

The Penbrook Borough Authority

MINUTES: WEDNESDAY, June 21, 2023 6:30 PM

- I. Welcome /Call to Order/Attendance
Hogarth X, Shaw X, Smith X, Bargo X-ON THE PHONE, Stokes X, Dry X, Kern X
- II. Pledge of Allegiance & Moment of Silence - **OBSERVED**
- III. Public Comments: **4 audience in attendance, all held comments until later in the meeting.**
1- Public Works Representative - Mark
2- Property owner – Tara Brown – talk about late fines.
3- Ross Stafford and Kevin Zielinski – Golden Equipment – street sweeper sales representatives
- IV. Secretary's Report: **Prepared by Glynis Smith**
a. Minutes from the May 17, 2023, meeting for approval of minutes with suggested edits by the Solicitor:
Motion made by: Stokes 2nd by: Shaw Vote passed: YES 4 Smith, Dry, Stokes, Shaw / 1 abstained - Bargo.
- V. Treasurer's Report: **Presented by Nate Shaw**
a. Stormwater Management balance, check detail, & profit and loss reports for May 2023:
Motion made by: Stokes 2nd by: Smith Vote passed: YES 5/0
- VI. Manager's Report: **Presented by Joe Hogarth**
a. Authority email activity.
Joe shared the information currently known about the Rain Barrell project and said he would keep us informed as more details become available. The SWA asked a few questions and talked about possible training for the education piece and where and when we might be able to present and distribute. Joe reiterated that we need more information to answer and prepare for this event and when it is available, he will share with the Authority.
b. Other reports/comments.
Joe shared information regarding the contract between the Borough and Keystone. He explained it will become effective 6-26-23.
- VII. Solicitor's Report/Comments: **Presented by Solicitor, Beth Kerns from CGA Law**
a. Update on unpaid storm water fees and liens
The Solicitor provided an update on the status of the unpaid storm water fees and liens as well as the collection process. In the last month 55 collection letters sent out by CGA and there was 35 separate 2017-2021 delinquent fees paid. There are still 535 unpaid separate delinquent fees and 123 unpaid existing liens remaining.
The Solicitor provided updates and information on problematic accounts that need to be addressed individually, discussion and action was as follows:

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- 1- The Solicitor presented the information CGA was able to gather in the matter of 320 S. 29th Street and the 2017, 2018 and 2019 late SWA fees since last discussed at May SWA meeting. The current property owner did in fact pay the amount in full from the collection letter to stop further action. However, she disputes having prior knowledge of these bills and asked SWA to review the account. After the Solicitor looked into the matter there has been much information discovered, and now shared with the Authority. There was enough proof to have the SWA make the following motion in this matter.

Motion was made to refund the 187.09 in legal fees that has been paid for 320 S.29th Street, Harrisburg, PA 17103, Due to proof of non-paid bills.

Made by: __Stokes__ 2nd by: __Shaw__ Vote passed : YES 5/0

- 2- The next property 3102 Hoffer Street, for 2018, 2019, 2020 Delinquent Stormwater Fees. Because of some information discovered about this account there needs to be a bit more investigation into the matter by CGA. Nate asked how many more of these kinds of problematic accounts there were, and the Solicitor explained the following. All 2019 files have been touched, no letter was sent for this account because of conflicting or inconclusive information around prior payments. This account has been put on hold for further review during the July SWA meeting.
- 3- The last problematic account tonight is the property of 2639 Booser Street, for 2017, 2018 and 2019 Delinquent Stormwater Fees. This property was previously discussed with the Authority and because of the findings the Solicitor is recommending the following action. Based on the fact that the check cleared the account of the other party, even though SWA have not received the funds, we cannot fairly collect on these fee years.

Motion was to consider 2639 Booser Street, Harrisburg, PA 17103, paid in full based on the proof of the check being cashed.

Made by __Stokes__ 2nd by: __Dry__ Vote passed: YES 5/0

- b. Other reports/comments.
 - **Solicitor reported questions / calls coming in about the delinquent letters and property owners having questions about the late fees associated with the late payments with their Stormwater Fees. As a result of the questions and concerns the Solicitor has experienced, she has shared the concern with the Authority and after some conversation at the SWA meeting, together they have decided it would be a helpful to do a new education piece for the website, Facebook and a future newsletter to help the property owners understand the Fees. It will hopefully help everyone to understand the importance of paying their Stormwater fees in a timely manner because of the fees associated with paying late. Additionally, there were some discussion/questions that came up about a delay in late fees notices coming out and posting some of the response information on our website to educate/inform the Borough residents about some of the reasons this is just now happening. It was talked about how the change in solicitors was one factor as well as the SWA choosing not to send the delinquent bills and further stress the residents in a time of uncertainty with COVID-19 and people not working.**

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VIII. Old Business:

- a. Consideration of a Tymco 435 Street Sweeper. –
 - *Estimated purchase cost for consideration is \$215,000.00.
 - *Consideration of annual maintenance/service cost.
 - *Consideration of labor cost for use approximately 8 hours /week.
 - *Consideration of fuel cost.

- Company sales Representatives Ross & Kevin available for questions. The Authority asked a lot of questions, the following has been discovered for consideration of the purchase. The SWA will look at the information and decide at a later date.

Maintenance – some items are yearly replacement cost, and some are per use hours to estimate cost.

- o The CURTAIN to be replaced by the company and clean appropriately. (Cost would be based on an 8hr job at 180.00 per/hr. plus parts, Representative stated about 2500.00 total cost if sent out. However, they did offer they could train our public works staff and they could do this replacement for approximately 500.00 plus labor/man hours and a fraction of the cost.)
- o GUTTER BROOMS are another item that would need to be replaced on a regular basis. They are around 200.00 per broom and would likely need replacing more often at first until the streets are in better condition. The “set weight” matters to the wear and tear of the parts and the frequency of replacement. (could be around 200.00 per/mo. X 9 mos.= \$1800.00)
- o This purchase comes with different warranty time lengths. The truck has a 3yr warranty, the motor for the sweeper has a 2yr warranty and overall, non-wearable parts, a 1 yr warranty.
- o In addition to street sweeping, it was discussed what else the sweeper can assist the public works department with. Such as, there is a smaller vacuum hose to attach to the hopper to help with the maintenance of the storm drains and outfalls in the Borough.
- o Other possible uses were discussed and are thoughts going forward for consideration if this sweeper is purchased. All in it looks to cost around 220,000. 00 for everything to start.
- o There is also additional cost associated with fuel, insurance, labor / man hours to operate and training time and time and cost to remove the debris collected.
- o There was discussion on what the savings and benefits of our Borough owning our own equipment vs having to lease or rent from the company. Any further questions and concerns can be brought up at a future SWA meeting.

b. 2023/2024 Budget

3-19-23 discussion:

***Draft worksheet sent with packet for discussion.**

- Joe pointed out a few places to make adjustments to next years budget. 35k to 40k for legal fees etc.

-went over the Growing Greener Grant

-Discussed pay increases/ Incomes, taxes and a variety of similar items to follow into the new budget.

-Discussed a new street sweeper/vacuum for streets and Basins.

-Joe asked about the court cost vs delinquent fees line items 301.120 and 404.410 (The Solicitor and Joe had a discussion for the SWA to understand how this should balance out.)

-Everyone was asked if there were other questions or needed further review.

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- *Nate Shaw presented a proposal to reduce the Stormwater Fees for the upcoming year. He offered he would like to see the fee go from \$0.0325 per sq ft down to \$0.024 per sq ft. He prepared a sample of what/how the reduction would impact the property owners and the Fees they pay. On average a savings of approximately \$21.25 to \$63.75 would be experienced. The SWA talked about the reduction and asked questions about how and when we would do something like this and what we would need to do to make this happen.*
- *Joe responded to the questions and Nate's proposal by telling the Authority the following information. The fees have already been submitted to Keystone Collections for this coming fee year as they were due to Keystone 30 days prior to the billing in July, this due date was June 15 2023. Any changes made now would affect the date with which Keystone could bill for the next Stormwater Fees bills. There was additional discussion regarding the annual timing of reporting any rate changes to Keystone for billing purposes. The SWA got a clear understanding that in order to make the reduction for the next budget year the Authority will need to vote on the information for any reduction prior to the budget vote and prior to June 15th of any fee year to make further changes necessary.*

Motion to approve the 2023-2024 budget as presented.

Made by: __Dry__ 2nd: __Stokes__ vote passed: YES-4 Bargo, Smith, Dry, Stokes / NO-1 Shaw

IX. New Business:

a. Education:

***Approved edited minutes** from the May 2023 Stormwater Authority meeting to be posted.

***Rain Barrel Workshop with Dauphin County Conservation District**

– Joe stated there is not a lot of information yet but will provide it when it is known.

- Community Day is September 16, 2023, at Community Park from 3pm – 6pm Ben asked if there could be a representative or two be there to man a table and talk to the community about Stormwater and the projects as well as the new Rain Barrels, if they are here by then.

***Public Works report/update. – Presented by Mark**

- Last month State and Franklin Outfalls were completed. They made a stone pathway to better access the outfall. This was completed with stone the borough already had so there was no additional materials cost.

c. Engineer's report:

***Basin Maintenance Requirements**

Rettew – June 15th maintenance information.

– grass collection- new bagger see item IX. f. – already in the budget no need to vote.

-question about the life expectancy of the Basin as well as whatever the maintenance should be. – Rettew responded with a prewritten schedule/report for our public works personnel to follow. It was stated at the meeting that some of this information is still a bit vague and we may not really know what the time or costs involved will be until we take care of the basin for a while (year or so) and see what happens. It will however depend on the quality of care it receives and how well we stick to the recommendations provided by Rettew.

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- d. Landowner Agreement for Basin:
- **This document has already been signed. Blain is informing the Authority.**
- e. Amendment to Keystone Agreement:
- **This document has already been signed. Blain is informing the Authority.**
- f. Bagger for Grass Clippings:
- **already in the budget – no need to vote.**

X. Public Comments:

- **Mark - Representative from Public works made his report and offered information toward the purchase consideration of the street sweeper. As well as follow-up to any questions within the public works department throughout the meeting as needed.**

- **Ross Stafford and Kevin Zielinski presented the information and followed up the question and answers for the street sweeper to learn about so SWA can make an informed decision whether to purchase the street sweeper.**

- **Property owner Tara Brown brought a concern to the SWA about the costs of the 2019-20 Stormwater fees and legal fees associated with them she received in a collection letter from CGA Law. Ms. Brown spoke with her PA State representative's office and was redirected back to the Authority for a conversation with us. Ms. Brown stated a hardship for her family because of illness. She then stated she did not ever get the Stormwater bill for 2019- 20. She also stated she has paid every year since. She stated she has no problem paying the fee of 163.80. However, she feels the 244.18 dollars in additional legal fees and costs would be a hardship. The Solicitor explained the process that is gone through and the steps taken to get to a property owner before it gets to this point of collections, hence the additional legal fees and costs per the SWA Fee Resolution.**

The Solicitors' office has offered a payment plan in accordance with the SWA Resolution. When there is a need to the Solicitor can add additional months and show flexibility to a property owner in this situation. After much discussion Ms. Brown stated she can pay the 163.80 and she was instructed by the Solicitor to call the office to set up a payment plan for the remaining \$244.18. She stated again she did not think she could pay that much money and felt like it was a lot, and we should inform people of this so they know how much these legal fees / costs are so they will pay the bill.

It was noted by the Solicitor in her written report, she was going to make that suggestion to the SWA tonight based on the calls and questions she has been getting at the office. This has been noted in VII. B. We all thanked Ms. Brown for coming and if there was anything else we could do for her. She then offered a problem with flooding on her street (Banks, 29th and 30th Streets) when fast/large amounts of rain falls. She was asking if a storm Drain can be added to that part of the street to help manage the water. Mark was asked to look into the matter, and we thanked her for bringing it to our attention.

XI. Next Meeting: Wednesday, July 19, 2023 @ 6:30 pm – Community Building

XII. Adjourn:

Motion made by: **Shaw** 2nd by: **Dry** Vote passed: **YES 5/0**

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