

Palmer Township, Northampton County
Stormwater Authority Meeting Minutes

November 15, 2023, 5PM, 3 Weller Pl, Lower-Level Municipal Meeting Room

1. Pledge of Allegiance

2. Roll Call

- a. Present: Bob Blanchfield, Craig Swinsburg, Robert Lammi, and Kendall M. Mitchell. Also present: Luke Gibson, David Pyle, George White, Scott Kistler, Jamie Paetzell, James Farley, and Paige Strasko.
- b. Absent: Ann Marie Panella.
- c. The meeting was called to order at 5:00PM.

3. Public Comment, Other Communications

- a. Since there were no members of the Public, Blanchfield asked if there were any other communications. Strasko stated that Tom Adams asked her to update the committee that he is working on supplementing the problem drainage area map with more information such as a map close-up of the specific area with a description and possible solutions.

4. Approval of Meeting Minutes from October 23, 2023, and November 6, 2023.

- a. Lammi made a motion to approve the October 23 minutes and Swinsburg seconded. The motion was passed unanimously by voice vote.
- b. Swinsburg made a motion to approve the November 6 minutes and Mitchell seconded. The motion passed unanimously by voice vote.

5. Reports

a. Solicitor

- i. Gibson stated that he responded to Township and Authority questions about the Lease and Management Agreements, reviewed the Retainer Agreement from HRG sharing comments, and Blanchfield shared Gibson's comments on the agreement. Gibson also stated that his office was continuing to work on obtaining EIN number for the Authority.

b. Financial

- i. Farley stated that he spoke with his contact from Embassy Bank about setting up a meeting with the Authority to discuss opening a bank account in the new year. Farley and Authority members discussed the timing of a meeting with an Embassy Bank representative, setting up a bank account, and the need for an EIN number to do business. Authority members and Farley decided to meet with Embassy Bank during the next committee meeting but a date was not determined at that time.

c. MS4

- i. Blanchfield asked Strasko if she would accept an Administrative Secretary role for the Authority and Strasko confirmed. Lammi made a motion to appoint Strasko as the Administrative Secretary, and Mitchell seconded the

motion. The motion passed unanimously and Strasko was officially appointed as the Administrative Secretary for the Authority.

- ii. Blanchfield asked Strasko for an update on MS4 education efforts in the 4th and 1st quarters of this year and next year. Strasko explained that every quarter in the Township newsletter there are MS4 articles on different topics, and the first quarter of every year the Township publishes an ad in the Express Times in conjunction with surrounding municipalities of West Easton, Wilson, and Lower Nazareth to educate residents of the area about stormwater pollution and protecting water resources.
- iii. Blanchfield also asked about the Appeals progress and if there were any updates and Strasko stated that the Authority had the final decision on the Appeals process. Pyle, Strasko, and Authority members discussed the Credit and Appeals manual briefly. Pyle stated that he included the Credit and Appeals discussion in his report. Swinsburg clarified that the Credit and Appeals manual is included in the Rates, Rules, and Regulations document as well and Gibson confirmed.
- iv. Blanchfield asked Strasko about the status of online reporting for stormwater concerns. Strasko and White explained that for HRG's technical assistance on the website, there would be another project assignment that would detail the work to be completed for online reporting. Authority members, Strasko and White discussed website reporting established by HRG in other communities, who else the website updates would need to be coordinated with, what HRG provides for the website, and functionality and features of the reporting page including GIS and map views.

6. Committee Reports

a. Engineering Action Items

- i. White discussed the status of the numerous current ongoing projects that the Township started with HRG that will eventually be taken over by the Authority. Projects included stormwater utility implementation, emergency repairs under the General Services Agreement at Wedgewood Drive, Riverview Park Trail, Van Buren Road Culvert, and the Stones Crossing Swale and Basin, MS4 permit administration, the flood mitigation study involving Meadow Avenue, grants, and possible improvements associated with the current and future phases of the Meadow Avenue project, Kingwood Street and the recent approved supplement from the Township, the Stormwater Ordinance where Strasko updated the group that the ordinance is currently advertised and will soon be adopted, Fox Run Subdivision drainage improvements, the PROTECT grant application to study drainage patterns near Route 22, and 25th Street culvert repairs. Authority members, White, and Township staff discussed each project in brief detail utilizing the Engineer's Reports that HRG includes with invoices.

- ii. Pyle discussed the FEMA Building Resilient Infrastructure and Communities (BRIC) grant process, explained that the Township wanted to apply for the grant because of grants previously awarded for Meadow Avenue, scope of the project for the BRIC application, working with Steve Gallagher for more necessary insurance details for the application, cost benefit analysis, application due dates, the reasoning for keeping the BRIC application under the Township, and money included in the Authority budget for next year for grant matching funds. Authority members asked clarifying questions during Pyle's discussion such as processes for obtaining resident data, the grant amount that will be applied for, surrounding municipalities that were awarded the same grant, and funding match requirements.
- iii. White, Kistler and Authority members discussed next steps for the 25th Street culvert repairs, status of survey, base mapping, and preliminary calculations, an upcoming meeting scheduled with PennDOT because repairs are within the state right-of-way, what a realistic timeline would be for the project, where most of the stormwater in the area comes from, infrastructure currently in place, types of pipe material to support driveway aprons and local traffic, and trying to obtain Pollutant Reduction Plan (PRP) credits for work done on basins in the immediate area.
- iv. White also discussed other outstanding items from the Township for the Authority to discuss in the future including a project assignment to study Bayard Street drainage that will require intermunicipal cooperation. White stated that HRG would have the project assignment for Authority members at the December meeting. Kistler and Authority members discussed the specific drainage problems on Bayard Street, some history of past attempts at relieving flooding in the area, challenges of the land, possible solutions, drainage easements, what Bethlehem Township has done to try and mitigate water in the area, and regional cooperation to benefit all that are affected.
- v. The last item White discussed was a pre-application meeting about the swale that drains into the Meadow Avenue watershed. White explained that there have been no updates since the meeting and discussed submission of another project assignment for the Meadow Avenue drainage swale that is upstream from Meadow Avenue residents in Lower Nazareth Township.
- vi. White briefly discussed and explained that the current billing cycle would need to be shifted to account for the Authorities meeting dates to allow review time and approval of bills at regularly scheduled monthly meetings, as well as current contracts remaining with the Township and all future agreements being with the Authority.

b. Finance Action Items

- i. Farley discussed the process of transferring or starting new projects under the Authority, processes moving forward for invoice payment until establishment of a bank account for the Authority, keeping track invoices for future repayment, and keeping project momentum while the Authority establishes themselves.
- ii. Pyle discussed a brief overview of the five-year budget, incorporating parcel data for billing, and quality control checks to make sure all parcels receive a stormwater bill.
- iii. Committee members and Farley also discussed the billing and mailing process that will be used with Dallas Data, Palmer Township's current utility billing company, as well as the Caselle software that is used to process invoices, payments, and revenue received, timing of mailing, and other documents and steps that need to be taken prior to the first bills being mailed.
- iv. Pyle also discussed upcoming items for the committee members including determining rates from the five-year budget, if it is approved, a tentative committee meeting date of December 11, 2023, prior to the next regular Authority meeting date to discuss the rate structure in depth, incorporating the rate into the Rates, Rules, and Regulations document that should be added to the December 20 meeting agenda for approval. Authority members, HRG staff and Gibson discussed timing for approval of bylaws, the average rate that is needed for the proposed five-year budget, the tier structure of the fee, passing a resolution to set the rates, clarifying the rate setting process, amending the budget every year to make any necessary changes, timing of making budget amendments, and further discussion of the Credit and Appeals applications at the December 11, 2023, committee meeting.
- v. Farley also discussed utilizing HRG's services after the bills are sent out to help answer resident phone calls and explain the process to Township staff that may not have been involved during the fee establishment process. Pyle answered Blanchfield's clarifying questions about the appeals process and utilizing HRG staff to answer residents' questions. White confirmed that the phone support following the fee is included in the first project proposal. Pyle stated that after he updates the Credit and Appeals document with the most current information, he and Strasko will share with all Authority members. Mitchell and Pyle discussed if there would be a separate phone number for residents to call with stormwater questions, and Pyle explained the process that was followed in Bethlehem Township. Blanchfield and Farley discussed what would be included on the updated utility bills and timing needed if a flyer was added to mailed bills. Gibson clarified that the Credit and Appeals are an appendix to the Rates, Rules, and Regulations document.

7. Approval of Bills

- a.** Blanchfield asked Township staff and HRG about the process of paying invoices, keeping in mind that the Authority will not be able to open a bank account until 2024. Farley explained that the only bills received so far are from HRG and Salzmann and Hughes. Blanchfield asked clarifying questions about timing of HRG bills in correspondence with meeting dates. White stated that he would speak with their billing department and that the Authority may be off by a cycle for invoice approval at regular monthly meetings. Blanchfield asked for further discussion on timing of bills at the December 11, 2023 committee meeting.
- b.** Lammi asked about who will be reviewing and approving construction bills once projects are started. White explained that HRG will have construction engineers reviewing invoices and making recommendations to the Authority members. Farley also proposed establishing a digital portal for Authority members to access for HRG and Township staff to update documents as needed and build the agenda packet overtime. Authority members agreed with the establishment of a digital portal for document sharing.

8. Township staff comments

- a.** There were no further comments from Township staff.

9. Old Business

10. New Business

a. Approval of Management Agreement

- i.** Blanchfield stated the Management Agreement is between the Authority and Palmer Township that has been revised to include comments from Lammi which sets terms for the Authority and Township to follow such as user rates, operation, and maintenance of the stormwater infrastructure.
- ii.** Gibson and Authority members discussed previous comments received regarding the Management Agreement. Authority members asked clarifying questions related to payment of invoices in relation to the timing of Authority meetings and asked to strike a sentence for clarification. Blanchfield also asked about the timing of repayment to the Township and other expense related points in the document. Gibson stated that he would send an amended Management Agreement to reflect the changes discussed.
- iii.** Lammi made a motion to approve the Management Agreement with the two amendments discussed, and Mitchell seconded the motion. The amended Management Agreement was passed by unanimous voice vote.

b. Approval of Lease Agreement

- i.** Blanchfield summarized that the Lease Agreement goes hand in hand with the Management Agreement and is in place for leasing of the stormwater system for twenty-five (25) years if the Management Agreement remains in place.
- ii.** Gibson stated that there were no previous changes or amendments to the Lease Agreement. Authority members asked clarifying questions about

payment of rent for leasing the stormwater system, and Gibson explained that the rental amount was agreed upon by both the Authority and the Board of Supervisors (BoS). Swinsburg also asked clarifying questions and Blanchfield stated that there were no changes proposed.

- iii. Mitchell made a motion to approve the Lease Agreement and Swinsburg seconded. The motion was passed by unanimous voice vote and the Lease Agreement was approved without any changes or amendments.

c. Five Year Budget Model

- i. Pyle stated that there have not been any changes to the budget model since the committee workshop on November 6, 2023, and asked if there were other questions that came up since the model was reviewed.
- ii. Lammi asked clarifying questions about the solicitor's expenses that were not explicitly stated in the budget, as well as liability insurance coverage that would need to be accounted for. Pyle explained template numbers that were used for insurance based on experience with Authority establishment. Lammi also discussed using the spreadsheet as a five-year plan or model rather than a strict budget and making changes to the document for his own understanding and financial tracking. Pyle and Farley explained and discussed tracking systems for line items in the Township billing database, how a one-year versus five-year budget would affect grant funding, and the five-year model length being tied to the length of the MS4 permit. Farley also explained the second-class township code on changing budgets after approval and discussed the background information needed to create the five-year budget model. Authority members and HRG discussed amending the budget each year because 2024 will be treated as a benchmark that will be adjusted in the future.
- iii. Lammi made a motion to approve the five-year budget model and Mitchell seconded the motion. The five-year budget model was approved by unanimous voice vote.

d. HRG Retainer Agreement

- i. Blanchfield gave a summary of the retainer agreement that outlines HRG's engineering services that was independently reviewed by the Authority's solicitor. Blanchfield also stated that the Township has already entered into similar agreements with HRG and previously received feedback from the past Township solicitor.
- ii. Authority members, Gibson, and Strasko discussed the comments from Gibson on the retainer agreement, and any comments from the past Township solicitor when Palmer signed the HRG retainer agreement. Blanchfield summarized Gibson's comments by stating there was nothing harmful to the Authority in the agreement.
- iii. Swinsburg made a motion to approve and accept the HRG retainer agreement, and Mitchell seconded the motion. HRG was retained by the Authority by unanimous voice vote.

e. HRG Project Assignment

- i.** Blanchfield clarified that there will be a project assignment document for everything HRG is asked to do by the Authority and where stipulations are for Township staff support during the billing process. White confirmed and explained what is included in the project assignments and that the technical back-up is included in the first project assignment indicating that there will be separate documents for project assignments except for general services that will be covered under the retainer agreement. Blanchfield and White also discussed Engineers Reports that will be included with billing to track project progress.
- ii.** White stated that more project assignments will be included for review and approval at the next regular Authority meeting. Strasko and White discussed including a project assignment for website updates and stormwater reporting on the Township website.
- iii.** Lammi made a motion to approve the project assignment and Swinsburg seconded. The motion was passed by unanimous voice vote.

11. For the Good of the Order

- a.** Blanchfield asked Strasko to add the agenda item For the Good of the Order.
- b.** Strasko clarified with Authority members that the next committee meeting would be held on December 11, 2023, at 2PM in the municipal training room. Farley and Lammi discussed meeting with the representative from Embassy Bank to discuss setting up a bank account in the new year. Strasko confirmed that she would advertise the committee meeting for December 11, 2023, due to a quorum.

12. Next Meeting: December 20, 2023

13. Adjournment

- a.** Lammi made a motion to adjourn the meeting and Mitchell seconded. The meeting was adjourned by unanimous voice vote at 7:10PM.