

**MINUTES  
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS  
STORMWATER MANAGEMENT  
WORKSHOP MEETING  
JANUARY 16, 2018**

The duly advertised Stormwater Management workshop meeting was held on Tuesday, January 16, 2018 at 1:00 PM at the Municipal Building located at 725 Kimmerlings Road, Lebanon, PA with the following people present:

Richard E. Miller	Chairman
Edward A. Brensinger	Vice – Chairman
A. Bruce Sattazahn	Treasurer
Cheri Grumbine	Township Manager
Sol Fred Wolf	Henry & Beaver
Atty Amy Leonard	Henry & Beaver
Steve Sherk	Steckbeck Engineering
Dan Cannastraci	Steckbeck Engineering

Admin Ass't Lori Books and Theresa George, Twp employees, as well as Valerie Kaiser, a resident of NLT was in attendance.

**PLEDGE OF ALLEGIENCE** was repeated to open the workshop meeting.

Chm Miller questioned Mgr Grumbine how she would like to proceed with this workshop. Mgr Grumbine replied she had prepared an agenda and felt we should try to resolve the questions on the items listed on the agenda.

Dick asked Steve Sherk and Dan Cannistraci, Steckbeck Engineering, if they will be attending the Public Hearing on the Stormwater Ordinance. He was told, yes, they would be in attendance. Steve recommended the original presentation of the Stormwater Fee Study be presented at the Public Hearing. He said the presentation might answer a lot of questions for those in attendance before the comment period of the hearing starts. Some discussion followed about North Cornwall's adoption of their Stormwater Ord.

**1. REVIEW OF STORMWATER POLLUTION CONTROL FEE RATE STUDY**

A.) Table 2 – NLT ERUs; single family residential (SFR); Non SFRs (page 11)  
This chart shows the number of single family ERUs located within the Twp and how many non SFRs are located within NLT. Whatever fee is decided will be dictated by these numbers. The amount of SFRs and non SFRs is a set number the Twp will have to work with. These numbers times whatever fee is determined creates the amount of funds the Twp must work with.

**PARCEL NUMBERS TO BE VERIFIED.** Dan recommended they ask Lebanon County for a reconciliation of the actual parcel numbers. The numbers will have changed since the original study was compiled. Dan said it would take a few days to confirm the numbers.

Sol Wolf asked if the SFR numbers include the mobile home park residents. Dan replied yes, the mobile homes on individual lots are included in this count, as well as condominiums. Sol Wolf asked about the Mobile Home Parks, is it 1 unit or individual SFRs.

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Dan replied the parks are considered as 1 non-SFR, each mobile home is not considered an individual residence. Steve added that the parcels determination was made by how Assessment has them classified. Using that method leaves out any type of judgement call being made by any one person(s). Farms are also considered non-SFR, regardless of how the farm is being used. Again, the Assessment classification is used for determination of these parcels.

B.) Table 3 – SW Management Costs Pollution Control Fee Rates

This table shows what services could be offered and the estimated amount of what it would cost. The Board needs to agree as to what services should be included and what services could be eliminated. Also, the financial amounts for each line item should be agreed on. The only exception would be line #1, which is the annual amount to be paid to the Consortium and is an expected set amount. However, this cost could elevate based on actual costs to complete projects. Steve said the amounts to the Consortium are speculative as the projects of the Consortium have not been realized at this point. Sol Wolf asked how the items listed on this fee study and the same items listed on the existing Twp budget will be addressed. Dan explained this table shows every possible expense that could occur.

Discussion was held about annual billing versus quarterly billing. Cheri stated there had been discussion held to have all SFR billed annually and perhaps, allowing non-EFRs to make quarterly payments. A proposal from Keystone Collections has been received @ \$1.50 per bill and postage costs, penalty notices being additional costs.

Amy Leonard spoke about delinquent payments during a property transfer. Amy said the thought is to treat this as any other municipal service. Liens could be placed on a property for non-payment. At settlement the involved individuals could determine how the delinquent fee/lien is paid. The stormwater fee follows the property, not the owner.

Suggestion from Steve was to list Line items 8-14 as being expensed from General Fund, Recycling Fund and Liquid Fuels Fund. Designate line items 15- 22 as MS-4 items. Then a specified amount could be determined as a fund for whatever is not covered by the other 2 categories, being used for stormwater, of course.

Suv Brensinger stated that items 8 thru 14 are services that are expensed from the General Budget, the Liquid Fuels Budget and the Recycling Budget. These are the line items that need to be reviewed and decided, do they become expensed from the existing budgets or do they become part of the Stormwater budget? The items are being completed as part of the annual budget and have been for many years. He explained the fluctuation in repairs and maintenance on the highways and the budgeting that is done for it. It is his opinion that these services could remain in the Twp budget for continued completion. For major events such as Ivan or Lee storms, Federal funding is usually available. Also, if this fund is set up, the stormwater fund could be used in times of emergency, if repairs are stormwater related.

A lot of discussion about the approach other municipalities have taken in setting their fees and the possibilities NLT could have to mold the Ordinance to fit our needs was held. Discussion about the formula used to estimate the non EFRs was next. The definition of impervious surface was also reviewed. Steve repeated, the idea is to mold the Ordinance to fit NLT's needs.

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Cheri explained that items 15 through 22 are MS4 items that had, until recently, been carried in the General Budget for expensing. For the 2018 Budget these line items were not listed in the General Budget because of anticipating a Stormwater Budget. These items are not big dollar amounts, but it does need to be decided what budget they will fall to.

Discussions followed about amounts being increased in certain line items and removing funds from other line items. Suv Brensinger reminded his fellow Board members that once these items are assigned to the Stormwater Fund, there is no going back and borrowing/taking the funds to be used for another fund is an absolute NO. What is determined to be in the Stormwater Fund, will be used for stormwater issues ONLY, nothing else.

Cheri spoke about the Credit Application process which is part of the Ordinance. She said someone will have to review the Appeal applications that are received regarding obtaining Credits. Obviously Twp personnel won't be able to do it. Are the Engineers going to be assigned this task? And if so how much will be charged for the review of applications? She said it seems unfair to require a fee from the applicant. Dan replied he had thought, from an Engineering point, these fees would be expensed from line item 22 – general engineering costs and permit compliance. Steve mentioned Dan had created the process for receiving Credits to be a simple straightforward process.

Sol Wolf next asked about a Public Hearing will be part of the process for the Appeal application. Is the plan to have the Board of Supervisors hear the Appeal at a Public Hearing and then provide a written decision on the Appeal? The next step would be to send these people to the Court of Common Pleas. Dan explained the 4 options listed on the form that a property owner could choose from for an Appeal.

The Supervisors debated what options the Twp has regarding offering aid on private property for services in stormwater issues. Dick questioned if we tried to provide some of these services using Twp employees, do we have the staff to even consider an offer such as that? Bruce said we struggle with the amount of mowing maintenance we have now. Steve stated the newer developments have stormwater & O&M agreements that clearly outline the property owners' responsibility. Ed said he is concerned about the older developments, prior to all the stormwater mandates and stormwater management agreements.

Cheri asked that the discussion go back to the chart for costs and make some decisions on what the Board feels we should be seriously considering. That will give an idea of what annual amount the fee should be set at for NLT.

**RECALCULATIONS** - The Board is asking Dan and Steve to run calculations on the following changes to Table 3 and get the information back to them for review.

- **DELETE Line item 4** - leasing of Office space
- **REDUCE TO 25,000 Line 5** - billing & collection; inhouse or outsourcing should be less than suggested.
- **SET @ \$75,000 Line items 8 – 22** – MISC SERVICES (lump sum) while keeping all the items listed in the General Budget

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- **NO INCLUSION AT THIS TIME** Line items 23-28 – lengthy discussion about SFR as opposed to non-SFR properties and the annual cost to each classification; not included in moderate level of service – after updated cost information received from Engineers, a second look at these line items could be completed.

C.) Appendix C shows non-SFR ERUs

Discussion was held about various annual fees and how it will impact the non-SFR ERUs

D.) Appendix D – Credit Manual

Steve and Dan explained the process for filing for Credits. Best Management Practices are anything that is created to filter pollutants from the water stream. This is what the Credit process is based on when applications are completed. SFR properties are based on 2 Tier BMPs. There are 3 Tiers when considering BMPs for non-SFR properties. Low to High Tiers based on the type of BMP that is present. Non-SFR property Credits are based on the Tier level and the amount of impervious surface on the property.

Dan explained various situations and considerations regarding Credits for SFR and non-SFR properties. He explained the maximum Credits possible. Steve shared a conversation he had previously about where the discount will be deducted from. Will it be the amount of ERUs or the fee for each ERU that is paid? His suggestion is the fee be discounted because the ERU count remains constant for the property. A suggested total amount of \$65,000 for the Credits has been determined. Once those Credits have been applied for and agreements have been executed, does that mean no one else has that opportunity unless someone pulls out of their agreement, is the question asked by Sol Wolf. Steve confirmed the statement, saying if the maintenance is being completed according to the agreement or unless the total amount of \$65,000 is increased by the Board. It is a once and done application. If the agreement is being honored the Credit goes with the property.

A review of the Credit application was done. Dan mentioned this application process will also assist the Twp with keeping an inventory of all BMPs within the Twp. A Stormwater Operation and Maintenance Agreement will be required as part of any Credit that is received.

E.) Review of Property; Pumpkin Ridge; Martin/ Brubaker; older farms; LV Mall; GLRA

A review of some of the larger non-SFR properties was done as an example of what these property owners will be charged if the owners proceed with the Credit program as it is now suggested. Pumpkin Ridge, Prescott Dr and Larry Martin, Morrissey Dr plans were reviewed. The features of these properties were reviewed and explanations to the Board as to what qualified the owners for Credit application.

Discussion followed about required inspections of any properties that would receive Credits. Costs/expenses are involved after the Credits are approved/received. Inspections are completed every 5 years as part of the MS-4 program. Talk moved to what line item these inspection fees would be expensed from.

F.) Exemption of Twp Properties?

The question of exempting Twp properties was discussed. Atty Leonard said she feels the properties fit the classification of non-SFR properties like the rest of the properties that were discussed. Yes, the funds will come from the tax base, but there are no categories for exemption.

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## **2. DRAFT ORDINANCE**

Amy reviewed the Ordinance contents with the Board. A few areas she offered a detailed explanation:

### **Section 4:** Definitions Stormwater Management Costs

#### **B.) Provide Flood Protection**

after Board's conversation it was agreed to eliminate any flood protection mention.

**Section 5:** Stormwater Fee Management Fees – item B; clarification of ERU must be determined; if any type of discount program is decided on being offered, item B will need to be revised accordingly

**Section 6:** Collection of Stormwater Management Fees– generic language. Specific language can be included in a Resolution.

- Item F refers to property transfers and NO pro-rating of Stormwater Fees being done by the Twp, settlement company will be responsible for addressing the issue

**Section 8:** Late Payment Penalties – penalties after 30 days = 31<sup>st</sup> day 10% penalty added; lien (if necessary) will be filed in calendar year of SW fee due, when possible.

The question of billing quarter was raised. It seemed to be agreed that the first quarter would be the best timing for the billing when considering any late fees and/or a lien being required.

**Section 10:** Credits – item C speaks to the suggested amount of \$65,000 as the cap for total Credits; the amount can be adjusted accordingly

**Section 10; Credits – Item D.** Cheri questioned Credits being received with the next billing cycle reflecting the approved Credit. Discussion was had, and it was decided this is the best method to follow.

**Section 11:** Appeals – Appeal process is outlined

**Section 12:** Policies and Procedures – outlines the options for revisions of the Ordinance or new adoptions for administrative procedures necessary to implement the programs

**Section 13 :** Floods & Liability – Disclaimer that Twp is not responsible in any way for expenses flooding could impose.

Amy told the Board she had given them the highlights of the Ordinance. Any questions, comments or revisions can be added or made to the Ordinance once definite decisions have been made.

## **3.) BILLING PROPOSAL – KEYSTONE COLLECTIONS GROUPS**

### **A.) Pros/ Cons – inhouse vs. outsource**

Cheri said we are waiting for a proposal from Muni-Billing to be able to decide about billing inhouse. Keystone Collections process for late or penalty properties could present a problem for the Twp. Time-wise when would Keystone inform the Twp of who is delinquent? Some tweaking would have to be done if Keystone does the billing and delinquent notices.

## **4.) ADDITIONAL DISCUSSION ITEMS**

### **A.) Holding Public Hearing; who is doing what?**

Once the revised costing chart is received from Dan and Steve and the Supervisors are satisfied with what has been decided, Cheri questioned what process do we follow for the Public Hearing? At what time during the process do we host the Hearing?

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Amy and Steve outlined the process that North Cornwall and South Lebanon Twp had followed. When asked for an opinion Steve suggested that once all decisions are made, the Ordinance is in final draft form, and the Fee Study is ready for adoption; that would be the time to hold the Public Hearing. Steve and Dan will be in attendance and show Dan's presentation on the fee study, as well as all the preparation that went into this program. Discussion about alternate locations for holding the Hearing was had. It was agreed that Cheri would contact Union Canal Elementary about using their facility. The Hearing should be held separate from the regularly scheduled Board of Supervisors meeting.

Cheri reminded the Supervisors that the Consortium payment is due February 2018. The amount OF \$50,000 will have to be paid to the Consortium. Supervisors indicated agreement.

Meeting Adjourned.

Respectfully Submitted,

Theresa L. George  
Recording Secretary