

Upper Leacock Township Municipal Authority

36 Hillcrest Avenue, PO Box 325, Leola, PA 17540
(717) 656-9755 • FAX: (717) 656-9609

The regular monthly meeting of the Upper Leacock Township Municipal Authority was held on Thursday, August 8, 2019, at 6:30 p.m. at the Township Office. The following members were present: Nelson Bard, Wilmer Musser, Samuel Huber, and Cindy Shenk. Also present was Michael Morris, Township Manager; John Leen, Public Works Director; and Brian Kauffman, Township Engineer.

Mr. Bard called the meeting to order at 6:30 p.m.

Ms. Shenk made a motion to **approve** the June 13, 2019 minutes as presented. Mr. Musser seconded the motion. The motion passed.

Visitors:

None

MS4 Presentation:

- See attached presentation.

Manager's Report:

- *Notice of Termination of Court Case* – Mr. Morris received correspondence regarding the court case of LASA vs The City of Lancaster, City of Lancaster Sewer Authority, Leola Sewer Authority, and Upper Leacock Township has been terminated due to no activity within the docket for at least two years.

Public Works Report:

- *Monthly Report for August*– Mr. Leen briefly discussed the Public Works report which was included in the packet.

Engineer Report:

- *Monthly Report for August*– The Authority reviewed the Engineer's Report which was included in the packet.
- *Partners Meeting Update* – Mr. Kauffman gave an update from the previous partners meeting regarding the final review of Amendment No. 5 to the 1983 Partner's Agreement.

Joint Water and Sewer Business:

- *Eurofins Billing Credit Request*- Eurofins-Lancaster Labs requested that the Authority provide a credit for a check valve that was malfunctioning which led to the over-recording of flows back in 2017. Mr. Musser made a motion to **approve** the credit of \$74,804.00 for Eurofins as suggested by Rettew. Ms. Shenk seconded the motion. The motion passed.

Sewer Business:

- *Sewer Department Work Report for June & July*– The Authority reviewed the Sewer Department Work Report included in the packet.

Upper Leacock Township - Phone Number: (717) 656-9755
(Management Agent for Sewer and Water Departments)

Water Business:

- *Water Department Report for June* - The Authority reviewed the Water Department Report which was included in the packet.
- *Surcharge billing for July & August* - The Authority reviewed the Surcharge Billing which was included in the packet.

Finance:

- *Month-End Financial Reports* - The Authority reviewed the Month-End Financial Report which was included in the packet.

Delinquent Report:

None

Correspondence:

None

With a motion from Ms. Shenk and a second from Mr. Huber, the regular meeting for the Upper Leacock Township Municipal Authority was **adjourned** at 9:02 p.m. The next scheduled meeting will be held on Thursday, September 12, 2019, at **6:30** p.m.

Respectfully submitted,



Michael Reed
Secretary

Upper Leacock Township Stormwater Program

August 8, 2019

RETTEW

Stormwater Committee

- ▶ Introductions
- ▶ Committee Members
 - ▶ Nelson Bard (ULTBS/ULTMA)
 - ▶ Mike Morris, John Leen, and Diane Myers (Upper Leacock Township Staff)
 - ▶ Jason Hess (Morgan, Hallgren, Crosswell & Kane – Authority Solicitor)
 - ▶ Kara Kalupson and Brian Kauffman (RETTEW)
- ▶ Nine committee meetings from April, 2018 – June, 2019
- ▶ Discussion Topics
 - ▶ Facilities
 - ▶ Stormwater Fees
 - ▶ Legal Documents
 - ▶ Steps Forward

Facilities

What Will Be Managed and Owned

- ▶ What stormwater facilities to manage?
 - ▶ Inlets, pipes, endwalls and headwalls, manholes, detention and bioretention basins, swales, infiltration trenches, etc.
- ▶ What will Township own?
 - ▶ All facilities within Township roads or on municipal property
 - ▶ Pipes on private property to the first downstream structure (inlet/manhole/endwall)
 - ▶ Downstream pipes and structures, which if clogged, could cause road flooding
- ▶ What will State own?
 - ▶ Same as Township – on State roads
- ▶ What will be owned privately?
 - ▶ All pipes and structures not listed above
 - ▶ All other drainage facilities listed above

Facilities

Mapping and Easements

- ▶ What facilities are mapped?
 - ▶ All that were surveyed in 2004
 - ▶ All developments since 2004
- ▶ Accuracy of GIS mapping and information?
 - ▶ Varies
 - ▶ Will update as Township staff identify better information
- ▶ Does Township have easements for all Township-owned facilities on private property?
 - ▶ No. Easements not recorded for approximately 15 properties
 - ▶ Authority will acquire after Township stormwater facilities are transferred to Authority

Stormwater Fees

- ▶ What will fees be used for?
- ▶ What rate structure makes the most sense for Upper Leacock?
- ▶ What is a fair and equitable fee?
- ▶ How do we bill the new fees?

Stormwater Fees

What will they be used for?

- ▶ MS4 Permit Compliance
 - ▶ Minimum Control Measures (MCMs)
 - ▶ Public Education, Public Participation, Illicit Discharge Detection and Elimination, Construction Site Runoff Control, Post-Construction Stormwater Management, Pollution Prevention & Good Housekeeping
 - ▶ Annual Reports
 - ▶ Pollution Reduction and TMDL Plan
 - ▶ Stream restoration project in first 5-year permit cycle, and likely in subsequent cycles
- ▶ Operation and maintenance of public stormwater facilities
 - ▶ Street sweeping, inlet cleaning, etc.
- ▶ Repair and replacement of deteriorating public stormwater facilities
- ▶ Addressing flooding concerns
- ▶ Stormwater-related administrative costs

Stormwater Fees

What rate structure makes the most sense for Upper Leacock?

- ▶ Evaluated three different rate structures
 - ▶ Flat fee – Every property, regardless of impervious area, pays the say fee
 - ▶ Tiered fee – Flat rates with several tiers based on any number of factors (impervious area, lot size, land use)
 - ▶ Equivalent Residential Unit (ERU) – All single family residential properties (ERUs) pay the same fee, and all other properties pay fees based on their impervious area (relative to an ERU)
- ▶ ERU Rate Structure selected
 - ▶ Most reasonable & defensible
- ▶ Average impervious area for single-family (SF) properties (based on 5% random sampling) = 4,785 sq. ft.
- ▶ 1 ERU = 4,785 sq. ft.
- ▶ Breakdown
 - ▶ 1809 Single Family parcels (72%)
 - ▶ 709 Non-Single Family parcels (28%) – including 182 farms (7%)
- ▶ Calculated impervious area for non-SF parcels using aerial imagery

Stormwater Fees

What is a fair and equitable fee?

- ▶ Started with draft Stormwater Department Budget
- ▶ Projected O&M expenses and capital improvement projects
 - ▶ Projected expenses – Similar to Water, Sewer and Road Department budgets
 - ▶ Projected 5-Year Capital Improvements Projects
 - ▶ Total 5-year budget
 - ▶ Projected total revenue from Single-Family (SF) & Non-Single Family (NSF) properties
 - ▶ Evaluated monthly fees of \$5.00, \$6.00 and \$7.00
 - ▶ Benchmarked range of fees across PA and the US was generally \$4.00 to \$10.00 per month
 - ▶ Assumed some NSF properties would qualify for credits
- ▶ Based on expense, capital and revenue projections, Committee recommends setting stormwater fee at \$6.00/month/ERU

Stormwater Fees

How are fees calculated?

- ▶ Fees charged based on number of ERUs (similar to sewer and water EDUs)
 - ▶ Every 1 ERU is billed \$6.00/month or \$18.00/quarter
- ▶ Single Family (SF) parcels
 - ▶ Every SF parcel = 1 ERU = 4,785 sf of impervious area
- ▶ Non-Single Family (NSF) parcels
 - ▶ No. of ERUs = Impervious area on NSF parcel / 4,785 sf
 - ▶ Impervious areas for all NSF parcels determined using aerial imagery
 - ▶ Example:
 - ▶ Church parcel with impervious area = 10,000 sf
 - ▶ No. of ERUs = 10,000 sf / 4,785 sf per ERU = 2.1 ERU
 - ▶ Amount billed = 2.1 ERU x (\$18.00/qtr) = \$37.80 per quarter

Stormwater Fees

How do we bill the new fees?

- ▶ Discussed:
 - ▶ Billing frequency – monthly vs. quarterly vs. annually
 - ▶ Tie-in to sewer and water billing
 - ▶ Software capabilities
 - ▶ Handling multiple units and other anomalies
 - ▶ Etc.
- ▶ Recommendations:
 - ▶ Bill quarterly
 - ▶ Bill along with sewer and water billings. Coordinate with OLDS Management Districts.
 - ▶ Purchase extension to existing sewer and water billing software
 - ▶ Handle multiple units and anomalies in ways that are easiest administratively

Stormwater Fees

Credits

- ▶ Why Credits?
 - ▶ Desired to incentivize property owners to improve water quality
 - ▶ Required to counteract legal challenges
- ▶ Discussed many types of credits.
 - ▶ Narrowed down to limit administrative time & cost
- ▶ Some NSF parcels will have large stormwater fees. Some examples:

▶ Dart Container	118 acres	\$19,386/qtr
▶ Eurofins – Lancaster Labs	22 acres	\$3,600/qtr
▶ Worship Center	7 acres	\$1,152/qtr
▶ Sylvan & Sadie Mae Stoltzfus	3.4 acres	\$558/qtr
▶ Benjamin & Lizzie Beiler	2.7 acres	\$450/qtr
▶ John Beiler	2.5 acres	\$396/qtr

Stormwater Fees

Credits for NSF Parcels

- ▶ Non-Single Family parcels can reduce stormwater fee through:
 - ▶ Water Quality BMP (Rain Garden, Bioretention, Infiltration) = 25% Reduction
 - ▶ NPDES Industrial Stormwater Permit = 25% Reduction
 - ▶ MS4 Permit = 25% Reduction
 - ▶ Riparian Forest Buffer = 25% Reduction
 - ▶ Stream Restoration = 50% Reduction

Stormwater Fees

Credits for Ag Parcels

- ▶ Agricultural parcels can reduce stormwater fee through:
 - ▶ Verify you have a written Conservation or Agricultural Erosion & Sediment Control Plan = 25% Reduction
 - ▶ Must have a letter from the Lancaster County Conservation District
 - ▶ Verify you have a signed contract and defined schedule to implement your Conservation Plan = Reduction to 1 ERU
 - ▶ Must have a letter from the Lancaster County Conservation District
 - ▶ If Plan isn't implemented on schedule, credit will be discontinued & full ERU value will need to be paid
 - ▶ Verify you have an Implemented Conservation or Agricultural Erosion & Sediment Control Plan = Reduction to 1 ERU
 - ▶ Must have a letter from the Lancaster County Conservation District

Legal Documents

- ▶ Updated/Updating:
 - ▶ Authority's Articles of Incorporation
 - ▶ Change name
 - ▶ Add Stormwater responsibilities
 - ▶ Township's Stormwater Management Ordinance
 - ▶ Provide ability for Authority to administer SWM Ordinance provisions
- ▶ Develop:
 - ▶ Agreements to Transfer Stormwater Facilities
 - ▶ From Township to Authority
 - ▶ Stormwater Rate Resolution
 - ▶ Set rates, rules and regulations for Stormwater

Steps Forward

Stormwater Fee Implementation Schedule

- ▶ September 6, 2019 Mail information letter
- ▶ October 10, 2019 3 Public Meetings
 - ▶ 1:00pm - Industrial, commercial and institutional
 - ▶ 3:00pm - Farmers and LCCD staff
 - ▶ 6:30pm - LSA Meeting- Residential
- ▶ October through March Submit credit and appeal applications
- ▶ January 1, 2020 Effective date for ULTMA takeover of SWM system
- ▶ April 2020 Route 1 billing
- ▶ May 2020 Route 2 billing
- ▶ June 2020 Route 3 billing

Public Meetings Presentation

We Need Your Feedback

- ▶ 3 separate presentations on October 10, 2019
- ▶ Dry Run Presentation
 - ▶ Listen from audiences' perspectives
 - ▶ How does this affect you?
 - ▶ What questions do you have?
 - ▶ Could anything be worded better? Too technical? Unclear? Needs more explanation? Too many acronyms?
 - ▶ Listen from Township's perspective
 - ▶ Is message being conveyed the way you want?
 - ▶ Township General Fund discussion? ULTMA Responsibilities? Other?
 - ▶ What isn't needed?
 - ▶ Is Nelson/Brian split ok?

Upper Leacock Township Stormwater Program

October 10, 2019

RETTEW

AGENDA

- ▶ Introductions
- ▶ Why a Stormwater Program?
- ▶ Federal & State Stormwater Regulations
- ▶ Impacts on Upper Leacock Township
- ▶ ULTMA Roles & Responsibilities
- ▶ Stormwater Fees
- ▶ Stormwater Credits & Appeals
- ▶ Billing and Collection
- ▶ Questions

Why a Stormwater Program?

Federal and State Legislation

- ▶ Pennsylvania Clean Streams Law (1937)
 - ▶ Prohibits any discharge that pollutes streams (sewage and industrial waste)
- ▶ Federal Clean Water Act (1974) and Water Quality Act (1987)
 - ▶ Regulates point-source discharges (sewage and industrial)
 - ▶ Added stormwater as a pollutant in 1987
- ▶ Municipal Separate Storm Sewer System (MS4) Program (2003)
 - ▶ Focus – Reducing pollutants from urbanized areas to waterways
 - ▶ Unfunded mandate, so limited compliance by most municipalities. Not enforced by PA DEP.
- ▶ Chesapeake Bay pollution worsening (TMDL established 2010)
 - ▶ EPA stepped in and fined local municipalities for not complying
- ▶ Wake-up call for most municipalities, including Upper Leacock

Federal & State Stormwater Regulations

What are the MS4 Program requirements?

- ▶ Minimum Control Measures (MCMs)
 - ▶ Public Education
 - ▶ Public Participation
 - ▶ Illicit Discharge Detection and Elimination
 - ▶ Construction Site Runoff Control
 - ▶ Post-Construction Stormwater Management
 - ▶ Pollution Prevention & Good Housekeeping
- ▶ Annual Reports

Federal & State Stormwater Regulations

What are the MS4 Program requirements?

- ▶ Pollutant Reduction Plans
 - ▶ All MS4 municipalities must undertake projects that reduce sediment, phosphorus and nitrogen pollution discharged into local streams
 - ▶ Current PADEP requirement... Reduce sediment loadings by 10% in next 5 years
- ▶ Total Maximum Daily Load (TMDL) Plan
 - ▶ ULT has additional requirement
 - ▶ Tributary of Mill Creek considered to be impaired
 - ▶ ULT required to reduce pollutants to this tributary to help improve stream.

Impacts on Upper Leacock Township

Unfunded Mandate

- ▶ Unfunded mandate from Federal government
- ▶ To date, costs of complying with MS4 program out of Township General Fund:
 - ▶ MCMs
 - ▶ Annual Reports
 - ▶ Preparing Pollution Reduction and TMDL Plans
- ▶ Much larger MS4 costs coming:
 - ▶ Stream restoration projects to meet PRP/TMDL Plans – Likely every 5 years
- ▶ In addition:
 - ▶ Aging stormwater infrastructure
 - ▶ Flooding concerns

Impacts on Upper Leacock Township

Township General Fund

- ▶ Upcoming MS4 costs will strain Township General Fund
- ▶ Township doesn't want to reduce other services to its residents and businesses:
 - ▶ Maintaining roads and bridges
 - ▶ Providing public safety (Police, Fire, Ambulance)
 - ▶ Providing recreation
 - ▶ Controlling land development and growth
 - ▶ Enforcing ordinances
- ▶ Township has decided to remove SW from Township General Fund
 - ▶ Will handle similar to public water and sewer
 - ▶ Will be delegated to Upper Leacock Township Municipal Authority (ULTMA)

ULTMA

Roles



- ▶ ULTMA was formerly Leola Sewer Authority
- ▶ Has owned and operated public sewer and water systems in Township since 1980's
- ▶ Name was changed earlier this year
- ▶ Stormwater will be added to ULTMA's responsibility as of January 1, 2020

ULTMA

Responsibilities

- ▶ ULTMA will be responsible to:
 - ▶ Operate and maintain public stormwater facilities
 - ▶ Administer MS4 Stormwater Program
 - ▶ Construct Pollution Reduction & TMDL Plan projects (stream restorations, etc.)
 - ▶ Address significant flooding issues
 - ▶ Prioritize & fund these activities & projects

ULTMA Responsibilities

Operate and Maintain Public Stormwater Facilities

- ▶ ULTMA responsible to:
 - ▶ Operate & maintain stormwater structures (inlets, pipes, endwalls and headwalls, manholes, etc.)
 - ▶ In Township rights-of-way
 - ▶ In private easements adjacent to Township rights-of-way where failure of the structures could cause roadway flooding
 - ▶ Repair and replace deteriorating public facilities
- ▶ ULTMA not responsible for stormwater facilities in private easements that don't meet the above criteria
 - ▶ Property owners will still be responsible for maintaining these facilities

ULTMA Responsibilities

Administer MS4 Stormwater Program

- ▶ MS4 Permit Compliance
 - ▶ Minimum Control Measures (MCMs)
 - ▶ Public Education
 - ▶ Public Participation
 - ▶ Illicit Discharge Detection and Elimination
 - ▶ Construction Site Runoff Control
 - ▶ Post-Construction Stormwater Management
 - ▶ Pollution Prevention & Good Housekeeping
- ▶ Annual Reports

ULTMA Responsibilities

Construct PRP and TMDL Projects

- ▶ Construct Pollution Reduction Plan (PRP) projects
 - ▶ Typically stream restorations, but may vary
 - ▶ New projects expected to be required by PADEP every 5 years
- ▶ Construct Total Maximum Daily Load (TMDL) projects
 - ▶ To reduce pollutants to impaired tributary of Mill Creek
 - ▶ Install projects until TMDL goals are met. At current rates
 - ▶ Sediment reductions achieved in 20 years
 - ▶ Nutrient reductions achieved in 45 years

ULTMA Responsibilities

Address Significant Flooding Issues

- ▶ Identify and address significant flooding issues
- ▶ Potential example:
 - ▶ Flooding of Route 23 at Meadowbrook Market

ULTMA Responsibilities

Prioritize and Fund O&M and Projects

- ▶ ULTMA's Approach:
 - ▶ Develop annual Expense / Operation & Maintenance budget
 - ▶ Develop 5-Year Capital Improvement Plan (CIP)
 - ▶ Combine into 5-Year Budget & CIP
 - ▶ Determine revenue required to fund budget
 - ▶ Establish stormwater fee to produce needed revenue

5-Year Operating Budget

- ▶ 5-Year Operating Budget includes:
 - ▶ Operation and maintenance of public stormwater facilities
 - ▶ Repairing or replacing deteriorating facilities
 - ▶ Administering MS4 Stormwater Program
 - ▶ Constructing Pollution Reduction & TMDL Plan projects (stream restorations, etc.)
 - ▶ Addressing significant flooding issues

5-Year Capital Improvements Plan (CIP)

Preliminary*

- ▶ Stream Restoration Project to achieve required MS4 reductions
- ▶ Televising the stormwater system to identify problems
- ▶ Inspect, repair and maintain the stormwater system
- ▶ Route 23 Flooding
- ▶ Replace Hilltop Road /Cardinal Road storm sewers
- ▶ Replace Holly Road and Pleasant Valley Inlets
- ▶ Install Groffdale Road Stormwater system
- ▶ Replace Old Leacock Village Inlet tops
- ▶ Install Mayfield /Rose Drainage system
- ▶ Replace deteriorated pipes

* To be prioritized/finalized by ULTMA in 2020

Establish Stormwater Fee

Rate Structure Options

- ▶ Benchmarked other municipalities... 3 rate structures used:
 - ▶ Flat Fee - All parcels, regardless of impervious area, pay the same fee
 - ▶ Tiered Fee – Flat rates with several tiers based on any number of factors (impervious area, lot size, land use)
 - ▶ Equivalent Residential Unit (ERU) – All single family residential properties (ERUs) pay the same fee, and all other properties pay fees based on their impervious area (relative to an ERU)
- ▶ ULTMA has selected ERU rate structure
 - ▶ By far the most common and fair to all property owners

Stormwater Fee

Impervious Area

- ▶ Important aspect of stormwater management and ERU rate structure
- ▶ In general...
 - ▶ Rainfall on pervious areas (grass, meadows, ag fields) soaks in
 - ▶ Rainfall on impervious areas (roofs, driveways, parking lots) runs off... to streams... causing erosion... depositing sediment... degrading streams, rivers and the Chesapeake Bay
- ▶ The larger the impervious area on your property; the larger the impact on stream quality, and on the number of ERU's and stormwater fee you owe
- ▶ So using *impervious area* in the ERU rate structure directly relates impact to fee

Stormwater Fees

Utilities Nationally

- ▶ 1,681 Stormwater Utilities in Nation
- ▶ Stormwater Fees are charged to all users- no tax-exempt parcels
 - ▶ Schools, churches, hospitals pay fees
- ▶ Stormwater fees typically range from \$4.00 to \$10.00 / ERU / Month

Stormwater Fee

Determining SW Fee in Upper Leacock Township

- ▶ 1809 Single Family (SF) Parcels
 - ▶ All equal 1 ERU
- ▶ 709 Non-Single Family (NSF) Parcels
 - ▶ # of ERU varies based on impervious area on each parcel
- ▶ Knowing total ERUs available (SF + NSF) and revenue required to fund SW budget...
 - ▶ ULTMA has established stormwater fee = \$6.00/month/ERU

Stormwater Fee

Calculating Your Stormwater Fee

- ▶ Single Family (SF) Parcels
 - ▶ 1 ERU = 4,785 sq ft = \$6.00/month = \$18.00/quarter
- ▶ Non-Single Family (NSF) Parcels
 - ▶ Total Impervious Area / 4,785 sq ft = # of ERUs
 - ▶ # of ERUs x \$6.00/month = SW Fee
- ▶ NSF Example:
 - ▶ Industrial parcel has 4.4 acres of impervious
 - ▶ 4.4 acres = 193,176 sq ft
 - ▶ 193,176 sq ft / 4,785 sq ft (1 ERU) = 40 ERUs
 - ▶ 40 ERUs x \$18.00/quarter = \$720.00/quarter

Stormwater Fee - Credits

Improve Your Water Quality - Reduce Your Stormwater Fee

- ▶ Non-Single Family Parcels:
 - ▶ Water Quality BMP (Rain Garden, Bioretention, Infiltration) = 25% Reduction
 - ▶ NPDES Industrial Stormwater Permit = 25% Reduction
 - ▶ MS4 Permit = 25% Reduction
 - ▶ Riparian Forest Buffer = 25% Reduction
 - ▶ Stream Restoration = 50% Reduction

Stormwater Fee - Credits

Improve Your Water Quality - Reduce Your Stormwater Fee

▶ Agricultural Parcels:

- ▶ A written Conservation or Agricultural Erosion & Sediment Control Plan = 25% Reduction
 - ▶ Must have a letter from Lancaster County Conservation District (LCCD) to verify
- ▶ A signed contract and defined schedule to implement your Conservation Plan = Reduction to 1 ERU
 - ▶ Must have a letter from the LCCD to verify
 - ▶ If Plan isn't implemented on schedule, credit will be discontinued & full ERU value will need to be paid
- ▶ An Implemented Conservation or Agricultural Erosion & Sediment Control Plan = Reduction to 1 ERU
 - ▶ Must have a letter from LCCD to verify

Stormwater Fee - Credits

How to Request Credits

- ▶ Complete the Credit Application -- Available
 - ▶ On Township's website
 - ▶ Stop by Township Office
 - ▶ Take form this evening
- ▶ Provide requested information
 - ▶ Plans, calculations or photos
- ▶ Municipal staff will visit site if needed

Stormwater Fee – Appeals

What Qualifies / How to Request

- ▶ Two types of appeals available:
 - ▶ Non-single family parcels - Can appeal the calculation of impervious area used to determine your ERUs
 - ▶ All parcels - If you have been identified as the current owner of a property, but do not own the property, then you can *appeal the stormwater fee*
- ▶ How to request:
 - ▶ Complete Appeal form - Available:
 - ▶ On Township's website
 - ▶ Stop by Township Office
 - ▶ Take form with you this evening

Stormwater Fee – Billing and Collection

Administration of Stormwater Fee

- ▶ Existing Authority sewer and water customers:
 - ▶ New line item for stormwater on sewer & water bill
- ▶ Properties with private well and on-lot septic systems
 - ▶ Will receive new bill for stormwater only.
- ▶ Bills mailed quarterly by Billing Route
- ▶ First stormwater bills mailed in April, May and June, 2020