

Milford Township

From: Spatz, Mark [mspatz@hrg-inc.com]
Sent: Tuesday, February 16, 2021 8:26 AM
To: Rachel Hendricks
Cc: penney luhrs; Gary Williams; Milford Township; Anthony Magnotta
Subject: RE: Milford Township Connections
Attachments: 07 CHAPTER -7.pdf

Good morning Rachel,

I hope you had a great holiday weekend!
Apologies, please find the attached updated Chapter 7.

Mspatz
570.851.2804 [office]
570.954.7589 [cell]

From: Rachel Hendricks <ravfhendricks@gmail.com>
Sent: Friday, February 12, 2021 12:38 PM
To: Spatz, Mark <mspatz@hrg-inc.com>
Cc: penney luhrs <dpluhrs@yahoo.com>; Gary Williams <williamsgarym@outlook.com>; Milford Township <milfrdtp@ptd.net>; Anthony Magnotta <anthony@magnottalaw.com>
Subject: Re: Milford Township Connections

Mr. Spatz, thank you for your timely response. I do not see any Chapter 7 changes attached. What of the numerous parts of Chapter 7 where it states that "More Information is Needed from the Milford and Matamoras Authorities?" Please advise.
Thank you.
Best Regards, Rachel Hendricks

On Thu, Feb 11, 2021 at 1:08 PM Spatz, Mark <mspatz@hrg-inc.com> wrote:

Good afternoon Rachel,

Please find the attached responses. I have also attached the Word doc for the Township's responses to your Planning Commission. As a part of HRG's service we provide draft responses for the municipality, HOWEVER, the responses are the BOS's, not HRG's. Please feel free to amend as the BOS sees fit. Our draft of how we think the BOS should respond has been provided. If the BOS does make changes, please send me a copy so I can include in the Act 537 Plan.

It is important to understand from the start, the Township did not have a want or need for public sewer and that is what is reflected in the Plan. All properties will remain on OLDS/COLDS and if a property wants to connect, they will need to submit a Planning Module for review and approval by the BOS and Milford Authority (planned ultimate owner of the line – when it ever gets built which could be 3 to 5 years away). I would also caution responding to Planning Commission comments for items outside the Township's jurisdiction; it is not a regional planning commission. I think many of the PC's, BOS and residents concern are hopefully addressed as from the start, public sewer was not desired

and that is what is reflected in the plan for Milford Township. Therefore, all other concerns over cost, etc... are of no impact to the Township.

Also attached are the updated chapters from the Plan with changes highlighted. If you do find anything that is not consistent with the above, please let me know as we will revise accordingly. We want the Plan to reflect a clear intent by the Township that a "No Action Alternative" is being selected and that future connections, if desired, will need to go through future sewer planning approvals (a Planning Module).

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From: Rachel Hendricks <ravfhendricks@gmail.com>

Sent: Tuesday, February 9, 2021 2:48 PM

To: Spatz, Mark <mspatz@hrg-inc.com>

Cc: penney luhrs <dpluhrs@yahoo.com>; Gary Williams <williamsgarym@outlook.com>; Milford Township <milfrdtp@ptd.net>; Anthony Magnotta <anthony@magnottalaw.com>

Subject: Re: Milford Township Connections

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Dear Mr. Spatz, I have not seen any indication that this was sent to you already Mark, so in the interest of time, I am forwarding it directly. At our most recent meeting, the Board of Supervisors reviewed the proposed response to our Planning Commission and a few additional questions. Please see the attached feedback, questions and modifications to the proposed response. With regard to the well, there was some question as to exactly how close the well would have to be to the actual line for it to be considered necessary to study but as we are uncertain even to which side of the road the line will run, we would appreciate your assistance in delineating this further. The well in question sits out by the Rt. 6 & 209, between Econopak and the Prime Time Meats plaza. It is a community well and therefore may have reports available that can be obtained if necessary. We look forward to your response.

Our next meeting is next Tuesday due to the holiday.

Thank you.

Best Regards, Rachel Hendricks

On Tue, Jan 19, 2021 at 6:35 PM Spatz, Mark <mspatz@hrg-inc.com> wrote:

Good evening Supervisors,

Penney asked me to forward this email to everyone's attention (see below/attached).

Mspatz

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From: Spatz, Mark

Sent: Monday, January 18, 2021 4:03 PM

To: 'penney luhrs' <dpluhrs@yahoo.com>; Anthony Magnotta <anthony@magnottalaw.com>

Subject: Milford Township Connections

Good afternoon Tony / Penney,

Per our discussions in regard to the *No Action Alternative* in the Township, it does not prevent properties from connecting to the system **IF** the Supervisors allow it in the future. If a property would wish to connect, they would have to submit a *Planning Module* to the Township. A Planning Module is a way (method) for a property owner to request site specific amendments to the Township's Act 537 Plan. The Module would get reviewed by the Township Planning Commission – to give Comments to the Supervisors, just like the Act 537 process – and the Supervisors would then adopt the Module via resolution, **IF DESIRED**; again, the same way the Act 537 Plan public review process works.

The Supervisors can also reject modules. I was looking in PA Codes last week and below are some highlights (also attached). It appears a reason for rejecting the Module could be as simple as it not being consistent with the Township's sewer planning as outlined in the current Plan --- the No Action Alternative. However, I would want Tony to weigh in with his thoughts. The Township would need to be careful as to not play favorites in this regard.

Excerpt from Chapter 71 on PA Codes:

(f) A municipality may refuse to adopt a proposed revision to its official plan for new land development for the following reasons, including, but not limited to:

- (1) The plan is not technically or administratively able to be implemented.
- (2) Present and future sewage disposal needs of the area, remaining acreage or delineated lots are not adequately addressed.

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(3) The plan is not consistent with municipal land use plans and ordinances, subdivision ordinances or other ordinances or plans for controlling land use or development.

(4) The plan is not consistent with the comprehensive sewage program of the municipality as contained in the official plan.

(5) The plan does not meet the consistency requirements of § 71.21(a)(5)(i)–(iii).

(g) Whenever a municipality refuses to adopt a proposed revision to the official plan, it shall state the reasons for the refusal and forward a copy of this statement to the person making the submission, and to the Department.

(h) Upon adoption of the proposed revision to the official plan, the municipality shall forward the proposed revision to the Department with the information required in § 71.52 and subsection (d) for review. Adoption of the proposed revision to the official plan shall be by resolution of the municipality.

Mark W. Spatz, PE

Project Manager

HERBERT, ROWLAND & GRUBIC, INC.

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Rachel Hendricks

845-820-1873

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Rachel Hendricks

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7.1 ANALYSIS OF EXISTING AUTHORITIES

The Municipal Authority of Westfall Township is the only existing wastewater authority in the planning area. Milford Municipal Authority is the existing municipal authority for Milford Borough and Milford Township. Matamoras Municipal Authority is the existing municipal authority for Matamoras Borough and Westfall Township. Both the Milford Municipal Authority and Matamoras Municipal have the scope of owning and operating wastewater systems within their bi-laws at this time.

The Municipal Authority of the Borough of Milford owns and operates a water system in the Borough of Milford and parts of Milford, Dingman, and Westfall Townships. On December 3, 2001 the Authority amended its Articles of Incorporation to include operating a sewer system.

The Matamoras Municipal Authority (MMA) provides drinking water to approximately 1,200 residential and commercial customers located in the Borough of Matamoras as well as in portions of Westfall Township. The Authority has its office located at 301 Pennsylvania Avenue in Matamoras, PA. MMA owns and operates 4 wells and has two reservoirs holding a total of 1 million gallons of water.

7.1.1 Financial and Debt Status

MATW owns and operates the existing wastewater collection, conveyance and treatment facilities. MATW relies on revenues from user rates, tapping and connection fees to sustain its operation. The MATW has established and, from time-to-time, adjusts the user fees and tapping fees charged to customers for the use of the system. In 2020, MATW has a budget of \$835,650.

In 2020, The Municipal Authority of the Borough of Milford had a budget of \$561,130 to operate its water system obtained from user rates and connection fees.

7.1.2 Staff and Administrative Resources

MATW employs one full time contractor operator, and one part-time administrative staff. The administrative staff works 3 days a week from 9 am to 12 pm. The existing operator completes plant monitoring and reporting duties, general maintenance, pump station operation, and monitors the collection system. It is anticipated that the current staff would be able to adequately provide service for the identified alternative.

Milford Water has a staff of two full time employees who operate the water system. It is anticipated that the Authority staff will be able to maintain the collection system for Milford Borough and Township. The Authority outsources its billing system to a third party. They have the ability to add sewer collection as well.

MMA employs a full-time water operator, a part-time administrative person, and a part-time field operator. The office is open 5 days a week from 9 am to 4:30 pm. The water operator and field operator monitor wells, water quality, and reservoir level daily. The office person maintains records, customer contact, billing, etc. Changing the two part-time staff to full-time should enable them to provide adequate service to support central sewage operations.

7.1.3 Legal Authority

Matamoras Borough, Milford Borough, Westfall Township, and Milford Township have each written

and signed a letter of authorization granting permission for The Westfall Township Municipal Authority to develop the Joint Municipal Act 537 Plan Revision on behalf of each municipality. A new inter-municipal agreement will be reached shortly to establish charges and billing as well as legal authority, maintenance and enforcement responsibilities. In addition to the four Municipalities, MATW, MMA, and Milford Municipal Authority will also need to be involved in the agreement. All three Authorities have the legal authority to negotiate and enter into agreements with other parties and raise capital for construction and operation and maintenance of facilities.

7.2 ANALYSIS OF INSTITUTIONAL ALTERNATIVES

7.2.1 Need for New Authorities

It is anticipated that there will not be a need for a new Authority(s) to implement any of the recommendations proposed by this Act 537 Plan. It is the intent of the four municipalities to implement the selected alternatives without forming additional Authorities. The municipalities will revise an existing sewer service agreement with the Municipal Authority of Township of Westfall for wholesale sewer treatment and charge their existing municipal authorities to design, finance, build, own and operate the proposed sewer extensions within their jurisdictions.

7.3 IMPLEMENTATION OF INSTITUTIONAL ALTERNATIVE

7.3.1 Incorporation of Legal Authorities

This Act 537 Plan does not propose the formation of any new authorities or agencies.

7.3.2 Required Ordinances, Regulations, Standards, and Inter-Municipal Agreements

As discussed, the four municipalities will revise an existing inter-municipal sewer service agreement with the MATW for wholesale sewer service. In addition, the four municipalities should implement an On-Lot Monitoring plan in order to determine the need for an On-Lot Sewage Management Ordinance. In addition to the OLDS monitoring, Milford and Matamoras Borough will also need to develop and review a mandatory connection ordinance. This will be required by the funding agencies.

7.3.3 Required Rights-of-Way, Easements, and Land Transfers

Each municipality and/or the authorities will be required to obtain any necessary rights-of-way, easements, or properties to implement the recommended structural alternatives. It is anticipated that these will be acquired through negotiation procedures between the authorities and the property owner(s). In circumstances where a suitable compensation cannot be negotiated, condemnation procedures may be utilized to acquire properties for use in construction of public facilities. The necessity for acquisition of property would be further evaluated with the authorities' solicitor during the final design phase of the collection and conveyance facilities.

7.4 SELECTED INSTITUTIONAL ALTERNATIVE

The four municipalities in the Planning Area and the authorities have demonstrated proper fiscal and administrative policies and management. Therefore, the authorities are recommended as the agency to implement and fund the proposed structural alternatives. The authorities should obtain all financing, and Westfall Township, Matamoras Borough, Milford Township, and Milford

Borough should pursue a revised sewer service agreement with MATW to provide wholesale treatment services. The Matamoras Municipal Authority and Milford Municipal Authority will also need to be a part of this agreement.

DRAFT