



BOROUGH COUNCIL SUB-COMMITTEE MEETING MINUTES

COMMITTEE NAME: **MS4 - Storm Sewer Program**

PLACE OF MEETING: **121 S. Walnut Street (Council Chambers)**

DATE OF MEETING: **July 1, 2024** TIME OF MEETING: **5:00 PM**

ATTENDEE/CHAIRPERSON:

Manny Mirabito

ATTENDEE #2:

Frank Hesch

ATTENDEE #3:

Lauren Bullsnake

ATTENDEE #4:

Sam Angst

ATTENDEE #5:

**Brad Flynn, Borough
Manager**

ATTENDEE #6:

**Ron Madison,
Borough Engineer**

ALL OTHER ATTENDEE(S):

**Lee Stinnett, Esq. Lilah Goldfarb, Mayor Mirabito,
Jim Lisiecki, and Michael Long**

EXCUSED OR ABSENT:

MEETING MINUTES PREPARED BY: **Brad Flynn**

MINUTES STATUS: **APPROVED/FINAL**

MEETING MINUTES:

MS4 PROGRAM PLANNING, DEVELOPMENT & IMPLEMENTATION

- Approval of Minutes of June 24th and May 21st made by Lauren, seconded by Angst, all eyes, motion carries.

- Continue discussion of Bath's MS4 Program & Outlining Goal; Colliers Engineering & Design MS4 Program Development; Debriefing & Discussion of the June 24, 2024, Town Hall Meeting. The committee briefly discussed these issues.

- Chair Mirabito provided the committee with a brief background of information: stating Bath's Pollution Reduction Plan was first drafted by the Borough's former Engineering firm Keystone Consulting on April 16, 2018. The PRP was revised February 19, 2021, and again on July 22, 2022. The PA DEP approved Bath's PRP on January 1, 2023. Chair Mirabito stated the PRP includes initial sediment loading calculations, prepared by Keystone Consulting, using standard guidance from PA DEP, in the amount of 354,423.29 lbs. per year. Bath was required to lower this assumed sediment loading by 10% or 35,442.33 lbs. per year. In order to lower the assumed sediment by 10%, Bath is required to complete 3 Best Management Practices or BMPs. The first BMP is a retrofit of a retention pond at Rehrig Park, Holiday Hill. It's expected, after the work is completed, the retrofit will reduce sediment loading by 18,492.11 lbs. per year. The second BMP is located in the Holiday Hill subdivision off Spy Glass Hill Rd, expected to reduce sediment loading by 8,213.49 lbs. per year. The third BMP is located on George Wolf Elementary School property where a rain garden must be built. The rain garden is expected to reduce sediment by 4,068.85 lbs. per year. These projects only amount to 30,774.45 lbs. per year in sediment reduction. The Borough plans to continue street sweeping efforts, expected to reduce sediment loading by another 4,912.33 lbs. per year. In total, Bath should exceed its targeted sediment reduction to 35,686.78 lbs. per year.

- Chair Mirabito asked attorney Lee Stinnett on next steps. Stinnett provided the committee a review of approving a storm water authority, finalizing the utility fee, publicly advertising the authority, establishing articles of incorporation. The process of establishing the storm water authority could take another 3 months.

- Member Hesch asked if the PRP was done by Keystone Engineering in what year? Mirabito explained the plan was first drafted in 2018. Member Hesch also asked when Colliers Engineering & Design was appointed by the Borough. Engineer Madison explained the PRP was approved by DEP in December of 2022, with the PRP becoming effective January 1, 2023. Colliers Engineering & Design was appointed in October of 2021, but the projects that were near completion in the PRP were to be completed by the Borough's former Engineering Firm, Keystone Consulting.

- Member Hesch asked Engineer Madison, is Collier Engineering & Design is 'fine' with Keystone Engineering's assessment of the PRP that was permitted by the state? Engineer Madison clarified that Collier's Engineering & Design was never asked to review Keystone Consulting Engineer's PRP work. DEP reviewed the PRP over several years and finally approved the plan as of December 2022. Engineer Madison stated he does not recommend, as Bath's current consultant, going back to negotiate any terms of the PRP with DEP.

- Member Bullsake asked about a few acronyms for further understanding; PRP, BMP, and NPDES. Manager Flynn stated Pollution Reduction Plan, Best Management Practice, and National Pollutant Discharge Elimination System Permit.

- Chair Mirabito asked the committee of any further questions. Member Bullsake and Angst stated they believe a separate Storm Sewer Authority is needed to handle Bath's Storm Water issues going forward and to separate these issues from general day to day Borough business.

- Attendee Lisiecki stated the Borough needed to reduce its sediment by 10%, how was this going to be achieved, in the three projects? Second question, how will the three areas be maintained? Engineer Madison stated that DEP has an estimated criteria for sediment in drainage areas and worksheets based on different types of BMPs and tributaries to the BMPs, Bath's BMPs were all calculated by the Borough's former Engineer and accepted by DEP. Once the projects are complete, the BMPs will be on a 5-year maintenance schedule along with yearly inspections. If the sediment findings are reduced, the inspection periods may be extended.

- Attendee Lisiecki asked a follow up question about the use of heavy equipment being used in the retention basins at Holiday Hill. Engineer Madison said yes, there will be use of heavy equipment to convert the basins and rain garden. For maintaining the basins, a backhoe or skid steer could be used.

- Resident Michael Long stated the report estimates sediment loading of around 300,000 lbs. Isn't this a high estimate? It's more than a construction site. Chairperson Mirabito stated the numbers come from DEP guidance. Resident Long asked a follow up question about existing maintenance to the storm basins if they are cleaned out. Will the work the Borough does will it show a reduction in sediment? Chairperson Mirabito and Member Hesch tried to explain its according to the PRP estimates. Engineer Madison explained that the 1990s detention storm water basins in Holiday Hill were designed for peak rate control, no water quality and

no pollution control. There are no inspection requirements for pollution. The current MS4 permit requires inspection of any damage to existing structures.

- Mayor Mirabito asked how the remaining two positions would be filled on the Authority Board. Chairperson Mirabito and Member Hesch stated it would be publicly advertised and Council selected based on the recent Resolution that authorizes committee, commission, and board appointments.

- The committee discussed its three recommendations to Borough Council:

RECOMMENDATION #1 - As to the question of recommending Borough Council authorize the MS4 Committee to continue its research and statistical analysis for further development of a tiered structure, Storm Water Utility Fee as outlined as 'Example 3' of the Borough Engineer's draft recommendations. Recommendation #1 was motioned by Lauren Bullsnake, seconded by Sam Angst: Roll Call Vote - Lauren Bullsnake, YES; Sam Angst, YES; Frank Hesch, YES; and Chairperson Mirabito, YES; all ayes, motion carries.

RECOMMENDATION #2 - As to the question of recommending Borough Council authorize the MS4 Committee to concurrently begin the official process of forming a local Storm Water Authority, with the next steps occurring during the Borough Council meetings guided by the MS4 Committee, Borough's Special Solicitor, and Borough Engineer; further recommending the authorization of publicly advertising the Storm Water Authority ordinance, public hearing, and establishing the Authority's Articles of Incorporation. Recommendation #2 was motioned by Sam Angst, seconded by Lauren Bullsnake: Roll Call Vote - Lauren Bullsnake, YES; Sam Angst, YES; Frank Hesch, YES; Chairperson Mirabito, YES; all ayes, motion carries.

RECOMMENDATION #3 - As to the question of appointing members of the proposed Storm Water Authority, recommending Borough Council appoint at least 3 members of the MS4 Committee to establish the Storm Water Authority Board, without compensation, and for Council to publicly advertise to fill the remaining 2 members of the 5-member Board requirement; further recommending that the 3 MS4 Committee members to serve on the Storm Water Authority Board would be appointed in 1-year, 3-year, and 5-year terms, the remaining 2 at large public members would be appointed to the 2-year and 4-year terms. Recommendation #3 was motioned by Lauren Bullsnake, seconded by Sam Angst: Roll Call Vote - Lauren Bullsnake, YES; Sam Angst, YES; Frank Hesch, YES; Chairperson Mirabito, YES; all ayes, motion carries.

ADDITIONAL ITEMS

- None

ADJOURNMENT at 5:26 PM Member Angst motioned, seconded by Member Bullsake; all ayes.