

UPPER MERION SANITARY & STORMWATER AUTHORITY
June 21, 2022 Meeting – 6:30PM

The members of the Upper Merion Sanitary & Stormwater Authority met for their regular meeting on Tuesday, June 21, 2022 in the Boardroom of the Upper Merion Township Building. The meeting was called to order at 6:40 PM and commenced with the pledge of allegiance.

ATTENDANCE:

Diane Reilly, Chair
James Ruddy, Vice Chair
Ed Campbell, Secretary
Lyn Fields, Treasurer
Carole Kenney, Board Liaison
Anthony T. Hamaday, Executive Secretary
Nick Hiriak, Director of Finance
Steve Hann, Authority Solicitor, Hamburg, Rubin, Mullin, Maxwell, & Lupin, PC
Fred Ciottoni, Authority Engineer, SC Engineers
Geoff Hickman, Director of Public Works
Nathan Walker, Gannett Fleming

PUBLIC COMMENT:

There were no public comments on the agenda items.

MEETING MINUTES APPROVAL:

On a motion by Mrs. Fields, seconded by Mrs. Reilly, all members voted “Aye” to approve the minutes from the May 17, 2022 Authority meeting. None opposed. Motion approved 3-0.

NEW BUSINESS:

- A. **Amended Easement Agreement with Mancill Mill Road Company.** Consideration of an amended easement agreement with the Mancill Mill Road Company approving a permanent easement on the Authority’s Trout Run Treatment Plant property, 890 Mancill Mill Rd, to permit the installation of an access driveway and landscaping associated with the Mancill Mill Townhouse Development.

Mr. Hamaday explained to the Authority that the Mancill Mill Road Company has requested an amendment to the Lease agreement for a portion of the Trout Run property for a boulevard entrance to the Townhouse and Hotel development which is adjacent to the treatment plant. They are requesting language be added to require at least one lane of the proposed entrance be open at all times for access should the Township need to perform any work within the easement.

On a motion by Mrs. Fields, seconded by Mr. Ruddy, all members voted “Aye” to approve the amended easement agreement. None opposed. Motion approved 3-0.

EXECUTIVE SECRETARY'S REPORT: No Report

ENGINEER'S REPORT: No report

SOLICITOR'S REPORT:

Mr. Hann informed the Authority that he was still working on the DEP Permit Appeal regarding the proposed copper limits. He indicated that the EPA just published a document indicating that they are studying the Biotic Ligand Model as the method for testing for copper limits in aquatic environments.

Mr. Hann also updated the Authority on DEP's potential PFAS (per- and polyfluoroalkyl substances) monitoring at wastewater treatment plants. The EPA is currently in the process of adopting drinking water standards for PFAs chemicals.

Mr. Hann also provided information to the Authority in regard to stormwater litigation in Delaware on the responsibility of the Government for stormwater fees. In this case the Army Corp of Engineers challenged the fee and the courts ruled that they were not responsible for the fees. Delaware is appealing and he will keep the Authority updated. This decision may have an impact when it comes to assessing the fee to the National park Service for Valley Forge Park.

Mr. Hann also updated the Authority on the following legislation:

1. SB 597 – This Senate bill which will revise Title 27 was passed out of the Senate and will go to the House Environmental Committee. The Bill places jurisdiction of Authorities under PA Dep not the PUC.

DIRECTOR OF PUBLIC WORKS REPORT:

Mr. Hickman informed the Authority that the Clarifier Drive Project at each Treatment Plant is complete.

DIRECTOR OF FINANCE REPORT:

Mr. Hiriak provided his report to the Authority which included:

- Revenue: 1 EDU fee of \$6,800 was received for 328 King of Prussia Rd.
- Expenses: \$223,898.00 was recorded as approved last month.

REQUISITIONS:

Mr. Hiriak submitted the monthly requisitions in the amount of \$215,319.65.

On a motion by Mrs. Fields, seconded by Mr. Ruddy, all members voted "Aye" to approve the June 21, 2022 requisitions in the amount of \$215,319.65. None opposed. Motion approved 5-0.

STORMWATER:

A. May Stormwater Forum Review and Next Steps Discussion.

Mr. Walker provided an overview of the May Forum and indicated that the afternoon session was better attended than the evening session. Mrs. Fields indicated that she did take notes on the questions asked at both sessions and that the Authority needs to find way to provide answers to those questions. She suggested a FAQ page be created and added to the Township website or sent out in newsletters or Township Lines. Mr. Walker indicated that we will have a FAQ and he will update and provide to the Township for publication

Mr. Walker reviewed for the Authority the next steps which include:

- Fee Adoption resolution - He suggested that the resolution be advertised in September for adoption in October. He and Mr. Hann will be working on a draft resolution for the Authority's review. Mr. Hann indicated that the Authority should provide at least 30 days' notice to allow the public to respond. Mr. Hamaday indicated that the Board of Supervisors should also have ample time to review. Mr. Campbell suggested that a draft of the resolution be provided at the Authority's July meeting so discussions could begin and allow for transparency.
- Ratepayer outreach – Mr. Walker indicated that 4 public responses were received from the first sessions and the responses either asked questions or provided the respondents opinions. Mrs. Fields commented that communication feedback is extremely important and we need to find the appropriate mechanism to start addressing the public's comments and show we are listening. She also indicated that the public responses are how we will be able to determine our priorities. Mr. Walker said he would work on the FAQ list.

The next steps would be to create a Postcard mailer for the next public outreach sessions, update our website with information and the FAQ list, start meetings with commercial property and tax-exempt property owners. Mr. Hickman asked about how the proposed fee would impact current property and residential leases. Mr. Hann indicated that the next steps will be an education process for property owners.

- Billing policies – Mr. Walker indicated that he is working with Mr. Hickman and Mr. Hiriak to update the current billing database. Mr. Hiriak is also working with Munis and BerkOne on the billing software. The Authority had a discussion on potential billing credits for properties that undertake or already have stormwater facilities. Mr. Walker suggested that he proposed fee is not significant enough that it would make a difference to a property owner and that calculating and maintain a credit database would be costly. Mr. Hann indicated that after a year or so the Authority could discuss credits again to see if they could be appropriate. Mrs. Reilly posed whether a company or individuals' investment on a stormwater project on their property would see any potential return on that investment via a fee credit.

Mr. Campbell made a motion, seconded by Mrs. Fields, to draft a resolution with no credit option. All members voted "Aye". None opposed. Motion carried 5-0

The Authority also discussed potential fee appeals. Mr. Hann and Mr. Walker indicated that typical appeals would be:

1. Commercial property appeals for impervious surface miscalculations.

2. Billing incorrect
3. Property owners who reduce impervious surface during a billing cycle.

Mr. Campbell indicated that he would like to see a draft billing resolution before September since there are a lot of different types of owners and property use classifications that need to be discussed. Mr. Hann informed the Authority that he and Mr. Walker would work on a draft for discussion at the July meeting.

PUBLIC COMMENT: None

ADJOURNMENT:

There being no further business to come before the Authority, on a motion by Mrs. Fields, seconded by Mr. Ruddy, the meeting adjourned at 8:30PM.

**DIANE REILLY
CHAIRPERSON**