

WORKSHOP MEETING MINUTES
MAY 18, 2022
UPPER NAZARETH TOWNSHIP BOARD OF SUPERVISORS

The MS4 Workshop Meeting was called to order at 6:00 p.m. by Chairman Scott Sylvainus.

Board members present were Robert Disbrow, Kristin Mullen, Michael Rinker, Brian Sayago, and Scott Sylvainus. Also present were Township Solicitor, Gary Asteak, Township Engineer, Sean Dooley, Township Manager, Lisa Klem, Road Superintendent, Shawn Shupe, and Treasurer/ Recording Secretary, Deanne Werkheiser.

Township Engineer Sean Dooley stated that there are multiple options on how to proceed. He is seeking the Boards guidance on organizational options, funding and fee structure, inspections, enforcement, and rollout. Eighty communities have done MS4/ Stormwater programs.

Sean listed four organizational options-

1. Keep in house. Stays under control of the Board, administered by the staff.
2. Create a new Authority. This takes time, money, and the Authority would have control over what is done.
3. Partner with an existing Authority. Like the Nazareth Municipal Authority.
4. Create a Multi-Municipal Authority. Could be through the Nazareth COG.

Sean asked what the Boards thoughts were. Michael Rinker stated he felt that it should stay in house. Brian Sayago stated authority, keep it separate. Gary Asteak responded this would create another level and expenses. Would need a separate manager, solicitor, engineer, etc. Kristin Mullen asked is we could assess fees without having an authority. Sean Dooley responded that is going through legislation right now. Need to investigate where it stands.

Scott Sylvainus asked what will need to be done by whomever is in charge? Is it just a fee? Monitoring? Set up, costs, etc.? Sean Dooley responded we are currently doing what needs to be done but with no funding. The fees would cover this, regulatory compliance per the MS4 permit, BMP inspections, and ongoing project requirements- which change with permits. There are stormwater pipes that are over fifty years old. Need to look at long term replacement prior to mass failure. Need to cover those costs. Small project provisions to residents and infiltration. An Ordinance would be needed to implement.

Brian Sayago asked to go over the options again. Sean reviewed the four options again. Brian Sayago stated he would like to give to someone else, not sure who. Sean Dooley stated that ultimately it is the Municipalities responsibility to comply. Kristin Mullen stated she is concerned about community participation in an authority. Leaning to keeping in house. Robert Disbrow stated do we need another level of government. We have no control over an authority. Keep it in house. Lisa Klem stated an additional staff member would be needed to manage this once we move forward.

Sean Dooley stated funding also needs to be decided on. Taxation or fee. You can assess a fee on someone who does not pay taxes i.e., a school, etc. Robert Disbrow responded it is still a tax either way. Sean replied that there are ways to negotiate and a way to disburse the load.

The Board agreed to focus on keeping in house. This would include administration, public works, and the engineering firm. Scott Sylvainus asked about needed staff. Lisa Klem and Shawn Shupe responded an additional staff member will be needed whose primary role would

be MS4/ Stormwater. Gary Asteak stated discussion of needing open space administrator, recreation, etc. Those duties could be added too. Lisa Klem responded they would 25% administrative duties to start, going to 50 %. It would eventually be a full-time position once fees are assessed. Would need to decide who sends the bills.

Sean Dooley reviewed the cost-contributing factors. Using these we can figure out the actual cost burden. Brian Sayago asked who will figure out the position, full time or part time? Lisa Klem responded that is why the Boards guidance is needed so that we can put together what the position would entail and what would need to be done to accommodate that. Michael Rinker stated costs would be decided at budget time.

Sean Dooley stated the Board needs to decide on a funding structure, taxes or stormwater fee. Gary Asteak suggested the Board look at what other municipalities are already doing and what is working for them. PSATS should know if the legislation has passed. Brian Sayago asked how soon would this start? Sean responded that there is a lot to go through and figure out. ARP (American Rescue Plan) funds could be used. Lisa Klem replied the second ARP check is coming in June. The funds can be used to offset the general fund. We can set aside funds from that for MS4. There are possible grants from Northampton County. Sean added that this would give base funds to start with. A communication plan needs to be developed so that residents understand the burden it places on the Township.

Nathan Pritchard responded that several communities have a MOU with NCCD (Northampton County Conservation District) to educate the residents. Easton, Bethlehem, Allentown, and Bethlehem Township have fee schedules. Each has their own set up. Lisa Klem replied that with ARP funds and grants monies, fees may not need to start being assessed until 2024 or 2025. Gary Asteak asked how are the costs determine to set the fees? Sean Dooley replied that is a hard question since it is an unfunded mandate and DEP changes requirements as we go along. Robert Disbrow asked what we must do to meet the minimal requirements since they are always changing? Sean responded we will not have a clear understanding until the next round. We need to finish this permit cycle. Lisa Klem stated there are four projects in this cycle. The first project will cost approximately \$42,000.00 since we are doing this in house instead of the \$115,000.00 if it had been outsourced. The estimate for all four projects is \$830,000.00 but costs have risen so may be higher than estimated. The ARP funds can be used for this or various other needs. That is up to the Board to decide. Gary Asteak stated that DEP does not care how we pay for this. An ordinance is not needed for projects that need to be done.

Sean Dooley reviewed fee calculation methodology options. Allentown uses a formal credit program. Methods could be mixed. Could be case by case or across the board. Inspection plan options were reviewed. Sean recommended all inspections be done by the municipality. This guarantees compliance. Gary Asteak responded that small problems can turn into much larger problems.

Sean Dooley stated that enforcement policies and procedures would need to be established. Would be part of administrative requirements. Prior to any rollout the community needs to be informed. Education prior to anything being implemented is very important.

Workshop ended for the Board of Supervisors Meeting.

Respectfully Submitted,
Deanne Werkheiser
Recording Secretary

5/18/2022