



TOWNSHIP OF FERGUSON

Ferguson Township – Stormwater Advisory Committee (SAC) Phase II Meeting #2 May 1, 2019 (@ 12pm)

Attendees

Ferguson Township: David Modricker, David Pribulka, Ron Seybert, Kevin Bloom, Eric Endrensen

Wood / Gannett Fleming Team: Elizabeth Treadway, P. Eric Mains, Virginia Thornton

Stormwater Advisory Committee: Tom Songer, Ken Jenkins, Brian Hoffheins, Todd Irvin, Wes Glebe, Albert Jarrett, Rob Cooper, Scott Plumm

The following minutes/notes are intended to be an overview of the presentation and discussion that occurred at the above referenced meeting. There are provided to document the general content of those discussions such that they can be used as a tool with future meetings and stormwater program discussions. They are not intended to be a transcript of the meeting. However, any noted differences, exclusions, or variations from personal notes of the meeting should be brought to the attention of the Township so that they can be considered for the final record.

The following minutes were captured.

Welcome and Introductions

- Minutes have been distributed. Additional information from Dave will be provided by Summer in the future instead of Marcella.
- Information from Phase I can be found here: <http://www.twp.ferguson.pa.us/Stormwater-User-Fee/>
- Agenda focused on two things:
 - Program Work conclusions from Phase I
 - Level of Service, Service, area, etc

Program Work Conclusions in Phase I

Review of the program was well as what the gaps in the system/program to develop the priorities

- **Year 1** – Focus - Assessment, critical to understand where the program/system is before we can move forward taking care of the assets
 - There is some infrastructure with serious Township service gaps that are being identified in a reactive manner.
 - A primary focus - MS4 Permit Compliance
 - Q. How are these parts being implemented in Year 1 - i.e. is CCTVing of the entire system actually occurring in year one?
 - This is similar to the timeline as determined at the end of Phase I but is still open for discussion, optimization, and scheduling.
 - Year 1 goal is to the contract this inspection.
 - PSU determined that their CCTVing will take place over 3 years.
 - Year 1 - business as usual with other services
- **Year 2** - Developing strategy with the assessment data from Year 1
 - Q. Why should we start lining before the assessment is complete?
 - It's a small step that can help cross some of the 'damaged' pipes off the list
- **Year 3** - Data from years 1&2 will inform the full need for equipment, additional crew members, while maintaining the on-going efforts of the first two years.
- **Year 4** - Continue evaluations of year 1-3 and begin developing Green Stormwater Infrastructure (GSI) master plans, supplement resources to make the program more successful.



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- **Year 5** -Operational resources and financial resources are established, continue developing the proactive management and inspection plan, and continue to develop GSI design standards.
- Q. How does PennDOT roads impervious cover interface with the Township?
 - PennDOT doesn't typically participate in funding. PennDOT has their own MS4 permit and drainage system responsibilities. Ferguson's Pollution Reduction Planning removed PennDOT 'responsible' land from the analysis. PennDOT has its own responsibilities for these 'lands'. Regarding additional 'State lands', the State is typically 'billed' but it's not guaranteed that they will pay until payment collection activities are instituted across the state.
- Rate payers include properties that are not taxed, such as Churches, Schools, PSU... etc. PSU is an MS4 permit holder and may have a different participation level since they have their own MS4 responsibilities for properties located within the Township. Regional parks that aren't MS4 permit holders will most likely fully participate in the fee. Parallel stormwater facilities in PennDOT ROW is a concern. In Municipalities, unless there is a HOP, the responsibility is on the Township. Retroactively, Ferguson is not responsible for parallel drainage systems, unless it has been determined by a permit.
- Q. What are the requirements of Ferguson's MS4?
 - There are 6 Minimum Control Measures with associated best management practices. Information can be found here: <http://www.twp.ferguson.pa.us/Stormwater-Management/>.
 - The PRP is available here: <http://www.collegetownship.org/departments/engineering/docs/Pollutant%20Reduction%20Plan%20Final%20Electronic%20Version.pdf>
- Q. How does road assessment align with storm sewer assessment regarding the condition of the infrastructure?
 - There are roadway assessment programs in place internally. The stormwater assessment program will need to be developed. Currently, stormwater assessments occur immediately prior to roadway projects. The final stormwater assessment program will align with the road assessment program. Ideally, a curb, water main, and sewer line assessment program will work together.
- Q. Concern that GSI isn't on the program until Year 4 - why can this not begin in Year 1?
 - It would be advantageous to begin this earlier in the program. There are well established standards the Township could evaluate and this might not be a significant effort for the Township program, with projects that occur from the Developers.
 - The original plan added GSI to year 4 to ensure the investment strategy builds to a more established GSI program (following data assessment and building of an H&H model, as a holistic community wide GSI program, not just encouraging GSI on individual parcels).

Action Items that have costs associated with them

- First Step is to answer: How do we develop the level of service efficiently? How can we use existing staff? How long will it take to review the entire system?
- Program Cost Projection - built from 2017 actuals, 2018 budgets, based on the priorities explained earlier. These are not 'actual numbers' for future fiscal years but were developed as projection of potential costs for analysis.
- Cost assignments developed for each action item with the assistance and input from the Township staff.
- CIP numbers are already aligned with the Township's existing CIP.
- Years 6-10 will see a different funding needs than the existing/first five years as system assessments define the investments in capital and services are delivered to address needs that are already known.
- The financial model will be updated during Phase II.
- FY18 funding: TIF, Liquid Fuels, General Fund (GF), additional funding (everything except Liquid Fuels is via the GF).
- Q. If a fee is established, how will the GF be affected?



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- If the fee is adopted, a revenue neutral strategy was identified in Phase I as desirable for the first year of the new revenue. (BOS would have to consider this as a policy decision at the fund level, not a property level). It's important to keep in mind that other programs are being developed and enhanced in the community. Without a dedicated funding source such as the fees, as additional stormwater funding requirements are identified, additional resources are required. Currently the stormwater program competes for those General Fund (GF) revenues. Without a dedicated revenue, the GF will be 'dug into'.
- Not everything will be solely supported by the Fee; for example, the Capital - Roadway Related will still be supported by the TIF.

Level of Services

- Examples: how 'quickly' to do an assessment review is a LOS issue, 'intersections will never be underwater' is a way to state LOS goal.
- Phase II of the study refine the LOS strategies, as well as identifying how 'replacements' and repairs should be done. For example, should replacement of drainage infrastructure be in-kind or LOS upgrades?
- "Extent of Service:
 - Where are services needed Ferguson? Public runoff is routed via private property and the infrastructure on private property is the responsibility of the private property owner.
 - Similarly, there are single facilities (i.e., detention facilities) on individual lots that manage runoff (by design) for multiple properties (referred to as Orphaned Basins; they're too much responsibility for one property owner).
- What elements of the drainage infrastructure should the Township be responsible for? How is this service level defined?
- In the cost model developed in Phase I, assessment numbers for inspection include private pipes carrying public runoff. This added 9 miles of pipe to the total system of pipes to be inspected.
- Service Area:
 - Is it appropriate that the West end owners contribute to the revenues on the same basis as the East side, where the services provided vary significantly between the areas?
 - How does PSU fit into this equation? The Township staff and PSU staff will discuss their respective roles and responsibilities.
- Q. How many HOAs are there in Ferguson Township?
 - More than 30, less than 100 was the answer provided by staff and around 50 are active. The variability of the responsibility/activeness of the HOA is extremely variable. There are some that haven't been formed further than being 'listed' as a registered HOA as per Subdivision and Land Development Plan but don't have any covenants or officers. Some are extremely active and maintain their responsibilities. Some HOAs do own property in common such as a club house or recreation facilities, sidewalks, and other amenities.
- Q. Is taking over private systems in the cost model from Phase I?
 - There is no funding associated with the first five years to take over any systems.
- If an HOA is not maintaining their stormwater facilities, the Township has the ability to inspect, enforce maintenance agreements if one is registered, and/or 'correct' it and invoice costs to property owners.
- Q. What should the Township define as its responsibility for the drainage infrastructure?
 - Legally, are they allowed to do that since ordinances already claim someone else is responsible? There are steps that can be taken such as placement of public easements. But, on the other hand, what is the risk of the Township from a life safety etc. standpoint to not take over these facilities? Where is the liability for operation and/or failure of infrastructure that carries public stormwater runoff?
- Private systems that function to carry public stormwater runoff are not always owned by an HOA. Sometimes it's the responsibility of an individual home or business owner where there is a much larger financial burden. If it isn't repaired, it can cause issues elsewhere.



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- "Taking care of big stuff" by the Township, with individual owners to take care of little stuff, has resulted neglected "little stuff" until it's a 'big thing'".
- Q. Should HOAs be given the choice to determine if they want to manage their own SWM (i.e. determine to have a private stormwater/sewer system)? Some do this responsibly; some do not follow through with the responsibility, either immediately or in decades.
- Q. What does a registered deed actually say? Is this the responsibility of the homeowner to evaluate this themselves?
 - Easements aren't always fully documented depending on the age of the property. Similarly, development permits aren't always clear either. Regarding basins, the state has indicated that the Township is required to inspect all Basins but it's the burden of the owner/HOA to maintain it.
 - Should the Township take ownership of ones they've taken care of once? There's also an option for the Township to take care of part of the maintenance but the owner is responsible for aesthetic maintenance.
- When HOAs are not established or permanent, there is a lot of turnover in their management. This is not a stable management plan and creates inconsistency in services provided in drainage management.
- Q. Will homeowners or HOAs expect that these repairs be funded by the fee? Will the Township be able to invoice for the work when they have to do a corrective action because of the failure of the HOA/homeowner?

Rate Policy Issues (will be picked up in Meeting #3): Using an "area" distinction, should the West area of the Township pay a different fee than the East? Is there a preference between the density approach and the service area?

- In Phase I, the cost analysis was done that where services provided for both sections would be funded by both zones.
- Area allocation of cost and rates is not done by "Zoning" because what is built on a property is not always representative of the 'zoning'.
- What happens with vacant properties? Some communities have a 'baseline' fee but typically not charge vacant land. Other communities charge all properties regardless of development which recognizes that all land receives a direct benefit from the operation and delivery of public services. This is a policy question to be determined.

Future Meeting Logistics

- Next meeting is June 5, 2019
- July 17
- August 21 - this meeting date will be confirmed
- Public meetings are being held around these meetings that will be available for the SAC to attend

IMMEDIATE ACTION ITEMS

- *Township will provide examples/links to other Stormwater Fee Programs*