

**SPRINGETTSBURY TOWNSHIP
MUNICIPAL AUTHORITY WORK SESSION**

**OCTOBER 25, 2018
APPROVED**

The Springettsbury Township Board of Supervisors held a MS4 Work Session on Thursday, October 25, 2018 at 6 p.m. at the offices of Springettsbury Township located at 1501 Mt. Zion Road, York, PA

MEMBERS IN

ATTENDANCE: Mark Swomley, Chairman
George Dvoryak
Charles Wurster
Justin Tomevi
Robert Cox

ALSO IN

ATTENDANCE: Benjamin Marchant, Township Manager
Shane Rohrbaugh, Solicitor
John Luciani – Civil Engineer, First Capital Engineering
Teresa Hummel, Finance Director
Jessica Fieldhouse, Director of Community Development

1. CALL TO ORDER

SWOMLEY Chairman Swomley called the special session to order for the purpose of discussing stormwater management.

2. NEW BUSINESS

A. Storm Water Management (MS4)

FIELDHOUSE Ms. Fieldhouse had prepared a PowerPoint presentation to aid in the MS4 discussion. She noted that there are a number of unanswered questions and a lot of dialogue to move forward with the board and staff, township and other entities. Several questions were itemized:

- Is the \$225,000 initial contribution to the Consortium reimbursable?
- What is the absolute earliest that a stormwater fee can be implemented?
- Is enough money budgeted in the 2019 Budget to do what is needed during 2019 to hit the goals in 2022 for the Pollutant Reduction Plan?

Ms. Fieldhouse itemized four project areas that are being worked on concurrently:

- Stormwater Fee Implementation
- Intergovernmental Communication
- MS4 Compliance
- Pollutant Reduction Plan Compliance.

Ms. Fieldhouse stated that, in order to schedule the fee, there are a handful of activities that need to happen. They concern how much project management of the PRP program will cost; what the dollar value will be per pound of sediment reduction, and she noted that the way to determine those answers is by bidding it in an RFP for project management services. The goal is to obtain a range of

numbers back from various entities with a dollar value per pound of sediment reduction. The township's responsibility is to reduce 697,000 pounds of sediment from the waterways in this NPDES permit cycle from 2018 to 2022. The numbers may be different when working with a consultant.

The next thing that is needed in order to generate a fee is to have aerial photography done in the municipality with an infrared analysis to determine the impervious coverage per lot providing an estimated residential dwelling unit impervious coverage. Commercial entities will pay for the numbers of ERU's that they have based on impervious coverage.

Ms. Fieldhouse and Planning Assistant, Raphael Caloia have undergone a free spatial analyst training through ESRI in 2018. Line televising will be done in Penn Oaks in order to build a fee number for maintenance on a regular basis. She hoped to have approval to bid the RFP in November, have it published, select a consultant by the end of 2018 or beginning of 2019. Aerial photography and line televising can be done as long as the weather cooperates. They will work on the analysis of impervious coverage fee by the end of January.

Additional discussion took place concerning the impervious coverage, the fees, administrative costs, how to invoice the residents with the fee adoption – by sewer billing postcards – or other and should be done by April 25th. Another cost for consideration is the annual maintenance number for repairing and maintaining infrastructure. There remain policies and procedures, a Resolution to be passed by the board, communication and outreach, newsletter articles, etc. The fee may be tied to a quarterly sanitary sewer billing; or it may be as a stand-alone invoice.

DVORYAK Mr. Dvoryak noted that he would expect the sewer billing plus the stormwater fee combined would be significantly less than what he had seen in West Manchester Township (\$158/quarter) and East Manchester Township (\$114/quarter) just for sewer. Springettsbury is \$70.00.

FIELDHOUSE Ms. Fieldhouse indicated that the next thing is working on the intergovernmental communication piece, which involves the \$225,000 paid to be part of the Consortium. She noted that what is being proposed is that Springettsbury is going to hit its sediment reduction by doing it individually. In addition, the township will do its own project management. The County will claim credits for what is done. The concern is that the County has not started bidding projects or doing design work, nor any DEP permitting. There is a lot of work to be done. She did not want Springettsbury to be involved in time constraints.

LUCIANI Mr. Luciani indicated they are going to need a time extension or some relief. In addition, Springettsbury will be tied with every other municipality challenged to get it done.

WURSTER Mr. Wurster asked who is leading the Consortium at this time.

LUCIANI Mr. Luciani responded that he thought it is Felicia Dell.

MARCHANT Mr. Marchant indicated that the York County Planning Commission is providing the administrative services to the Consortium, which supposedly is owned by the 44 members.

FIELDHOUSE Ms. Fieldhouse stated that the chairman is Kip Allison from Windsor Township.

MARCHANT Mr. Marchant noted that he had spoken with Windsor Township's Manager, Jennifer Gunnett. He did not get a sense that there was any kind of concern, commitment or passion about meeting the requirements. They've already done their projects, and they think they'll be fine with the Consortium. In addition, Red Lion and York City have no development, no streams and nothing they can do for MS4; yet they're under the same requirement for sediment reduction. Everyone in the Consortium has different motivation and purpose for being there.

FIELDHOUSE Ms. Fieldhouse commented that they are telling the municipalities not to be concerned because the time clock does not start ticking until the PRP is finalized with DEP. DEP will not provide it to Springettsbury in writing, and the permit cycle ends in February of 2023.

WURSTER Mr. Wurster commented on her report where she indicated there needs to be some level of communication between township and Consortium.

FIELDHOUSE Ms. Fieldhouse indicated that is correct. She wondered if the township could force the county to parce it out; meaning they can't take credit for what the township does. If they are not willing, submit reimbursements for the \$225,000. She noted it was a discussion for the Solicitor. Ms. Fieldhouse stated that it has to be fair. Coordination with DEP is necessary to let them know that the township is moving forward; they can expect a finalized PRP and amended permit application from Springettsbury. Coordinating with DEP is important.

SWOMLEY Chairman Swomley noted that if Springettsbury breaks away, they won't do a regional project in this area.

WURSTER Mr. Wurster commented on his observation that the level of communication between managers and the participation of elected leadership of the Consortium has been less than beneficial in learning the answers to all the questions.

MARCHANT Mr. Marchant stated his thoughts concerning the membership in the Consortium. His thoughts are summarized:

- There are 35 municipalities that are not on the Management Committee; they have \$10,000 or less money invested, yet every person has a vote.

- There is no plan for how to disburse funds, which are being spent on legal counsel, developing fees, rehashing and meeting with DEP, paying consultants to negotiate the Pollution Reduction Plan for the Consortium as a whole.
- No clear direction as to whether the members should do their own projects and submit for reimbursement or if the members are expected to put in funds that comprise the budget that the Consortium is going to pay.
- Projects will be done where they will get the biggest impact on the sediment reduction.
- Communication re/Springettsbury's direction must be strategized.
- Neither York County Planning Commission nor the Management Committee listened to Springettsbury's concern.

FIELDHOUSE Ms. Fieldhouse noted that they had not reached out to her, but Springettsbury has one project that is very well defined. The permit has been open for nearly nine months, which is wasted time.

SWOMLEY Chairman Swomley noted his concern about their using the basis for what they are doing in the Consortium for how they're going to build the Authority and how it's going to be staffed.

WURSTER Mr. Wurster asked whether a statement from the Board of Supervisors is needed.

MARCHANT Mr. Marchant noted it isn't needed this date but that thought needs to be given as to what the position is for 2019.

- Moving forward Springettsbury's communications will evolve in this relationship.
- Channels of communication with DEP are needed to determine their expectations and requirements.
- DEP supports regionalism; however, he wondered if they are getting good results or not.
- Right-To-Know requests for information very difficult to obtain.

FIELDHOUSE Ms. Fieldhouse commented that the township needs to carry on as though they have approved it and begin planning the projects and get them in the ground. She did not understand why the Consortium is waiting or delaying.

SWOMLEY Chairman Swomley indicated that the township had taken the right path at the beginning by not only doing the Consortium on a continuing basis, but also continuing on its own track.

LUCIANI Mr. Luciani stated that he had attended the PSATS Engineering Seminar held recently, and Felicia Dell was one of the keynote speakers. Her main plan is to establish a Stormwater Authority as a responsible entity for all stormwater facility management and oversight.

FIELDHOUSE Ms. Fieldhouse mentioned that she thinks coordination with the County and the Consortium is important, at least in the first quarter, where an agreement can be reached and submittal of reimbursement requests for the fee.

- Ongoing daily work toward compliance is carried out on the MS4; working with Land Studies to finalize the PRP for submission in March.
- A year from now she hoped to be talking to DEP about approval. By then there will be a Project Manager in place, the permit applications in place with DEP, a fee established, and will have figured it all out for this permit cycle. The process can be repeated every permit cycle.

WURSTER Mr. Wurster commented that at some point in 2019 Springettsbury needs to inform the Consortium that the township is going ahead with its own plan and want the Consortium to be a part by taking the investment that was made to help to defer the township's cost, looking forward to partnering as the township moves forward on its own. The timing remains a question.

FIELDHOUSE Ms. Fieldhouse stated that she thought 2019 is a better time for that statement. She would like to have a better understanding on what the fee is going to look like.

MARCHANT Mr. Marchant noted a critical and unresolved issue is the current Pollution Reduction Plan, which is held in the name of the Consortium on behalf of Springettsbury and all the other members. It has not been approved. DEP is reviewing it and making changes. The fact that the township is in the Consortium is the only thing that provides a Pollutant Reduction Plan to make the permit current and valid. He cautioned not to give any indication of stepping out and be cut from the PRP and have DEP come to us and ask for a PRP. He stated that until Springettsbury has its plan established and theirs resolved, he would not broach the conversation. Either way when it gets resolved, the conversation can move forward.

FIELDHOUSE Ms. Fieldhouse agreed with having the initial conversations with DEP first prior to addressing the township's intent to the Consortium.

WURSTER Mr. Wurster reported that he attended the Stormwater Authority meeting that was held October 18th. The meeting covered the governance structure of the Authority. He liked the portion about the Advisory Board Structure and thought the Authority may make some sense. They are planning to break up the governance essentially by watersheds in York County. There will be representation from the agricultural communities, as well as others. He had questioned Felicia Dell whether, if the Authority is created, there would be a written guarantee from DEP/EPA that this will be the solution and the municipalities won't receive horrendous fines. Her response was no, that she could not provide a written guarantee.

Mr. Wurster's comment continued mentioning the efficiency, the challenges, submitting erosion and sediment control plans. He mentioned the agricultural community of farmers and charging them a fee per acre. The farmers provide their data to the state AG department, but some farmers use the federal option. If they are able to do their own, then Springettsbury should be able to go forward on its own plans and our residents get a special credit.

Mr. Wurster reported that they have been working on getting the Development Authority in a position to bank qualify tax exempt. The Development Authority is filed under the Municipal Authorities Act. To do some of the Industrial Development Authority projects, it almost has to be filed under the Economic Development Financing Act. The Development Authority could be a good vehicle to do some of the stormwater projects.

FIELDHOUSE Ms. Fieldhouse noted that Solicitor Rausch had recommended that moving forward any of these Work Sessions be scheduled as Municipal Authority Work Sessions.

MARCHANT Mr. Marchant questioned whether the board would like to proceed with scheduling surveying in 2018. If so, he plans to schedule a meeting of the Development Authority for November 14th.

SWOMLEY Chairman Swomley agreed because there could be problems with ground temperature and snow coverage in January. It would be much better to schedule it the end of November or the beginning of December.

3. PUBLIC COMMENT

There was no public comment.

4. ADJOURNMENT

SWOMLEY Chairman Swomley adjourned the meeting at 6:50 p.m.

Respectfully submitted,

Doreen K. Bowders
Secretary

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