

RESOLUTION NO. 3-2020

A RESOLUTION OF THE BOARD OF THE EAST PENNSBORO TOWNSHIP AUTHORITY, CUMBERLAND COUNTY, PENNSYLVANIA, ESTABLISHING PROCEDURES FOR APPEALS AS ORIGINALLY ESTABLISHED IN RATE RESOLUTION 1-2020

WHEREAS, East Pennsboro Township Authority (“Authority”), established procedures for appeals in Resolution 1-2020 and which may be amended from time to time; and

NOW, THEREFORE, be it resolved by the Board of the East Pennsboro Township Authority that:

Section 1. The Stormwater Fee Appeal And Review Process as defined in the attached Exhibit “A” is hereby adopted and incorporated herein;

Section 2. All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed.

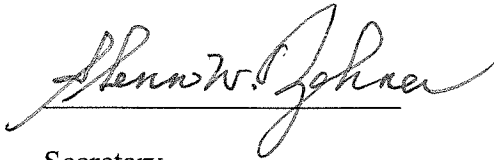
Section 3. If any section, paragraph, subsection, clause or provision of this Resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than that portion specifically declared invalid.

Section 4. This Resolution shall be effective retroactively to April 1, 2020.

ENACTED, RESOLVED AND APPROVED by the Board of the East Pennsboro Township Authority this 16 day of July, 2020.

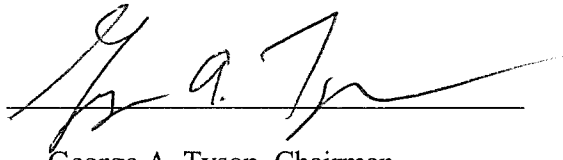
ATTEST:

EAST PENNSBORO TOWNSHIP AUTHORITY



Secretary

By:



George A. Tyson, Chairman

EXHIBIT “A”

EPTA STORMWATER FEE APPEAL AND REVIEW PROCESS

The following information is intended to amend Section 10-- Appeal procedures as adopted in Resolution No. 1-2020.

The East Pennsboro Township Authority (EPTA) has established formal policies and procedures with regard to the individual property owner's ability to appeal their stormwater fee. The process outlines the steps that property owners follow to appeal a stormwater fee(s).

A completed appeal form with required documentation should be submitted to:

**East Pennsboro Township Authority
98 S. Enola Drive
Enola, PA 17025**

An appeal must be submitted within 30 days from the date the bill was mailed by the Township to the property owner.

Qualification for an Appeal:

If there is an issue regarding the property-based data on the tax bill, the owner or owner's representative should contact Cumberland County to discuss the concern (e.g., owners name, address, deceased owner).

There are four primary issues that can result in an appeal of the stormwater fee by the property owner:

1. Incorrect calculation of the square footage of impervious area (i.e., number of ERUs);
2. Incorrect property status;
3. Mathematical error in calculating fee; or
4. An approved credit was not applied correctly.

Outcomes of an Appeal of the Calculation of Impervious Area on the Parcel

Property owners should be aware that there are a number of outcomes that could occur on an appeal of the measurement of impervious area on the parcel. Each ERU is 3430 square feet of impervious area, rounded up or down to the nearest whole number.

Outcomes could be:

1. No change in measurement; no change in the number of ERUs.
2. Reduction in the amount of impervious area; no change in ERUs because the impervious area adjustment was too small to change the total number of ERUs.
3. Reduction in the amount of impervious area; reduction in ERUs.
4. Increase in the amount of impervious area; no change in ERUs because the adjustment was too small to change the total number of ERUs.
5. Increase in the amount of impervious area; increase in number of ERUs.

APPEAL PROCESS

An appeal process begins with the property owner providing East Pennsboro Township Authority

- Complete and signed Application Form;
- Written statement regarding the nature of the appeal; and
- Information required that supports the appeal.

For appeals related to the fee calculation (mathematical error) or amount of impervious surface (error in measurement of impervious area), the applicant must provide the following with the appeal form:

- A plot plan, map, aerial image, as-built drawings, or similar information detailing actual impervious surfaces currently on-site.
- The owner's estimate of the total amount of impervious area based upon supporting documentation submitted with the application.

Once the application and supporting data are complete, they are submitted to the EPTA at stated address.

Review Process:

Step One: Upon receipt of an Appeal Application, Township staff will log Appeal for tracking purposes.

Step Two: Within 15 calendar days of receipt, the Hearing Officer, who is appointed by the Authority, shall determine if the Application is complete. If the application is incomplete, the Hearing Officer shall offer to the property owner 15 additional calendar days to supply missing information. The 15 day period begins from the mailing date of notification of the incomplete application. NOTE: If the property owner does not provide the additional information requested within the 15 days granted by the Hearing Officer, the appeal packet will be considered closed.

Step Three: Upon determination of a complete application or a "closed packet", the Hearing Officer shall complete a review of the Appeal Application and documentation. The determination of outcome of the Appeal is communicated to the applicant by the Hearing Officer within 30 calendar days after receipt of the complete Application or 30 days following the determination of a "closed packet", whichever occurs last. The Hearing Officer shall mail notification of Appeal determination to the property owner.

Outcome Reducing the Number of ERUs: If the property owner has paid the fee for the current quarter and is eligible for a refund based on the decision of the Hearing Officer, the refund will be initiated by the Township through appropriate internal procedures and noted in the tracking log regarding the appeal. The adjustment in ERUs will be provided to the appropriate staff of the Township with instructions on changes to the account files, GIS files, and/or the customer's stormwater utility fee. Archived copies of billing and GIS files should be retained for Township records. If the bill for the fee has not been paid, the property owner has 15 days after receipt of the decision of the Hearing Officer to pay the adjusted amount due.

Outcome Increasing the Number of ERUs: If it is the determination of the Hearing Officer that the amount of impervious area is greater than originally measured AND it increases the number of ERUs, the billing file will be adjusted for the bill preparation in the following billing period. The property owner should be sure to pay the fee based on the current quarterly bill, no later than 15 days after notification East Pennsboro Township Authority of the finding of the Hearing Officer, and by invoice due date to ensure the account is paid on time to avoid late payment penalties.

Step Four: If property owner disagrees with the Hearing Officer's decision, the property owner may appeal that decision to the Appeal Officer of the Authority within 15 days of the mailing date of the Hearing Officer's decision. The Appeal Officer will be appointed by the Authority. The property owner must state in writing the grounds for further appeal and supply additional information as appropriate to support the claim.

Step Five: The Appeal Officer shall issue a written decision to the property owner within 30 days of receiving documentation of the disputed Hearing Officer's decision. Any person aggrieved by a decision of the Appeal Officer may appeal to the Court of Common Pleas of Cumberland County within 30 days of mailing date of the Hearing Officer's decision.

Step Six: The customer shall pay any required stormwater fees within 15 days of the expiration of their right to appeal. If payment is not received by invoice date, the unpaid fee shall be considered delinquent and subject to the provisions of Section 6, 7, and 8 of the Rate Resolution (Resolution No. 1-2020, *as amended*).