

Clarion Borough Stormwater Authority Minutes of October 10, 2019

Present were Chairman Jason Noto, Vice President Ben Aaron, Secretary Tom DiStefano and Board Member Bill Miller. Also in attendance were Borough Projects Coordinator Todd Colosimo, Authority assistant Jessica Schwabenbauer, and Borough Secretary Linda LaVan-Preston.

Mr. Noto called the meeting to order at 5:30 p.m. Mr. Miller moved to approve the minutes of the Aug. 8, 2019, meeting, Mr. Aaron seconded and all were in favor.

Mr. Colosimo said around a dozen appeals have been communicated to the office. Mrs. Schwabenbauer said some landowners are claiming that impervious area (IA) is actually grass; Mr. Colosimo said appeals are easy and the form can be filled out in the office. Mrs. Schwabenbauer said one commercial landowner is objecting to paying the stormwater fee; other landowners don't understand how IA contributes to stormwater flows. Mr. Colosimo said there has not been a lot of negativity so far.

Mr. Colosimo said HRG Engineering wants to meet about future projects and planning, and it may affect next year's budget. He said he would set up a teleconference for the following week. Mr. Noto and Mr. Miller said they would attend.

Mr. Noto said a report from HRG indicated that public sidewalks are counted as a landowner's IA if they are included within the parcel boundaries.

Mr. Aaron noted that the information needed from HRG is not addressed in the report, since the question is whether HRG has the right boundaries. He said the street right-of-way is public property and not part of a private landowners property, and private lot lines are adjacent to the street right of-way.

Mr. DiStefano suggested the matter be referred to the Authority's attorney, or one familiar with real estate law. Mr. Noto said the Authority should ask its solicitor if other municipalities had faced the issue, and whether the parcel boundary or the street right of way boundary should be used. Mr. Colosimo said the county assessor could shed light on the matter. Mr. Aaron said the borough and not the county is the government entity that matters.

After more discussion, Mr. Miller noted that excluding public sidewalks would reduce the Authority's revenue and could mean a rate increase; Mr. Aaron said the Authority should extend its timeline for projects rather than increase rates. Mr. Noto moved to contact the Authority's solicitor for an opinion on the matter. Mr. Miller seconded. All were in favor.

Mrs. Schwabenbauer said property owners asked if decks were considered IA, since water could drain through the gaps between boards. Mr. Noto said IA includes decks, gravel driveways and other driving surface features. Mr. Aaron noted that the base of driveways are compacted stone which water cannot penetrate well. The board determined that playground mulch would be considered pervious, as it is designed to absorb water into the ground.

The board discussed ways to measure amounts of IA involved in an appeal and what kinds of evidence would be acceptable. Many basic measurements and determinations can be made by the

landowner and the Authority by using measuring tools and referring to aerial photos. Professional surveyors would be prohibitively expensive for property owners, but if they appealed to a court of law beyond the Authority, the court would require a report from a licensed surveyor.

The board discussed the issue of properties changing hands and whether bills should apply to the pervious quarter or the current quarter. Mr. Colosimo recommended billing forward (at the beginning of the current quarter). This would be the most up-to-date with ownership records from the county. Mr. Noto moved to conduct billing forward, Mr. Miller seconded and all were in favor.

Mr. Colosimo said the GIS implementation is moving slowly and he has been in contact with HRG over the matter. Mr. Noto suggested telling HRG that the Authority board is becoming impatient.

Mr. Colosimo said he would meet soon with the billing software vendor. Mrs. LaVan-Preston said it would help if the sidewalk question was answered before the billing software was finalized. There was a discussion of the communication with the solicitor and the need for a second public meeting in October.

The board approved Mr. Colosimo as the third-party designee for applying for an EIN from the IRS on a motion from Mr. Noto and a second by Mr. DiStefano with all in favor.

Mr. Colosimo said Jim Campbell is developing a proposal for insurance and officer bonding.

The board discussed a proposed agreement with HRG for additional engineering services. Mr. Noto said it looked good and Mr. Colosimo said he liked the non-retainer and the request-driven provisions.

Mr. Colosimo said the Center Place project is done and the ditch lining went very well. He said restoration of the disturbed area in Clarion Township is underway, but he has some questions about the amount of top soil placed.

Mrs. LaVan-Preston discussed the schedule of meetings regarding the 2020 budget. Mr. Colosimo discussed the relationship between the Borough and the authority regarding budget approval.

Mr. DiStefano suggested providing the public with information about the Authority's decisions affecting the public such as the sidewalk issue and billing schedule. The board held more discussion about sidewalks. Mr. DiStefano asked if the Authority should announce when bills would be sent. The consensus was that more answers were needed before an announcement.

Mr. Colosimo praised Mrs. Schwabenbauer for her work on property and address records.

Mr. Aaron moved to adjourn at 6:55 p.m, Mr. Miller seconded and all were in favor.

Attest:

Date:

Tom DiStefano, Authority Secretary