

**MINUTES
NORTH LEBANON TOWNSHIP BOARD OF SUPERVISORS
INFORMATIONAL STORMWATER MANAGEMENT
CREDIT/APEAL PROCESS FOR NON-SFRs
PUBLIC MEETING
MAY 31, 2018**

An advertised Stormwater Management and Fee Study informational public meeting was held on Thursday, May 31, 2018 at 7:00 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
Steve Sherk	Steckbeck Engineering
Dan Cannastraci	Steckbeck Engineering

Admin Ass't Lori Books, Bonnie Grumbine, Molly Finley, Michelle Miller and Theresa George, Twp employees, as well as many individuals of the public were in attendance.

PLEDGE OF ALLEGIENCE was repeated to open the public meeting.

Chm Dick Miller thanked the public for attending this meeting. He explained the procedure that will be followed for this evening's agenda. Dan Cannistraci and Steve Sherk, SESI representatives, will be providing a brief history of the stormwater ordinance by using a power point presentation. Chm Miller stressed the intent of this meeting is to aid the non-SFRs with the Credit process and the Appeal process. The Ordinance has been adopted by North Lebanon Township during the Public Hearing which was held 5/21/2018. He asked Sol Wolf to begin the meeting.

INTRODUCTORY COMMENTS – **Sol Wolf**

Sol Wolf stated anyone who wishes to speak after the presentation should raise their, be recognized and then state their name and address for the record. This meeting is designed to help people understand the process that will be used for the Credit and Appeal process.

PRESENTATION – **Dan Cannistraci, SESI**

A brief review of the Stormwater Fee and the process used to calculate the properties was presented. An explanation of the ERU (Equivalent Residential Unit) was given. A non-SFR property is calculated by measuring the impervious footage on the property, dividing it by 3755 ft (1 ERU) to determine the total number of ERUs. Multiply \$40.14 by the number of ERUs to arrive at the dollar amount for the property stormwater assessment. The information determining a single SFR and a non-single SFR comes from the tax assessment code.

Dan displayed the Appeal application and reviewed the entire process including the supplemental information being asked for on the form. The Appeal process is used for property owners to appeal an error in sq footage calculation for a property or to appeal the classification for a property, which is obtained from the Assessment Office. An appeal on the impervious area of a property could occur as the information used to obtain impervious areas was a summer aerial map taken in 2016. The appeal process is to correct an error in the SFR calculation, not as a protest to the fee. The property owner is asked to provide a detailed estimate of the impervious area, or a survey completed by a licensed surveyor, along with an explanation as to why they feel the assessment is incorrect.

The second type of appeal process would be the classification of a property, which comes from the Assessment Office. Significant changes to the property since 2016 could affect the impervious footage for a property and an appeal could be sought. The last page is the determination page which is completed by the Twp after the review process has been completed and is returned to the applicant. A part of the form is a section that tells if the application is administratively complete or not administratively complete. Dan stated the idea is for the property owner to provide as much pertinent information as can be provided.

The Credit Application will provide information on BMPs (Best Management Practices) that may be located on properties and the owners are looking to get a reduction on the number of ERUs. The BMPs could consist of stormwater basins, filtration areas, wetlands (bio-retention), restored streambanks or vegetated swales. Streambank restoration is something that would require consultation with the Twp before attempting to do a project of this type. There are 2 different tiers for BMPs, Tier I and Tier II. Tier I BMPs do not provide a filtration process such as Tier II BMPs have. Tier I BMPs are ones that had been installed prior to 2003. Most of the basins that are 15 years or older are typically considered a Tier I BMP. Impervious area contained in a Tier I area are available for a 25% credit and Tier II BMPs could be available for 50% credit for Non-SFRs. A sample of Tier I BMPs and Tier II BMPs was displayed and explained. Any type of documented information on the BMPs must be submitted with the Application. A recorded document at the Courthouse or a plan from an Engineer would be the best information for the submission. However, an estimated plan done by the property owner could be admissible. Any documentation that the owner can provide should be submitted with the application to get approval for credits.

The Agricultural Homestead Exclusion was explained by Dan and Steve. The home area is not excluded from a property that might have an Ag classification. This credit allows all impervious areas specifically associated with the single-family residence (the "homestead") to be removed from the calculation of the ERUs for the property and is collectively assigned as one additional ERU. The Homestead area includes the primary farm residence and associated improvements such as garage, patio, or shed used solely used for residential purposes. The Homestead Exclusion does not pertain to any buildings or impervious surfaces that are used for the agricultural or non-residential activity.

The last page of the application is for Township Use Only. This is the page that the Township will return to the applicant stating the outcome of the applicant's request. Dan explained once the applications, with all supporting documents, are submitted, the Township has a 60-day review period. However, the turn around time for other municipalities has been less than the 60-day period. The applications will be reviewed during the regularly scheduled Supervisors meeting for the Board to either deny or approve the application.

Should a credit application be denied due to lack of information, the applicant can work on obtaining the missing information and re-apply for the credits. The Operation and Maintenance Agreement is a key document for these applications. An application for credit may be approved by the Board with the O&M Agreement missing from the submission. However, the credit will not be applied until the recorded O&M Agreement is submitted to the Twp. This document is important because of the transfer of ownership which may occur at any time and the agreement carries over to the new owners.

While the current owner may be diligent about maintenance and care of the BMP there is no guarantee the next property owner will be as diligent about the maintenance of the BMP. Properties that have been improved within the last 5-year period may already have the O&M Agreement in place. For those properties that do not have an O&M Agreement, one will be required for submission before a credit can be issued. A template of the O&M Agreement will be made available for anyone who may need to complete one for their submission.

At this time the floor was opened for questions, comments and discussion.

COMMENTS FROM PUBLIC

JoEllen Litz – N 25th St property questioned the information packet that the non-SFRs had received in the mail. Why was the individual property calculation not included in the information provided? That is a key component of the credit application for the property owners. The information is necessary to have before the owner can determine what Credits to apply for.

Dan replied that information is available and will be provided when the individual applicants request the information. For this meeting a blank application was provided so the property owners could follow the information as the discussions progressed.

Floyd Shepps – N 7th St asked where the calculations for the non-SFR properties are coming from?

Dan responded all impervious areas (hard surfaces) for the properties were calculated using 2016 aerial map images from the County.

John Strack – Ruth Dr questioned stoned driveways. The thought was always to use stone because it is pervious and the water flows through it. The cost to pave some of these driveway areas would be totally unrealistic. He questioned how a shared driveway for residential and farming operation would be classified when considering the Homestead Exclusion.

Dan replied if the driveway is used for the operation of the farm, it would not qualify for the Homestead Exclusion area. A split driveway would need to be reviewed for inclusion.

Mike Arnold – Weavertown Rd asked where or whom determined that the stone was impervious?

Dan replied DEP has made that determination and is also included in the Lebanon County Stormwater Ordinance.

JoEllen Litz questioned the diverse types of pervious surface materials for driveways. Why would some be classified as pervious, but stone is classified as impervious surface.

Steve explained the Twp is following the mandate handed down from DEP. Their theory is that the stoned driveway can be paved at any time and no notice would be given to the Twp. Also, after a period of time the stone becomes compacted from all the traffic and equipment driving over it.

Sharon Koehler – Kimmerlings Rd asked about split driveways. In their situation the driveway is split between the home and the business, half goes to home and the other half serves the business. Is there any type of credit for the portion that leads to the residence? Also, the O&M agreement mentioned. She reviewed the paperwork from when their home was built and there was not an O&M Agreement recorded. What does the document refer to?

Mrs. Koehler was told it is an agreement signed by the property owners that guarantee the maintenance of any BMPs on the property. Mrs. Koehler questioned the sale of the property. How is this information relayed to the new owner?

Dan replied the O&M Agreement is recorded and will go with the property in the event of a sale of the property. Sol Wolf added the Twp has a notary on staff, so a newly signed O&M Agreement could be notarized at the Twp before being recorded. An O&M Agreement will be necessary when applying for the Credit for any BMPs.

Sol Wolf stated when a deed search is completed, at the time of a settlement, the recorded agreement would be revealed at the Recorder of Deeds office. At that time the new owner is informed of the agreement with the Twp and the owner's responsibility for maintenance is outlined in the agreement.

This agreement carries over to any owner of the property. A question was asked about denial for credit application. In a situation where the cap amount of credit funds has been used for the year, does that mean you cannot apply for credits the next year.

Dan said there a \$65,000 cap for Credits in a year. Once a credit is approved, the owner does not have to re-apply. The Board of Supervisors has the option of extending the amount for the cap of \$65,000 per year if it becomes obvious it is needed. The cap decision is one the Board will make on a year-to-year basis. Dan said if he understands part of the question asked about the 5-yr permit cycle, the answer is DEP is hesitant to commit to anything past the 5-yr cycle (2018-2023) but everyone involved with the stormwater program agree that they do not expect this mandated program to go away.

If the cap amount is met already by applicants that have been approved, then the Supervisors have the option to review increasing the cap amount higher than the current \$65,000. Dan agreed that is correct. Steve mentioned N Cornwall and S Lebanon Twps who have similar cap amounts in place. At this point they are halfway through the process and have not nearly reached their cap amounts yet. It is a possibility, but the cap seems to be very generous and does not seem to be an issue.

Ted Bashore – Ebenezer UM Church asked if existing stormwater features were considered when the calculations for the properties were completed? The Ebenezer Church property has swales that were required when the new church was built. Were the swales considered when the calculation for the church's property was done?

Dan replied no, nothing has been taken into consideration other than the impervious calculations.

Harvey Bomgardner – Tunnel Hill Rd questioned all the requirements he had to meet for his farming operation and getting his farm preserved. Specific roofing, drains and tree buffers that were installed to diminish any water runoff, are they considered as applicable for this credit procedure?

Dan said the tree buffers is something could be eligible as a credit. The questions about gutters going into manure pits has been asked often. It is not on the DEP list of approved credits, so the gutters would not be eligible for credit application.

Allen Heagy – Kochenderfer Rd questioned high tunnels (temporary greenhouse) being exempt. Recently, he had read the high tunnels are eligible for stormwater credits.

Steve said he is aware of what Heagy is talking about. If what he is saying is accurate, it could be a credit. As part of the credit application process, Heagy would need to provide the article or legislative act that he was referring to stating the high tunnels are eligible for credits. It would then go through the appeal process.

Allen Heagy – Kochenderfer Rd questioned stone lanes being considered impervious.

Dan replied DEP classifies the lanes as impervious and are not exempt.

JoEllen Litz questioned if the Twp is bound by DEP's suggestions on stone lanes/roadways. In her situation, she had removed broken up concrete areas. To eliminate having any mud runoff she covered the area with stone. The stoned area now has grass growing through it. How can that be considered impervious?

Dan stated that an overview of the individual property can be prepared and included as part of this process. A request made by the property owner will result in the information being provided.

Larry Martin – Morrissey Dr said the Twp line separates his property. Is he responsible to both Twps for a stormwater fee? He was told, no, he is not. His stormwater would be billed by North Lebanon Twp.

COMMENTS FROM BOARD MEMBERS

Suv Brensinger said he would like to repeat what he had said the night this Ordinance was adopted. From the beginning when this mandate was handed down from Federal to State and then passed it to Local, it was apparent the farmers and small business owners would be adversely affected by all of this. As a farmer and a Supervisor, he is being assessed 13 times the \$40.14. He said he is not happy to bring this down on the residents. None of the Supervisors have been happy about it. As residents, everyone here tonight can attend and voice their comments and be heard. The Supervisors welcome the comments and discussions. That option is not available when dealing with the Federal and State level. There is a lot of red tape that would be enforced before anyone could have the opportunity to speak out on any issue. Suv Brensinger said as a group they are sorry this had to be done and they are hopeful everyone will take advantage of the credit and appeal process.

As far as measuring the success of completing the load reduction projects being accurate is his remaining question. To date he still has not received a clear understanding from DEP of how that will be measured. He would have preferred to pay someone to dredge the sediments from the dams. At least that could be physically measured. The Board has done what was expected of them and they hope everyone will take advantage of the Credits and Appeal processes.

Suv Sattazahn said he has nothing new to add to what has been discussed already.

Suv Miller told the public he agrees with everything Suv Brensinger has shared. He extended his thanks to all in attendance for their participation and attention to what was being discussed. Suv Miller again reminded the public to visit the website and view all the information that is provided there.

Meeting Adjourned.
Respectfully Submitted,

Theresa L. George
Recording Secretary