

WEST HANOVER TOWNSHIP MUNICIPAL AUTHORITY

DECEMBER 4, 2019

6:30 PM

Chairman Fowler: called the meeting to order and asked for Roll Call.

X Fowler X, Zimmerman X, Steinmeier X, Shradley, Mr. Geppert was not present.

Panel of Presenters:

Janet Hardman, West Hanover Zoning officer

Isaac Wakefield, Solicitor, Salzmann Hughes, P.C.

Erik Harmon, Light-Heigel & Associates, Inc.

Dan Rosario, West Hanover Township Manager

Kevin HRG Budget

Chairman Fowler: announced that tonight we will be discussing our credit approval and credit policy. The Authority will be working on establishing a quarterly billing cycle.

Isaac Wakefield, Solicitor: explained that the focus of tonight's meeting will be on stakeholders' comments on the budget and the credit policy. The credit policy is only the first draft and will not be approved tonight. Also, the budget is not finalized and will not be approved until completed. Ms. Hardman, the Authority Board, and stakeholders are reviewing the first revision tonight.

Solicitor Wakefield: commented that the Credit Policy, Budget, Management Agreement, and the Lease Agreement will probably be adopted at the January 2nd, 2020 meeting.

Chairman Fowler: asked if the Authority is under the same guidelines as the Township for adopting their budget by the end of the calendar year?

Solicitor Wakefield: explained that the Authority's budget is discretely and not under the same guidelines as the Township.

Chairman Fowler: called for Resolution #2019-004, Signature Cards for the following individuals:

Robert Fowler

Gloria Zimmerman

Max Shradley

Tara Rex:

They are authorized to sign checks and all transactions with Mid Penn Bank for the remainder of 2019. Another resolution will be made at the reorganization meeting in January. This will enable the Authority to set up their own separate account.

Mr. Rosario, West Hanover Township Manager: introduced himself and explained that \$117,000.00 will be taken out of the Township's General Fund. The Authority will be expected to reimburse the Township in one year. Any expenses by the Township for MS4 will be billed to the Authority.

Chairman Fowler: called for a motion to adopt Resolution 2019-004 with a number change.

Donald Steinmeier: made the motion to adopt Resolution 2019-004

Mr. Shradley: seconded the motion

Motion passed unanimously.

Public Comment:

Ms. Hardman, Zoning Officer: asked if she could explain the credit policy to the residents? Chairman Fowler said that would be helpful to the residents.

Ms. Hardman: explained that the Authority will be establishing a manual of credits in order to reduce said fee. There will be residential and commercial credits.

Eric Harmon: said some examples would be rain barrels, adopt a creek, adopt an Inlet if there is a storm drain near your property, and ground cover credits for non-residential properties that have undeveloped land. An example would be a 100-acre property that has woods or meadows. Also, with an 8,000 sq. ft. building on it.

Mr. Shandersky: asked if that was only for non-residents?

Eric Harmon: explained that for right now, yes. These are things we can discuss tonight. Erick commented that we can reexamine anything that comes before the Authority. He explained there is a huge administrative effort the Township must undertake through the Authority and there is a cost

for these services. There will be a base level where credits will be capped and established in the Credit Manual.

Structural Credits are for non-residents, which include storm water ponds and managing volume.

The Rate Control Credit which you help control and detain the storm water release rate, (slowing the release down.) There are Education credits, that school and churches can qualify

The question was asked how a church could qualify for credits.

Eric Harmon: explained they could have an event and include a booth where MS4 materials could be handed

out to those attending. The Township Authority would supply the materials.

Mr. Shandersky: asked if it would be better to just say non-profit groups? Erick answered in the affirmative. He explained that you could also donate credits to non-profit groups.

Fertilizer management, and Impervious Area reduction could qualify for credits. An example would be if you changed some of your square footage of impervious coverage your fee would be recalculated. A tree canopy would be another credit to consider.

Mr. Shandersky: asked if those were residential or commercial?

Eric Harmon: said currently it would be commercial.

Dan Rosario, Township Manager: said that residents were asking about stone and if it was considered the same principal as concrete?

Eric Harmon: answered yes.

Mr. Rosario: asked if you changed a stone area into a flower bed would that be considered as a credit?

Eric Harmon: answered yes, there is a stormwater partnership credit.

Solicitor, Wakefield: that was a catch all, if there's something not necessarily covered and the residents bring it before the board they could perhaps come to an agreement.

Question by resident: I have a creek that runs through my property which is 5 acres with mostly grass, trees and lawn. Would that be my impervious coverage?

Eric Harmon: answered that most things you mentioned are for non-residents. **Eric** also suggested that there

should be a discussion on ground cover or call it low impact to make it more user friendly. **Eric** reminded everyone that everything is still in draft form and tonight's meeting is for comments and discussion and how to come up with a solution that is a good fit for the community.

Ms. Hardman: asked if everyone understood the ERU (Equivalent Residential Unit) and how it will be determined?

Resident: A comment was made that the information was to be on the web site, but without actually, seeing it, it is hard to understand.

Ms. Hardman: explained that the ERU is 3,300 sq. ft. per 1 ERU.

Resident: What is the fee?

Ms. Hardman: that once the budget is completed, we will have an idea what the fee will be.

Chairman Fowler: Asked about future homes and the stormwater regulations since the developer must catch and infiltrate all the stormwater on the property? If someone buys a home and the cost of the facility is built into the price of his or her home how do they get a credit?

Resident: We already pay through our HOA fees.

Manager Rosario: The HOA would be billed for the fee.

Resident: There is a lot of detention basins in the HOA that we pay to maintain. Would we get credit for those?

Manager Rosario: The HOA would have to apply for the credits.

Resident: As part of the subdivisions we were required to install the basins.

Chairman Fowler: You are paying for the maintenance but when you purchased your house it was for construction and maintenance of the basins.

Mr. Shandersky: Asked if that wouldn't be part of the monthly fee you pay?

Ms. Hardman: Explained your ERU is based on your impervious coverage.

Mr. Shandersky: I thought the minimum was 1.5 that you would be required to pay?

Ms. Hardman: Explained that would be for an empty lot and driveway with a barn on it.

Mr. Shandersky: If this is a Municipal thing with overhead then I agree if you have a building and it is on the lot, you should be charged extra for it. I also, think there should be some sharing.

Ms. Hardman: The new constitution complies with our current regulations. This is meant for older housing that do not have storm water.

Mr. Shandersky: Then you are saying that newer homes don't have to pay?

Ms. Hardman: No, everyone will be paying.

Eric Harmon: It is not an easy answer. Every development is different. Some developments consist of condos, and are unique because they have no stormwater facilities that were dedicated to the Township. Those are typical developments where the roads handle a lot of the stormwater. The roads are then dedicated to the Township. The fees would be used to offset the cost of maintenance, operation cost, and replacement cost when needed, and for stormwater infrastructure...

Ms. Hardman: Explained that the credit is not automatic, you must apply each year.

Mr. Shandeski: Why?

Manager Rosario: It is a Federal Mandate; we have over 300 areas we must inspect every year because of the mandate.

Solicitor Wakefield: Depending upon the amount of participation is what will dictate the amount of paperwork involved,

Terry Davis: Asked, if we make a copy of the credit we are applying for and submit it each year we won't get rejected?

Solicitor Wakefield: It would still have to be reviewed as if it were a new application.

Chairman Fowler: Explained that the Authority has not discussed the applications process, but I myself think we could do a reduced application fee for the other years. It is the responsibility of the Authority to inspect and make sure the application is the same as the year before.

Terry Davis: I read in the document and there is a serious penalty if you commit fraud.

Solicitor Wakefield: Affirmed.

Resident: Will they give you notice if you are not in compliance?

Mr. Shradley: He feels 10 days could be given before you are sited.

Solicitor Wakefield. Agreed, it would be like things that already exist, like sewer and utilities.

Mr. Shradley: These documents are very important because the Township must do a report for DEP and if they audit them, we must report the credits and verify they are actually still existing.

Resident: I understood that the budget was based on ERU's before any discounts?

Eric Harmon: The budget is based upon the project that the Authority must do and intends to do to give us the rate.

Resident: If you start issuing credits based off the income your expecting to get a reduced income, so how will you make that up?

Eric Harmon: It is already figured into the budget.

Solicitor Wakefield: The possibility that the revenue would be reduced by credits being applied for is assumed when you are determining what the rate is.

Ms. Hardman: We will be using it to do our projects, administer the programs, and inspections for over 1,000 stormwater facilities. We must inspect the new ones for the first 5 years, then every 3 years thereafter. Now, that is just the maintaince part, which doesn't include reporting the public outreach programs that are required by the Federal Government.

Terry Davis: The money will stay in the Township?

Eric Harmon: Correct

Ms. Hardman: The Township is required to reduce the pollants and improve the conditions. This is why we must do a report every 5 years.

Resident: What is the goal of the Federal Government?

Ms. Hardman: Their goal is to clean up the Chesapeake Bay.

Chairman Fowler: The Federal Government wants us to eliminate the sediment. If we do the 3 stormwater projects in the budget this should be enough to earn our 10% reduction for our 5-year plan.

Manager Rosario: Our current permit is due in 2023, then we must apply for another 5 year permit. We must come up with more project plans for a new application.

Chairman Fowler: Asked Eric if no one is out taking samples of the creeks and the Township does it, do we get more than 10% credits and if we do would it carry over to the next year?

Eric Harmon: Based on a recent history with DEP I would not encourage you to go beyond what is required.

Chairman Fowler: If we fail to meet the 10% by March of 2023, we risk the possibility of being fined by DEP.

Eric Harmon: affirmed

Chairman Fowler: Does that include Fishing Creek Valley?

Eric Harmon: It is the entire watershed of the Township and would include the 5 creeks in Fishing Creek Valley.

Chairman Fowler: When will we know our next mandate for the next cycle?

Eric Harmon: I do not believe they have been posted yet and when it is it will be in Pennsylvania Bulletin.

Chairman Fowler: In the budget there are future projects for the next cycle, so we are spending some of the money when we find out our next mandate? If so, can we say ok here are our next 5 projects and it is going to get more expensive in the future to achieve the reductions. I am just letting everyone know over time it will be more difficult to meet our mandates. The Authority is starting its 2nd year and we only have 3 years left to do 3 projects.

Resident: Will the fee be evaluated every year?

Chairman Fowler: The Authority hasn't decided on that. My personal view this is the first year without knowing what credits are and without knowing the collection rate we won't collect 100% of

what we bill until we get a history on collection rates and how many credits are being issued. By the end of next year, we should probably have a better sense of rates and see if the rate is realistic.

Mr. Shandesky: What is the estimated rate now?

Chairman Fowler: A ballpark figure of \$100.00 or a little more when you add credits and collection figure.

Mr. Shandesky: I think 40% credit for just rain barrels if high

Eric Harmon: That would be the max. It's not \$40.00 for every property. A ½ ERU per rain barrel with a max of \$40.00. That is what we are considering at this time, if you think it's too high, we can change it to ¼ of ERU, which is a \$25.00 discount.

Eric Harmon: Low impact property can't have more than 10% impervious coverage. I support opening this up to residential. I am not supporting the tree canopy and other items. We also, need a definition of rain barrel. (minimum gallons, mosquito proof, screens, and size.)

Chairman Fowler: Can single families qualify for rain gardens? What qualifies as a rain garden?

Eric: We are working with the solicitor on that.

Ms. Hardman: called for questions, there were none. She announced that the next meeting will be on January 2, 2020.

Solicitor Wakefield: everything should be adopted.

Manager Rosario: On the West Hanover website are links you can connect to find out meeting dates.

Solicitor Wakefield: One more thing, if you put something on your property for BMP's you will be responsible for the maintenance. You will be issued an operation agreement with the Township and the Township will monitor your project. If you violate the agreement you will be fined and lose your credit. The Township has the right to do this.

Resident: Then developers should be held accountable when they are doing things that

cause flooding and water run off on private property.

Chairman Fowler: It is our responsibility as the Authority to staff someone to inspect these facilities to make sure the developers are doing what they are supposed to be doing? Do we have any enforcement capabilities to correct the situations.

Eric Harmon: in some cases, we do. If there is a recent Operation and Management Agreement and if easements are in place for the right of access.

Resident: I think it would be great if the builders and developers would be watched more closely.

Mr. Steinmeier: There are cases where they block swales and shift the water on adjoining properties. You must contact DEP and they will make you open the swale.

Chairman Fowler: asked if the authority could have a provision in the policy to the extent of involving developers and holding any credits to them for stormwater facilities?

Solicitor Wakefield: You will run into issues if the Township tries to do work on private property. HRG Engineers will handle any questions about credits.

Resident: The developments that already have paid for stormwater when they bought their house is there a credit for HOA?

Solicitor Wakefield: The HOA would have to come in and apply for the credit.

Chairman Fowler: These are items we can discuss later.

Budget:

Kevin (HRG) I can answer any questions on the budget.

Mr. Shradley: #7 Salary and Benefits for staff for the Authority side?

#8 Seems like a catch all.

In #3, #4, there is no design for Capital Projects.

Kevin: If you go to line #20 – The staff is to investigate existing stormwater system.

Mr. Shradley: Is the WHT staff doing that?

Manager Rosario: No, HRG staff

Mr. Shradley: My concern is if we don't start design on our Capital Project until 2021 it might require a DEP Permit?

Ms. Hardman: called for questions or concerns? There were no further questions.

Chairman Fowler: called for adjournment

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