

MINUTES
FEBRUARY 19, 2020

SPECIAL JOINT MEETING
LOWER SWATARA TOWNSHIP BOARD OF COMMISSIONERS
&
LOWER SWATARA TOWNSHIP MUNICIPAL AUTHORITY

A Special Joint Meeting of the Lower Swatara Township Board of Commissioners and the Lower Swatara Township Municipal Authority, held at the Lower Swatara Township Municipal Building, was called to order at 6:20 P.M. by President Jon G. Wilt.

The following officials were in attendance:

Board of Commissioners:

- Jon G. Wilt, President
- Todd F. Truntz, Vice President
- Ronald J. Paul, Assistant Secretary
- Christopher DeHart, Commissioner
(Absent: Michael J. Davies, Commissioner)

Municipal Authority:

- Richard Wilkinson, Chairman
- Daniel Magaro, Vice Chairman
- Chester Hartz, Secretary
- Scott Spangler, Treasurer
- Frank Popp
- Caleb Krauter, HRG

Staff:

- Betsy McBride, Manager
- Jean R. Arroyo, Secretary
- Peter R. Henninger, Solicitor
- Shawn Fabian, HRG

Residents and visitors in attendance: (PLEASE SEE ATTACHED SIGN-IN SHEET)

President Wilt welcomed everyone to the meeting, and turned the floor over to Ms. McBride. Ms. McBride explained that she had hoped to be able to ask for some formal approvals tonight, but unfortunately this will not happen. The PennVest loan transfer from the Township to the Municipal Authority is not yet complete, but will hopefully be done by the end of this month. This is important because the Township has a new software system, which may mean more time to set up the billing. Should the process be delayed, the first billing may not be in early May, but could be the following month. Ms. McBride stated her hope tonight is that everyone will

have a shared understanding of where this is heading. She asked Mr. Fabian to explain the DEP permits. The current permit expires March 21, 2023.

Mr. Fabian explained that part of this permit which is different than some of the previous terms is that the Township had to create a Chesapeake Bay Pollutant Reduction Plan. There is a requirement for a 10% reduction in the total suspended solids that are coming from the Township into the Chesapeake Bay Watershed. This pollution reduction plan was created, and a number of BMPs were identified for stream restorations, rain gardens, and bio-retention basins that need to be completed by the end of this permit term. Some progress has been made towards this: raingardens have been constructed at Shopes Garden Park and Old Reliance Park, and the Township did bid-out for a riparian forest buffer and a basin retrofit at Greenfield Park. Some of these items are in play because of grant funding, but the remaining items are a substantial amount of the pollutant reduction which yet needs to be accomplished. The ongoing MS4 permit requirements, such as illicit discharge detection and elimination sampling, community outreach, and public participation is a large part of Ms. Smith's responsibilities. These costs continue to be incurred to the Township, until such time a stormwater fee is implemented.

Ms. McBride referenced the establishment of a credit policy. The purpose for this policy is to ensure property owners are incentivized to embrace this program and to make them take an active approach to stormwater management. As Lower Swatara begins with its stormwater fee, the credit availability will be established for nonresidential property owners only. Ms. McBride stated there is not enough manpower to review applications which may come forward from both residential and nonresidential property owners. In addition, it appears the consensus is to head towards a \$7.00 fee, and the dollar value for a credit on a \$7.00/monthly fee is not so great that manpower needs to be devoted to this. She added that perhaps in year two or three, this decision can be revisited to include residential properties.

The credits for nonresidential can be narrowed down to four types: (1) peak rate or volume control credit, (2) low impact parcel credit, (3) education credit, and (4) stormwater partnership. Ms. McBride added that the stormwater partnership will be available to very few properties, most likely the Airport and Penn State. The Municipal Authority will have full discretion over the credit process. To receive a credit, the property owner will need to complete paperwork and an agreement that will also require submission of specified documents such as photographs, drawings, plans, etc. There will be a fee involved, perhaps \$50.00. If the application is successful, a credit will be

received. It will also include an agreement with the owner to maintain this practice. Credits will only be applied if the bill is paid on time each month. Credits will not accrue. Should the application be denied, the owner can appeal. There will most likely not be additional fees for this, although multiple appeals will probably incur a \$25 fee. Once a credit is given, it will remain in effect until March 21, 2023. After that, the credits received will have to be renewed and go through an application process. Ms. McBride explained that the Township does not know what the next permit period, which begins March 22, 2023, will require so owners cannot be told what they will need to do down the road to get the credits.

Various forms will be available to complete, including an appeal form for an impervious surface calculation. If the Township determines from mapping that one particular property has so much impervious surface and the owner disagrees, they have the right to appeal this. The education credit is designed for private and public educational institutions, K through 12 and colleges. In exchange for educating the students on the importance of stormwater, groundwater and surface water management, they can get a credit from the Township. Programs must be preapproved by the Municipal Authority, and eligible institutions may receive a credit of up to 10% based on the percentage of students educated. Ms. McBride added that there are more details in the credit policy, and she will provide this to the Board and Authority. She asked if there are any concerns about only having a nonresidential credit policy at this time. No objections were voiced. Commissioner DeHart added that he wished a residential credit could be provided, but agreed it is probably best to wait and see how this goes and review accordingly.

Ms. McBride asked if everyone is comfortable with the \$7.00 monthly fee. Mr. Wilkinson stated that he was surprised to see the \$7.00 recommendation, as he thought they agreed at the last joint meeting to set the fee at \$8.00. Mr. Hartz noted there were two different mindsets: some favored the \$6.00 fee while others preferred the \$8.00 fee. This was a compromise. The Board and Authority members agreed on the proposed \$7.00 fee.

Ms. McBride reported that she had a request from a property owner for the Township to walk the property, and she responded that the Township cannot do this. Now that there is some shared understanding, perhaps this can be done. She asked the Board's and Authority's thoughts on this, and how much manpower should be used to do this. Does the Township want to walk property and see what may or may not apply and what property owners can possibly do? Since this program is all new, Ms. McBride stated her thought is to review these requests on a case by case

basis to see if they are worth the time to send somebody out. Commissioner DeHart responded that he could see this being done for certain larger properties. Commissioner Paul suggested that prior to doing this, he would suggest getting the program rolling. Vice President Truntz agreed. Solicitor Henninger commented that he would prefer a hard and fast rule and take the discretion out of it – either yay or nay. Commissioner DeHart added that a farmer might need some direction. Ms. McBride agreed to make a list of properties she feels may be worth walking.

Ms. McBride asked how much leeway staff will have administratively with this program. Will only property owners, rather than tenants, be billed? Presently, some tenants are billed for sewer. Another question is whether those not on the sewer system, but only getting this stormwater bill, can be invoiced annually. It was agreed that there should be the option for anyone to pay the stormwater fee upfront, on an annual basis. Solicitor Henninger added that Township ordinance allows for billing tenants for sanitary sewer. He asked if the Township wishes to change this and bill only property owners. Ms. McBride stated she feels there is no issue if the property owner directs the Township to bill the tenant. Solicitor Henninger added that some people do prepay their sewer bill. If the homeowner now gets a bill for \$62.00 (\$55.00 for sewer and \$7.00 for stormwater) and makes a partial payment of \$50.00, the resolution is written that the payment would first go to the stormwater fee, with the balance going to the sewer fee. On the other hand, there is a question of how the payment will be applied if someone sends in \$100.00 for this \$62.00 bill. Solicitor Henninger explained his municipality bills for stormwater annually, but Lower Swatara desired to make it easier on the residents and make it a monthly bill. Therefore, a policy decision will need to be made with over-payments. Commissioner DeHart suggested the same procedure be used as under-payments -- apply to the stormwater fee first and then the sewer. Mr. Wilkinson asked what the system will allow as far as application of payments. Ms. McBride noted that the billing system is pretty flexible, and can be geared towards whatever method is desired. Mr. Wilkinson agreed that the concept of applying overpayments to the stormwater fee first, and then sewer, seems the simplest and most logical way to handle this. Both the Authority and Board agreed with this concept. Mr. Wilkinson and Commissioner DeHart stressed that informing the residents of this payment policy is very important.

Solicitor Henninger reported that PennVest's legal department is working on the documents and scheduling of a settlement date to transfer the loan obligation from the Township to the Municipal Authority. This is still the first step. The intention is to nail down everything else

tonight, so that when PennVest gives the word, things will be in place to make the May 1 billing happen with plenty of time to notify the property owners. He explained the steps include transferring the stormwater system to the Municipal Authority and then entering into a Management Agreement between the Township and Municipal Authority. There are a few minor edits to the credit policy, but it is fairly complete. He noted one question to be determined is what frequency the money will be transferred to the Township, or whether the Township will control the stormwater management fund and pay bills out of it. There could be some other changes, since the PennVest documents have not yet been received.

Solicitor Henninger referenced the fee resolution as it pertains to billing of nonresidential parcels. There are two basic types of users: single family residential (1 ERU) and nonresidential. The study done by HRG broke it down to tenths of ERUs. Will a commercial property with 4,000 square foot of impervious surface be billed 1.2 ERU's a month or will it be rounded to 2? With the sanitary sewer, over 1 is billed for 2; over 2 is billed for 3. He asked if stormwater billing will be billed in increments of ERUs or broken down to tenths. The most someone would be out is \$6.30/month. Again, this will only impact commercial, industrial, multi-family, apartment complexes, etc. Mr. Wilkinson stated his preference would be to round the figures, to keep consistency with the sewer billing. The Board and Authority members concurred. Solicitor Henninger added that this would also be his recommendation.

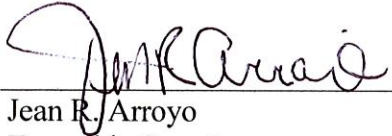
Solicitor Henninger urged the Board and Authority to carefully review the credit policy. Again, implementation will happen as follows: PennVest will give the okay and provide documents for review. Settlement will be scheduled to transfer the loan. In order to transfer the loan, the deed will need to be transferred. The Township will sign the quit-claim deed, and the Authority will then own the assets. At the next meeting of the Board of Commissioners, the Management Agreement will be approved. At the next meeting of the Municipal Authority, the Management Agreement, fee resolution, and credit policy will be approved. There may be the need to compact this into a special meeting, in order to give ample time to notify the residents and businesses. Ms. McBride added that in order to ensure everyone has the same credit policy, she will email the revised policy to both the Board and Authority within the next 24 hours.

PUBLIC COMMENT: None

ADJOURN:

Hearing no further questions from the boards or audience, a motion was made by Commissioner DeHart, seconded by Commissioner Paul, to adjourn the meeting. The meeting adjourned at 7:02 P.M.

ATTEST:



Jean R. Arroyo
Township Secretary

Board of Commissioners Legislative Mtg. – 7:00 PM