

**MINUTES OF THE ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS**

June 5, 2018

The June Regular Monthly Meeting of the Annville Township Board of Commissioners was held starting at 7:00 PM on June 5, 2018 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: Rex A. Moore, President; Henri B. Lively, Vice President; Thomas R. Embich, Treasurer; and Joann F. Zimmerman. Also in attendance were Karen Gerhart, Assistant Secretary to the Board of Commissioners; Bernard Dugan, Chief of Police; Corey Lamoureux, Esq., Township Solicitor; Anthony Deaven, Church Street; Eugene Martin, Stone Hill Village; Dean Wolfe, West Main Street; Scott Akens, Akens Engineering Associates, Inc.; Gary Kotsch, East Main Street; Ed Kope, East Main Street; Rich Raiders, East Main Street; and Trevor Eby, Lancaster, PA.

President Moore called the meeting to order and led those present in the Pledge of Allegiance to the flag of the United States of America.

RECOGNITION OF VISITORS AND OPPORTUNITY FOR PUBLIC COMMENT:

President Moore provided an opportunity for public comment and the following comments were noted from those in attendance:

Nevin R. Hoover, Township Commissioner, arrived at the meeting at 7:01 PM.

Stone Hill Village Phase 3B Sketch Plan: Mr. Martin and Mr. Akens were recognized for comment regarding the Stone Hill Village Phase 3B Sketch Plan.

Mr. Wentling left the meeting at 7:03 PM.

Mr. Akens, engineer for Mr. Martin of Stone Hill Village, LLC, greeted the Board and began to discuss the Stone Hill Village Phase 3B Sketch Plan. He reported that this plan has been presented to the Township Engineer and Planning Commission and would like to hear feedback on the sketch plan from the Commissioners this evening. Mr. Akens described Phase 3B to include approximately 100 townhomes with garages, a recreation area and stormwater areas that were previously approved in the early 1990s. He discussed their need to do road improvements along the road that is next to the Quittapahilla Creek and the possibility of opening the access onto West Sheridan Avenue.

Mr. Wentling arrived at the meeting at 7:09 PM.

Mr. Embich inquired if they had enough room to expand the road next to the bridge. Mr. Akens noted that they would contact and work closely with PennDOT for approval of the work, but he felt there wouldn't be any issues since they already have a road in place and would be seeking to bring the road up to Township standards. Mr. Wolfe asked how they planned to widen the road that runs between his laundromat and the creek. Mr. Akens informed him that most of the widening that would need to be completed was further back from 422 and they have the space to make those improvements. President Moore requested additional details on the number of townhomes presented on the Sketch Plan. Mr. Martin responded that there are 100 units on the plan, but that may change over time because they are unsure of what type of demand there will be.

Mr. Wentling left the meeting at 7:17 PM.

Several residents expressed concern over the increased traffic flow with the quantity of units they are looking to add to Stone Hill Village. Mr. Akens explained that their current Highway Occupancy Permit is for 1,500 trips per day. He believes that they would meet this threshold but acknowledged that they would need to determine that impact in the future. Mr. Martin mentioned the possibility of opening the access to W. Sheridan Avenue, with the use of a gate and fob system, to help alleviate the traffic flow in/out to his property. Mr. Kotsch requested to know the time frame they were expecting for completion of the project. Mr. Martin was unsure of any completion timeline, stating that they will be doing this slowly and it will depend on how quickly they can fill the rental units. Mr. Kotsch asked if there is enough sewage capacity for these additional units.

Mr. Wentling arrived at the meeting at 7:31 PM.

President Moore asked Mr. Martin if he was paying to reserve capacity at the wastewater plant, which Mr. Martin responded that he was not. Mr. Akens stated that they would need to ensure that they could obtain enough sewage capacity for the project. He reiterated that they were only at the sketch plan phase which is fairly early in the process.

Mr. Akens, Mr. Martin, and Mr. Eby left the meeting at 7:38 PM.

Unopened Alley: Mr. Kope addressed the Board and identified that he runs Ed's Automotive on East Main Street. He noted that his business is expanding and it has been a very positive experience for him and his family in Annville Township until recently. He described an area around the east and south side of his property as abandoned land that he has been mowing and maintaining until he received threats from a neighbor. Mr. Kope stated his concerns over safety and erosion of the land in question and presented photos to the Board that documented the state of the erosion in this area. Mr. Kotsch agreed with the safety issues and described an instance where he contacted the Annville Police Department when someone dumped sod at the rear of his property. Mr. Lamoureux reiterated that this is not Township Property and he recalled that there were multiple estates that would be considered the owners of various parts of the land that Mr. Kope was describing. Mr. Raiders agreed that there are three different owners of this area of land, based upon the documents he received from the Township office, and that this might have to go to the Court of Common Pleas. Mr. Kope inquired what the Township could do in order to stop cars from driving on these areas. Mr. Embich indicated that there wasn't anything we could do for the situation because we are not the owners of that land. Mr. Kope described a safety bollard that could be seen in his photos that is knocked over and asked if it could be put back in place. Ms. Gerhart indicated that she would reach out the Public Works department to seek clarification of ownership of the safety bollards and request they they determine if any maintenance needed to be done if, in fact, we placed/maintain those bollards.

APPROVAL OF MINUTES: MOTION by Mr. Hoover, second by Mr. Embich to approve the minutes of the Regular Meeting held May 1, 2018 as presented. Motion carried unanimously.

REPORTS OF STANDING COMMITTEES:

Public Works: The Public Works Report for May 2018 was reviewed, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

ANNVILLE TOWNSHIP PUBLIC WORKS DEPT.

WORK DONE FOR MAY 2018

- (1) **PAINT MIXER** Sherwin Williams donated a used 5-gal paint shaker
- (2) **D/T LIGHTS** Repaired 2 lights
- (3) **SWEEPING** Spent 10 hrs in Cleona, 20 hrs in Annville
- (4) **WEEDS** We will be starting to spray weeds After we get done with O.A D. activities
- (5) **SIGNS** We ordered signs for the SE corner of town this is the last section to do

Respectfully submitted
Les Powell

Bar Screen: At the recommendation of the Township Authority, **MOTION** by Mr. Lively, second by Mr. Hoover to authorize the purchase and installation of two stainless steel bar screens by Light's Welding for the wastewater treatment plant (WWTP) at an estimated total cost of \$2,800. Motion carried unanimously.

Ratification of Reed Bed Cleaning Proposal: At the recommendation of the Township Authority, **MOTION** by Ms. Zimmerman, second by Mr. Lively to ratify the cleaning of the reed beds at the WWTP at a cost of \$52 per wet ton contingent upon the satisfactory review of the agreement by the Township Solicitor. Motion carried unanimously.

Biosolids Disposal: At the recommendation of the Township Authority, **MOTION** by Mr. Lively, second by Mr. Hoover to authorize entering into an agreement with P&H Senesac for the dewatering of biosolids from the WWTP at an estimated cost of \$38,200 for the rental unit, contingent upon the satisfactory review of the agreement and its general terms and conditions by the Township Solicitor. Motion carried unanimously.

Public Safety: The Police Statistical Report for May 2018 was reviewed, a copy of which is attached hereto and made a part of these minutes.

Property: Nothing to report this month.

Parks & Recreation and Hazard Mitigation Grant Program (HMGP) Project: The following item was addressed:

Closeout of HMGP-1 Project Account: Noting the last of the two HMGP projects (HMGP-1) had been officially closed out by the Federal Emergency Management Agency (FEMA), **MOTION** by Mr. Embich, second by Ms. Zimmerman to ratify the closing of the bank account through which these funds were passed and the disbursement of any remaining funds in this account to the Township's Capital Reserve Fund. Motion carried unanimously.

Mr. Kope, Mr. Raiders and Mr. Kotsch left the meeting at 8:10 PM.

Finance: Mr. Embich reviewed the Financial Report for May, highlighting the total income and expenses for the fifth month of 2018. A copy of the report is attached hereto and made a part of these minutes.

Permits: The Permits Report for May 2018 was reviewed, a copy of which is attached hereto and made a part of these minutes.

Annville Activities: The following item was addressed: Mr. Lively briefly discussed the success of the Memorial Day Parade. President Moore mentioned two upcoming events within the Township specifically, Old Annville Day and the St. Paul's Bazaar on June 9 and June 16-17, respectively.

MOTION by Mr. Lively, second by Ms. Zimmerman to approve the reports of the Standing Committees as presented. Motion carried unanimously.



ANNVILLE TOWNSHIP POLICE
MONTHLY REPORT
MAY 2018



• CALL FOR SERVICE	201
• ORDINANCE VIOLATIONS	
1. PARKING	3
2. NOISE	6
3. ANIMAL	1
4. DOG	3
• CRIMINAL ARRESTS	8
○ ADULT	8
○ JUVENILE	0
• NARCAN USED	1

		<u>ACCIDENT LOCATIONS</u>
• TOTAL TRAFFIC CITATIONS	11	
• TOTAL TRAFFIC WARNINGS	17	- 112 West Main Street
• TOTAL NON-TRAFFIC CITATIONS	4	- 1000 Block East Main Street
• TOTAL VEHICLE ACCIDENTS	3	- East Main & Saylor Street
○ REPORTABLE	3	
○ NON-REPORTABLE	0	
○ HIT & RUN	0	
• PARKING TICKETS ISSUED	32	

Permits Report

Month of May 2018

Plumbing Permits issued	_____	\$ _____
Plumbing Licenses issued	_____	\$ _____
Excavator Licenses issued	_____	\$ _____
Total Curb/Sidewalk Permit Fees Collected		\$ _____
Total Street Cut Permit Fees Collected		\$ _____
Total Tapping Fees Collected		\$ _____

Tapping Fees

Building Permits

#8-18	Richard & Virginia White	Other-Add deck
#9-18	Kerrie Smedley/Joseph Brewer	Other-Demo Carport/Garage
#10-18	Livingwater Properties, LLC	Change of use-Other
#12-18	Thomas McCaslin	Other-Fence

Curb/Sidewalk Permits

Street-Cut Permits

Burn Permit

Annville Township Police Department

MONTHLY REPORT MAY 2018

Total Calls by Call Type From: 4/28/2018 - 5/24/2018

<u>Call Type</u>	<u>Total Calls</u>
PARKING ENFORCEMENT	32
TRAFFIC ENFORCEMENT - WARNING	17
AMBULANCE CALL	14
ALARMS	12
TRAFFIC ENFORCEMENT - CITATION	11
BACKGROUND INVESTIGATION	7
ASSIST OTHER POLICE	6
NOISE COMPLAINT	6
POLICE INFORMATION	6
THEFT - UNLAWFUL TAKING	6
CIVIL MATTER	5
ADMINISTRATIVE FINGERPRINTING	4
ASSIST OTHER AGENCY	4
CHECK ON WELL BEING	4
ACCIDENT, REPORTABLE	3
DOG COMPLAINT	3
DOMESTIC DISPUTE	3
HARASSMENT	3
NEIGHBORHOOD DISPUTE	3
PARKING COMPLAINT	3
SUSPICIOUS VEHICLE	3
TRESPASS LETTERS	3
BACKGROUND INVESTIGATION - RECORD RELEASED	2
DUI	2
SUSPICIOUS ACTIVITY	2
TRAFFIC COMPLAINT	2
TRAFFIC CONTROL - OTHER	2
TRAFFIC DEVICE COMPLAINT	2
WARRANT	2
ACCESS DEVICE FRAUD	1
ANIMAL - MISSING	1
ANIMAL COMPLAINT	1
ASSAULT, SIMPLE	1
BURNING PERMIT	1
CHILD CUSTODY	1
COMMUNITY RELATIONS	1
DISORDERLY CONDUCT	1
DOG - MISSING / LOST	1
DRIVING COMPLAINT	1
DRUG VIOLATION	1
DUMPING COMPLAINT	1
DUMPSTER	1
FALSE FIRE ALARM	1

FRAUD
HOUSE CHECK REQUEST
JUVENILE COMPLAINT
LOST OR MISSING ITEM
MISCELLANEOUS
NARCAN USED
ORDINANCE - OTHER VIOLATIONS
PARKING- GENERAL INFO
PFA ORDER
PHONE SCAM
REPOSESSION
REQUEST FOR AID
RUNAWAY
TRAFFIC HAZARD
TRESPASS, CRIMINAL

1
1
1
1
1
1
1
1
1
1
1
1
1
1
1

Total Calls: 201

REPORTS OF SPECIAL COMMITTEES:

Executive Sessions: President Moore reported that no Executive Sessions were held since the adjournment of the May Regular Meeting.

Planning Commission: Ms. Zimmerman reported the Planning Commission met on May 21, 2018 to review the Stone Hill Village Phase 3B Sketch Plan and it was noted the draft minutes from that meeting were previously distributed to the Township Commissioners. She also noted the Zoning Hearing Board was scheduled to meet at 7 PM on June 7, 2018 to hear variance requests.

Ms. Zimmerman brought to the attention of the Board a request, from Karen Mailen, for Township staff to take the minutes at the meetings of the Planning Commission. Mr. Embich noted that he used to take minutes when he was on the Commission and didn't feel that there should be any issues for a member to take minutes while still be attentive and active in the meeting. He also discussed that the members are paid for their attendance at the meeting and is concerned if Township staff takes minutes for this group then requests might come from additional boards as well. President Moore asked how many members of the Planning Commission are in agreement with this request. Ms. Zimmerman indicated that opinions were provided by two members and thought it would be best if all members of the Planning Commission discusses the topic and makes a recommendation to the Board if they wish to do so.

Economic Development: It was reported the Economic Development Authority (EDA) was scheduled to meet at 8:30 AM on June 26, 2018. The following item was then addressed:

Resignation of Meghan Winslow: Noting that Meghan Winslow submitted a letter of resignation resigning from the EDA effective May 1, 2018, **MOTION** by Mr. Lively, second by Mr. Hoover to accept Meghan Winslow's resignation from the EDA with appreciation for her years of service. Motion carried unanimously.

Historic Architectural Review Board (HARB): Mr. Embich reviewed the HARB Report for May 2018, a copy of which is attached hereto and made a part of these minutes. The following items was then addressed:

Replacement of Windows and Door at 428 E. Main Street, Fence Installation at 417 E. Main Street, Replacement of Windows and Garage Door at 317 W. Main Street, Replacement of Windows and Doors at 44 E. Main Street, and Demolition of Two Buildings at 25-33 E. Main Street: At the recommendation of HARB, **MOTION** by Mr. Embich, second by Mr. Hoover to issue Certificates of Appropriateness for (1) replacement of windows and door at 428 E. Main Street, (2) fence installation at 417 E. Main Street, (3) replacement of windows and garage door at 317 W. Main Street, (4) replacement of windows and garage door at 317 W. Main Street, and (5) demolition of two buildings at 25-33 E. Main Street. Motion carried unanimously.

Mr. Wentling addressed the board wanting additional information concerning the application that was filed on his behalf for his property. He said that he was unaware of what was requested beacause he did not attend that meeting with HARB. Ms. Gerhart referred to the application that was submitted that described the scope of the project as a replacement of windows and one garage

T. Embich reports: 06-05-2018 BOC
Thomas Embich
Agenda Items: VI – D, F, G, & H
Date: May 30, 2018 for June 05, 2018 Meeting

Item VI - D HISTORIC ARCHITECTURAL REVIEW BOARD

1. The May 14 meeting processed six applications:
 - a. 428 East Main St.; post fire renovations- front door and windows
 - b. 417 East Main St.; fencing on remainder of property
 - c. 317 West Main St.; garage structure restoration- single hung windows and garage door replacement
 - d. 44 East Main St.; continued renovation – 3 doors, 30 windows, add rear 2nd floor window
 - e. 128 West Main St.; replacement sign for new business – No representative; item TABLED.
 - f. 25 – 33 East Main St.; partial demolition to remove two partial buildings too deteriorated to renovate, conserve remainder of structures.

2. The June meeting is scheduled for the 11th. No applications on file as yet.

ACTION: Items a,b,c,d, and f are recommended for Certificates of Appropriateness; item e is Tabled for review in June, providing a representative is present.

Item VI -F SPRUCE STREET BRIDGE

1. The Township with Wilson Consulting Group has executed a supplemental engineering agreement for construction engineering services for \$19, 336.95, for the next phase of the bridge construction. Motion to authorize this supplement is made.
2. Due to an omission in the original scope of services, a statement of Interest (SOI) was issued to cover "Construction Inspection Services"; three firms responded; the low bidder is Wilson Consulting Group. Therefore a motion to authorize acceptance of Wilson Consulting Group as the successful bidder, and to initiate an appropriate contract with Wilson for this work, also, be authorized.

ACTION: Two motions to complete.

Item VI -G MS4 & Stormwater management

1. The Lebanon County Stormwater Consortium (MS4 Consortium) meeting occurred May 15. Draft minutes are not issued as yet.
2. The primary activity of the May 15th Consortium meeting was routine approval of billings, fund receipts review, potential grant monies via the PA DEP penalties against Sunoco/Mariner East. A contract was approved with

the recently approved counsel, Mette, Evans, & Woodside. A Mission statement was drafted by a subcommittee and with slight modifications approved by the full board.

3. Next meeting of the MS4 Consortium is June 19, 2018 at 10:00 AM at 1220 Mifflin Street, Lebanon.
4. After publication and advertisement of the proposed MS4 User fee Ordinance, the proposed ordinance can be adopted.

ACTION: Motion to approve adoption of the MS4 User Fee Ordinance.

ITEM VI - H GLRA (GREATER LEBANON REFUSE AUTHORITY)

1. All minutes and reports are available at <http://www.goglra.org/DocumentCenter/Home/View/>.
2. Since the tonight's GLRA meeting falls on a Commissioner's meeting day, Mr. Viozzi should be in attendance for the June 5 meeting.
3. The 2018 remaining meeting schedule is June 5, July 10, Aug 8, Sept 11, Oct 2, Nov 7, and Dec 4, 2018 at 7:00 PM, except Sept 11, which is at 6:00 PM.

ACTION: None required.

door. Some discussion followed concerning the use of single or double hung windows and style of garage door that he is required to use. Mr. Embich read from the minutes provided to the board that the windows are to be single hung and the garage door is to closely match the current door that wasn't damaged. Ms. Gerhart reminded Mr. Wentling that if he chose to use an alternative style of window or door he would need to submit a new application to the HARB. Ms. Gerhart mentioned that she will reach out to the Chairman of HARB for further clarification on the suggested windows and forward that information to Mr. Wentling.

Mr. Wentling left the meeting at 8:39 PM.

Wage & Salary: It was reported that the Wage & Salary Committee met on May 22, 2018 and the minutes from that meeting were presented, a copy of which is attached hereto and made a part of these minutes. These minutes were reviewed by the Board and it was noted the Committee approved the satisfactory employee performance review for Michelle Enterline, part-time Administrative Assistant and Accreditation Manager in the Police Department, and recommended an employment status change and pay increase for her. Mr. Hoover inquired what Ms. Enterline's rate of pay would be with this increase in place. Ms. Gerhart reported, based upon the suggested increase from the Wage & Salary Committee, that Ms. Enterline's pay would increase from \$14.75 to \$15.25.

MOTION by Mr. Hoover, second by Mr. Lively to (1) concur with the Wage & Salary Committee's satisfactory employee performance review for Michelle Enterline, (2) approve the change in employment status of Michelle Enterline from probationary to permanent effective June 3, 2018, and (3) approve a \$0.50 per hour pay increase effective June 3, 2018 for Michelle Enterline. Motion carried unanimously.

Chief Dugan left the meeting at 8:43 PM.

Spruce Street Bridge: Mr. Embich reviewed the Spruce Street Bridge Report for May 2018, a copy of which is attached hereto and made a part of these minutes. The following items were then addressed:

Supplemental Engineering Agreement for Construction Engineering Services: It was noted that a Supplemental Engineering Agreement was received from the Pennsylvania Department of Transportation (PennDOT) for consulting engineering services for the bridge construction project by Wilson Consulting Group, PC in the amount of \$19,336.95. Mr. Lamoureux reported that he and the Township Administrator reviewed the document and, after communications with a PennDOT representative, were comfortable with its contents. **MOTION** by Mr. Embich, second by Mr. Lively to approve the Supplemental Engineering Agreement as presented and to authorize its execution by the appropriate Township officials. Motion carried unanimously.

Statements of Interest (SOIs) for Construction Inspection Services: Mr. Embich reported that SOIs were received from three engineering firms interested in providing construction inspection services for the bridge construction project. Based on their review of these SOIs, the Qualification Selection Committee recommended that the Board approve the following ranking of the top three of these firms and submit these rankings to PennDOT for their review:

**MINUTES OF THE ANNVILLE TOWNSHIP
WAGE & SALARY COMMITTEE
May 22, 2018**

A meeting of the Annville Township Wage & Salary Committee was held on May 22, 2018 in the Commissioners' Room of Annville Town Hall, 36 North Lancaster Street, Annville, PA with the following members present: Rex Moore, David Myers, Anthony Perrotto and via telephone Henri Lively. Also in attendance was Nicholas T. Yingst, Annville Township Administrator. The meeting was called to order at 6:22 PM.

EMPLOYEE EVALUATION: A satisfactory employee performance evaluation was submitted to the Committee to review for Michelle Enterline, part-time Administrative Assistant in the Police Department. Upon review by the Committee, **MOTION** by Mr. Perrotto, second by Mr. Myers to (1) approve the satisfactory employee performance evaluation for Michelle Enterline and recommend the Board of Commissioners do the same; (2) recommend the employment status of Michelle Enterline be changed from probationary to permanent, effective June 3, 2018; and (3) recommend to the Board of Commissioners that Michelle Enterline receive a \$0.50 per hour pay increase, effective June 3, 2018. Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Committee, **MOTION** by Mr. Perrotto, second by Mr. Moore to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 5:24 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicholas T. Yingst", is written over the typed name.

Nicholas T. Yingst
Annville Township Administrator
and Secretary

- 1.) Wilson Consulting Group, PC of Mechanicsburg, PA
- 2.) Johnson, Mirmiran & Thompson, Inc. of Camp Hill, PA
- 3.) KCI Technologies, Inc. of Mechanicsburg, PA

MOTION by Mr. Embich, second by Mr. Lively to approve the SOI review and rankings of the Qualification Selection Committee as detailed above and to authorize the submission of this information to PennDOT. Motion carried unanimously.

Municipal Separate Storm Sewer System (MS4): Mr. Embich reviewed the MS4 Report for May 2018, a copy of which is attached hereto and made a part of these minutes. The following items was then addressed:

Proposed Ordinance No. 665 – Establishing an MS4 User Fee: Mr. Lamoureux presented proposed Ordinance No. 665, establishing an MS4 user fee for stormwater collection and management. It was noted the proposed ordinance was properly advertised and could be considered for adoption. **MOTION** by Mr. Embich, second by Ms. Zimmerman to adopt Ordinance No. 665 as presented. Motion carried unanimously and a copy of this ordinance is attached hereto and made a part of these minutes.

Greater Lebanon Refuse Authority (GLRA): Mr. Embich reviewed the GLRA Report for May 2018, a copy of which is attached hereto and made a part of these minutes. Mr. Embich mentioned that Mr. Viozzi, from the Public Works Department, would possibly be in attendance at the GLRA in his place at the meeting due to the schedule conflict with the Board of Commissioners meeting this evening.

Fire Department: Mr. Lively reported that the steering committee met on May 30, 2018 and things are moving forward. The Cleona Fire Department and Union Hose Company will soon be reviewing a feasibility study that has been prepared. Their next meeting is scheduled for June 21, 2018 and things seem to moving in a positive direction overall.

MOTION by Mr. Lively, second by Ms. Zimmerman to approve the reports of the Special Committees as presented. Motion carried unanimously.

OLD BUSINESS:

Deteriorating Curb and Sidewalk at Christ Church: Ms. Gerhart reported that there is no update at this time.

Location of Cellular Tower on Municipal Property: Ms. Gerhart reported that Mr. Yingst is hoping to have the cell tower company in attendance at the July commissioners meeting. He will also be inviting the Township Authority members to attend the meeting since the tower would be located on the property of the wastewater treatment plant.

Condition of Sharrows and Turning Arrows: Ms. Zimmerman stated that she observed sharrows and turning arrows being replaced in Cleona Borough near the traffic light at Center Street. Ms. Gerhart informed the board the Township Administrator has reached out to a PennDOT

ORDINANCE NO. 665

AN ORDINANCE OF ANNVILLE TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA
ESTABLISHING AN MS4 USER FEE FOR STORMWATER COLLECTION AND
MANAGEMENT.

WHEREAS, Annville Township ("Township") has constructed and maintains a system of sewers, drains, basins, inlets, outfalls, and other infrastructure known as a Municipal Separate Storm Sewer System ("MS4") to collect and manage Stormwater; and

WHEREAS, the existing Stormwater Management System requires maintenance, repairs, enhancements, and replacement to meet existing and future needs, including flooding concerns and water quality protection and improvement; and

WHEREAS, the Township holds a National Pollutant Discharge Elimination System ("NPDES") permit from the Pennsylvania Department of Environmental Protection ("DEP"); and

WHEREAS, the NPDES permit requires the Township to meet numerous requirements and regulations to comply with State and Federal law; and

WHEREAS, a professional engineering and financial analysis of Stormwater management needs for the Township has been performed; and

WHEREAS, the Township finds it necessary to adopt a fee to defray the costs of complying with the NPDES program for MS4s and maintaining its Stormwater system.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Annville Township Board of Commissioners:

Section 1. Title.

This Ordinance shall be known as the Annville Township MS4 Fee Ordinance.

Section 2. Authority.

- A. Annville Township is empowered to regulate Stormwater management activities and facilities by the authority of the Stormwater Management Act, 32 P.S. § 680 et seq. and the First Class Township Code, Act of June 24, 1931, P.L. 1206, No. 331 Cl. 73 as amended.
- B. Annville Township is also empowered to regulate land use activities that affect Stormwater runoff and Stormwater Management Systems by the authority of the Water Resources Management Act of 2002, 27 Pa.C.S.A. §3101 et seq. and the

Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 *et seq.* as amended.

- C. The Annville Township Authority is empowered by 53 Pa.C.S. §5607 to assess fees for Stormwater management activities and facilities.

Section 3. Findings.

Annville Township finds that:

- A. Inadequate development and maintenance of Stormwater facilities increases Stormwater runoff rates and volumes, contributes to erosion and sedimentation, overtaxes the carrying capacity of storm sewers and streams, increases the cost of public facilities to carry and control Stormwater, undermines flood plain management and flood control efforts in downstream communities, reduces groundwater recharge, threatens public health and safety, and increases pollution of water resources.
- B. A comprehensive program of Stormwater management, including the generation of funding to pay for effective Stormwater Best Management Practices (BMPs), is fundamental to the public health, safety, and welfare and the protection of people of Annville Township, their resources, and the environment.
- C. Stormwater is an important water resource which provides groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- D. Approaches to water management that protect, restore, and mimic natural water cycles have significant environmental, social, and economic benefits and should be encouraged.
- E. Federal and state regulations include requirements for municipalities to implement a program of Stormwater controls.
- F. To (i) establish, operate, and maintain the Stormwater infrastructure of Annville Township, as well as all systems upon which the Stormwater infrastructure depends, (ii) insure the effective operation of the Stormwater system through installation and management of best practices; and (iii) to provide services such as inspections, asset management, and regulatory oversight associated with Stormwater management, sufficient and stable funding is required to fund these public services.
- G. Annville Township intends to establish fair and equitable fees to assure that each lot within the Township will pay its proportionate share of the costs of operation, maintenance, repair, administration, replacement, and improvement of all Stormwater services provided or paid for by Annville Township.

H. Seeing it as a commonly-used methodology for calculating an MS4 fee and after consultation with the Township Engineer and Township Solicitor, Annville Township determined the Equivalent Residential Unit (ERU) model as an appropriate method of calculating such a fee. The following determinations were made:

- a. A base fee per Residential Parcel is reasonable.
 - i. A Residential Parcel in the following residential zoning districts will be charged 1 ERU: R-2 (Medium Density Residential), R-3 (High Density Residential), and TC (Town Center) due to a similar amount of average Impervious Surface area per property in these districts.
 - ii. A Residential Parcel in the R-1 (Low Density Residential) zoning district will be charged 1.26 ERUs due to a higher amount of average Impervious Surface area per property in these districts.
 - iii. A Residential Parcel not in the R-1, R-2, R-3, or TC zoning districts with Impervious Surface area greater than or equal to 5,227 square feet will be charged 1.26 ERUs and those with Impervious Surface area less than 5,227 square feet will be charged one (1) ERU.
- b. The base fee can be derived from a statistical sampling of impervious surfaces on properties in the Township.
- c. All Non-Residential Parcels can be charged a fee based upon the square footage of impervious area on the parcel. The impervious area is measured and the fee is determined by dividing the impervious area on the parcel by the square footage for an ERU.

I. Annville Township presented information on its MS4 program and fee at a public meeting on March 20, 2018 that was publicly advertised.

Section 4. Definitions.

ANNVILLE TOWNSHIP: Annville Township, Lebanon County, Pennsylvania.

ANNVILLE TOWNSHIP AUTHORITY: An Authority incorporated under that name in 1965 and organized under provisions of the Municipality Authorities Act, 53 Pa.C.S. § 5601 *et seq.* as amended

BEST MANAGEMENT PRACTICES (BMPs): Activities, facilities, measures, or procedures used to manage the volume, rate and water quality of Stormwater runoff

from a Developed Parcel. BMPs eligible for credits are listed in the Annville Township MS4 Fee Credit Manual.

BOARD OF COMMISSIONERS: The duly-elected governing body of Annville Township, Lebanon County, Pennsylvania.

CREDIT: An MS4 Fee reduction that a Property Owner receives for implementing and complying with the practices and policies adopted by Annville Township.

DESIGN STANDARDS: Specifications, requirements, construction sequences, and other standards that must be met for an implemented BMP to receive credit. Design Standards for implemented BMPs shall be in accordance with the latest edition of the Pennsylvania Stormwater BMP Manual.

DEVELOPED PARCEL: A parcel altered from a natural state that contains any impervious surface. A parcel classified as "Vacant Land" (or some similar form thereof) per data from the Lebanon County Assessment Office shall be classified as a Developed Parcel if there is Impervious Surface on the parcel.

EQUIVALENT RESIDENTIAL UNIT (ERU): The measure of impervious ground cover for a typical residential property used in assessing fees for each parcel of property, and which is determined to be 5,227 square feet.

IMPERVIOUS SURFACE: A surface that prevents or significantly reduces the infiltration of water into the ground. Impervious surface includes all structures, buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete, asphalt, stone, or gravel, in accordance with Sections 201, 301, and following of the Township's Stormwater Management Ordinance.

MS4 FEE: A fee to be collected from each Developed Parcel in Annville Township and used to cover the cost of the Township's Stormwater management program.

NON-RESIDENTIAL PARCEL: Any Developed Parcel not fitting the definition of Residential Parcel, or not classified as having a property type of "Residential", "Residential-outbuildings only", "Mobile home w/ land", "Residential-converted to mult.", or "Residential - exempt" per data from the Lebanon County Assessment Office and for which no more than three residential rental licenses are issued. Non-Residential Parcels include, but are not limited to, apartments with four or more units, hotels and motels, churches, industrial properties, commercial properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, nursing homes, senior retirement facilities, office buildings, public utilities, government properties not owned by Annville Township or one of its Authorities, and mixed-use properties including those with a classification of "Residential w/ some comm." per data from the Lebanon County Assessment Office. A Developed Parcel meeting the definition in the two previous

sentences that is not listed on the tax rolls for Annville Township but has Impervious Surface in Annville Township will be considered a Non-Residential Parcel for its Impervious Surface in Annville Township. A parcel that is owned by a Non-Residential Owner but used for a residential purpose such as a church parsonage or a residential rental property for which no more than three residential rental licenses are issued will be considered a Residential Parcel until this residential purpose changes.

OWNER: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, public utility, society or group owning real property in Annville Township; also may be referred to as "property owner" or "land owner".

RESIDENTIAL PARCEL: Developed parcel on the tax rolls of Annville Township containing Impervious Surface classified as having a property type of "Residential", "Residential-outbuildings only", "Mobile home w/ land", "Residential-converted to mult.", or "Residential - exempt" per data from the Lebanon County Assessment Office and for which no more than three residential rental licenses are issued. Residential Parcels include single-family houses, single-family units, duplexes, manufactured homes and mobile homes located on individual lots or parcels of lands, and parcels that are owned by a Non-Residential Owner but used for a residential purpose such as a church parsonage or a residential rental property, provided that no more than three residential rental licenses are issued for the parcel.

STORMWATER: Water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, lakes, ditches and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

STORMWATER MANAGEMENT COSTS: The associated public costs of equipment and facilities, energy, manpower, materials, property acquisition, transportation and services required to:

- (A) Avoid, reduce, manage, treat, collect, convey, detain, infiltrate, pump and transport Stormwater;
- (B) Provide flood protection;
- (C) Keep equipment and facilities including Best Management Practices functioning satisfactorily and economically;
- (D) Administer the Stormwater management program, including regulatory compliance; and
- (E) Improve Annville Township's Stormwater Management System.

STORMWATER MANAGEMENT SYSTEM: The system of runoff avoidance, infiltration, collection and conveyance, including storm sewers, pipes, conduits, mains, inlets, culverts, catch basins, gutters, ditches, channels, detention ponds, streets, curbs, drains and all devices/appliances and Stormwater Best Management Practices (BMPs) and facilities appurtenant thereto used for collecting, conducting, pumping, conveying, detaining, infiltrating, reducing, managing, avoiding the generation of, and treating Stormwater.

Section 5. Imposition of MS4 Fees.

- A. Each Residential Parcel shall be charged for one (1) ERU in the R-2 (Medium Density Residential), R-3 (High Density Residential), and TC (Town Center) zoning districts and 1.26 ERUs in the R-1 (Low Density Residential) zoning district. Residential Parcels in other zoning districts with Impervious Surface area greater than or equal to 5,227 square feet will be charged 1.26 ERUs and those with Impervious Surface area less than 5,227 square feet will be charged one (1) ERU.
- B. The fee per ERU shall be a quarterly fee of \$10.00, with one (1) ERU being equal to 5,227 square feet.
- C. All other developed, Non-Residential Parcels shall be charged a quarterly fee calculated by dividing the total impervious area of the Non-Residential Parcel by the impervious area per ERU to determine the number of ERUs to assign to the Developed Parcel. ERUs shall be assigned to Non-Residential Parcels by rounding to the nearest hundredth. A Non-Residential Parcel will be charged a minimum of one (1) ERU; however, Non-Residential Parcels that are adjacent to one another and under common ownership may be calculated as a single parcel.

Example: A Non-Residential Parcel containing 13,652 square feet of Impervious Surface area would have the following ERUs assigned to it:
 $13,652 / 5,227 = 2.612 = 2.61$ ERUs; at \$10.00 per ERU, this parcel will be charged $\$10 \times 2.61$ or \$26.10 per quarter.

- D. The Board of Commissioners may review the MS4 Fee established by this Ordinance, and may modify same by Ordinance as deemed necessary.

Section 6. Uniform Application of MS4 Fees.

All MS4 Fees shall be assessed, imposed, liened and collected for all Developed Properties within Annville Township, with the exception of Developed Properties owned by Annville Township or one of its Authorities.

Section 7. Billing and Collection of MS4 Fees.

- A. The MS4 Fees fixed and established by this Ordinance shall be effective to all properties that use, are served, or are benefited by the Annville Township Stormwater Management System existing as of the effective date of this Ordinance, and shall be effective to all other properties thereof that use, are served, or are benefited by the Stormwater Management System subsequent to the effective date of this Ordinance.
- B. Annville Township shall create and maintain a dedicated Stormwater account separate from all other accounts or funds. All MS4 Fees, and any penalties or interest on such fees, shall be deposited into that account, and shall be used solely for Stormwater services and purposes, including operation, administration, maintenance, repair, and improvement of the Stormwater Management System.
- C. Annville Township may bill property owners for MS4 Fees via the utility billing system used by the Annville Township Authority.
- D. Bills for MS4 Fees shall be issued on a quarterly basis.
- E. Bills for MS4 Fees shall be payable at their face amount by the fifteenth (15th) day of the month on which the bill was mailed, or the next business day the Annville Township Office is open if the fifteenth (15th) day of the month falls on a weekend or holiday recognized by the Township ("Due Date").
- F. The MS4 Fees imposed and collected will be subject to proration by Annville Township in the event a property is sold.

Section 8. Late Payment Penalty; Interest Paid on Unpaid MS4 Fees.

A penalty of five percent (5%) will be assessed on the day following the Due Date. All unpaid user charges shall be a lien against the property, and the Township Solicitor may file such lien in the office of the Prothonotary of Lebanon County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims. Any legal fees, including attorney's fees, filing fees, and court costs, and any other fees related to the collection of the account shall be borne by the property owner.

Section 9. MS4 Fees Constitute a Lien on Property.

In accordance with the Municipal Claims and Tax Liens Act, 53 P.S. § 7101, *et seq.*, as amended, all MS4 Fees, penalties, interest, collection fees, attorney's fees, lien filing and satisfaction fees, and all other charges imposed for failure to pay promptly shall constitute a lien upon and against the subject property from the date the fees are imposed.

Section 10. Credits.

- A. Credits shall be available as described in the Annville Township Pollution Control Fee Credit Manual, attached hereto as Exhibit "A", and incorporated herein by reference. This manual may be amended by Resolution of the Board of Commissioners,
- B. Property Owners seeking to obtain credits must complete the Credit Application Form, attached hereto as Exhibit "B", and incorporated herein by reference. This form may be amended by Resolution of the Board of Commissioners.
- C. The annual credit cap shall be \$5,000 in the aggregate. Credits will be distributed on a first-come, first-served basis until the credit cap is reached.
- D. If a Credit Application is approved, the Property Owner will receive credit beginning with the next regular billing cycle.
- E. The Board of Commissioners may review the credit cap and modify its amount by Resolution as deemed necessary.

Section 11. Appeals.

- A. Appeals must be expressed in writing and addressed to the Annville Township Authority for consideration. Appeals shall be submitted on the approved Appeal form, attached hereto as Exhibit "C". Detailed reasons for the appeal must be included with the Appeal form. This form may be amended by Resolution of the Board of Commissioners.
- B. Appeals must be filed at the Township Office within thirty (30) days of the MS4 Fee being mailed to the property owner. The Township may extend the appeal period by thirty (30) days at its discretion.
- C. Following receipt of the appeal form, the Annville Township Authority will consider the appeal, perform a site visit if necessary, consult with the Township Engineer and Township Solicitor if necessary, and issue an acceptance or rejection of the appeal.
- D. The appeal shall be accepted or rejected by the Annville Township Authority within sixty (60) days of receipt by the Township Office. All decisions by the Annville Township Authority regarding such appeals shall be delivered by personal service or by certified mail sent to the billing address of the Property Owner.
- E. If the appeal is rejected, the Property Owner may appeal the decision to the Court of Common Pleas of Lebanon County within thirty (30) days of the date of the rejection of the appeal.

- F. If an appeal is not filed with the Court of Common Pleas of Lebanon County within thirty (30) days as set forth in Section 11.E. above, or if an appeal is not taken and payment is not made within thirty (30) days of receipt of a rejected appeal by the Annville Township Authority, a lien may be filed in the office of the Prothonotary of Lebanon County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims.

Section 12. Policies and Procedures Authorized.

- A. The Annville Township Authority may adopt such policies and procedures as deemed appropriate to ensure collection of MS4 Fees assessed and imposed pursuant to this ordinance. Without limitation, collection procedures may include referral of delinquent accounts to a collection agency, filing of municipal liens, and all other measures which the Annville Township Authority deems appropriate.
- B. All costs of collection procedures, including but not limited to legal fees, including attorney's fees, filing and satisfaction fees, court costs, administrative costs and engineering fees and costs, litigation expenses, charges for service of documents, and any other fees related to the collection of the account shall, upon being incurred by Annville Township, be imposed as a charge for nonpayment and added to the balance due on the property owner's account.
- C. No lien shall be satisfied nor shall any collection proceeding be discontinued until all amounts due on an account, including MS4 Fees, interest, penalties, collection fees, attorney's fees, filing and satisfaction fees, court costs, administrative costs and engineering fees and costs, litigation expenses, and charges for service of documents are paid in full to Annville Township.
- D. Annville Township may implement such administrative procedures necessary to implement the policies and requirements set forth in this ordinance.

Section 13. Floods and Liability.

Floods from Stormwater may occur occasionally that exceed the capacity of the Stormwater system maintained and financed with MS4 Fees. Nothing in this Ordinance shall be deemed to imply that properties subject to charges shall always be free from flooding or flood damage, or that all flood control projects to control Stormwater can provide complete protection from all flood and storm events. Nothing whatsoever in this Ordinance shall deem Annville Township liable for any damages incurred from Stormwater or from adverse water quality. Nothing in this Ordinance purports to reduce or eliminate the need for flood insurance, and Annville Township expressly reserves the right to assert all available immunities and defenses in any action seeking to impose

monetary damages upon Annville Township, its officers, employees, and agents arising out of any alleged failure or breach of duty with respect to Annville Township's Stormwater Management System.

Section 14. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 15. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Annville Township Board of Commissioners that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

Section 16. Effective Date.

This Ordinance shall become effective five (5) days after its enactment by the Annville Township Board of Commissioners.

ORDAINED AND ENACTED this 5th day of June, 2018.

BY ANNVILLE TOWNSHIP
BOARD OF COMMISSIONERS

By: 
Rex A Moore, President

ATTEST:


Nicholas T. Yingst, Secretary



EXHIBIT "A"

ANNVILLE TOWNSHIP MS4 FEE CREDIT MANUAL

Introduction

Credits for qualifying stormwater best management practices (BMPs) are a vital component of every stormwater fee structure. Annville Township (hereinafter "Township"), through the Annville Township Authority, shall consider and provide appropriate exemptions or credits for properties which have installed and are maintaining stormwater facilities that meet best management practices and are approved or inspected by the Township. Granting credits for the installation and maintenance of BMPs gives all property owners the incentive to install and maintain such BMPs on their own. These BMPs reduce pollutants and improve the health of local waterways. The construction of many new privately owned BMPs will be necessary in order to meet the stringent requirements for Pollutant Reduction Plans. Therefore, it is in the Township's best interest to incentivize the construction of privately owned BMPs by granting credits on the MS4 fee.

Owners of the existing BMPs are also eligible for credits if the BMPs continue to be maintained. Owners of the existing BMPs are permitted to apply the credits under this policy in the same manner as landowners that are planning future BMPs.

Disclaimer

By submitting an MS4 Fee Credit Application, the property owner acknowledges and agrees that he/she and his/her heirs, grantees, successors, and assigns shall be solely responsible and liable for the operation and maintenance of any and all BMPs constructed, installed or employed by the property owner. The Township shall not be responsible or liable for the operation and maintenance of any BMP, or any damages arising therefrom. The property owner and his/her heirs, grantees, successors, and assigns shall indemnify and hold harmless the Township, its officers, agents, and employees from any and all claims, actions, causes of action, judgment, damages, losses, cost, and expenses (including attorney's fees) arising out of or resulting from the construction, installation, employment, maintenance, or operation of the BMPs. The property owner will be required to record an operation and maintenance agreement in accordance with Appendix 23-A of Chapter 23 (Stormwater Management) of the Annville Township Code of Ordinances before credits are issued for any and all BMPs on the subject property.

Definitions

Best Management Practices (BMPs): Activities, facilities, measures, or procedures used to manage the volume, rate and water quality of Stormwater runoff from a Developed Parcel. For the purposes of this credit policy, BMPs eligible for credits are listed below.

Credit: An MS4 Fee reduction that a Property Owner receives for implementing and complying with the practices and policies adopted by Annville Township.

Design Standards: Specifications, requirements, construction sequences, and other standards that must be met for an implemented BMP to receive credit. Design Standards for implemented BMPs shall be in accordance with the latest edition of the Pennsylvania Stormwater BMP Manual.

Developed Parcel: A parcel altered from a natural state that contains any impervious surface. A parcel classified as "Vacant Land" (or some similar form thereof) per data from the Lebanon County Assessment Office shall be classified as a Developed Parcel if there is Impervious Surface on the parcel.

Equivalent Residential Unit (ERU): The measure of impervious ground cover for a typical residential property used in assessing fees for each parcel of property and which is determined to be 5,227 square feet.

Impervious Surface: A surface that prevents or significantly reduces the infiltration of water into the ground. Impervious surface includes all structures, buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete, asphalt, stone, or gravel, in accordance with Sections 201, 301, and following of the Township's Stormwater Management Ordinance.

MS4 Fee: A fee to be collected from each Developed Parcel in Annville Township and used to cover the cost of the Township's Stormwater management program.

Non-Residential Parcel: Any Developed Parcel not fitting the definition of Residential Parcel, or not classified as having a property type of "Residential", "Residential-outbuildings only", "Mobile home w/ land", "Residential-converted to mult.", or "Residential - exempt" per data from the Lebanon County Assessment Office and for which no more than three residential rental licenses are issued. Non-Residential Parcels include, but are not limited to, apartments with four or more units, hotels and motels, churches, industrial properties, commercial properties, manufactured home or mobile home parks, commercial and office buildings, storage areas, parking lots and other impervious areas, parks, recreation properties, public and private schools and universities, hospitals and convalescent centers, nursing homes, senior retirement facilities, office buildings, public utilities, government properties not owned by Annville Township or one of its Authorities, and mixed-use properties including those with a classification of "Residential w/ some comm." per data from the Lebanon County Assessment Office. A Developed Parcel meeting the definition in the two previous sentences that is not listed on the tax rolls for Annville Township but has Impervious Surface in Annville Township will be considered a Non-Residential Parcel for its Impervious Surface in Annville Township. A parcel that is owned by a Non-Residential Owner but used for a residential purpose such as a church parsonage or a residential rental property for which no more than three residential rental licenses are issued will be considered a Residential Parcel until this residential purpose changes.

Owner: Any person, firm, corporation, individual, partnership, trust, company, association, government agency, public utility, society or group owning real property in Annville Township; also may be referred to as "property owner" or "land owner."

Residential Parcel: Developed parcel on the tax rolls of Annville Township containing Impervious Surface classified as having a property type of "Residential", "Residential-outbuildings only", "Mobile home w/ land", "Residential-converted to mult.", or "Residential - exempt" per data from the Lebanon County Assessment Office and for which no more than three residential rental licenses are issued. Residential Parcels include single-family houses, single-family units, duplexes, manufactured homes and mobile homes located on individual lots or parcels of lands, and parcels that are owned by a Non-Residential

Owner but used for a residential purpose such as a church parsonage or a residential rental property, provided that no more than three residential rental licenses are issued for the parcel.

Stormwater: Water from a rain or snowfall event that flows across the land and eventually into rivers, creeks, lakes, ditches and canals resulting in debris, sediment, pollutants, bacteria and nutrients from sidewalks, streets, parking lots, and other impervious surfaces washing into gutters, through storm drains, and eventually flowing into creeks and rivers.

Application Procedure

Before applying for credit, the account associated with the subject property must be current. The MS4 credit application form included in this credit manual must be submitted along with all required information and attachments to the Township in hardcopy. Township delegated agents will review the application to determine if it is administratively complete within 30 days of receipt and will notify the applicant if the application has administrative deficiencies. Within sixty (60) days of determining that the application is administratively complete, Township staff or delegated agents will review the application to determine if the criteria for credit are met, and will issue a recommendation for approval or denial to the Annville Township Authority. The Annville Township Authority will decide whether to approve or deny the credit at the next regularly scheduled meeting following the issuance of recommendation. The decision to approve or deny the credit will be transmitted to the applicant in writing. If the credit application is approved, the property owner will receive the credit starting with the next billing cycle, the full amount of which will be divided by four and assessed equally to future bills.

Design Standards

All credited BMPs shall comply with the design standards presented for that BMP in the Pennsylvania Stormwater Best Management Practices Manual in Chapter 23 (Stormwater Management) of the Annville Township Code of Ordinances. Credited BMPs must, at a minimum, be able to treat the volume of stormwater directed to the BMP during the two-year, 24-hour storm as calculated using the Soil Cover Complex Method and the specifications of Section 23-308 (Stormwater Management) of the Annville Township Code of Ordinances.

Best Management Practice Classifications

Best Management Practices (BMPs) are divided into two classifications, or tiers, in order to assess the BMP's pollution reduction capabilities. Tier I BMPs are those which provide minimal pollutant reductions and thus minimal benefits to the health of local streams. Two BMPs fall into this category: dry detention basins and filter strips¹ for stormwater treatment. Each of these shall have an efficiency coefficient of 0.10.

Tier II BMPs are those which provide greater pollutant reduction and thus greater benefits to the local stream health. These BMPs are generally more complex than those in Tier I. The Tier II BMPs are:

<u>BMP Type</u>	<u>Efficiency Coefficient (EC)</u>
• Wet Ponds and Wetlands	0.60
• Infiltration Practices	0.95
• Filtering Practices (Manmade Filter Structures) ²	0.10
• Bioretention / Rain Gardens	0.55

Fee credit shall be calculated as follows:

$$\text{Imp. Area Treated} / 5227 * \text{EC} * \text{Fee per ERU (\$10)} = \text{Credit (\$)}$$

Where Imp. Area Treated/(Applic. # ERUs * 5227) shall not exceed 1.0.

- NOTES:
1. Filter Strips shall demonstrate meeting the requirements of the example provided at the end of this appendix. All other BMPs shall be designed in accordance with the PaDEP Stormwater Manual.
 2. Efficiency coefficients for manmade filters may be as high as 0.80 provided appropriate documentation is provided to and approved by the Township Engineer.

EXHIBIT "B"

ANNVILLE TOWNSHIP MS4 CREDIT APPLICATION FORM

Property Owner Name: _____

Account Number: _____

Daytime Phone Number: _____

Mailing Address: _____

Email Address: _____

Address of Property that is the Subject of this Application (if different from the address above); please include the tax parcel identification number, if available: _____

Property Classification:

- ☐ Residential
- ☐ Non-Residential

BMP Classification (check all that apply):

- Tier 1 BMPs: ☐ Dry Detention Basin
- ☐ Filter Strip for Stormwater Treatment
- Tier 2 BMPs: ☐ Wet Ponds and Wetlands
- ☐ Infiltration Practices
- ☐ Filtering Practice (Manmade Filter Structures)
- ☐ Bioretention Basin / Rain Garden

Description of size, location, and condition of the BMP(s): _____

Approximate Date of Installation: _____

Please check the box next to each of the following pieces of supporting documentation that are attached to this application. Including as many of these items as possible will expedite the review of the application.

- ☐ Design documents of engineering analyses of the BMP(s)
- ☐ As-built plans or construction drawings
- ☐ Calculations of the onsite impervious areas treated by each BMP
- ☐ Applicant's calculation of credit to be received
- ☐ Operation and Maintenance Plan
- ☐ Signed Operation and Maintenance Agreement

-----FOR OFFICE USE ONLY (DO NOT WRITE BELOW THIS LINE)-----

Date form received: _____ Date reviewed by Township Authority: _____

Approved? ____ Disapproved? ____

EXHIBIT "C"

ANNVILLE TOWNSHIP MS4 FEE APPEAL FORM

Property Owner Name: _____

Account Number: _____

Daytime Phone Number: _____

Mailing Address: _____

Email Address: _____

Address of Property that is the Subject of this Appeal (if different from the address above);
please include the tax parcel identification number, if available: _____

Type of Appeal:

- ☐ Incorrect Property Classification (Residential vs. Non-Residential)
- ☐ Incorrect ERU Calculation for Non-Residential Property
- ☐ Other

Description of Appeal: _____

Is supporting information attached? Supporting information is required for an appeal for an incorrect ERU Calculation for a Non-Residential Property and may be required for other types of appeals.

- ☐ Yes
- ☐ No

-----FOR OFFICE USE ONLY (DO NOT WRITE BELOW THIS LINE)-----

Date form received: _____ Date reviewed by Township Authority: _____

Approved? ____ Disapproved? ____

representative on several occasions and informed him of the Township's acceptance of their offer of replacement markings, although PennDOT not yet responded back to him. President Moore requested the Township Office reach out to Cleona Borough seeking additional information about the replacement of their sharrows and turning arrows and report back to the Board.

NEW BUSINESS:

Union Hose Fire Department:

Mr. Lively reported that there will be a new Chief of the Union Hose due to Mr. Leininger's move out of Annville Township. He anticipated that a new Chief will be named on June 7, 2018.

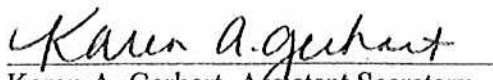
CORRESPONDENCE: The Board was informed of the following items of correspondence received since its May Regular Meeting:

Baseline Water Quality Data Program Letter of Support: Mr. Embich noted correspondence was received from Lebanon County Commissioner Jo Ellen Litz asking for letters of support for a baseline water quality data program by the United States Geological Survey (USGS) and shared his impressions why such a survey would be of benefit. **MOTION** by Mr. Embich, second by Mr. Hoover to authorize the issuing of a letter of support to the Lebanon County Commissioners for a baseline water quality data program by the USGS. Motion carried unanimously.

Quittaphilla Nature Park: Ms. Gerhart noted that the Commissioners all received an invitation to attend a ceremony celebrating the extension of the Quittie Nature Park on Sunday, June 10, 2018. Mr. Embich mentioned that their champagne toast is taking place on private property so they aren't required to request a suspension of the ordinance against having alcohol in the park for the event.

PAY BILLS: **MOTION** by Mr. Lively, second by Ms. Zimmerman to ratify the actions of the Township Administrator regarding payment of debts shown on the Finance Report (Cash Disbursement Journals of the various funds). Motion carried unanimously.

ADJOURNMENT: There being no further business to come before the Board, **MOTION** by Mr. Lively, second by Mr. Hoover to adjourn the Regular Meeting. Motion carried unanimously and the meeting was adjourned at 9:07 PM.


Karen A. Gerhart, Assistant Secretary


Rex A. Moore, President