

December 1, 2022

A special meeting of the Ligonier Borough Council was held Thursday, December 1, 2022 @ 7pm in the Town Hall with President Matt Smith presiding. The purpose of the meeting was for **Storm water issues and possible formation of a Storm Water Authority.**

Members Present: Matt Smith, Mariah Fisher, Robert Barron, Judy Hoffer, Nate Sylvester, Jordan Frei, & Brad Chartier.

Others Present: Secretary-Treasurer Jan Shaw, Street Supervisor Ron Ross, Mayor Ormond "Butch" Bellas, Engineer Ben Faas, Solicitor George Welty, & Zoning / Code Enforcement Officer Karl Horman.

EADS Engineer Ben Faas presented Council with the issues at hand with the Borough's storm water system. *Faas has guesstimated that the current storm water system could be more than 125 year old. The Storm water system was built to handle basic things and built before there was any regulations. The Borough has been very reactive towards any storm water issues. The issues however are becoming larger in scope and more consequential. A kind cost estimate could be as much as \$7,000,000 to replace.*

Funding sources:

User Rates – via formation of a Storm Water Authority. (Permitted by Act 68 of 2013. Captures revenue from tax exempt agencies which can be large contributors to storm water runoff.

Fees – by capturing everyone that is contributing to the system.

In the creation of a Storm Water Authority Faas explained that a board is needed and money is funneled through them with Borough administrative handling the day to day functions which is done by a Management Agreement between MAWC and the Borough. To generate funds we must send out bills and Faas stated that it is possible to distribute bills through a contract service with MAWC.

Another benefit to an authority is that watersheds do not fall within municipal boundaries. Authorities have the ability to work outside the municipal boundary. There is tributary area to the borough's infrastructure within the township. The borough has dealt with complaints within the borough from tributary areas outside the borough from the township.

Penn Vest's calculation of an annual "affordable" storm water rate is 0.25% of the median household income. Ligonier Borough reported median household income is \$56,087; the affordable rate would be \$140/year, or \$11.50/month. If all parcels were charged one ERU (Equivalent Residential Unit), the annual revenue would be \$117,300.

Faas explained that to start an authority the end goal is to come up with a dependable rate structure. The authority would need to have rules and regulations.

Faas suggested that if Council decides to move forward with an authority, he advised to go somewhat below Penn Vest's calculation to start generating income to do the work that is necessary to get the end goal. Once data is collected to stand behind, then you can start implementation of a higher rate to generate more funds to come up with the matching funds required for grants; to come up with the annual debt service to do projects to improve the system to manage the water better.

Faas answered several questions from Council.

It was determined that the authority board would create bylaws and rates along with the management agreement both parties agree to. The Borough could prioritize their projects.

Street Supervisor Ron Ross stated that as of right now the biggest problem is the outfall for West Main Street storm water sewer. Secretary-Treasurer Jan Shaw replied that the project amount totals \$530,000 to which a \$450,000 grant was applied for with Borough match being \$79,500.

The Borough would be able to prioritize projects. Part of the setup of an authority would include a critical assessment of the system with pictures of everything.

Ron Ross added that a lot of the pipes in the Borough are terra cotta and have been in the ground over a 100 years. Remote cameras cannot get the whole way through.

Councilman Nate Sylvester stated that he thinks people will feel it is a responsible, sustainable approach to make sure we are keeping the town in good shape.

Ben Faas stated that the next approach would be to decide if they want to create an authority first, then decide what you want to delegate and what you do not. Also needed is to determine what you want your management agreement to look like and then initiate the steps to create the authority.

Councilman Jordan Frei asked if the Borough would need to provide any funds up front. Faas replied that Solicitor Welty will have bills on the front end. As the Borough has already committed to matching grant applications and if successful will have to come up with the funds there as well. It then comes down to how fast you want to begin with the authority.

President Matt Smith asked if a member of council could be on the authority. Solicitor Welty felt that a member of Council could serve on the authority.

Solicitor Welty noted that a resolution or ordinance would need to be adopted signifying the intention to form the authority; and an ordinance cannot be adopted until after and public hearing has been held. In addition, a notice has to be given at least 30 days before the hearing per Welty.

Ben Faas stated that Ebensburg Borough has recently formed an authority very similar to what Ligonier Borough would be. Somerset Borough is also going to be forming an authority.

Secretary-Treasurer Jan Shaw reported that as of right now our Storm water budget consists merely of purchasing a few catch basins.

The possibility of forming a storm water authority will be placed on the agenda for the next regularly scheduled meeting for further discussion.

MOTION TO ADJOURN

A motion was made by Judy Hoffer and seconded by Mariah Fisher to adjourn the meeting. All of Council was in favor. The meeting was adjourned at 7:56pm.

Respectfully submitted,

Janette Shaw
Secretary-Treasurer