

Palmer Township, Northampton County

Stormwater Authority Meeting Minutes

August 21st, 2024, 5PM, 3 Weller Pl, Lower-Level Municipal Meeting Room

1. Pledge of Allegiance

2. Roll Call

- a. Present: Robert Blanchfield, Kendall M. Mitchell, Robert Lammi, Craig Swinsburg, Matthew Gunther, David Pyle, George White, and Luke Gibson.
- b. Absent: Paige Strasko, Phil Godbout, and James Farley.
- c. The meeting was called to order at 5:00PM.

3. Approval of Meeting Minutes July 17th, 2024, and August 13th, 2024

- a. Swinsburg stated that one correction needed to be made. He said the date currently is June 17th when it should say July 17th. Mitchell made a motion to approve the minutes from July 17th, 2024, as amended, and Lammi seconded. The motion passed with unanimous voice vote.
- b. Lammi made a motion to approve the minutes from August 13th, 2024, and Swinsburg seconded the motion. The motion passed with unanimous voice vote.

4. Public Comment, Other communications

- a. Josephine Galloway – 2125 Stocker Mill Road
 - i. Galloway stated that many residents agree that there is a problem that needs to be addressed, but that the tier structure of the Stormwater fee is where the concern most consistently remains. She stated that the economy is not great right now and that people need a break. She stated that in recent Board of Supervisors minutes, it was explained that less than 1% of residents have complained about the fee, which is not good. She said she hopes to see this room fill up again. Galloway asked if any consideration was being given to any changes with more and more time passing.
- b. Patricia Bleam – 2725 Oregon Street
 - i. Bleam stated that no one on the Authority responded to Ms. Galloway. She asked if the Township or Authority had applied for any grants to supplement the funding received from the Stormwater fee. She asked if grants needed to be applied for each individual project. She also asked how often properties would be reassessed considering how properties can change over time by either increasing or decreasing their impervious area.
 - ii. Blanchfield stated that this is a brand-new program for this Board and this Township. He said we are still evaluating what the right thing to do moving forward is. He said we are trying to balance the amount of funding necessary with the priorities and amount of work required across the Township. Blanchfield stated that a grant was not applied for with respect to the Kingwood project because the funding was not appropriate for the scope of work for the project. He said that most grants that are applied for

can only be used to fund specific projects. Blanchfield stated that he did not yet know how often properties would be reassessed.

- c. Harry R. Graack, Jr. – 1380 Van Buren Road
 - i. Graack stated that he and others in the room have had appeals submitted to the Authority for quite some time now. He asked when these appeals would be heard or reviewed by the Authority, and if they would be addressed tonight because they were told to come here.
 - ii. Blanchfield said that the appeals would not be heard tonight due to Paige Strasko being unable to attend the meeting.
 - iii. Graack asked why they would not be heard tonight and how they were supposed to know Strasko would not be here.
 - iv. Blanchfield stated that no one knew Strasko would be absent prior to 20 minutes before the meeting and that it was an emergency. Mitchell said the same.
 - v. Graack said that we are all working people and to get here at 5PM is difficult. He asked when the appeals would be heard.
 - vi. Blanchfield said that the farmer appeals will be discussed later tonight, and no other appeals will be.
 - vii. Graack said I have a farm.
 - viii. Blanchfield said this is not the time, we will get to it later in the agenda.
- d. Grant Gulibon – 214 Senate Avenue, PA Farm Bureau Harrisburg
 - i. Grant said he is here on behalf of his members, some of which are members of the Northampton County Farm Bureau. He said in discussion we have had; the folks here understand the benefit of managing stormwater and how it benefits some of the challenges that the Authority is currently facing. He said that in discussions, it has been brought up that the farmers would be interested in the Authority's Engineers to take a look at the farms to assess how they are helping to mitigate their stormwater. He asked that the Authority hears out the farmers and realizes the benefit that they bring to the Township.
 - ii. Blanchfield said thank you and that this will be discussed later tonight.
- e. Kevin Dotts – 1164 Stones Crossing Road
 - i. Dotts asked what a low impact parcel credit is.
 - ii. Blanchfield said if you are here later you will hear us discuss the low impact parcel credits. He said in general; it refers to a very large property with a very small impervious area footprint.
 - iii. Dotts stated his biggest problem and disagreement is that the stormwater fee is not a fee, but rather it is a tax. He said that a fee is billed based on usage and a tax is based on some kind of assessment. Dotts stated that he agreed with Mr. Charles Bellis's comments from the last meeting regarding this issue being a community issue. He also agreed with Bellis regarding the low impact the warehouses have on the issue since they are all located in one area. He said that everyone will benefit from the

stormwater repairs and projects; everyone should be paying the same amount, similar to a per capita tax. He said that the stormwater issue is from poor planning. He stated that he also believes that Churches should be exempt from this fee, mainly because of how much they give back to the community. He said when you assess this fee to Churches and Schools it then comes out of residents pockets a second time. He asked if business is discussed in a public forum outside of the monthly meeting tonight and what the details of the Stormwater workshop meetings are.

- iv. Blanchfield stated that there is a workshop meeting held every month to deal with specifics and details. He said the meetings are held upstairs at 2PM on the second Tuesday of every month and they are open to the public.

- f. Blanchfield stated that there is a resident on Clover Hollow who brought an issue to our attention. He said himself, the Engineer and Township staff visited the site to gather more information about the issue. He asked Trexler to submit a request to have the Clover Hollow issue added to the agenda for the next workshop meeting.

5. Reports

- a. **Solicitor**

- i. There was no Solicitor report at this time.

- b. **MS4**

- i. There was no MS4 report at this time.

6. Committee Reports

- a. **Engineering**

- i. George White, HRG, submitted the August Stormwater Engineer's Report. He said we have submitted a current status summary of all the projects currently being worked on. He said an active project is the Kingwood drainage improvements project. Unfortunately, the contractors have hit bedrock and large stone while excavating, and that expected completion has been moved to the end of September. He said the PENNVEST grant application has been submitted in regard to the Nazareth Road project, which is phase one of the Meadow Avenue project. He said past grants have been applied for including the USDOT application for \$375,000 for a drainage study along Route 22 which needs to be upgraded and maintained. He said we are waiting to hear back from the Federal Government. He said we also applied for a FEMA bric for \$3 million as part of the flood mitigation study for Meadow Avenue. He said we are always actively and aggressively pursuing grant applications.
 - ii. Lammi asked what the status of the FEMA BRIC application at this time.
 - iii. White stated that we are waiting to hear back from FEMA, and that there is currently no timetable for a decision. He said the Township also received a scoping study grant from FEMA for \$325,000. He said at this time, we just have to wait.

- b. Finance**
 - i.** There was no Finance report at this time.
- 7. Township staff comments**
 - a.** There were no staff comments at this time.
- 8. New Business**
 - a. Approval of Invoices**
 - i.** Blanchfield said the monthly accounts payable invoice needs to be approved in the amount of \$93,353.97. Gunther asked if in the future additional comments could be added regarding work hours for specific tasks to provide more clarity. White said that additional information like time sheets can always be provided upon request. Mitchell made a motion to approve the invoice and Lammi seconded the motion. The motion passed unanimously by voice vote.
 - ii.** Josephine Galloway, 2125 Stocker Mill Road asked if grants had to be applied for on a specific project basis. She said it seems like a very tedious task. Blanchfield said it can sometimes depend upon where the grants come from and how we decide to get them. White said there are funding opportunities from all levels of government and that they are project specific for the most part. Galloway said that finding and applying for grants seems like it could be a full-time job, and White said that HRG employs an entire department of financial services that work with Townships.
 - iii.** Kathy Raub, 1459 Tatamy Road asked if when we receive the grant money will it reduce the resident's responsibility to fund the projects as they become completed. She asked if the rate would continue to go on, or will it increase by a percentage. White said that we cannot go into long term budgeting relying on grant money but when we receive grant money we can adjust accordingly. Blanchfield said that the Authority has worked with HRG to create a Capital Improvement Plan which outlines all 83 projects and determines which projects are more important than the others. He said when this plan is done, it will be given to the Board of Supervisors, and it will determine how the Authority operates in the future. Raub asked if the fee will ever go away, to which Blanchfield said he did not know and Swinsburg stated that it also depends on current MS4 requirements.
 - iv.** Blanchfield said the Kingwood Avenue first installment invoice needs to be approved in the amount of \$87,777.00. White said that the inspectors have been out to the site and that the work completed to date is acceptable, so they recommend approving the first installment of the payment. Blanchfield said that while work is going slow there, the work that is being done is good. Lammi made a motion to approve the invoice and Gunther seconded the motion. The motion passed unanimously by voice vote.

b. Credit and Appeals Manual Update

- i.** Blanchfield said that at the August workshop meeting we came up with a low impact parcel credit. He said under this credit, we would be looking at credits for properties that exhibit all of the following: total impervious area being less than or equal to 10% of the total parcel area, the impervious area not being directly connected to a storm sewer, curblin, stream, channel or street, and if the impervious area is a minimum of 50 feet from a conveyance of water. Blanchfield stated that if a parcel meets these criteria, they may be eligible for a credit of up to 20%. He stated that properties meeting this criteria at the time of the initial survey will have the credit automatically applied. He said a new attachment would be added to the credit and appeals manual to manage requests going forward.
- ii.** David Pyle said there are two options for applying this credit to parcels. One would be to automatically apply it to parcels that we already have mapping on and the other would be if a parcel wants the credit, they will have to fill out and submit the attachment found in the manual.
- iii.** Blanchfield said that specific details would be explained and included in the attachment that is up for approval tonight. He stated that it would end up giving 80% credit to agricultural properties. 20% would come from the low impact parcel, 20% would come from an agricultural erosion and sedimentation control plan and a soil conservation plan, 20% from a nutrient management plan, and 20% from BMP's, or best management practices.
- iv.** Lammi said that this is a good start, but that he would like to hear from the farmers in the audience.
- v.** Gulibon said that this is a step in the right direction and that it helps to recognize the contribution that farmers in the Township are making to a shared problem.
- vi.** Jeff and Kathy Raub – 1459 Tatamy Road
 1. Jeff said we would like a full credit exemption because none of our stormwater leaves our property. He said we are actually taking on water from surrounding properties. He said we are not interested in giving our water away because we need it for our crops. Jeff discussed his family history in the Township and stated that he wants to stay in Palmer, although he could be much better off if he were to sell. Kathy said that there are other Township's that pay the farmers per acre for the stormwater management.
- vii.** Gary & Melissa Fehnel – 2112 Newlins Mill Road
 1. Fehnel said he echoes all of Raub's comments. He said we retain all our water and take on others. I think we should get 100% credit.
- viii.** Harry R. Graack, Jr. – 1380 Van Buren Road
 1. Graack discussed the history of his property in Palmer Township. He said he hired engineers to design a plan where all the water

would drain not only to the stream but also to Van Buren Road. He said he spent more than \$150,000 to complete this project, which satisfied everyone including DEP. He said hardly anything reaches Van Buren Road and that most of the water drains into a ravine and into the Schoeneck Creek in four different places by design. He said that Paige and HRG visited the site to verify everything he was saying. Graack said if you are proposing a low impact credit, I am proposing a no impact credit. He said I am receiving more water from Van Buren Road than I am giving to it, by far. He stated that he is still confused and not happy with the fee and that he does not want to hear about credits, he wants to hear about no bills for stormwater. He said he has thousands of dollars in bills and that it makes no sense, has no logic and is certainly illegal. He also said that he does not pollute anything, it is simply water running off of a metal roof. He ended by saying he has totally taken care of the problem.

ix. Anthony Rammuni – 50 Mariska Lane

1. He said you aren't looking at where the water goes, you are only measuring impervious areas. None of the water leaves my property. He said if you are going to charge me a stormwater fee, tell me where the water is going and how much water is impacting the system. He said his property takes in more water than it gives out. He said he feels the same as all the other farmers in that there should be a total exemption.

x. Gulibon said that after hearing the cases of the farmers and hearing that they are actually taking water in and managing it themselves, he believes it merits more consideration for a full exemption because they are helping to reduce the overall cost of stormwater mitigation within the Township. He said because you have so few agricultural properties in the Township you can look at them on a case-by-case basis and evaluate the benefit to the system that they are providing and continue to monitor and verify the situations.

xi. Blanchfield said that the Authority is under the impression that someone at the State level has proposed a bill that would allow for total exemption for farmers and asked Gulibon if he was aware of it, which he was not.

xii. Lammi said he cannot disagree with everything that was said. He said that as Government we have to do research before making decisions like this. Lammi asked representatives from HRG if there is research that can be done into how Township's similar to Palmer handle this situation. Pyle stated that the attachment for the manual that is up for approval tonight follows what other municipalities or authorities do in this situation. Lammi said that in other Townships he has heard that certain areas are exempt from the entirety of MS4 requirements and asked HRG if they

knew anything about it. Pyle said he was not aware and Lammi said he wants to hear more information about it. White said a lot of it depends on the watersheds. He said the northern part of the Township is affected by MS4 regulations for the Schoeneck creek and that each watershed has its own requirements. He said the Township's requirements are based on water entering the Schoeneck and Lehigh. He said that there are some small portions of the Township that drain into the Bushkill creek that do not fall under the MS4 requirement. Kathy Raub said that is where our property is located, and White said that the plan created looks at the Township as a whole. Lammi asked Gulibon if he has any experience handling these situations, and he said there are a couple areas outside Harrisburg where they were able to create credit policies that reached about 90% of the total bill. Jeff Raub said our farms should be more valuable considering how few of them there are and how much water each of them are taking on.

- xiii. Blanchfield suggested tabling the proposal and not voting on it tonight and doing more homework and Lammi agreed. Mitchell and Gunther also agreed that it is in their best interest to do more research to be able to understand what we can do for these farmers and other residents alike. Kathy Raub said the bill is crushing, and Lammi agreed. Lammi made a motion to table the credit and appeals manual update until more investigation is completed. Mitchell seconded the motion, and it passed unanimously by voice vote. Blanchfield thanked the farmers for all of their input and said they will be notified when it is on the agenda again.

c. **Solicitor Fee Agreement Approval**

- i. Swinsburg made a motion to approve the Solicitor Fee Agreement and Lammi seconded. The motion passed unanimously by voice vote.

d. **Kingwood Schedule Update Approval**

- i. White presented the latest schedule submitted to HRG from Kobalt Construction for the project. He said right now they are working on the stormwater construction which ends approximately August 24th. He explained more dates and projects within the timeline. Final restorations and cleanup are to be completed by the end of September which is a couple of weeks later than the contract said. He said Kobalt has not requested a time extension yet, so this is just information right now. Gunther asked if the new date is for final or substantial completion, and White said final completion was supposed to be the end of this week, but the contractor has hit rock and has experienced supply issues. White said once they request an extension the Authority can approve it if voted upon.

9. For the Good of the Order

- a. White informed the Authority that he would not be in attendance the next 4 weeks due to vacation, and that Ryan Cummings would attend the next two meetings in his place. The Authority wished him a safe and happy vacation.

- b. Supervisor Charles Bellis III apologized if he came across as lecturing or making anyone feel like they should not feel comfortable speaking at the meetings. He encourages all residents to attend meetings and give their input. He said when you think of stormwater it encompasses so many things like cleaning the street and the drains, including the purchase of the big white truck that checks the pipe to make sure everything is clear and draining properly and not just the water falling from the sky.

10. NEXT MEETING: September 18th, 2024

11. Adjournment

- a. Lammi made a motion to adjourn the meeting and Gunther seconded. The meeting adjourned by unanimous voice vote at 6:19PM.