

**LEBANON COUNTY STORMWATER CONSORTIUM  
MINUTES**

September 18, 2017  
10:00am

Community Room  
1220 Mifflin Street

The first meeting of the Governing Body of the Lebanon County Stormwater Consortium was held on Monday, September 18, 2017 at 10:00am in the Community Room at 1220 Mifflin Street, Lebanon, Pennsylvania.

There were present:

**Members:**

Nick Yingst, Annville Township  
Bryan Hoffman, Cleona Borough Authority  
Kerry Rohland, Cleona Borough Authority  
Jim Loser, South Lebanon Township

Robin Getz, City of Lebanon  
Thomas Long, North Cornwall Township  
Cheri Grumbine, North Lebanon Township  
Betsy Bowman, Redevelopment Authority

**Non-members:**

Roger C. Felty, Sr.  
Dan Cannistraci, Steckbeck Engineering

Scott Rights, Steckbeck Engineering  
Dan Lyons, Redevelopment Authority

1. *Roll Call.* Mr. Lyons called the meeting to order at 10:03am.
2. *Reception of public comment on PRP.* Mr. Lyons announced that in accordance with the ad published in the *Lebanon Daily News*, the Consortium will receive comments from the public on the joint Pollutant Reduction Plan. Mr. Lyons recognized Roger Felty, Sr., a member of the public from South Lebanon Township, and gave him the floor. A summary of his comments and their responses is attached.
3. *Discussion of tie-breaking mechanism.* Mr. Lyons explained the need for a tie-breaking mechanism to ensure the Governing Body can conduct business with an even number of voting members. After discussion, the consensus was that in the event of a tie vote, the Governing Body will break for private conversation before conducting a second roll-call vote with each voting member providing justification for his or her vote. If the vote is still tied, the motion will be tabled until the next Governing Body meeting and the members will go back to their Boards and discuss with them in the meantime. At the next Governing Body meeting, the motion will be brought to a vote and if tied, a coin toss will decide the outcome. Mr. Lyons will draft amendment language to incorporate this tie-breaking mechanism into the ICA.
4. *Nomination and election of Officers.* It being appropriate for the Governing Body to organize its offices, Ms. Bowman entertained nominations for Chairperson. Mr. Yingst nominated Robin Getz for the office of Chairperson. There being no objection from Ms. Getz and no competing nomination, Ms. Bowman called for a vote. The Governing Body

unanimously elected Robin Getz Chairperson. Ms. Bowman turned the meeting over to the newly-elected Chairperson. The remaining offices were filled by unanimous election as follows. Bryan Hoffman was elected Vice-Chairperson on a nomination by Mr. Loser, seconded by Mr. Yingst; Nick Yingst was elected Secretary on a nomination by Mr. Hoffman, seconded by Mr. Loser; Cheri Grumbine was elected Treasurer on a nomination by Ms. Getz, seconded by Mr. Hoffman; and Tom Long was elected Assistant Secretary/Treasurer on a nomination by Mr. Loser, seconded by Mr. Hoffman.

After discussion, it was agreed that the offices of the Governing Body are held by the Participants and not by the individuals previously named. For example, in the absence of a Participant's primary voting representative, the alternate voting representative will perform the duties of the office held by that Participant. Therefore, the officers are as follows: City of Lebanon, Chairperson; Cleona Borough Authority, Vice-Chairperson; Annville Township, Secretary; North Lebanon Township, Treasurer; North Cornwall Township, Assistant Secretary/Treasurer.

5. *Initial Contribution.* Mr. Lyons explained that according to the ICA, the Authority should be billing the Consortium members by the end of the month for the Initial Contribution. In order to prepare the invoice, the Governing Body must decide how the costs covered by the Initial Contribution will be shared by the Participants.

- a. *Approve cost sharing for SESI expenses.* Mr. Rights summarized the discussions to-date regarding how to distribute the engineering costs for preparation of the PRP.

Chairperson Getz entertained motions for the division of Steckbeck's PRP preparation costs. Ms. Grumbine moved that the costs be paid by assigning a base cost of \$7,500 to each Participant, with the balance being assigned according to the percentages agreed upon in the ICA; Ms. Getz seconded the motion. The motion failed by a vote of 2-4 with the City of Lebanon and North Lebanon Township voting in favor and the rest opposed.

Mr. Yingst moved that the costs be paid by assigning a base cost of \$5,000 to each Participant with the balance assigned according to the percentages agreed upon in the ICA; Mr. Loser seconded the motion. The motion carried by a vote of 4-2 with the City of Lebanon and North Lebanon Township opposed.

- b. *Approve cost sharing for RACL expenses.* Mr. Lyons reviewed the Authority's administration expenses for the period ending August 31, 2017. Upon a motion by Mr. Yingst, which was seconded by Ms. Getz, the Governing Body unanimously approved the full use of the ICA percentages to assign the RACL administration costs to the Participants.

6. *Legal Counsel.* Ms. Getz and Mr. Hoffman led a discussion on the need for an independent attorney well-versed in municipal law to provide legal counsel to the Governing Body, as well as for an engineer to provide technical assistance, design services, construction

management, and to attend meetings of the Governing Body. Mr. Loser clarified that while the engineer would be expected to attend all Governing Body meetings, the attorney would only be asked to attend as needed when issues arise.

Chairperson Getz requested a motion to authorize the Administrator to put out a Request for Proposals (RFP) for general legal representation and a Request for Qualifications (RFQ) for engineering services as discussed. Mr. Hoffman made the motion and Ms. Grumbine seconded it; it carried unanimously. It was clarified that the contract term for these services should run through the end of 2023.

7. *Reports.*

- a. *Conservation District grant funds.* Since Julie Cheyney from County Planning was unable to attend the meeting, this report was tabled.
- b. *PennDOT TA Set-aside application.* Mr. Rights informed the Governing Body that the TA Set-aside application that had been previously discussed is no longer being pursued. At a meeting with PennDOT, we learned that the Consortium's proposed activity does not actually meet the TA Set-aside program's eligibility requirements for stormwater projects as we originally thought, he reported. Further, including the Consortium's project with the Rails-to-Trails Set-aside application would weaken their application and hamper their chances of receiving funding. Therefore it was decided not to prepare an application for this funding. Mr. Cannistraci elaborated on why the Consortium's project fails to meet the eligibility requirements.

8. *Amendments to ICA.* Mr. Lyons reviewed the amendments that had been proposed to date with help and clarification from Mr. Rights. Mr. Lyons offered to draft language for the two additional amendments that were proposed today which would be to incorporate the tie-breaking procedures into the ICA and to clarify that the Governing Body offices are held by the Participants and not by the individuals.

9. *Website.* Mr. Lyons presented his research into the costs of establishing a website for the Consortium as opposed to simply adding a page to the Authority's existing website. Mr. Hoffman voiced his opinion that a stand-alone site would be better for marketing and outreach purposes and that we should adopt a mission statement and logo for the website. It was agreed that no action was necessary at this time.

10. *Other Business.* Mr. Yingst asked whether the Authority's administrative agreement and Steckbeck's agreement should be signed by the municipalities or the Governing Body. After discussion, it was agreed that the Governing Body should execute the agreements. Mr. Loser asserted that he was instructed by his solicitor to have his board of supervisors adopt these two agreements.

Mr. Hoffman moved to approve the Redevelopment Authority's administrative agreement with the Consortium. Mr. Yingst seconded the motion and it carried unanimously.

Mr. Yingst asked whether there would be an effort to have all parties to the ICA sign on the same pages as opposed to each municipality signing separate sets of signature pages. Mr. Rights indicated he believes DEP will accept the signatures on separate pages as he has them now. Regardless, Mr. Lyons agreed to courier a set of signature pages around to the municipalities so each Participant can have a complete set of original signatures in one place.

Mr. Rights summarized his dialogue with the solicitor group concerning changes to his agreement with the Consortium. Namely, the solicitors agreed to accept Steckbeck's existing \$1,000,000 limited liability insurance policy.

11. *Adjournment.* Chairperson Getz adjourned the meeting at 12:05pm upon a motion by Mr. Yingst.

Respectfully submitted,  
Nick Yingst, Secretary