	HLTHSFTYEMSASST FT1B1	21:55:58 01/29/21	21FT00440
MEDICAL PENDANT ALARM	HLTHSFTYEMSASST FT2G1	18:02:50 01/29/21	21FT00438
35 YOM 12 FT FALL FROM A ROOF WITH LEG PAIN	HLTHSFTYEMSASST FT1C1	14:28:02 01/29/21	21FT00434
75 YOM FELL	HLTHSFTYEMSASST FT1B1	09:03:25 01/29/21	21FT00430
71 YOF FEMALE FELL IN SHOWER HIP PAIN	HLTHSFTYEMSASST FT2G1	08:25:13 01/29/21	21FT00429
47 YOM, ILLNESS RELATED TO COVID-19 VACCINE.	HLTHSFTYEMSASST FT2G1	18:22:30 01/28/21	21FT00423
76 YOM-WEAK, NO POLICE RESPONSE DUE TO COVID RESTRICTIONS	HLTHSFTYEMSASST FT1B1	11:30:52 01/28/21	21FT00416
86 YOM, CHEST PAIN	HLTHSFTYEMSASST FT1E1	18:52:03 01/27/21	21FT00401
92 YOM RESP DIFF AND CHEST PAIN	HLTHSFTYEMSASST FT1E1	13:31:34 01/27/21	21FT00395
31 YOM FELL ON ICE AND HURT BACK	HLTHSFTYEMSASST FT1B5	10:49:50 01/27/21	21FT00393
ALARM THAT WAS RESET PRIOR TO ARRIVAL	HLTHSFTYEMSASST FT2H1	19:50:56 01/26/21	21FT00382
68 YOF, GENERAL ILLNESS	HLTHSFTYEMSASST FT2H1	16:11:26 01/26/21	21FT00381
50 YOM CHEST PAIN	HLTHSFTYEMSASST FT2H3	15:07:09 01/26/21	21FT00378
53 YOF WITH SEIZURE	HLTHSFTYEMSASST FT1A1	17:50:44 01/25/21	21FT00371
62 YOM-HIGH BLOOD PRESSURE	HLTHSFTYEMSASST FT1C1	15:42:30 01/25/21	21FT00368
28 YOF, ANKLE PAIN	HLTHSFTYEMSASST FT1B1	10:30:56 01/25/21	21FT00360
65 YOF DIZZY	HLTHSFTYEMSASST FT1A1	10:10:44 01/25/21	21FT00359
87 YOF BREATHING ISSUES.	HLTHSFTYEMSASST FT2H1	17:07:42 01/24/21	21FT00353
79YOM, NEEDED HELP UP FROM FLOOR	HLTHSFTYEMSASST FT3K1	07:06:00 01/24/21	21FT00349
70 YOF WITH CHEST PAINS	HLTHSFTYEMSASST FT3N1	02:55:15 01/24/21	21FT00348
76 YOM GROUND LEVEL FALL.	HLTHSFTYEMSASST FT1D1	21:05:53 01/22/21	21FT00331
62 YOF, HIGH BLOOD PRESSURE	HLTHSFTYEMSASST FT1C1	16:50:59 01/22/21	21FT00328
67 YOF - STOMACH PAIN	HLTHSFTYEMSASST FT1E1	00:46:37 01/22/21	21FT00314
91 YOM, COVID PATIENT TROUBLE BREATHING	HLTHSFTYEMSASST FT1F2	09:32:27 01/21/21	21FT00296
81 YOF, BREATHING DIFFICULTY AND CHEST PAIN	HLTHSFTYEMSASST FT1E1	08:00:31 01/21/21	21FT00293
82 YOF, NAUSEA.	HLTHSFTYEMSASST FT1A1	16:52:54 01/20/21	21FT00282
70'S YOF, GENERAL ILLNESS	HLTHSFTYEMSASST FT2H1	14:08:23 01/20/21	21FT00279
80 YOF, WEAKNESS	HLTHSFTYEMSASST FT2G1	07:49:04 01/20/21	21FT00275
75 YOM - CANCER DIAGNOSIS - WEAKNESS	HLTHSFTYEMSASST FT1D1	03:20:23 01/20/21	21FT00272
77 YOF, FELL OUT OF CHAIR	HLTHSFTYEMSASST FT1D1	19:01:40 01/19/21	21FT00267
79 YOF, CHEST PAIN AND TROUBLE BREATHING	HLTHSFTYEMSASST FT1A1	09:55:47 01/19/21	21FT00254
84 YOF, GENERAL ILLNESS	HLTHSFTYEMSASST FT1D1	14:58:53 01/18/21	21FT00245
88 YOF, CHEST PAIN	HLTHSFTYEMSASST FT2H1	09:46:42 01/18/21	21FT00243
89 YOF, FALL VICTIM	HLTHSFTYEMSASST FT2H1	02:09:18 01/18/21	21FT00239
90 YOM HIT EMERGENCY HELP BUTTON.	HLTHSFTYEMSASST FT2H1	20:43:48 01/17/21	21FT00238
87 YOM TOUBLE BREATHING DUE TO COVID	HLTHSFTYEMSASST FT2G1	11:57:13 01/17/21	21FT00235
50'S YOM, ACTIVELY SEIZING	HLTHSFTYEMSASST FT1E1	01:30:36 01/17/21	21FT00230
22 YOM, STOMACH PAIN	HLTHSFTYEMSASST FT1F2	20:10:12 01/16/21	21FT00226
76 YOM, STOMACH PAIN	HLTHSFTYEMSASST FT2H1	19:13:16 01/16/21	21FT00225
69 YOM, FELL AND HIT HIS HEAD	HLTHSFTYEMSASST FT1C1	18:18:07 01/16/21	21FT00224
79 YOF, BACK PAIN	HLTHSFTYEMSASST FT2G1	10:36:43 01/16/21	21FT00219
89 YOF, COVID19, FEVER, CHEST CONGESTION	HLTHSFTYEMSASST FT1F2	18:07:22 01/15/21	21FT00210
69 YOM CARDIAC ARREST; AED	HLTHSFTYEMSASST FT1F1	16:25:27 01/15/21	21FT00207
72 YOF, TROUBLE BREATHING	HLTHSFTYEMSASST FT3L1	07:40:18 01/15/21	21FT00201
80 YOM, CANCER PATIENT WITH PAIN	HLTHSFTYEMSASST FT3J1	07:14:45 01/15/21	21FT00200
6 MO OLD W/ HERNIA	HLTHSFTYEMSASST FT1A1	23:24:25 01/14/21	21FT00198
50'S YOM, ANXIETY.	HLTHSFTYEMSASST FT2H1	15:57:13 01/14/21	21FT00193
80 YOF, WEAK PULSE	HLTHSFTYEMSASST FT1E1	10:09:33 01/14/21	21FT00186
89 YOM COVID POSITIVE, TROUBLE BREATHING	HLTHSFTYEMSASST FT1F2	07:20:25 01/14/21	21FT00183
84 YOF FELL AND NEEDED HELP GETTING UP	HLTHSFTYEMSASST FT1D1	05:26:42 01/14/21	21FT00181
85 YOF FALL	HLTHSFTYEMSASST FT1D1	00:23:44 01/14/21	21FT00176
29 YOM TESTICULAR PAIN.	HLTHSFTYEMSASST FT1A1	18:53:34 01/13/21	21FT00173
MEDICAL PENDANT ACTIVATION	HLTHSFTYEMSASST FT2H1	16:02:02 01/13/21	21FT00169
87 YOF FELL AND CUT HEAD OPEN.	HLTHSFTYEMSASST FT1C1	15:39:17 01/13/21	21FT00168
76 YOF, LEG PAIN.	HLTHSFTYEMSASST FT2H1	17:32:31 01/12/21	21FT00147

79 YOF FALL	HLTHSFTYEMSASST	FT2M1	23:12:43	01/11/21	21FT00132
32 YOM, COVID19 SYMPTOMS	HLTHSFTYEMSASST	FT2G1	21:20:05	01/11/21	21FT00131
51 YOM, MHID ISSUES	HLTHSFTYEMSASST	FT1B1	10:33:57	01/11/21	21FT00120
89 YOF, SWOLLEN LEG	HLTHSFTYEMSASST	FT2G1	14:17:35	01/09/21	21FT00107
44 YOM BLEEDING FROM PENIS	HLTHSFTYEMSASST	FT1B1	08:35:29	01/09/21	21FT00103
50'S YOF WITH ABDOMINAL ISSUES.	HLTHSFTYEMSASST	FT1B1	16:27:49	01/08/21	21FT00096
54 YOF, VOLUNTARY MENTAL HEALTH TRANSPORT	HLTHSFTYEMSASST	FT1B1	14:20:47	01/08/21	21FT00094
91 YOM COVID SYMPTOMS	HLTHSFTYEMSASST	FT1C1	19:38:02	01/07/21	21FT00079
56 YOM, FALL VICTIM, COVID RESTRICTIONS	HLTHSFTYEMSASST	FT2G1	13:05:17	01/06/21	21FT00063
22 YOF, COMBATIVE COVID PATIENT	HLTHSFTYEMSASST	FT1B3	12:26:41	01/06/21	21FT00062
59 YOM SHORTNESS OF BREATH	HLTHSFTYEMSASST	FT2H1	22:14:16	01/04/21	21FT00039
56 YOF WITH ABDOMINAL PAIN	HLTHSFTYEMSASST	FT2H1	18:32:36	01/04/21	21FT00036
89 YOM POSSIBLE STROKE	HLTHSFTYEMSASST	FT1E1	17:11:44	01/04/21	21FT00034
73 YOF RETAINING FLUID AND SWELLING	HLTHSFTYEMSASST	FT1A1	11:04:13	01/02/21	21FT00010
89 YOF, FALL	HLTHSFTYEMSASST	FT2G1	15:36:47	01/01/21	21FT00005
70'S YOM, TROUBLE BREATHING, COVID-19	HLTHSFTYEMSASST	FT1C1	14:30:45	01/01/21	21FT00004
79 YOM, TROUBLE BREATHING, COVID-19	HLTHSFTYEMSASST	FT3K1	09:49:45	01/01/21	21FT00002
72 YOM, FELL AND NEEDED HELP GETTING UP	HLTHSFTYEMSASST	FT1B1	07:15:20	01/01/21	21FT00001

HLTHSFTYFIREAST (7)

COMMUNICATIONS LINES DOWN ON ROADWAY	HLTHSFTYFIREAST	FT3J1	13:12:51	01/19/21	21FT00260
ASSIST FIRE, SMELL OF GAS IN AREA GOA	HLTHSFTYFIREAST	FT2G1	06:07:24	01/14/21	21FT00182
FIRE ALARM CANCELLED BEFORE ARRIVAL	HLTHSFTYFIREAST	FT2G1	21:27:08	01/09/21	21FT00112
MEDICAL ALARM/SMOKE ALARM	HLTHSFTYFIREAST	FT2H1	13:28:30	01/09/21	21FT00106
FIRE ALARM-MALFUNCTION	HLTHSFTYFIREAST	FT2H1	14:38:28	01/07/21	21FT00076
UNKNOWN ODOR IN AN APARTMENT	HLTHSFTYFIREAST	FT1B4	01:14:47	01/06/21	21FT00053
FIRE ALARM	HLTHSFTYFIREAST	FT1D1	18:28:58	01/03/21	21FT00022

IDENTITYTHEFT (2)

BANK ACCOUNT ACCESSED	IDENTITYTHEFT	FT3N1	13:44:51	01/14/21	21FT00190
CREDIT CARD OPENED	IDENTITYTHEFT	FT1E1	12:34:19	01/07/21	21FT00074

ORDVIOL (4)

ASSIST CENTRE REGION CODE FOR VIOLATION	ORDVIOL	FT3T1	15:43:21	01/15/21	21FT00209
SOLICITATION WITHOUT A PERMIT	ORDVIOL	FT1F2	09:54:48	01/14/21	21FT00185
COMPLAINT ABOUT A LARGE FIRE	ORDVIOL	FT3T1	20:34:33	01/12/21	21FT00150
SIDEWALK VIOLATION	ORDVIOL	FT1A1	10:09:30	01/04/21	21FT00025

OUTAGNCYASST (10)

PSP REQUEST ASSISTANCE LOCATING A RUNAWAY 16 YOF	OUTAGNCYASST	FT2H1	23:38:06	01/27/21	21FT00404
ASSIST PTPD WITH 302 WARRANT	OUTAGNCYASST	PTPD	04:02:41	01/27/21	21FT00386
PTPD - FIRE ALARM ASSIST	OUTAGNCYASST	PTPD	01:58:29	01/27/21	21FT00385
STOOD BY WHILE PTPD OFFICERS HANDLED INCIDENT	OUTAGNCYASST	PTPD	01:25:25	01/27/21	21FT00384
ASSIST PSUPD WITH REPORT OF PERSON FALLING THROUGH ICE	OUTAGNCYASST	UUPSV	14:23:34	01/16/21	21FT00222
ASSISTED PTPD WITH A DRUG OVERDOSE	OUTAGNCYASST	PTPD	00:47:36	01/14/21	21FT00177
CRASH THAT OCCURRED IN PATTON TOWNSHIP.	OUTAGNCYASST	PTPD	15:42:35	01/13/21	21FT00167
ASSIST PTPD WITH SUSPICIOUS ACTIVITY	OUTAGNCYASST	PTPD	20:30:53	01/09/21	21FT00111
ORFA TO CHECK FOR A JUV FEMALE RUN AWAY	OUTAGNCYASST	FT1D1	14:51:00	01/09/21	21FT00108
ASSIST WITH DRUG INVESTIGATION	OUTAGNCYASST	FT2H1	07:27:11	01/08/21	21FT00087

PARKING (7)

REPORT OF CAR PARKED ALONG ROAD - GOA	PARKING	FT3J1	10:37:30	01/31/21	21FT00467
REPORT OF ILLEGALLY PARKED CAR - GOA	PARKING	FT3J1	11:40:40	01/25/21	21FT00361
VEHICLE PARKED BLOCKING SIDEWALK.	PARKING	FT2G1	15:52:35	01/21/21	21FT00304
VEHICLE PARKED IN DRIVEWAY BLOCKING THE WHOLE SIDEWALK.	PARKING	FT2G1	15:34:41	01/13/21	21FT00159
CAR PARKED ON SIDEWALK	PARKING	FT2H3	14:18:47	01/13/21	21FT00162
VEHICLE PARKED ILLEGALLY	PARKING	FT2H3	13:02:58	01/11/21	21FT00121
QUESTIONS ABOUT OBTAINING PARKING PERMIT	PARKING	FT2G1	15:59:06	01/07/21	21FT00077

PFAVIOLATION (1)

REPORT OF PFA/CHILD CUSTODY ISSUES	PFAVIOLATION	FT2H1	18:14:04	01/15/21	21FT00211
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PROFOUNDKEYS (1)

CAR KEYS LAYING IN THE ROADWAY	PROFOUNDKEYS	FT3J1	23:06:35	01/30/21	21FT00461
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PROPLOST (1)

LOST CENTRAL AMERICA PASSPORT PROPLOST FT1B2 08:28:53 01/06/21 21FT00056

RFACIVILDISP (3)

TEXTS FROM EX AT WORK RFACIVILDISP FT1B1 16:13:10 01/23/21 21FT00339
CIVIL DISPUTE OVER SALE OF VEHICLE RFACIVILDISP FT1B1 11:55:06 01/14/21 21FT00188
DISPUTE OVER SALE OF IPAD RFACIVILDISP FT1C1 08:53:36 01/14/21 21FT00184

RFALOCATECONT (6)

MAKE CONTACT WITH 83 YOF RFALOCATECONT FT2G1 08:39:27 01/27/21 21FT00389
ATTEMPT TO LOCATE RFALOCATECONT FT2H1 13:11:06 01/22/21 21FT00324
REQUEST TO LOCATE A PENN STATE STUDENT FOR HEALTH & SAFETY CONCERNS. RFALOCATECONT FT1F2 18:51:41 01/14/21 21FT00196
SISTER HAS NOT HEARD FROM BROTHER - HE WAS FINE RFALOCATECONT FT3J1 08:49:31 01/12/21 21FT00140
CHECK GRANDSON'S WELFARE RFALOCATECONT FT3N1 11:08:24 01/06/21 21FT00061
CALLER WAS WORRIED ABOUT NEIGHBOR THAT HE HAS NOT SEEN FOR MONTHS. RFALOCATECONT FT2M1 15:41:53 01/05/21 21FT00049

RFAOTHER (32)

CONCERN ABOUT HUG FROM FRIEND RFAOTHER FT1F2 15:56:28 01/31/21 21FT00475
CALLER SAID A VEHICLE WAS DOING DONUTS IN A PARKING LOT. RFAOTHER FT2H1 15:29:10 01/31/21 21FT00473
CALLER REPORTS LOUD LAWN TRACTOR RFAOTHER FT2G1 12:11:56 01/31/21 21FT00471
YOUNG BOY CALLED RESIDENCE ASKING FOR HIS MOM RFAOTHER FT2H1 02:45:25 01/30/21 21FT00450
QUESTIONS ABOUT EARLIER CRASH RFAOTHER FT2F1 10:06:15 01/27/21 21FT00391
MOTORIST STUCK ON ICE RFAOTHER FT1C1 12:52:30 01/25/21 21FT00362
COVID-CALLER REPORTED A POSSIBLE LARGE GATHERING / NOT IN VIOLATION OF ORD. RFAOTHER FT2I2 22:20:17 01/23/21 21FT00343
REPORT OF WATER LEAK RFAOTHER FT1B1 18:44:42 01/23/21 21FT00341
HORSE WATER IN TUDEK PARK FROZEN RFAOTHER FT1B1 14:17:56 01/23/21 21FT00338
MALE SUSPECTS HIS EX GF IS INVOLVED IN PROSTITUTION RFAOTHER FT1B1 04:51:36 01/22/21 21FT00315
CALLER WANTED SOME FORM OF A REPORT FOR HER INSURANCE. RFAOTHER FT2H1 16:04:53 01/21/21 21FT00305
GARBAGE THROWN IN DUMPSTER RFAOTHER FT3J1 19:30:16 01/20/21 21FT00284
PATRON WOULDNT PAY BILL / PATRON RETURNED AND PAID BILL RFAOTHER FT1B5 17:18:23 01/20/21 21FT00283
CALLER'S WIFE HAD NOT RETURNED HOME FROM THE STORE - LATER LOCATED BY CALLER. RFAOTHER FT1A1 15:16:26 01/19/21 21FT00263
REPORT OF POSSIBLY STOLEN BIKE RFAOTHER FT2G1 17:44:01 01/17/21 21FT00236
TRANSIENT LOOKING FOR A ROOM RFAOTHER FT1A1 20:17:17 01/16/21 21FT00227
QUESTIONS ABOUT PAYING PARKING TICKETS RFAOTHER FT2H1 17:34:50 01/16/21 21FT00223
FEMALE UPSET ABOUT FACEBOOK MESSAGE RFAOTHER FT1C1 22:13:45 01/15/21 21FT00214
CALLER WANTED A ROCK MOVED RFAOTHER FT3J1 12:36:47 01/15/21 21FT00204
911 CALL FROM CAMERON COUNTY. EMS ASSIST RFAOTHER FT2H1 19:42:17 01/13/21 21FT00174
CAR PARKED IN NEIGHBORHOOD RFAOTHER FT3K1 10:22:29 01/13/21 21FT00156
COVID-DISPUTE OVER NOT WEARING A MASK RFAOTHER FT1B1 08:24:49 01/12/21 21FT00138
VEHICLE STUCK ON A CURB RFAOTHER FT1A1 16:31:00 01/11/21 21FT00128
ANIMAL RFAOTHER FT3Q1 11:52:31 01/08/21 21FT00093
QUESTION ABOUT DRIVING WITH EAR PIECE RFAOTHER FT2H1 12:30:27 01/07/21 21FT00073
ROAD RAGE, CALLER BEING FOLLOWED RFAOTHER FT1A1 08:28:54 01/07/21 21FT00069
ASSIST AG'S OFFICE WITH A WARRANT RFAOTHER FT1B1 07:15:42 01/06/21 21FT00054
RESIDENT HAD ISSUES SHUTTING OFF HER ALARM RFAOTHER FT1E1 23:27:27 01/04/21 21FT00042
LOUD SNOW REMOVAL RFAOTHER FT1F1 00:13:54 01/04/21 21FT00024
CALLER UPSET DUE TO PLOW TRUCK NOISE RFAOTHER FT1E1 23:59:15 01/03/21 21FT00023
CAR STUCK ON KEPLER RD RFAOTHER FT3R1 12:47:52 01/03/21 21FT00018
CALLER UNABLE TO CONTACT 87 YOM WHO IS NOT CURRENTLY IN PA. RFAOTHER FT2G1 21:32:16 01/02/21 21FT00014

SCHOOLCHECK (23)

SCHOOLCHECK 13:02:29 01/28/21 21FT00418
SCHOOLCHECK 10:15:15 01/28/21 21FT00413
SCHOOLCHECK 15:14:32 01/27/21 21FT00398
SCHOOLCHECK 10:38:58 01/27/21 21FT00392
SCHOOLCHECK 08:07:28 01/27/21 21FT00387
SCHOOLCHECK 13:52:47 01/25/21 21FT00364
SCHOOLCHECK 13:21:41 01/25/21 21FT00363
SCHOOLCHECK 14:42:34 01/21/21 21FT00301

,3718

SCHOOLCHECK	08:23:10	01/21/21	21FT00295
SCHOOLCHECK	08:10:20	01/21/21	21FT00294
SCHOOLCHECK	08:11:12	01/20/21	21FT00277
SCHOOLCHECK	12:37:27	01/19/21	21FT00259
SCHOOLCHECK	12:16:39	01/19/21	21FT00257
SCHOOLCHECK	12:22:02	01/12/21	21FT00141
SCHOOLCHECK	08:13:06	01/12/21	21FT00137
SCHOOLCHECK	07:49:25	01/12/21	21FT00133
SCHOOLCHECK	08:50:20	01/11/21	21FT00119
SCHOOLCHECK	08:11:15	01/11/21	21FT00118
SCHOOLCHECK	10:44:52	01/07/21	21FT00072
SCHOOLCHECK	09:35:11	01/07/21	21FT00070
SCHOOLCHECK	10:12:20	01/06/21	21FT00060
SCHOOLCHECK	11:51:43	01/04/21	21FT00029
SCHOOLCHECK	11:44:30	01/04/21	21FT00028

SUSPACTY (24)

OCCUPIED VEHICLE AT TEENER FIELD WITH TWO MINORS IN IT.	SUSPACTY	FT2H3	00:31:02	01/30/21	21FT00445
ATV DRIVING IN THE WOODS	SUSPACTY	FT3K1	22:32:00	01/29/21	21FT00441
COMPLAINANT HAD IDENTITY STOLEN	SUSPACTY	FT2H1	17:05:49	01/28/21	21FT00422
PSU STUDENT RECEIVED FRAUD EMAIL	SUSPACTY	FT2H2	11:02:54	01/28/21	21FT00414
CALLER THOUGHT ACCOUNTS WERE COMPROMISED	SUSPACTY	FT1A1	08:00:19	01/28/21	21FT00408
REPORT OF 2 MALES LOOKING IN PARKED CARS	SUSPACTY	FT1A1	06:22:27	01/28/21	21FT00406
CALLERS DOOR WAS OPEN WHEN SHE RETURNED HOME	SUSPACTY	FT1F2	00:33:42	01/28/21	21FT00405
MAIL PILING UP AT RESIDENCE	SUSPACTY	FT1C1	17:46:26	01/27/21	21FT00400
SOMEONE SPOTTING DEER	SUSPACTY	FT2M1	21:54:45	01/25/21	21FT00375
FEMALE SCREAMING NEAR DRIVEWAY	SUSPACTY	FT1B1	21:21:58	01/25/21	21FT00374
FRAUDULANT UNEMPLOYMENT PAYMENT	SUSPACTY	FT1C1	16:28:23	01/23/21	21FT00340
76 YOF THOUGHT SOMEONE WAS IN HER BASEMENT.	SUSPACTY	FT1E1	00:06:51	01/23/21	21FT00335
INTOXICATED MALE, LOST IN A NEIGHBORHOOD	SUSPACTY	FT2G1	01:54:18	01/21/21	21FT00287
CAR DRIVING ON A BIKE PATH	SUSPACTY	FT1B1	22:42:17	01/19/21	21FT00271
SLIDING GLASS DOOR OPEN	SUSPACTY	FT2H1	14:15:42	01/19/21	21FT00261
VEHICLE PARKED ON THE ROADWAY	SUSPACTY	FT1E1	00:35:51	01/19/21	21FT00251
PUBLISHERS CLEARINGHOUSE CALL	SUSPACTY	FT2H1	10:44:36	01/15/21	21FT00203
CALLER THOUGHT SOMEONE KNOCKED ON HER DOOR	SUSPACTY	FT2G1	01:41:11	01/14/21	21FT00180
CALLER SAW SOMEONE LOOKING IN NEIGHBORS MAILBOX.	SUSPACTY	FT3O1	18:39:59	01/13/21	21FT00172
SCAM CALLS ABOUT MEDICARE	SUSPACTY	FT2M1	12:40:32	01/13/21	21FT00158
VEHICLE DRIVING AROUND THE NEIGHBORHOOD	SUSPACTY	FT1E1	16:35:05	01/08/21	21FT00097
MAINTENCE STAFF WORKING ON HOUSE	SUSPACTY	FT2G1	11:56:16	01/08/21	21FT00092
UNWANTED PERSON AT CALLERS DOOR	SUSPACTY	FT1A1	16:09:33	01/06/21	21FT00065
SECRET SHOPPER SCAM.	SUSPACTY	FT2M1	13:57:00	01/04/21	21FT00030

TERRSTCTHREATS (1)

SUBJECT THREATENED TO KILL SOMEONE	TERRSTCTHREATS	FT1B1	10:45:00	01/12/21	21FT00144
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TEST (1)

TEST REPORT	TEST	FT2H1	13:27:58	01/27/21	21FT00394
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THEFT (5)

REPORT OF A THEFT FROM A VEHICLE.	THEFT	FT3T1	21:03:09	01/22/21	21FT00330
MEDICATION PICKED UP BY UNAUTHORIZED PERSON	THEFT	FT2G1	16:13:07	01/15/21	21FT00208
BEST BUY EMPLOYEE WITHOLDING A CELL PHONE FROM A CUSTOMER.	THEFT	FT1B1	17:12:49	01/13/21	21FT00170
THEFT OF CASH FROM NURSING HOME RESIDENT	THEFT	FT1E1	09:47:32	01/13/21	21FT00154
BLM SIGN STOLEN	THEFT	FT3N1	21:40:00	01/02/21	21FT00031

TRAFFIC (30)

VEHICLE STUCK IN SNOW-GOA	TRAFFIC	FT1A1	23:25:52	01/31/21	21FT00480
VEHICLE PARKED OFF ROADWAY	TRAFFIC	FT2I1	18:43:40	01/31/21	21FT00477
DISABLED VEHICLE	TRAFFIC	FT1B1	18:41:12	01/31/21	21FT00476
CALLER ADVISED THE INTERSECTION WAS SLIPPERY	TRAFFIC	FT2H1	11:16:42	01/31/21	21FT00469
DARK PICKUP TRUCK DRIVING IN CNTER LANE.	TRAFFIC	FT1B1	18:08:00	01/30/21	21FT00456
VEHICLE WAS HAVING ISSUE STAYING IN LANE.	TRAFFIC	FT2G1	17:33:12	01/29/21	21FT00437
TRAFFIC STOP WHERE OPERATOR HAD A SUSPENDED LICENSE.	TRAFFIC	FT1F2	17:22:20	01/29/21	21FT00436

DISABLED; VEHICLE STARTED WHEN ON SCENE	TRAFFIC	FT1A1	10:25:54	01/29/21	21FT00432
SPEEDING VEHICLES IN THE MEADOWS	TRAFFIC	FT3O1	10:12:16	01/29/21	21FT00431
RECKLESS OPERATION	TRAFFIC	FT1B1	19:15:11	01/28/21	21FT00424
DOWN PHONE LINE WIRE HIT COMPLAINANTS WINDSHIELD	TRAFFIC	FT3Q1	15:17:16	01/28/21	21FT00420
LIGHT ON FLASH	TRAFFIC	FT1F1	09:43:12	01/24/21	21FT00350
CAR WITH 4 WAYS ON BLUE COURSE DR.	TRAFFIC	FT1F1	18:41:57	01/22/21	21FT00329
VEHICLE UNATTENDED ON ROADWAY.	TRAFFIC	FT2G1	14:54:59	01/22/21	21FT00326
SUSPENDED LICENSE	TRAFFIC	FT1C1	09:22:09	01/22/21	21FT00322
VEHICLE STRUCK DEER	TRAFFIC	FT3T1	18:09:06	01/21/21	21FT00309
COMPLAINT ABOUT TRAFFIC AROUND SCHOOL	TRAFFIC	FT2G1	15:36:37	01/21/21	21FT00303
BLUE MUSTANG DRIVING AT A HIGH RATE OF SPEED	TRAFFIC	FT1F1	15:13:37	01/21/21	21FT00302
CALLER BACKED INTO CAR AND EXCHANGED INFORMATION	TRAFFIC	FT1B1	13:38:35	01/21/21	21FT00299
CAR RAN OUT OF GAS	TRAFFIC	FT1F1	07:33:18	01/21/21	21FT00290
DISABLED VEHICLE ON THE ROADWAY	TRAFFIC	FT2G1	22:21:47	01/18/21	21FT00250
VEHICLE FRONT WHEEL BUSTED GOING DOWN ROAD.	TRAFFIC	FT2G1	14:26:01	01/14/21	21FT00191
REPORT OF VEHICLE SPEEDING	TRAFFIC	FT2H1	16:06:11	01/11/21	21FT00126
HOMEMADE SIGN ON ROAD WAY	TRAFFIC	FT3J1	18:08:04	01/08/21	21FT00099
COMPLAINT REGARDING TRAFFIC OBSTRUCTION.	TRAFFIC	FT3J1	15:14:36	01/05/21	21FT00048
OCCUPIED SUV PARKED AT TUDEK	TRAFFIC	FT1B1	23:25:28	01/04/21	21FT00041
SUSPENDED DRIVER	TRAFFIC	FT1B1	23:00:45	01/04/21	21FT00040
SEWER GRATE IN ROADWAY.	TRAFFIC	FT1A1	14:46:23	01/03/21	21FT00020
LARGE TREE LIMB ON ROADWAY	TRAFFIC	FT3S1	08:54:21	01/02/21	21FT00009
LARGE TREE LIMB ON ROADWAY	TRAFFIC	FT3T1	08:33:10	01/02/21	21FT00008

VHCLCRSHHITRUN (2)

VEHICLE MIRROR STRUCK AND STRIKING VEHICLE DID NOT STOP	VHCLCRSHHITRUN	FT2H3	11:51:11	01/19/21	21FT00256
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HIT AND RUN CRASH/MINOR DAMAGE	VHCLCRSHHITRUN	FT2G1	14:27:40	01/13/21	21FT00165
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VHCLCRSHNOINJ (9)

CAR STRUCK CURB TOWED FROM SCENE	VHCLCRSHNOINJ	FT1F2	11:47:25	01/31/21	21FT00470
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CAR SLID INTO VEHICLE AT LIGHT	VHCLCRSHNOINJ	FT2H1	09:19:04	01/20/21	21FT00278
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NON REPORTABLE 10-45A	VHCLCRSHNOINJ	FT1C1	06:34:38	01/20/21	21FT00273
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VEHICLE SLID OFF ROAD AND INTO PARKED CAR	VHCLCRSHNOINJ	FT2H1	09:02:29	01/19/21	21FT00253
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VEHICLE SLID INTO DITCH	VHCLCRSHNOINJ	FT3T1	07:34:43	01/17/21	21FT00233
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2 VEHICLE CRASH - NO INJURIES.	VHCLCRSHNOINJ	FT1A1	14:30:10	01/11/21	21FT00123
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VEHICLE STRUCK CURB-REBORTABLE	VHCLCRSHNOINJ	FT2H1	13:48:02	01/07/21	21FT00075
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VEHICLE CRASH/NO INJURIES	VHCLCRSHNOINJ	FT2M1	14:06:17	01/03/21	21FT00019
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VEHICLE SLID INTO POLE	VHCLCRSHNOINJ	FT1C1	14:06:26	01/01/21	21FT00003
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VHCLCRSHUNKN (1)

VEHICLE SLID OFF ROAD INTO FIELD	VHCLCRSHUNKN	FT3Q1	06:43:10	01/20/21	21FT00274
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WARRANTSERVICE (1)

302 WARRANT	WARRANTSERVICE	FT2G1	15:09:22	01/19/21	21FT00262
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Arrest Distribution Report

Printed On: 02/08/2021

Beginning Date: 01/01/2021

Ending Date: 01/31/2021

Page 1 of 1

Arrestee Race

Agency: All

Offense: All

Offense	White	Black Or African American	American Indian Or AlaskaNa	Asian	Native Hawaiian Or Other	Total
Burglary	1	-	-	-	-	1
Other Assaults	1	-	-	-	-	1
Fraud	1	-	-	-	-	1
Vandalism	1	-	-	-	-	1
Driving Under The Influence	-	-	-	1	-	1
Disorderly Conduct	1	-	-	-	-	1
Total	5	-	-	1	-	6



Arrest Distribution Report

Printed On: 02/08/2021

Beginning Date: 01/01/2021

Ending Date: 01/31/2021

Page 1 of 1

Arrestee Ethnicity

Agency: All

Offense: All

Offense	Hispanic Or Latino	Not Hispanic Or Latino	Total
Burglary	-	1	1
Other Assaults	-	1	1
Fraud	-	1	1
Vandalism	-	1	1
Driving Under The Influence	-	1	1
Disorderly Conduct	-	1	1
Total	-	6	6

Arrestee Ethnicity



Arrestee Ethnicity





Hate Crime Report

Printed On: 02/09/2021

Beginning Date: 01/01/2021

Ending Date: 01/31/2021

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Monthly Incident Summary

Agency: All

Month Name	Agency	ORI	Number of Incidents
January-2021	Ferguson Township	PA0140700	1
		State Total	1

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Hate Crime Report

Printed On: 02/09/2021

Beginning Date: 01/01/2021

Ending Date: 01/31/2021

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Bias Nature

Agency: All

Agency	ORI	11	12	13	14A	14B	14C	15	16	21	22	23	24	25	26	27	28	29	31	32	33A	33B	41	4	43	44A	44B	45	51	52	61	
Ferguson Township	PA0140700	0	2	0				0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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- | | | | | | |
|-------------------------------------|---|-----------------------------|--|--|---------------|
| 11 Anti-White | 16 Anti-Native Hawaiian or Other Pacific Islander | 27 Anti-Atheism/Agnosticism | 42 Anti-Lesbian (Female) | 61 Anti-Male | 84 Anti-Hindu |
| 12 Anti-Black or African American | 21 Anti-Jewish | 28 Anti-Mormon | 43 Anti-Lesbian, Gay, Bisexual, or Transgender (Mixed Group) | 62 Anti-Female | 85 Anti-Sikh |
| 13 American Indian or Alaska Native | 22 Anti-Catholic | 29 Anti-Jehovah's Witness | 44A Heterosexual Female | 71 Anti-Transgender | |
| 14A Asian/Pacific Islander | 23 Anti-Protestant | 31 Anti-Arab | 44B Heterosexual Male | 72 Anti-Gender Non-Conforming | |
| 14B Oriental/Asian | 24 Anti-Islamic (Muslim) | 32 Anti-Hispanic or Latino | 45 Anti-Bisexual | 81 Anti-Eastern Orthodox (Russian, Greek, Other) | |
| 14C Asian Indian | 25 Anti-Other Religion | 33A National Origin | 51 Anti-Physical Disability | 82 Anti-Other Christian | |
| 15 Anti-Multiple Races, Group | 26 Anti-Multiple Religions, Group | 33B Other | 52 Anti-Mental Disability | 83 Anti-Buddhist | |
| | | 41 Anti-Gay (Male) | | | |



Hate Crime Report

Printed On: 02/09/2021

Beginning Date: 01/01/2021

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Offense

Agency: All

Agency	ORI	01A	01B	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	Total	Percent (%)
Ferguson Township	PA0140700	0		0	0	0	0	0	0	0	1	1	0	0	0										2	100.00

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- | | | | |
|-----------------------|---|---|-------------------------------------|
| 01A Murder | 07 Motor Vehicle Theft | 13 Human Trafficking, Involuntary Servitude | 19 Disorderly Conduct |
| 01B Manslaughter | 08 Arson | 14 Fear of Bodily Violence | 20 Harassment |
| 02 Rape | 09 Simple Assault | 15 Weapon Offense, Illegal Activities | 21 Desecration of Venerated Objects |
| 03 Robbery | 10 Intimidation | 16 Sex Offenses (Except Rape) | 22 All Other Bias Incidents |
| 04 Aggravated Assault | 11 Destruction/Damage/Vandalism | 17 Terroristic Threats | |
| 05 Burglary | 12 Human Trafficking, Commercial Sex Acts | 18 Trespass | |
| 06 Larceny-Theft | | | |



USE OF FORCE SUMMARY REPORT

Reported 1/1/2021 12:00:01AM to 1/31/2021 11:59:59PM

2/4/2021

4-FHC	UOF - Handcuffing	4
4-FOH	UOF - Open hand/hands on	2
4-UOF	UOF - Use of force	5

FTPD USE OF FORCE DETAILS REPORT

For incidents Reported 1/1/2021 12:00:01AM to 1/31/2021 11:59:59PM

2/4/2021

21FT00062		1/6/2021	12:26:41PM	CLO	4-FOH	UOF - Open hand/hands on
OTHER	652995	W	F	22		<i>Seizure / Amb Assist</i>
21FT00189		1/14/2021	12:47:27PM	OPN	4-FHC	UOF - Handcuffing
					4-FOH	UOF - Open hand/hands on
SUSPECT	308264	W	M	19		<i>DUI</i>
21FT00334		1/22/2021	11:53:39PM	OPN	4-FHC	UOF - Handcuffing
SUSPECT	702821	W	F	24		<i>DUI</i>
21FT00459		1/30/2021	10:01:07PM	OPN	4-FHC	UOF - Handcuffing
SUSPECT	373448	W	F	57		<i>DUI</i>
21FT00466		1/31/2021	2:09:57AM	OPN	4-FHC	UOF - Handcuffing
SUSPECT	805786	B	M	19		<i>DUI</i>

Albright,Chris

From: Chris and Heidi <christophert@com>
Sent: Tuesday, February 9, 2021 11:34 PM
To: police
Subject: Attn: Caleb Clouse and Chris Weaver Re: Jean Tuggy Cold Case

Dear Caleb Clouse and Chris Weaver,

I am writing to thank you for your perseverance and diligent work to bring the murderer of my beloved Aunt Jeannie to justice.

Over the past 5 years I have wondered if the person responsible would ever be found and I am grateful that you two, along with any other investigators involved, did not give up, but continued to pursue leads and take the necessary steps to ensure that this cruel murder did not go unsolved.

Please know that you have the thanks of her 24 nieces and nephews (one who has since passed away), her many friends, and all of her family. Your persistence which resulted in finding the person who committed the crime is helping to bring us all closure and for that we are eternally thankful.

Sincerely,

Christopher

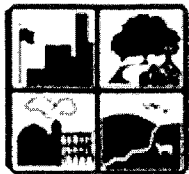
Harter, Joanna

From: Ruthie (<ruthie@fergusontownship.com>
Sent: Tuesday, February 9, 2021 1:38 PM
To: police
Subject: Note from Ruthie ' to your Facebook Page Ferguson Township Police, Pennsylvania

Your Name: Ruthie (

Phone Number: 25

Your Question: Thank you for your work. Thank you to the cold case detectives that kept on working until the case was solved. Jeannie Tuggy was my sister. Your determination to find her killer does help our family. I am finally able to look past all the questions and look forward to when I will see Jeannie again in heaven. Thank you to Jeannie's friends and neighbors and church family. We will always miss her.



Township of
FERGUSON
Pennsylvania

Published on *Ferguson Township PA* (<https://www.twp.ferguson.pa.us>)

[Home](#) > AG SHAPIRO: STATE COLLEGE COLD CASE SOLVED

AG SHAPIRO: STATE COLLEGE COLD CASE SOLVED



HARRISBURG — Attorney General Josh Shapiro today announced that a South Carolina man has been arrested for the murder of Jean Tuggy, 60, who was shot in her Pine Grove Mills home on January 21, 2016.

“Jean died more than five years ago and her family has not had closure since,” said AG Shapiro. “Thanks to the diligent efforts of our lawyers, investigators, and fellow members of law enforcement who never gave up on this case, the arrest of Christopher Kowalski is the first step toward putting her murderer behind bars. The Tuggy family has waited too long for justice, but we hope this news helps them heal.”

Jean Tuggy was found deceased in her home on January 21, 2016, after being shot two times with a 9mm pistol. Over the course of the five-year investigation, agents identified Tuggy’s former Wegman’s coworker, Christopher Kowalski, 35, as a potential suspect.

Investigators learned that Jean Tuggy had developed a friendship with Kowalski and he became romantically interested in her. Investigators also learned that, at the time of the murder, Kowalski owned a 9mm pistol that he later sold. The pistol was tracked to its new owner, who turned over the weapon to police. Examination of the weapon revealed that it had many of the same traits as the identified murder weapon.

Following the murder, Kowalski moved to South Carolina, where he now lives. When he was located and visited by OAG agents, Kowalski admitted to the murder. He has been arrested and will be extradited to Pennsylvania to be prosecuted.

The matter was investigated by OAG Special Agent Chris Weaver, and Detective Caleb Clouse from the Ferguson Township Police Department. This case is being prosecuted by Senior Deputy

Attorney General Kelly Sekula. The defendant is presumed innocent unless and until proven guilty.

Source URL: <https://www.twp.ferguson.pa.us/police-department/news/ag-shapiro-state-college-cold-case-solved>