

MINUTES

STORMWATER AUTHORITY

LOWER ALLEN TOWNSHIP

REGULAR MEETING

June 4, 2026

The following were in ATTENDANCE:

BOARD MEMBERS

Timothy Johnson, Chair
Alison J. Shuler, Vice Chair
Lloyd Bucher, Secretary
Richard Schin, Treasurer
Robert Edwards, Assistant Treasurer

TOWNSHIP PERSONNEL

Barbara Arnold, Environmental Programs Manager
Benjamin Powell, Public Work Director
Alycia Knoll, Finance Director
Steven P. Miner, LATSA Solicitor
Renee' Greenawalt, Recording Secretary

OTHER

Commissioner Charles Brown

CALL TO ORDER

Chair Johnson called June 4, 2026, Regular Meeting of the Lower Allen Township Stormwater Authority to order at 7:30 PM. He announced the meeting had been duly advertised for publication.

APPROVAL OF MEETING MINUTES

Mr. **EDWARDS** moved to approve the minutes, with correction of April 2, 2026, Regular Meeting. Mr. **SCHIN** seconded the motion, which passed 5-0.

AUDIENCE PARTICIPATION

There was none.

SOLICITOR REPORT

West Chester Borough vs. PASSHE

Commissioner Brown thanked Solicitor Miner on behalf of the Board of Commissioners for his continuing updates on stormwater-related matters arising from the West Chester case and indicated the Commissioners look forward to working with the Authority as the matter proceeds.

Mr. Miner advised that, in addition to his general report, he had a related matter to discuss in executive session involving a refund claim that could result in litigation and asked the Board's preference as to timing.

He reviewed the Pennsylvania Supreme Court's decision in the West Chester case. He advised that the decision should be limited to its specific facts, as it involved a home rule borough directly billing a stormwater fee, rather than a municipal authority created under the Municipal Authorities Act. He noted that boroughs and first-class townships cannot independently enact stormwater fees, which is why the Township's Board of Commissioners established the Stormwater Authority in 2018, because municipal authorities are expressly authorized by statute to charge reasonable fees for services, similar to sanitary sewer service, rather than relying on taxation authority. He stated this distinguishes the Authority's fee structure from the arrangement at issue in the West Chester case.

Mr. Miner further explained that the Supreme Court applied a two-part test examining whether the charge was a general or specific benefit versus a voluntary, contractual benefit, but did not reach the second prong in its analysis. He noted the decision was not unanimous, with a dissenting opinion raising the possibility that municipal authorities, as opposed to boroughs and townships acting directly, may stand on different legal footing. He also noted the case had been argued in October 2024, with the decision issued only recently.

Based on this analysis, Mr. Miner recommended that the Authority continue billing as it has, noting that Stormwater Authority revenues are restricted by the Municipal Authorities Act to stormwater infrastructure, management, and

education purposes, unlike general tax revenue. He advised that he and other municipal solicitors in the region are monitoring for an appropriate test case involving a municipal authority, and that further guidance from the Commonwealth or the courts may still be needed to fully resolve the issue raised by the West Chester decision. There were no further questions on the topic at that time.

TREASURERS REPORT

Mr. Schin reported that the cash balance as of May 29, 2026, was \$5,202,798, an increase of \$230,304 since the April 2026 report. He noted that certain entitled balances remain outstanding pending action. Stormwater billing account information was included in the meeting materials.

Below is a summary report of Stormwater billing accounts deemed “Uncollectable” with total balances through 5/29/2026. These balances include past due principal amounts plus penalties through Q2 2026.

Delinquent accounts

Property Owner	Accts	Balance
Commonwealth of PA	8	\$17,436
PennDOT	4	\$1,827,021
PA Turnpike	3	\$222,910
PA Industrial School (SCI/Prison)	1	\$654,240
TOTALS	16	\$2,721,608

Mr. **SCHIN** motioned approving the Treasurer’s Report as presented.

Mr. **BUCHER** seconded the motion to approve the Treasurer’s Report. The motion passed 5-0.

ENVIRONMENTAL PROGRAMS REPORT:

Credit and Appeals Monthly Report

75 Zimmerman Drive (Ownership Change) - Ms. Arnold presented a credit application for a property that previously held an approved Stormwater credit and has since changed ownership. The new owner has requested that the existing credit continue. She confirmed the property retains two best management practices within its parking lot, permeable pavement and an infiltration trench, and saw no reason to discontinue the credit. Staff recommended the credit continue under the new ownership.

Ms. **SHULER** motioned to approve the credit, seconded by Mr. **BUCHER**. The motion passed 5-0.

Westport Basin Retrofit Project – Payment No. 1

Ms. Arnold presented Payment No. 1 for the Westport Basin Retrofit Project in the amount of \$7,499.70, reflecting work performed in April, with Kinsley Construction beginning work on site around April 22.

Mr. **EDWARDS** offered a motion to approve Payment No. 1 to Kinsley Construction in the amount of \$7,499.70. The motion was seconded by Ms. **SHULER** and passed 5-0.

Westport Basin Retrofit Project – Payment No. 2

Ms. Arnold presented Payment No. 2 for the Westport Basin Retrofit Project, added to the agenda as a supplemental item, in the amount of \$114,210.00 payable to Kinsley Construction for work completed on the basin.

Ms. **SHULER** motioned to approve Payment No. 2 to Kinsley Construction in the amount of \$114,210.00. The motion was seconded by Mr. **BUCHER** and passed 5-0.

2026 WEFTEC Conference Attendance

Ms. Arnold requested approval to attend the 2026 WEFTEC national technical conference from September 27 through September 30, noting this would not cover the full conference period. She provided a breakdown of conference, lodging, and airfare costs, funded from the budgeted line item.

Chair Johnson asked whether there would be any detriment to the Authority if Ms. Arnold did not attend the full conference. Ms. Arnold confirmed there would be no detriment, and that attending the entire conference would require canceling or finding a replacement presenter for the October LATSA meeting. The Board agreed that partial attendance, with Ms. Arnold returning on the final half-day of the conference, was the preferable approach.

Ms. **SHULER** offered a motion to approve the Environmental Programs Manager's attendance at the 2026 WEFTEC conference as presented. The motion was seconded by Mr. **SCHIN** and passed 5-0.

Chair Johnson also asked that staff continue to identify continuing education opportunities for newer Authority staff. Ms. Arnold noted that the Authority's inspector continues his own continuing education to maintain his inspector license, including online workshops and Chesapeake Bay Landscape Professional coursework.

OTHER BUSINESS PERTINENT TO THE AUTHORITY

Ms. Arnold noted that additional materials from Solicitor Miner were included in Board packets for informational review, and that a targeted-audience postcard, required under the Authority's permit, would be mailed to certain residents later this month.

EXECUTIVE SESSION

The Board recessed into executive session at 7:48 PM to discuss a potential refund claim that could result in litigation, as referenced in the Solicitor's Report.

The Board reconvened in open session at 8:16 PM.

Mr. **EDWARDS** made a motion authorizing Solicitor Miner to prepare a letter, on behalf of the Stormwater Authority, to the Director of Business Affairs of the West Shore School District, educating and clarifying the District on the Authority's past actions and the role of the Municipal Authorities Act, in response, with the Authority continuing its current practice in the interim. The motion was seconded by Ms. **SHULER** and passed 5-0. Solicitor Miner requested that the LATSA Board Members provide comments on the letter to Chair Johnson by June 11, 2026.

ADJOURNMENT

With no other business pertinent to the Authority, the Regular Meeting of the Stormwater Authority adjourned at 8:18 PM.