MINUTES

SWATARA TOWNSHIP

REGULAR MEETING

FEBRUARY 8, 2023

STORMWATER AUTHORITY

- <u>Call to Order</u>: Chairman Varner called the Swatara Township Stormwater Authority meeting to order at 6:37 p.m. Wednesday February 8, 2023, at the Swatara Township Municipal Building, 599 Eisenhower Boulevard, Harrisburg, PA.
- 2. <u>Roll Call</u>: Members present: Christine Zubeck, Jeff Varner, Tom Connolly, and Michael Tuckey. Richard Bouder was absent. Also present: Manager Jim Fosselman, Township Assistant Manager Kim Kaufman, Solicitor Kevin Hall, Director of Building and Codes Robert Ihlein, Stormwater Coordinator Kevin Trafka, Director of Public Works Todd Webb, and Secretary Karen Alleman.
- 3. Visitors Requests and Comments: None
- 4. <u>Consideration of Minutes: January 11, 2023</u>: Mr. Tuckey made a motion to approve the January 11, 2023, minutes, as presented. Ms. Zubeck seconded the motion. Motion carried unanimously.
- 5. Stormwater Monthly Report: Mr. Trafka presented the monthly report to the members. Staff has completed the "2022 Year in Review," it is posted to the website. Staff began permit required B.M.P. inspections, fifty have been completed. Staff will be designing a new B.M.P. Inspection Program to help residents ensure their onsite stormwater management is operating as expected. The engineer continues to review and complete stormwater inspections for land development plans. Staff continues to meet with PennDOT regarding the Stream Restoration Project Proposal. The Highland Street Stormwater Pipe Relocation/Connectivity project is ongoing. The Rupp Hill Road project is finished with the design phase. The Vac-Flush truck should be delivered in September of 2023.
- 6. <u>Manager's Report</u>: Mr. Fosselman gave a treasurer's report. The Stormwater Authority fund currently has a balance of \$92,502.73. The Stormwater Authority owes the Township General Fund October, November, December and January expenses. When money starts coming in, the General Fund will be paid back.
- 7. <u>Solicitor Updates</u>: Solicitor Hall had three updates for the Authority:

A. **Norfolk Southern**: At this point Salzmann Hughes has been attempting to engage in mediation with Norfolk Southern but as of yesterday did not feel that would take place. If the mediation does not take place, the court will rule on our motion to remand the case from Federal Court back to the Dauphin County Court of Common Pleas.

B. <u>West Chester Borough v. West Chester University Regarding Stormwater Fees</u>: The Commonwealth Court made a decision that calls into question the ability of municipalities to charge a stormwater fee against nonprofit entities or entities that would otherwise be tax exempt. That matter is now on appeal before the Supreme Court. There are about fifty municipalities across the Commonwealth that charge stormwater fees.

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C. <u>892 Third Avenue</u>: There was a construction site meeting on Monday. Everything was relatively satisfactory. The former and current property owners understand what needs to be done. There is no need to press forward at this time with litigation.

Mr. Fosselman asked if stormwater fee bills should be mailed out. Solicitor Hall said the bills should be mailed out as usual.

8. <u>Members Requests and Comments</u>: Mr. Connolly asked what the Norfolk Southern case entailed. Mr. Hall said it was regarding stormwater and payment of the fee. Norfolk Southern feels they are not subject to the fee. Mr. Hall expects the outcome of the Supreme Court decision will have some impact on the outcome. Norfolk Southern also refuses to allow the township on their property.

Mr. Connolly asked why there was a chalk line drawn on the property at 892 Third Avenue. Mr. Trafka said the line was there as reference for the sanitary sewer authority to access their manholes.

Mr. Tuckey thanked staff for doing in-house stormwater fee billing.

9. <u>Adjournment</u>: Mr. Connolly made a motion to adjourn the meeting at 6:53 p.m., seconded by Ms. Zubeck. Motion carried unanimously.

Karen Alleman, Authority Secretary