

EAST PENNSBORO AUTHORITY
JUNE 18, 2020

Regular Meeting

6:30 p.m.

A Regular Meeting of the East Pennsboro Authority was held on Thursday, June 18, 2020, at 6:30 p.m., telephonically.

Those present were: Commissioners George Tyson and Kristy Magaro, Dr. Glenn Zehner, Randy Martin, and Mario Billow, members of the Authority; Lisa M. Coyne, Esquire, Solicitor; John Pietropaoli, Township Manager; John Owen, Assistant Manager; Dearan Quigley, Housing & Community Development; Ed Myers, Assistant WWTP Superintendent; 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 Mr. Tyson. A moment of silence followed by the Pledge of Allegiance to the Flag.

Chairman Tyson noted the meeting is being held via teleconference per the Township's resolution for the State emergency disaster. Visitors will be called upon by the Chairman at the appropriate time.

II. APPROVAL OF MINUTES

MOTION to approve the Minutes of the meeting of May 21, 2020, meeting, was made by Dr. Zehner, seconded by Mr. Billow, and was carried by a unanimous aye vote.

III. PUBLIC COMMENT

Mr. Tom Denslinger, representing Our Lady of Lourdes Church, asked whether there was any additional information the Authority needed to make a decision on the fee credit for the church. He was curious as to whether the church's stormwater management BMP was one of the approximately 115 that was included in the ARCADIS report. Mr. Hockenberry noted the ARCADIS record focused on existing coverage areas, impervious and pervious, if they listed existing facilities. It was for informational purposes only.

Staff reviewed the appeal and once a credit resolution is adopted, the church will have an opportunity to submit a credit application for the facilities that treat stormwater on its parcel. Mr. Denslinger noted he is a member of the church and was approached by staff of the church to help because he has over 30 years in water resources management. He volunteered to do the appeal, he is not being paid.

Mr. Nick Finelli thanked Ed Myers and Jared Hockenberry for the site visit to look at the retention pond in Whelan Crossing, which is in need of remediation and maintenance. A grass cutter started trimming it for an hour but got stuck in the silt near the exit pipe and had to be pulled out. Mr. Hockenberry noted correspondence from 2016 to Mr. Ed Thomas, who was president of the association, that stated the homeowner's association is responsible for maintenance. Mr. Hockenberry further noted those letters were initially sent to all of the property owners upon which the facility is located, and the response from Mr. Thomas at the time was the HOA was responsible for the maintenance of that facility, and all correspondence since then has gone through the HOA. After their meeting they discussed the Authority would send a letter to the HOA relative to the inspection and some of the maintenance concerns that were found.

Chairman Tyson noted that is an area the Authority would be pursuing going forward because it is part of the initial mandate of reducing sediment and nitrates. The Authority will be making sure that they do the necessary maintenance. It is obviously the HOA's property and pond, so the maintenance and bringing it up to standards is going to be their responsibility. Mr. Finelli stated he moved into East Pennsboro 15 months ago. He found out at a meeting of the association that Mr. Thomas hired a property management company out of Lancaster, Mr. Ryan Neumayer is the CEO of that company. On July 19 of last year, Mr. Neumayer said the association is in charge of the East Penn retention pond, according to the declaration, and said they only have to maintain the

stormwater facilities of the pond in Hampden Township but the management of that pond is up to Hampden Township. Some other homeowners who are involved have said it is clearly a case where the homeowner's association is in charge of both retention ponds, but there might be some gray area.

Chairman Tyson stated the Authority will work with the HOA and Mr. Neumayer to make sure there is a clear understanding that it is not a township facility.

IV. MANAGER/ASSISTANT MANAGERS' REPORT

Mr. Pietropaoli noted they are still working on the Authority's bank account. Banks are opening their offices on Monday, and they have to do the final signatures. Current financials will be sent to the Authority in May.

Mr. Owen noted as far as operation and maintenance, there was concern about public works crews who are charged with maintaining stormwater basins, one of them being in the Tremont development. Ehrlich Pest Control, who does the herbicide, looked at some potentially noxious weeds. The weeds that are in the pond are poison Hemlock, which was one of the concerns. It will be remediated by township employees.

V. MS4 COORDINATOR REPORT

Mr. Myers reported calls received regarding the stormwater fee from the second quarter billing: Four calls regarding clogged pipes and stream bank erosion, and two new appeals. Both of the appeals did not have good evidence for altering their fee. There is one standing appeal with Norfolk Southern Enola yard, for which a tentative meeting has been scheduled for next Wednesday at 10:00 a.m. to discuss that appeal with township staff and Authority members.

Mr. Myers noted several ongoing initiatives, including one brought up by Mr. Finelli regarding the Whelan Crossing HOA. Mr. Hockenberry did a site visit with staff

to get an overview of the basin. There were several maintenance issues, and Mr. Myers established contact with Mr. Ed Thomas, representing the HOA. They will have a discussion next week regarding future maintenance for that basin.

Mr. Myers noted staff has also been in touch with several homeowners along Acri Meadow Road where the rear of their property faces the Conodoquinet Creek. They came to the Authority with concerns about erosion. This is not township property, but Mr. Myers is facilitating a call tomorrow with the Conservation District and the watershed association for assistance. The township will facilitate the meeting, but since there is no township property involved, they will merely observe and record for the stormwater permit what transpires.

Mr. Myers stated he has contacted Holly Smith at Penn State to get information regarding educational materials for the K through 12 classes.

He then reviewed the current appeals before the Authority:

5 Americana Lane. The dispute was regarding it being a nonresidential property but they wanted it to be classified as residential, which was not a satisfactory argument at this time. He suggested denial of the appeal on the basis of it being a nonresidential property, which it is currently zoned. To change to a residential use, the property owner would have to initiate a zoning action.

645 Tower Road, the owner of the cell tower at the rear of the public works building. Their appeal was approved because proof exists that they do not own the actual property upon which the cell tower sits. It is a lease, which they supplied.

225 Salt Road, Our Lady of Lourdes Church. Extensive analysis put forth by Mr. Denslinger noted that the impervious calculation for the area was correct and very closely matched ARCADIS's estimation for the

development of the fee. Staff recognizes that currently the facilities mentioned are not considered yet as far as determiners of how much fee the church will ultimately pay, but at this juncture the fee was only considering impervious area, and since the impervious area was not argued as being different, they recommended that the appeal be denied, knowing that they will be in communication with the church in the future to go over the proper procedure for obtaining credit for the facilities if they are in good order.

9 Sherwood Drive, Enola First Church of God. They provided aerial estimation of impervious area which was compared with staff notes and further investigation with GIS. Staff found that their information was correct and that the impervious area calculation was an error, so therefore recommend that the appeal be granted.

215 Wood Street, Camp Hill. This is a residential property, there was no basis of documentation to say that there needed to be an adjustment in its calculation in the fee issued. The fee issue is 1 ERU because of residential use. It was recommended the appeal be denied.

821 Belle Vista Drive. The homeowner acknowledges the importance of the stormwater fee and what it represents and issued his thinking that the stormwater facility on his property negated some of the fee before he had gotten his first bill. Mr. Myers discussed with the homeowner that that would result in a credit application at a later date, which they understood. Since it is a residential application, it was recommended the appeal be denied.

1090 Valley Road, a zoned agricultural area. The owner did not mention any type of specific calculation or factual basis to ask for changing the bill on the stormwater part. Other than a mention of fixed income, there was no scientific or engineering proof behind any material provided. It was suggested the appeal be denied.

The Norfolk Southern appeal will be reviewed at a later date.

VI. ENGINEER REPORT

Mr. Hockenberry noted he just got the appeal tonight for 9 Sherwood Drive and was looking at the GIS that ARCADIS did and reviewed that with aerial mapping. In a brief look, the areas look consistent, but he asked if it does not need to be acted upon tonight to table the matter so that he and Mr. Myers review the differences before the appeal is acted on.

Mr. Hockenberry discussed the township basins that are scheduled to be retrofitted. They are ready to start the survey and design. He noted they need the Authority's authorization to send letters to the private stormwater management facility owners regarding obtaining access to the facilities for survey and follow-up with the basin retrofits, which are part of the PRP.

VII. SOLICITOR'S REPORT

Ms. Coyne noted the credit resolution is ready for action this evening. At the February meeting, there was suggestion to give further clarity to the appeal procedures within the Authority and the delegation that the township has as basically the management and operation of the facilities on behalf of the Authority. She has drafted consideration for an appointment of someone as the hearing officer, which is basically what Mr. Myers has been doing through the appeal process once the first billing went out in April. The procedure is to have Mr. Myers be the initial hearing officer and then appoint an appeal officer after that if there is a dispute. Fifteen days after Mr. Myers would make a decision if there is a further appeal, an appeal officer would review, and then after that any further appeal would go to the Court of Common Pleas.

VIII. OLD BUSINESS

Discussion of draft credit resolution. A \$25 fee for the credit application has been incorporated in the resolution. Dr. Zehner suggested it would be prudent for the Authority to review this in six months, since it is so new, to determine if it is meeting the intended purpose. Chairman Tyson stated that is a good suggestion and it should be noted as a condition of adoption. Chairman Tyson also noted the resolution will be retroactive to April 1.

IX. ACTION ITEMS

MOTION to adopt Resolution No. 2-2020, credit resolution, with a review in six months, was made by Dr. Zehner, seconded by Mr. Martin, and was carried by a vote of 4 to 0, with Ms. Magaro not voting due to telephonic drop-off.

MOTION to appoint Ed Myers as Hearing Officer and JB Owen as Appeal Officer, was made by Mr. Billow, seconded by Dr. Zehner stated, and was carried by a vote of 5 to 0.

MOTION to adopt findings and recommendations of township staff for appeals filed for properties:

- A. 5 Americana Lane - Deny
- B. 645 Tower Road - Grant
- C. 225 Salt Road - Deny
- E. 215 Wood Street - Deny
- F. 1090 Valley Road - Deny
- G. 821 Belle Vista Drive - Deny

was made by Dr. Zehner, seconded by Mr. Billow, and was carried by a roll-call vote of 5 to 0.

X. NEW BUSINESS

Mr. Hockenberry requested the Authority's position on sending letters to the private stormwater management facility owners relative to the potential retrofit of

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those basins. Mr. Owen noted the consultant will be sending the letters on behalf of the township, not township staff. Mr. Hockenberry noted the intent after retrofit is to keep them private and not take over the long-term maintenance of those basins.

Chairman Tyson stated there is not a problem with sending a letter out that the basins need to be maintained and retrofitted. However, the discussion of spending public funds on private property is a situation that the Authority is not prepared to do at this time.

Mr. Hockenberry noted the stream restoration will also require letters to be sent to property owners. They will draft a form letter and have township staff deliver them to the property owners that are affected. This is a different letter.

MOTION to adjourn the meeting at 7:16 p.m., was made by Mr. Martin, seconded by Dr. Zehner, and was carried by a unanimous aye vote.

Chairman Tyson noted the next meeting of the Authority is Thursday, July 16, 2020, at 6:30 p.m..