

**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

**LEBANON COUNTY STORMWATER CONSORTIUM  
MINUTES**

October 16, 2017  
10:00am

Community Room  
Stevens Towers

A regular meeting of the Governing Body of the Lebanon County Stormwater Consortium was held on Monday, October 16, 2017 at 10:00am in the Community Room at Stevens Towers, 10<sup>th</sup> & Willow Streets, Lebanon, Pennsylvania.

There were present:

**Members:**

Nick Yingst, Annville Township  
Bryan Hoffman, Cleona Borough Authority  
Tom Embich, Annville Township  
Jim Loser, South Lebanon Township  
Dick Miller, North Lebanon Township

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

**Non-members:**

Scott Rights, Steckbeck Engineering  
Dan Cannistraci, Steckbeck Engineering

Dan Lyons, Redevelopment Authority

1. *Roll Call.* Chairperson Getz called the meeting to order at 10:07am and conducted roll call.
2. *Approve Minutes of the September 18, 2017 Meeting.* Chairperson Getz canvassed the Governing Body for corrections or revisions to the minutes of the September 18<sup>th</sup> meeting. There being none, she entertained a motion for the approval of these minutes. Upon a motion by Mr. Yingst, which was seconded by Mr. Hoffman, the Governing Body unanimously approved the minutes of the September 18, 2017 meeting as presented.
3. *Reports.*
  - a. *Lebanon County Clean Water Alliance (LCCWA) National Fish & Wildlife Foundation (NFWF) Grant.* Mrs. Cheyney updated the Governing Body on the status of the Clean Water Alliance's NFWF grant. The Alliance received an extension on the grant to August 31, 2018. The ladies from the University of Maryland will be attending our next meeting via telephone to discuss using some of the funding to explore financial components of long-term operation and maintenance of Best Management Practice (BMP) projects.

Ms. Bowman reported that representatives from Fulton Bank will also be attending our next meeting and are being given a priority position on the agenda.
  - b. *Update on professional services procurement.* Mr. Lyons asked the Governing Body if they would like to advertise the Request for Proposals

(RFP) for legal services and Request for Qualifications (RFQ) for engineering in the newspaper despite not being required to do so. After some discussion, Mr. Miller made a motion, which was seconded by Mr. Hoffman, to advertise the RFP for legal services in the Bar Journal and Lebanon Daily News and to advertise the RFQ in the Lebanon Daily News. The motion carried unanimously.

Mr. Lyons opened a discussion on who should participate in the ranking of proposals received as part of this procurement effort. After consideration, it was agreed that the Administrator will draft the scoring criteria to be reviewed by the Governing Body. When proposals come in, the Administrator will do an initial ranking and then provide the top three proposals to the Governing Body for further review and ultimate selection.

As a point of clarification concerning the RFQ for engineering services, it was discussed and ultimately agreed that the Consortium will procure essentially a consulting engineer to be retained for the entirety of the permit period, and later establish a roster of qualified engineers for design and contract work on a BMP-specific basis.

4. *Approve Steckbeck Engineering & Surveying, Inc. (SESI) agreement for preparation of Pollutant Reduction Plan (PRP).* Mr. Lyons noted that the Governing Body had not officially approved the finalized agreement with SESI for preparation of the PRP at our September meeting and that it was appropriate to do so now.

Upon a motion by Mr. Miller and seconded by Mr. Hoffman, the Governing Body unanimously approved the agreement with SESI for the preparation of the PRP.

5. *Bills to be Paid.* Chairperson Getz requested that a list of bills to be approved at future meetings be included with the agenda when circulated in advance of the meeting.

Mr. Lyons presented a Redevelopment Authority bill for administration of the Consortium through August 31, 2017, which costs were included as an exhibit to the administrative agreement approved at the September meeting. Mr. Miller moved to pay the Redevelopment Authority bill. His motion was seconded by Mr. Loser and carried unanimously.

Mr. Rights reported that the SESI bill would be prepared in advance of the November meeting and included on the Bills to be Paid list for that meeting.

There was discussion regarding the approval process for Consortium bills. It was agreed that the Treasurer will approve bills by e-mail as frequently as weekly to allow for timely payment of vendors, and then recommend ratification of payment to the Governing Body at monthly meetings.

6. *Amendments to Intergovernmental Cooperation Agreement (ICA)*. Mr. Lyons reviewed the amendments proposed to date and opened a discussion on adopting a schedule of graduated payments for Annual Contributions.

After consideration, upon a motion by Mr. Miller which was seconded by Mr. Embich, the Governing Body unanimously agreed to collect 5% of the five-year total contribution in year one, with the rest of the graduated schedule to be set out at a later date.

Mr. Miller requested the Administrator prepare a re-formatting of the ICA amendments that illustrates a side-by-side comparison of the ICA language pre- and post-amendment.

7. *Other Business.*

- a. *Request for billing addresses.* Mr. Lyons asked the Participants to provide their preferred billing address for the collection of future contributions.
- b. *Website.* Mr. Lyons re-opened the topic of establishing a website for the Consortium to make available the minutes and other information for public consumption. At the suggestion of Mr. Hoffman, Mr. Lyons indicated he would work with the Authority's Chief Information Officer to establish a page on the Authority's website specific to the Consortium. Until that webpage is set up, minutes and related documents will be available right on the Authority's website.
- c. *Investment options.* Mr. Embich suggested that the Governing Body explore the investment options available to the Consortium given the large sums of money that will be sitting in the account as contributions are collected and prior to undertaking of costly BMPs. Mr. Lyons suggested raising the topic with the Authority's Chief Financial Officer at our next meeting.

8. *Adjournment.* Chairperson Getz adjourned the meeting at 11:13pm upon a motion by Mr. Miller.

Respectfully submitted,  
Tom Embich, Secretary

## LEBANON COUNTY STORMWATER CONSORTIUM MINUTES

November 20, 2017  
10:00am

Community Room  
Stevens Towers

A regular meeting of the Governing Body of the Lebanon County Stormwater Consortium was held on Monday, November 20, 2017 at 10:00am in the Community Room at Stevens Towers, 10<sup>th</sup> & Willow Streets, Lebanon, Pennsylvania.

There were present:

**Members:**

Nick Yingst, Annville Township  
Bryan Hoffman, Cleona Borough Authority  
Tom Embich, Annville Township  
Jamie Yiengst, South Lebanon Township  
Dick Miller, North Lebanon Township

Robin Getz, City of Lebanon  
Mike Wahmann, North Cornwall Township  
Cheri Grumbine, North Lebanon Township  
Betsy Bowman, Redevelopment Authority  
Julie Cheyney, Lebanon County Planning

**Non-members:**

Scott Rights, Steckbeck Engineering  
Dan Cannistraci, Steckbeck Engineering  
Kris Troup, North Londonderry Township  
Rebecca Witherite, Fulton Bank  
Naomi Young, Environmental Finance Center

Dan Lyons, Redevelopment Authority  
Karen Raugh, Redevelopment Authority  
Kristen Watts, Fulton Bank  
Jen Cotting, Environmental Finance Center

1. *Roll Call.* Chairperson Getz called the meeting to order at 10:03am and conducted roll call.
2. *Hearing of Visitors.*
  - a. *Fulton Bank.* Ms. Bowman introduced Rebecca Witherite and Kristen Watts of Fulton Bank. Upon request, Mr. Lyons provided an overview of the formation of the Consortium and the group's activity to date. Ms. Witherite and Ms. Watts engaged the Governing Body in conversation about the current and anticipated needs of the Consortium and its members with regard to financing, investing, and fee collection services. Mr. Lyons was instructed to arrange a meeting with Fulton's investment representatives after the Consortium procures and engages its legal counsel.
  - b. *University of Maryland Environmental Finance Center.* Mrs. Cheyney introduced Jen Cotting and Naomi Young with the Environmental Finance Center at the University of Maryland. Ms. Cotting and Ms. Young summarized their involvement to-date with the Lebanon County Clean Water Alliance (LCCWA) and a technical assistance grant from the National Fish & Wildlife Foundation (NFWF). An extensive dialogue with the Governing Body ensued and is summarized as follows. The NFWF funding cannot be used to pay for the operation and maintenance (O&M) of Best Management

Practice (BMP) projects, nor for the design of BMPs. The funding pays for technical assistance provided by the Environmental Finance Center. As economists, Ms. Cotting and Ms. Young can lend their expertise in re-evaluating the Consortium's challenges from a financial sustainability and risk management perspective. They can explore opportunities to leverage the Consortium funds and stretch the dollars to go further, especially with regard to O&M. They can offer an alternate prioritization of BMP projects, based not solely on the "biggest bang for the buck" with installation, but rather on possible scaling of construction contracts and local capacity for O&M.

Ms. Cotting and Ms. Young will review the Consortium's Pollutant Reduction Plan and propose a financial and risk management strategy. They will also engage via one-on-one calls the members who are conducting fee studies in their municipalities.

3. *Approve Minutes of the October 16, 2017 Meeting.* Chairperson Getz canvassed the Governing Body for corrections or revisions to the minutes of the October 16<sup>th</sup> meeting. There being none, she entertained a motion for the approval of these minutes. Upon a motion by Mr. Miller, which was seconded by Mr. Wahmann, the Governing Body unanimously approved the minutes of the October 16, 2017 meeting as presented.
4. *Financial Report.*
  - a. *Approve Bills to be paid.* Mr. Lyons presented the bills to be paid, comprised of three Steckbeck Engineering & Surveying, Inc. (SESI) invoices for the preparation of the Pollutant Reduction Plan and for exploratory work on a PennDOT TA Set-aside application, totaling \$68,213.99.

Upon a motion by Mr. Miller, which was seconded by Mr. Hoffman, the Governing Body unanimously approved the bills to be paid as presented.

5. *Business.*
  - a. *Update on professional services procurement.* Mr. Lyons reviewed the Request for Proposals (RFP) he drafted for the procurement of legal counsel. Mr. Lyons' decision to omit quantitative scoring criteria drew objection from Mr. Miller. After some discussion, there was consensus that proposals could be effectively evaluated without numeric scoring criteria.  
  
Upon a motion by Mr. Miller, which was seconded by Mr. Embich, the Governing Body unanimously approved the draft RFP for legal counsel as presented.
  - b. *Annual Contribution #1 due February 28, 2018.* Mr. Lyons reported that the Authority has invoiced the members for the first Annual Contribution and reminded the members of the February 28, 2018 due date.

- c. *Amendments to Intergovernmental Cooperation Agreement (ICA)*. Mr. Yingst reported that Annville Township approved the amendments to the ICA at its meeting earlier in the month.
- d. *Update on website*. Mr. Lyons reported that the Authority's CIO had been tasked with creating a page on the Authority website for the Consortium. Upon a question by Mr. Embich, Mr. Hoffman said there would be no cost to the Consortium for the hosting of the website. Mr. Lyons added that there would be a cost to the Consortium for the CIO's time spent setting up the page and that the cost would be included in the Administrator's billings.
- e. *Establish 2018 meeting dates and location*. After discussion, it was agreed to move the location of the Governing Body meetings for 2018 to the Housing Authority's 1220 Mifflin Street property and to move the date of the meetings to the third Tuesday of every month at 10am.
- f. *Other Business*. There was none.

6. *Adjournment*. Chairperson Getz adjourned the meeting at 11:50am upon a motion by Mr. Miller.

Respectfully submitted,  
Tom Embich, Secretary

**LEBANON COUNTY STORMWATER CONSORTIUM  
MINUTES**

December 18, 2017  
10:00am

Community Room  
Stevens Towers

A regular meeting of the Governing Body of the Lebanon County Stormwater Consortium was held on Monday, December 18, 2017 at 10:00am in the Community Room at Stevens Towers, 10<sup>th</sup> & Willow Streets, Lebanon, Pennsylvania.

There were present:

**Members:**

Nick Yingst, Annville Township  
Bryan Hoffman, Cleona Borough Authority  
Tom Embich, Annville Township  
Jamie Yiengst, South Lebanon Township  
Tom Long, North Cornwall Township

Robin Getz, City of Lebanon  
Sherry Capello, City of Lebanon  
Cheri Grumbine, North Lebanon Township  
Betsy Bowman, Redevelopment Authority

**Non-members:**

Scott Rights, Steckbeck Engineering  
Dan Cannistraci, Steckbeck Engineering  
Ed Brensinger, North Lebanon Township

Dan Lyons, Redevelopment Authority  
Steve Sherk, Steckbeck Engineering

1. *Roll Call.* Chairperson Getz called the meeting to order at 10:00am and conducted roll call.
2. *Approve Minutes of the November 20, 2017 Meeting.* Chairperson Getz canvassed the Governing Body for corrections or revisions to the minutes of the November 20<sup>th</sup> meeting. Mr. Embich clarified that, although not captured in the minutes, the agency he referenced last month as a funder of stormwater management projects, Canaan Valley Institute, may not have ceased to exist entirely but rather has scaled back its operation out of Pennsylvania to West Virginia. Acknowledging Mr. Embich's clarification, Chairperson Getz entertained a motion for the approval of the minutes. Upon a motion by Mr. Embich, which was seconded by Mr. Hoffman, the Governing Body unanimously approved the minutes of the November 20, 2017 meeting as presented.
3. *Financial Report.* Mr. Lyons reviewed the monthly cash flow statement noting that all Initial Contributions were received and the bills approved last month were paid out leaving approximately thirty thousand dollars in the account.
  - a. *Approve Bill to be paid.* Mr. Lyons presented the bill to be paid from the Lebanon County Bar Association for the publication of the RFP for legal counsel in the Association's legal journal at a cost of \$86.70.

Upon a motion by Mr. Hoffman, which was seconded by Ms. Grumbine, the Governing Body unanimously approved the bills to be paid as presented.

4. *Business.*

- a. *Update on professional services procurement.* Mr. Lyons informed the Governing Body that five proposals were received in response to the RFP for legal counsel. As instructed, he and Ms. Bowman reviewed the five proposals and eliminated two from contention, providing the remaining three to the Governing Body for review. The Governing Body will discuss the proposals and aim to take action in January.

Mr. Lyons requested feedback on the draft Request for Qualifications (RFQ) for consulting engineer. Mr. Hoffman noted the importance of requesting an electronic version of the statement of qualifications from all submitters. Ms. Grumbine suggested adding the time of the Governing Body regular meetings to the background information section so submitters can better anticipate their potential obligations. Mr. Lyons agreed to make the change requested by Ms. Grumbine and asked for permission to advertise the RFQ once that change is made.

Upon a motion by Ms. Grumbine, which was seconded by Mr. Hoffman, the Governing Body unanimously approved the publication of the RFQ for consulting engineer with the incorporation of Ms. Grumbine's change.

- b. *Discussion of stormwater fees.* Chairperson Getz presided over a discussion of the Governing Body concerning the following details of the assessment and collection of a fee to cover stormwater management expenses: residential vs. non-residential assessments, fairness with respect to farmers with high impervious areas but low lot-coverage ratios, high assessments on struggling commercial properties, County's classification of stoned parking lots as impervious, frequency of billing, billing in-house or contracting with a collection company, and how to handle crediting and assessment appeals. Members shared their respective municipality's take on the preceding issues to aid each other in making decisions regarding stormwater fees.
- c. *Other Business.* There was none.

5. *Adjournment.* Chairperson Getz adjourned the meeting at 11:07am upon a motion by Mr. Hoffman, seconded by Mr. Long.

Respectfully submitted,  
Tom Embich, Secretary