

Minutes
North Lebanon Township Municipal Authority
May 14, 2020

The meeting of the North Lebanon Township Municipal Authority was held on Thursday, May 14, 2020 at the North Lebanon Township Municipal Building, 725 Kimmerlings Road, Lebanon, PA with the following Board members present:

Gary Heisey	Chair
Cheri Grumbine	Township Manager
Lori Books	Assistant Township Manager
Ed Brensinger	Roadmaster/Supervisor

Via Zoom:	Dawn Hawkins	Vice Chair
	Tod Dissinger	Treasurer
	Brian Hartman	Secretary
	Rodney Lilley	Assistant Secretary/Assistant Treasurer
	Scott Rights	Engineer, Steckbeck Engineering
	Amy Leonard, Esq.	Henry and Beaver, LLP

Also, in attendance via Zoom was Molly Lum, Sewer Billing Clerk, and 12 other individuals.

The meeting was called to order by Chair Heisey and the pledge to the flag was recited.

Chair Heisey reviewed the guidelines for the public. If they would like to speak, they should waive their hand to get his attention and they will be unmuted. They must then state their name and address for the record.

COMMENTS FROM THE PUBLIC

There were no comments from the public.

The April Municipal Authority meeting was canceled due to CoVID-19.

Chair Heisey asked for a motion to approve the March minutes.

MOTION: Motion was made and seconded to approve the March minutes. Motion approved.

Chair Heisey asked for a motion to approve the invoices and requisitions for payment all subject to audit.

MOTION: Motion was made and seconded to approve the invoices and requisitions for payment all subject to audit. Motion approved.

SOLICITOR'S REPORT – Amy Leonard

Mapledale/Mandatory Connection Agreement – The Authority members will be revisiting this topic from March during Lori’s report.

Delinquent Sewer Accounts – Update – At this time, collections are at a standstill. Guidance was provided by the Pennsylvania Municipal Authorities Association (PMAA) regarding penalties for delinquent accounts. Due to CoVID-19, the PMAA is recommending deferring any late fees and postponing terminations. Amy stated she will not be sending any collection notices to the residents on her list. The courts are still closed, so no advancement could be made.

Ownership of Private Sewer Laterals – The Authority members will be revisiting this topic from March during Lori’s report.

ENGINEERS’ REPORT – Scott Rights

Crossings Phase 3 – Landmark has submitted revised plans for review. The revised plan submission addresses all previous comments relating to the sanitary sewer. Scott would recommend the Municipal Authority approve this set of plans.

MOTION: Motion was made and seconded to approve the sewer design for the Crossings Phase 3. Motion approved.

Cedar Crest Circle – Steckbeck is waiting for the plans to be resubmitted.

Paul Horn Subdivision – Matthew and Hockley Associates submitted a plan on behalf of Paul Horn for review and comment on a potential on lot subdivision and lot addition plan. Steckbeck Engineering reviewed this submission on behalf of the Authority and responded with their review letter. Revisions will need to be made and the plans will need to be resubmitted. The Authority will wait to discuss when revised plans are provided.

ASSISTANT TOWNSHIP MANAGER REPORT – Lori Books

Lebanon Valley Cold Storage (Sunny Lane Foods) – Lori sent another violation/surcharge letter for exceeding discharge limits to Sunny Lane Foods.

The representative from Lebanon Valley Cold Storage requested the records and accounts reflect the name of Sunny Lane Foods & Bakery LLC. There are two businesses within the building, one being the cold storage (Lebanon Valley Cold Storage and Distribution Center) and the other being production (Sunny Lane Foods and Bakery, LLC). These reports all pertain to the production side which is Sunny Lane Foods.

Sunny Lane Foods continues to comply with the monthly pumping of the grease trap tank and the monthly sampling that was required because of previous violations. Lori will continue to monitor until all sampling is in compliance with our regulations.

Lori was informed the maintenance worker she had been dealing with at the storage/production facility is leaving and someone new will be stepping into the role. She is planning on explaining the importance of pumping and sampling to the new person in

charge.

Strong Waste Permits – Strong Waste Permits must be renewed every 3 years. Lori has received all four applications for the renewals that are due in 2020. She reissued the permits for Always Bagels, Godshall's, and PA Natural Chicks. Lori is still working with Sunny Lane Foods before reissuing. She felt they needed to revise their application as some of the information provided was inaccurate. For example, the application asks for any pretreatment methods used and that portion was left blank. Lori knows they have a grease trap as the Authority crew members have done inspections. They also left their pumper information blank; however, she is receiving monthly pumping reports. There was also mention on their application that they plan to build an addition to include another waffle line and a muffin line. With the numbers provided, they are indicating their usage would jump to the equivalent of 53 EDU's. After reading this, Lori reached out to them to clarify these discrepancies and to ask if they intend to purchase the additional capacity necessary. They hope to start building in 6 to 9 months, dependent on financing. Lori emailed her contact with all these questions/concerns and is waiting on a response.

Tod questioned if they would have to install a Muffin Monster in the line with their new additions. Ed responded that they do not need one as the new line will only impact their production.

Crossings Phase 3 – The developer has signed and returned the Sewer Capacity Agreement for 28 additional EDU's. All capacity fees for Phase 3 have been received. Lori is asking for approval from the Authority Board.

MOTION: Motion was made and seconded to approve the Sewer Capacity Agreement for 28 EDU's for the Crossings Phase 3. Motion approved.

The developer has signed and returned the Developer's Agreement as well as their \$10,000.00 deposit. Lori is asking for approval from the Authority Board.

MOTION: Motion was made and seconded to approve the Developer's Agreement for the Crossings Phase 3. Motion approved.

Lori and Amy have prepared the Reimbursement Agreement for water and sewer lines. Landmark has signed and returned the agreement. Lori is seeking approval from the Authority Board.

MOTION: Motion was made and seconded to approve the Reimbursement Agreement for the water and sewer lines for the Crossings Phase 3. Motion approved.

Guidance on Late Fees and Terminations – Lori asked the Authority Board Members what direction they would like the office to take when it comes to penalties on the sewer bill. The only vocalized mandate is for utilities to postpone any terminations that would have normally occurred within the CoVID-19 timeframe. Deferring penalties is a recommendation from the PMAA.

Lori updated the Authority Board Members on the outstanding numbers of sewer bills. We were able to move through and accomplish each penalty phase in the November billing. There was only an issue with one property where the curb box had to be located and dug up. It is still an outstanding account and the water was left on.

The February bills were due March 10th, and the 10% penalty was assessed on the 11th prior to the CoVID-19 shutdown. The penalty process ended there. As of May 8th, there were 200 delinquent customers for the February cycle. More time has passed than they normally would have been given, but this number is lower than the amount typically mailed for the Administration Fee.

Gary spoke up about the small businesses and residents who are barely making it through these difficult times. He feels it would not be right to slap them with penalties when we are aware of the pandemic and that many have lost jobs and are struggling financially.

Tod and Dawn both agree with Gary. They feel penalties should be on hold completely until the stay at home order is lifted and residents can get back on their feet.

MOTION: Motion was made and seconded to waive all penalties and defer shut offs for the May billing. This will be revisited in August. Motion approved.

Mandatory Connection Agreement – As a result of the Mapledale Development on East Maple Street, two properties will be mandated to connect to public water and sewer per the Township Ordinance. The Municipal Authority agreed in March that a soft letter should be sent to these property owners as soon as possible so they can be aware of the upcoming costs they will face. The members also agreed to reduce or waive the connection fees where they can. Lori has provided a draft of her soft letter for each member for discussion.

Rodney commented that he thought the first two paragraphs were a great opening/introduction, but that paragraphs 3 & 4 which mention the two ordinances involved, should be removed. He feels that a property owner would not make it past those two paragraphs and ignore the rest of the letter. The formal notice, which is mentioned in the soft letter, will be the one to include all of the details or they could call in and ask questions if needed at any time.

Amy responded and agreed that those paragraphs are a bit “clunky” as they come straight from the ordinance book. She does, however, feel they are important and should be mentioned as they are the adopted regulations mandating the hook-up. Therefore, the ordinance is the reason they are receiving this notification in the first place. She would be on board with making them less wordy and simpler to read.

Rodney requested that once it is reworded, it be relocated right after the paragraph stating “Our intention at this time is to simply notify you that public sewer and public water will be coming to your area soon.” He feels it will be much friendlier.

Dawn mentioned a comment brought up in March that she read in the minutes where it was suggested to change the ordinance and give the property owner the option to hook-

up instead of requiring it. Gary reiterated the current Township Ordinance stating that if you are within 150 feet of public sewer you must hook up, and if you are within 200 feet of public water you must hook up.

Brian spoke up and explained that his thoughts fall under the desire to be consistent with rulings. If they would attempt to change something now for these two property owners, there will be many angry residents from years past who were forced to connect and pay all the connection fees. Brian also explained that the Municipal Authority is giving them a large extension of time to hook up and pay for the connection. The fees are also being reduced and some waived for those mandated to hook up.

Dawn agreed with Brian regarding being consistent and agrees the extension of time is very generous. She still feels strongly that residents should not be forced to connect if they are not having any issues with their on-lot system or well. The choice should be theirs and if they choose to connect now, then they will receive the additional time and reduced fees but if they end up needing to connect due to a failed system in a few years, then they will be subject to the normal fees. She understands this may not be possible for this specific case, but that they should look at the ordinance in the future and rework it.

Lori brought up the fact that DEP prefers homes to connect to public sewer if possible. That is the reason the ordinance was created for mandatory connection. From an administration standpoint, it would be much more difficult to keep track of who connected and who did not years down the road.

Amy will work with Lori to revise the letter to make it a bit more user friendly, with the understanding that she cannot sugarcoat a mandatory connection. She also informed the Municipal Authority Members that they do not have the power to just change an ordinance. It must go before the Board of Supervisors as a recommendation.

Lori would like confirmation from the Authority Board Members regarding the fees discussed at the March meeting. With hopes of being user friendly, the Municipal Authority strongly believes in cutting the property owners a break since they are required to connect. Those mandated to connect will be charged \$2,290.00 for Capacity as it is a pass-through fee to CoLA and the NLTMA does not have the authority to change it. The Sewer Tapping Fee will be \$2,000.00 which was reduced from \$3,100.00. The Special Purpose Tapping Fee of \$2,000.00 will be waived. They will not need to pay the \$850.00 for a Saddle as the developer will be installing the laterals to the edge of their property. They must pay for the permit/inspection, which is \$150.00. The Water Tapping fee is \$3,900.00 which is not eligible for any reductions due to other agreements the Authority has with other parties.

All the Municipal Authority Board Members are in favor of these reduced fees.

Ownership of Lines Within ROW – It was discussed during the March meeting about the Municipal Authority's stance on responsibility of sewer lines. Ed and Lori are looking for clarification as to when the homeowner responsible and when the Authority is responsible. Currently, there is a conflict of statements within the sewer specs and the Township ordinance.

The sewer specs state "Once the lateral is inspected and approved by the inspector, the homeowner will assume ownership from the house connection to the main connection."

Meanwhile, the ordinance states the definition of the sewer system as "all facilities, as of any particular time, for collecting, pumping, transmitting, treating and disposing of sanitary sewage and/or industrial wastes, situate in or adjacent to the Township, required for rendering sewage service in and for the area of this Township known as the Ebenezer area and such other areas as may, from time to time, be designated by the Township and owned or to be owned by the Authority." The building sewer is defined as the extension from the sewage drainage system of any structure to the lateral of a sewer. The lateral is defined as that part of the sewer system extending from a sewer to the curb line or, if there shall be no curb line, to the property line or, if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of any building sewer.

The Municipal Authority must decide if the homeowner will be responsible for the building sewer/lateral line from their home to the sewer main, or if the homeowner will be responsible for the building sewer line from their home to the edge of the curb/property line and the Authority would be responsible for the lateral line from the curb/property line to the sewer main. Either choice will be honored by the Wastewater crew, they would just like a clear direction.

Brian expressed he does not want the Municipal Authority to take over sewer laterals. Scott confirmed, so everyone could be on the same page, the sewer lateral is the pipe that runs from the main sewer line to the edge of the property. Brian continued by mentioning his point from the March meeting, how can the Authority charge someone a tapping fee to connect into the main line if the Authority takes ownership of the lateral. Scott commented that the tapping fee is not payment for a physical tap. The tapping fee covers the debt service the Authority has in the main/treatment facility. When someone connects, they are taking capacity out of the system that cannot be resold.

Tod questioned who would pay a fee in the case where a sewer line has already been installed, and a new contractor comes in and purchases a vacant lot to build a home. Scott answered that due to there not being an existing lateral for the newly created lot, the property owner would pay the Saddle fee on top of the Sewer Tapping fee. The Saddle is the inserted "T" or "Y" placed in the main line for a new connection.

Brian is concerned that if the Municipal Authority takes ownership of the sewer laterals, they will also be taking on an increased number of expenses as more I & I issues are discovered. Scott stated that yes, there are cases where the infiltration occurs within the lateral portion, but most commonly only where the inserted "Y" or "T" are located. The Municipal Authority had already decided to take responsibility of this type of break on a previous case. Most other infiltration issues occur between the property line and the home.

Both Brian and Tod turned to Ed for his thoughts as he had brought this topic up initially in their last meeting. Ed stated it is important for the Municipal Authority to make a

decision and make any changes necessary in either the specs or the ordinance so that they can have a clear direction when encountering any future leaks so he can let the property owner know whether or not they are responsible for the repairs. He also informed the Authority Members that the section of sewer line from the property line to the main (the lateral) is air tested and pressure tested and, although possible, rarely has leaks.

Tod and Dawn both think the sewer specs should remain to be true; the homeowner should be responsible from the main line to their home. The other option would create too much expense for the Municipal Authority.

Gary questioned how they could hold the property owner responsible for a line that the Authority installed? It doesn't make sense to decide the Authority is sometimes responsible and sometimes not. There needs to be consistency.

Tod asked Scott what the guarantee/life expectancy is on the sewer lines, using Rockwood as a specific example. The simple answer is about 1 year. Ed chimed in stating that the Authority is much more diligent in securing a good inspector onsite. In the past, referring to the Ebenezer Project, they were not taken as seriously. In the last 15-20 years this mindset has changed. North Lebanon has someone from the Wastewater crew or from Steckbeck's office on site for all sewer installations and they also witness all connections.

The Municipal Authority Board agreed to table the issue for now. New thoughts/opinions were brought to light and each member can take the time to think it through. Ed agreed this decision may come easier once they are able to meet in person. The sewer specs and ordinance documents will be provided again next meeting to take a closer look at the highlighted differences.

Pertinent Issues – Ed and Lori discussed updating the sewer specs regardless of the decision the Authority Board makes about the ownership of sewer lines. They are currently 25-30 years old and Scott pointed out many sections are outdated. There are practices outlined that are no longer used and materials suggested that are no longer produced.

Scott mentioned Steckbeck Engineering may have a few other municipalities interested in updating their sewer specs for developers and they could all share the cost. Once the base format is created, each municipality would be able to fine tune it with their preferences.

Tod asked Scott what brought up this need? Scott informed the members that anytime a developer/builder comes into a specific township to work, they ask for details. He explained again that the information is outdated. For example, some sections call for cast-iron building sewers. These are not used anymore, and word-of-mouth is the only way to get that information across without making the proper changes to the specs.

With the potential of changing the specs to match the ordinance regarding ownership of lines, they thought it would be a good time to update everything within the sewer specs.

Scott will gather more information for next month's meeting.

WASTEWATER DEPARTMENT REPORT – Ed Brensinger

March Activity Report – The Authority Board members were provided with a copy of Tommy's report.

The crew had 31 PA one calls, none being emergencies.

There were 2 new home connections and Tony had 3 grease trap inspections.

The Rockwood Pump Station required some attention to prepare for the new generator. The crews dug out and formed up the concrete pad which will be the base for the generator. The fence and poles were taken down to accommodate the larger size needed around the generator.

April Activity Report – The Authority Board members were provided with a copy of Tommy's report.

The crew had 37 PA one calls, one being an emergency after hours.

There was 1 new home connection and Tony had 2 grease trap inspections.

The Rockwood generator was delivered and installed the first week of April. It is operational. A few expenses popped up for a new main breaker and fuses in the throw switch to operate safely.

Ed contacted the fencing contractor for the placement of new fencing around the generator. He received the expense quote. They will leave the area stoned instead of paving it.

On April 9th, Tommy was doing his routine inspections of all the pump stations. When he arrived at the Hill Street Pump Station, he saw it had been destroyed. A pick-up truck had run through the station tearing all the fencing and poles down. Both riser pipes on the wet well and the valve vault had been sheared off completely. Tommy contacted the police and discovered a report was filed 12 days prior, but the crews nor the Township were notified of the incident. Tommy and Tony repaired the riser pipes and had assistance from the road crew to clean up and remove the fencing. The insurance company has been contacted and a check was cut less the deductible. Ed has ordered the new fencing and it will be repaired shortly.

Tod asked Ed if anyone contacted local body shops to see if the Ford pick-up truck came through? Ed is not sure if the Police made those contacts but is sure the truck would have needed some work just from seeing the pump station damage.

The crew received a call about the N. 8th Avenue Pump Station for a high-water alarm. The wet well bubbler pump had stopped working. It was quickly replaced with a spare on hand and 2 additional Wisa air pumps were ordered. These are "wear" items and should

be available ASAP if needed.

The Wastewater crew has been mowing various Township properties as well as going through a list Ed prepared of different lines to check for I & I infiltration.

Additional Comments and Questions

With no more business for the good of the Authority, the meeting was adjourned at 8:30 p.m.

Respectfully Submitted,

Molly Lum
Recording Secretary