

EAST PENNSBORO AUTHORITY
JANUARY 16, 2020

Regular Meeting

6:30 p.m.

A Regular Meeting of the East Pennsboro Authority was held on Thursday, January 16, 2020, at 6:30 p.m. at the Community and Municipal Center, 98 S. Enola Drive, Enola, Pennsylvania.

Those present were: Commissioners George Tyson and Kristy Magaro, Dr. Glenn Zehner, and Randy Martin, members of the Authority; Lisa M. Coyne, Esquire, Solicitor; John Pietropaoli, Township Manager; John Owen, Assistant Township Manager; Ed Myers, WWTP; Jared Hockenberry, Consulting Engineer; and Robert Coyne, Coyne & Coyne, P.C.

I. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chairman Tyson. A moment of silent meditation was observed, followed by the Pledge of Allegiance to the Flag.

II. EXECUTIVE SESSION REPORT

Chairman Tyson stated prior to the meeting the board held an Executive Session involving matters of potential litigation with no action taken from 6:00 p.m. to 6:30 p.m.

III. ELECTION OF AUTHORITY OFFICERS

Ms. Magaro nominated Mr. Tyson as Chair of the Authority, which was seconded by Dr. Zehner. There were no other nominations.

Dr. Zehner nominated Ms. Magaro as Vice Chair of the Authority, which was seconded by Mr. Martin. There were no other nominations.

Ms. Magaro nominated Dr. Zehner as Secretary of the Authority, which was seconded by Mr. Martin. There were no other nominations.

Ms. Magaro nominated Mr. Martin as Treasurer of the Authority, which was seconded by Dr. Zehner. There were no other nominations.

Ms. Magaro nominated Mr. Billow as Assistant Secretary and Assistant Treasurer of the Authority, which was seconded by Mr. Martin. There were no other nominations.

A roll-call vote was taken on the nominations for Officers of the Authority and the nominations passed unanimously.

IV. APPROVAL OF MINUTES

MOTION approving the minutes of the following itemized meetings:

1. October 17, 2019
2. December 19, 2019

was made by Ms. Magaro, seconded by Dr. Zehner, and was carried by a unanimous aye vote.

V. PUBLIC COMMENT

Mr. Cory Shover, 825 Center Street, addressed the board regarding a stormwater issue on his property since he moved in. In talking to neighbors from Center Street it has been there since East Penn Drive was created. He moved there in 2007 on the part of the Ricci farm that was donated to the township, and then when they built East Penn Drive, the section he lives on, which is between East Penn Drive and Center Street, was somehow sold by the township to a developer and they started building homes in that area in 2006. His house was built in 2007.

The original stormwater plan of the State was to put a 25-inch pipe across East Penn Drive and it emptied for years onto that empty lot. He provided slides showing the stormwater problem. He put a swale in, but all the debris flows along East Penn Drive, between East Penn Drive and the park, and flows down through his property. With a heavy rain there are two culverts that are overwhelmed that cannot take that much water coming from a 25-inch pipe. He showed pictures of the drain along East Penn Drive that goes through a standalone culvert that empties across the street onto his property. Going towards the Post Office is another drain that is connected to the drain across from the Post Office. At the Post Office the culvert empties between the Post Office and one of the other properties and

runs down to a ravine. The culvert at the Post Office empties into a culvert that comes from the park, which backs up and flows into his basement.

Chairman Tyson apologized that Mr. Shover has had to put up with this issue all these years. He indicated these are the types of issues that the new plan is going to be addressing because the township is required to reduce sediment as well as nitrogen that seeps into the Chesapeake Bay. He stated he can only imagine how many times Mr. Shover has had to go out and rake his yard and dry out his basement, and the situation certainly adversely affects property values. He stated whatever can be done to alleviate problems like this is what the township is committed to do in this MS4 program.

VI. MANAGER/ASSISTANT MANAGER REPORT

Mr. Pietropaoli informed the Authority the Township's new Web site is up and running.

Mr. Owen noted a discussion at the Board of Commissioners meeting last night about storm boxes to be replaced. Right now staff estimates about 100 drain boxes that need to be replaced, not including the pipes and infrastructure.

VII. CONSULTANT UPDATE

Mr. Hockenberry stated he will be working with bond counsel to upload all the appropriate documentation for the PennVest application. The closing has been pushed out to the middle of March, but the paperwork deadline is sometime in February.

MOTION to accept the report from consultant ARCADIS entitled Fee Rate Structure Report to the Authority dated December 31, 2019, was made by Ms. Magaro, seconded by Dr. Zehner, and was carried by a unanimous aye vote.

VIII. SOLICITOR'S REPORT

Ms. Coyne noted the certificate of amendment for the Authority amending its purpose as well as the life of the Authority through 2069 has been accepted by the Department of State.

She is working with staff incorporating the information provided in the rate study schedule and has prepared for consideration this evening a proposed resolution for adoption of a sewer rate to be charged and establishment of the ERU amount that is required in establishing that rate.

MOTION to approve Resolution no. 1-2020 of the East Pennsboro Authority establishing a stormwater user rate of \$22 per quarter for each single-family residence developed parcel in the township and establishing the Equivalent Residential Unit (ERU) for each parcel of developed property to be 3,430 square feet of impervious ground, was made by Ms. Magaro, seconded by Dr. Zehner, and was carried by a unanimous aye vote.

IX. NEW BUSINESS

Ms. Coyne explained that part of the efforts by the board and staff, after now establishing the rate, is to also establish a credit program. The resolution as drafted has an effective date of April 1, 2020. Their hope is to bring to the board a credit program which will be utilized primarily by commercial and nonresidential users of the system.

Mr. Myers noted things to consider are the type of credit the Authority may want to offer in the form of physical or nonphysical credits depending on whether to give credits to agriculture, the school system, which are educational credits that could have certain weights, fertilizer application credits, credits that control the volume off of the properties or control the rate of flow, and credits for existing facilities that quite a few properties in the township already have.

Whenever discussing what style, how the credit program would work, the Authority should first think of what type of credits it may want to entertain. Part of the discussion would also revolve around compliance and staff going out to make sure that these things are created and maintained properly, including that the Authority, through township staff, has the right to inspect, issue, and suspend appropriate credits in a fair way across the board given respective operation and maintenance agreements.

All the paperwork would be maintained at a level that is required of the MS4 compliance. The township is supposed to have an inventory of all facilities in the township that control stormwater in some way, which would help that process. Considerations of eligibility, depending on the size of property, land use, and how long a credit should last. Do you want to say that a management practice or facility, once they apply, the credit lasts forever, or after three years should they reapply or touch base to make sure their situation has stayed the same?

The upkeep is tied to the documentation and possible inspection from a member of the township, on the Authority's behalf, and depending on the style of credits, establishing those parameters of how much of a percentage off of the fee they would actually take. It could be anything from 15 percent depending on the complexity, the maintenance requirements, or other factors. A cumulative amount for one business or stakeholder property would be 50 percent. It was talked about at a staff level, but it is not set in stone. The multipliers or percentages are something that should be thought of as well. All of these subjects have good examples in our neighboring municipalities as far as what direction they went. The Authority would want to look at these factors and apply what makes sense to East Pennsboro Township.

Ms. Coyne stated the consultant's report took that into account, that there would be a credit component primarily on the nonresidential users. That was anticipated as this fee was established.

Mr. Paul Huffman, Seven Wetherburn Road, stated his employer has three buildings in the township and one of the buildings has underground stormwater retention tanks. He suggested the Authority perhaps allow township residents to make suggestions regarding credits. Chairman Tyson stated that is an excellent idea and noted he is aware of some improvements Gannet Flemming made with their parking in line with managing stormwater, and those are things the Authority will look at with things that have been done as well as things that they could do. Ms. Coyne suggested it would incentivize them to use these BMPs to help take care of runoff. Chairman Tyson stated he is a firm believer that if the overall focus is to achieve the results that the Feds are looking for and a project landowner or commercial entity is willing to implement those, then there ought to be consideration or credit for that.

MOTION to adjourn the meeting at 7:15 p.m. was made by Ms. Magaro, seconded by Mr. Martin, and was carried by a unanimous aye vote.