**MINUTES**

**MONAGHAN TOWNSHIP PUBLIC MEETING**

**MEMPHORD ESTATES STORMWATER BASINS**

**November 9, 2023, at 6:00 p.m.**

**Mt. Pleasant Church of God Meeting Hall**

**Pledge to the Flag**

**I. CALL TO ORDER**

 Chairman Pawelski called the Memphord Estates Stormwater Basin Public Meeting to order at 6 p.m. Present were Chairman Pawelski, Supervisor Allen, and Supervisor Schreffler.

Also present were Secretary/Treasurer Chelssee Smith, Township Engineer Dan Perva and Township Solicitor Matthew Bugli.

**II. INTRODUCTION OF THE ISSUE**

Supervisor Pawelski stated that tonight’s meeting was informational and that no decisions would be made by the Board tonight. The purpose of the meeting was to update the community on ownership issues, options to safely access the basins for long term maintenance via an easement and identify next steps related to the easement. Pawelski stated the importance of providing the community with the facts about the state of the basins and an opportunity to answer resident questions.

**III. ENGINEERING REVIEW**

Dan Perva, Township Engineer, explained that there are three dry detention basins located in Memphord Estates. One is privately owned and located between South Seasons Drive and Siddonsburg Road. The other two basins are located on Autumn Drive and Summer Drive. These two larger basins were designed, permitted, and approved by Monaghan Township to be owned and operated by the Memphord Estates Homeowners Association.

The outfall structures and pipes from the two basins on Autumn and Summer Drive are included in Monaghan Township’s Municipal Separate Storm Sewer System (MS4) Program. The MS4 program is a federal program designed to improve the quality of stormwater runoff. The Township has an obligation to inspect and maintain these facilities.

Since the HOA has not performed their required maintenance work on the facilities, the deteriorating condition of the basins continues to present a risk to the Township’s ability to meet their obligations under the federal MS4 program. Dan also updated the Board and audience on the grants that the township has applied for in order to maintain the basins.

**IV. LEGAL CONSIDERATIONS**

Solicitor Matt Bugli provided a history about the Memphord Estates Homeowners Association, which was legally formed by the developer of the property Conway, Hutton, and Shettel in 1996. HOA By-Laws were recorded with the York County Recorder’s Office. In 2006, Conway, Hutton, and Shettel dedicated the remaining common properties in the development to the HOA. The basins are located on Parcel 3800001000A000000 and Parcel 3800001000C000000.

Both parcels were conveyed by Deed dated April 14, 2006 from Conway, Hutton & Shettel to the Memphord Estates Homeowners Association. From that point forward, the Township is unaware of the Memphord Estates HOA actively engaging in any of the duties of the organization, including meetings or collecting of dues.

Around 2018, Monaghan Township became aware of safety and maintenance issues of the basins resulting from vegetative growth and storm damage. Following extensive review and consultation, it was determined that the Memphord Estates HOA had not properly maintained the basins as required from the original approved Land Development Plan. It was further confirmed that the Memphord Estates HOA was not an active organization, and in fact it appeared most residents were unaware that they were required to be members.

**V. PUBLIC COMMENT**

Ken Renner – 54 Summer Drive: Mr. Renner stated that the woods are directly in his backyard and very important to him. He asked how many maintenance employees the township has and whether the community can help with the maintenance. Dan said we currently have two maintenance employees who mow and take care of what they can. At this time, they cannot access the parcels. Chairman Pawelski expressed concerns about liability associated with residents helping with the maintenance. It was reiterated that the township’s goal is to maintain these facilities with minimal impact on the community in Memphord.

Mr. Renner also asked if the basins are currently functioning as needed, Perva replied that right now they are functioning as needed, but they are at risk of structural failure during a bad storm. We need to be proactive now before there is a big issue such as a flooding event. We do not want to tear down trees that we do not need to, but basins need to be structurally sound. Mr. Renner asked if the township could share a map to show the public the location of the easements. Pawelski replied that maps can be added to the township newsletter and website to help Memphord residents understand the challenges with the parcels and the location of the easements.

Dave Berrett, 59 Summer Drive: In relation to the South Basin, there has been standing water in it for years. Neighbors emptied the basin in February – kayaks were involved – and water started to go through the outflow properly. He agreed that it will not be easy to make an access drive. Dan said we aren’t sugar coating it, we need to get a safe easement, which will likely require an expansion of the current easement, more dirt and improved grading. We do not know the exact steps until a survey is completed.

Joy Schreffler, 9 Summer Drive: If the scenario that you have the extended easement – would we be posting the area? Signs would help residents understand where the access areas are located along with an information flier on what we are doing and why we are doing it.

Rupert Fry, 19 Autumn Drive: Both basins connected by the same easement – why can't we extend the current easement that we access right now? Dan said it is not out of the question; the township will look at all options.

Cheryl Hoffman, 22 Summer Drive: Are there other stormwater needs in the township? Many townships have stormwater management fees for all township residents. Supervisor Pawelski said the Board will address the funding issue in the future. Stormwater fees are assessed through a resolution or tax enabling act.

Ron Cessar, 20 South Seasons Drive: Asked if the township will bid the project out or do it ourselves. It is likely that the project will be a combination of the township working with KPI along with bidding out the larger aspects of the job.

**V. NEXT STEPS**
Chairman Pawelski said we do not have a firm timeline but that she expects the Board of Supervisors to act on next steps in Q1 2024. The Board of Supervisors meets the second meeting of each month – please come join us at a public meeting.

**VI. ADJOURNMENT**

 Motion to adjourn the meeting at 7:16pm.

 Motion: Allen

 Second: Schreffler Vote: 3-0

The Board of Supervisors meeting adjourned at 7:16pm.

Respectfully submitted,

Tracy Pawelski, Board Chair

Minutes approved at meeting held on\_\_\_\_\_\_\_\_\_\_\_\_\_

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Chairman, Monaghan Township Board of Supervisors