

Before

THE MILFORD TOWNSHIP BOARD OF SUPERVISORS

(Via Zoom)

In Re: Public comment on the adoption of
an intermunicipal sewage facilities
plan pursuant to Act 537.

Monday, March 29, 2021, beginning at 7 p.m.

PRESENT: PENNY LUHRS, Chairperson
RACHEL HENDRICKS, Vice-Chairperson
GARY WILLIAMS, Supervisor

SHAHANA SHAMIM, Secretary

ANTHONY J. MAGNOTTA, ESQUIRE, Solicitor

ALSO PRESENT: MARK SPATZ, P.E.
HRG Engineering

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1 MS. LUHRS: I'd like to call to
2 order the Milford Township Supervisors public
3 comment meeting on the Intermunicipal Act 537 Plan.
4 I'd like to start with the Pledge of Allegiance, if
5 we could, though.

6 (Pledge of Allegiance.)

7 MS. LUHRS: We're here tonight
8 for public comment. I think with us is Mr. Spatz
9 from HRG and he can answer any questions or
10 comments or concerns that you have about the Act
11 537 Plan as it pertains to Milford Township.

12 MR. MAGNOTTA: Thanks, Penny.

13 MS. LUHRS: So I hand it over to
14 him or you.

15 MR. MAGNOTTA: Penny, if I
16 could, just for purposes of the record, the court
17 reporter is present, so if you could please
18 identify yourself when you speak, and please give
19 us your address, whether you're a Milford Township
20 resident. And also I'd just like to note that we
21 are here pursuant to a public notice that was
22 placed in the Dispatch, and I would like to ask the
23 township secretary if she has received any written
24 public comments during the public comment period?

25 MS. SHAMIM: I did not receive

1 any written comments.

2 MR. MAGNOTTA: Thank you.

3 MS. SHAMIM: You're welcome.

4 MR. MAGNOTTA: I'll turn it over
5 to Mr. Spatz.

6 MR. SPATZ: Good evening,
7 everybody. My name is Mark Spatz. I'm with
8 Herbert, Rowland & Grubic. We helped prepare the
9 Act 537 Plan for the municipalities, including
10 Milford Township.

11 The Act 537 Plan, just a brief
12 overview, is for future sewer planning, and that
13 does not necessarily mean public sewer, it can mean
14 on-lot sewer, which is the, you know, by de facto
15 sewer treatment option that has been going on for
16 decades, of course, people, you know, treating
17 their sewer on site through cess pools or on-lot
18 systems, sand mounds. There's a number of ways.

19 So what a 537 Plan does is it
20 looks at sewer planning at a municipal level over
21 the next 5 or 10 to 20 years. It's a planning
22 document just like a comprehensive plan for a
23 township and it's really the opportunity for the
24 township to kind of look, sit back and say, okay,
25 you know, what's sewer going to look like in our

1 town, you know, again, over the next 10 to 20
2 years.

3 See if I can -- yeah, I can
4 share. Good. So just a brief showing of where
5 this plan can be found. If you go on to the
6 Milford Township website, right over here on the
7 right-hand side, you see sewage. Can everybody --
8 is that coming through?

9 MR. MAGNOTTA: Yes.

10 MS. LUHRS: Yes.

11 MR. SPATZ: You would just hit
12 sewer here, and here's a whole bunch of information
13 kind of outlining just some of the processes that
14 have gone through to date, but really the 537 Plan,
15 the draft of that is right here. So you click on
16 that. That takes you to our FTP site, you can see
17 it says HRG at the top, it's our box site where we
18 keep the updates as things go along. So even
19 through the public comment period, there might be
20 minor changes to the plan to address public
21 comments. The public comments themselves are
22 incorporated into the plan. So you can find all
23 that information here.

24 The main parts of this, it's
25 really two pieces to it. There's chapters and

1 appendices. So the chapters are the narrative, the
2 meat of the report. The appendices are kind of the
3 follow-up or the more detailed information that is
4 referred to in the chapters. So if you go on to
5 the chapter section, then what I'd like to do --
6 these are all out of order a little bit, but if you
7 hit this name -- for some reason it's just how the
8 box works, it characterizes by update or date type.
9 So if you just go by name and it will put them in
10 order, so you can see it's the cover and table
11 contents, executive summary, Chapter 1 through 8.

12 Executive summary is basically a
13 brief of the whole report, so you can see that
14 we're looking at three pages here that does its
15 best to capsule the high points of what the 537's
16 outcome is, you know, what was looked at and the
17 outcome in three pages.

18 We looked at -- the 537 looks at
19 all four municipalities which is, Milford Borough,
20 Milford Township, Westfall Township and Matamoras
21 Borough. Each of those -- although it's a regional
22 plan, each municipality has its own planning within
23 this one document. And then they kind of work
24 together to some extent.

25 So you can see the two major

1 parts of this was the public sewer alternative for
2 the Boroughs and Westfall Township and then in --
3 and we talk about on-lot systems down here as well.
4 And for Milford Township, the township has selected
5 the no-action alternative, which means that there
6 won't be, with this plan, it means proposing public
7 sewer to go down streets and serve properties.

8 (Audio interference.)

9 MR. SPATZ: You guys, can you
10 hear me, okay, though, right?

11 (Audio interference.)

12 MR. SPATZ: Okay, to summarize
13 the chapters -- good now? Yes?

14 MR. MAGNOTTA: Yes.

15 MR. SPATZ: Good enough. All
16 right, summarizing the chapters, you know, with the
17 townships selecting no action alternative, a lot of
18 the content in the report honestly is for a public
19 sewer alternative, which, you know, again, the
20 Boroughs and Westfall have. That kind of looks at,
21 you know, if you have a public sewer alternative
22 what would that look like, what are the different
23 options, what would that cost. There's just a lot
24 in there, because that's really what Act 537 Plans
25 are, is, you know, the de facto is on-lot

1 treatment. If that's still working, that's the no
2 action alternative. If it's not, the community
3 wants to plan for public sewer, what would that
4 look like, what would it cost, what would the rates
5 be, so on and so forth. So a lot of the meat of
6 the report is really looking at public sewer
7 alternatives, you know, as a public entity, a
8 township, you know, how would that look. Again,
9 with the township selecting a no option
10 alternative, a lot of the content of the report,
11 although it's good information, I don't know that
12 it has a lot of relevance specifically to the
13 Township.

14 But with that said, Chapter 1
15 through 4 are kind of background information,
16 talking about geology, you know floodplains, what
17 the existing public sewer treatment plant is, what
18 it looks like, what the capacity is, so on and so
19 forth, so I'm not going to go through all the
20 details of the chapters. Again, you can go here
21 and read that, Chapter 1 through 4.

22 Five looks at the alternatives
23 for public sewer. Again, with the Township's no
24 action alternative, so, you know, you can read
25 through it, but there's not a lot of relevance I

1 think to the township.

2 Seven and eight, there is
3 information in here where the -- I'm trying to
4 think of what chapter it is, where the township
5 will look at an enhanced monitoring period for
6 on-lot systems to make sure everything's in good
7 shape for the next five years and at the end of
8 that period, if everything is in good shape, then,
9 you know, the status quo will stay the same, but
10 if, you know, systems could use a little -- if
11 property owners could use a little bit more
12 emphasis on cleaning their systems and, you know,
13 doing good maintenance, because the plan is for
14 them to stay on the on-lot systems. Right? So you
15 want to make sure property owners are aware of the
16 stuff they need to do, like pump out their systems.
17 And, honestly, you know, if you're coming from
18 like, you know, before you buy a home, you're
19 usually renting. Right? And if, you know, you're
20 not aware of that, you might be buying a property,
21 and you're just not aware that you have to pump it
22 out, pump the sewer out of the septic tank, so the
23 OLDS management ordinance that the township could
24 consider adopting after this five-year period,
25 would place a little bit more emphasis for the

1 township to, you know, notify property owners on a
2 reoccurring schedule that pumping is required,
3 things of that nature. So that's, again, that's
4 something that's not being proposed for adoption or
5 anything as part of this plan right now. It would
6 be something the township would consider after this
7 monitoring period of five years.

8 Is there any questions on that?
9 I could briefly touch on, you know, some of the
10 content in the chapters, unless there's any --

11 MR. KEVIN STROYAN: I mean, if
12 this is a public hearing, then it would be
13 appropriate that Mr. Spatz, if he's answering the
14 questions, give us a list of his credentials and
15 who were the authors of this document.

16 MR. SPATZ: Yeah. So, I'm,
17 again, Mark Spatz. I work for Herbert, Rowland &
18 Grubic. HRG is a two-hundred-person engineering
19 firm. We have ten offices throughout the state,
20 two offices in two other different states. We've
21 been in business since 1962, so fifty years.
22 Water, wastewater is I would say, I believe, last I
23 checked, it changes, it fluctuates, but I think
24 it's like 60 percent of our business is water,
25 wastewater industry. We serve more municipalities

1 and authorities than any other firm in all of
2 Pennsylvania. So we are experts in water,
3 wastewater.

4 Specifically, I represent
5 multiple authorities. I've done planning many
6 times. I've been employed by HRG for 17 or 18
7 years now, a licensed professional engineer, and I
8 work with other licensed professional engineers who
9 do this as well.

10 The authors of this report are
11 the municipalities. This is not an engineering
12 document. This is a -- there's no -- you will
13 never see us seal this document. We're not
14 required to seal it as a professional engineer
15 because it's a planning document. So it says
16 exactly what the Township or the Borough or
17 Westfall Township, it says exactly what they want
18 it to say. And if it doesn't say exactly what they
19 want it to say, they need to tell me exactly what
20 they want it to say, cause that's what we need to
21 put into this.

22 Now, HRG is not the approving
23 entity of this. The two approving entities of this
24 report, it's actually three, because you're in the
25 Delaware River, is the municipality, DEP and DRBC.

1 Those are the three entities that will review and
2 make comments and ultimately approve this document.

3 Any other questions? Is that
4 enough? Is there any other questions in regard to
5 that?

6 MR. MAGNOTTA: Are there any
7 other public comments?

8 MR. KEVIN STROYAN: If it's the
9 appropriate time, Kevin Stroyan, 119 Stroyan Lane.

10 There's several reoccurring
11 statements in this document in reference to the no
12 action alternative. And it specifically states
13 impacts of no action, it states probable
14 degradation of public water supplies, loss of
15 recreation and environmental -- loss of recreation
16 environmental hazards. It states that several
17 businesses have stated that they will not stay in
18 business in the area without public sewer. And
19 this is repeated not only in the environmental
20 section, it's in Chapter 5 several different times,
21 yet there's no supporting documentation.

22 MR. MAGNOTTA: I think that's a
23 comment.

24 MR. KEVIN STROYAN: It says
25 there's probable degradation of the public water

1 supply with a no action alternative. Yet there's
2 no support of that statement.

3 MR. SPATZ: Yeah, that is a --
4 yep. Okay. What I want to say is, there's really
5 typically no support for that because it's a well
6 known thing as communities get denser.

7 MR. KEVIN STROYAN: But none of
8 Milford area that says for that, has anything to do
9 with the public water supply or the Milford Water
10 Authority. So it's a disingenuous statement at
11 best.

12 (Off record discussion.)

13 MR. MAGNOTTA: Go ahead, Kevin.

14 MR. KEVIN STROYAN: It says,
15 loss of recreation and environmental hazards. If
16 there's no substantiation of that statement --
17 several businesses will not stay in business in the
18 area and that it's going to impede economic
19 development. Yet there's no -- there's nothing
20 that substantiates these statements.

21 MR. SPATZ: Well, I don't think
22 the statements are in reference to the township. I
23 believe those are in reference to the Borough.

24 MR. KEVIN STROYAN: They're no
25 -- now wait a second. This stuff is listed

1 directly in where it says no action alternative.
2 It's repeated three times and it's also repeated in
3 the environmental section.

4 MR. SPATZ: I mean, we can take
5 that out. It doesn't matter to me. So, it
6 doesn't --

7 MR. KEVIN STROYAN: Well, I --

8 MR. SPATZ: Ultimately, I guess
9 from the stance of the department, those statements
10 are kind of boiler plate stuff that are just
11 understood. So the department would kind of expect
12 that, but, honestly, I don't think it's critical.
13 I think that just comes from typically what we
14 would, you know, have.

15 MR. KEVIN STROYAN: No, the no
16 action alternative is a three -- I'm sorry.

17 MR. SPATZ: No, but I think what
18 we could do is, if the supervisors wish, you know,
19 it's ultimately up to them. We can look at, you
20 know, we can look at those statements and see if
21 that's what you want the plan to say or not.

22 MR. KEVIN STROYAN: Well, I know
23 in 5.11.5 it also says, unsuitable soil and slope,
24 which doesn't apply to -- you know, we've been told
25 because we've made -- because I personally have

1 made comments during the Borough --

2 MR. SPATZ: Yeah, that's
3 justified, if you look at the --

4 MR. KEVIN STROYAN: I made
5 comments during the Borough's comment period and
6 was basically told -- my response wasn't even
7 answered, but basically was told that it was out of
8 place because I happen to be a tax payer in the
9 Borough, so I didn't really understand that answer.
10 But, I'm trying to say specific to the Township, if
11 that's where we are now, because I've been
12 corrected in the past, so. So this is stuff that's
13 specific to the Township.

14 The other thing that I wanted to
15 make comment about and that I found rather curious
16 is I was at the Milford Municipal Authority meeting
17 this month, and Mr. Tarquinio was there requesting
18 that the authority join in by joint municipal
19 agreement, which I thought was supposed to be part
20 of this plan when it was submitted to DEP.

21 MR. SPATZ: Yeah, it doesn't
22 need to be. Now, we typically don't do that
23 because that is working out the details at a very
24 fine level, when you don't even have a plan
25 approved. Like, you're not even on the same page

1 that you're going to have public sewer yet, let
2 alone it's been approved by the department. Why
3 would you sit down with attorneys and start to work
4 out intermunicipal agreements for --

5 MR. KEVIN STROYAN: I found that
6 curious, but it was presented that this was part of
7 the process that needed to be gone through.

8 MR. SPATZ: It will be. The
9 process of public sewer is a multi-year process.
10 You'll have an --

11 MR. KEVIN STROYAN: I understand
12 that. So you had no knowledge that Mr. Tarquinio
13 was looking to do that?

14 MR. SPATZ: No, he called me.
15 Yeah, he said that he wanted to talk with the
16 authority to get that ball rolling. I told him
17 that over the next, I don't know, over the next
18 year's worth of time, municipalities should start
19 to thinking about that. You know, first a plan
20 needs to be submitted to DEP and then can kind of
21 look at that at a later date. It's not a thing
22 that needs to be completed with the 537 Plan. It's
23 usually staged into the plan itself, into the
24 implementation. Because you have this plan, but
25 then you have implementation. One of the first

1 stages of the implementation, if you look on the
2 executive summary, is working out the
3 intermunicipal agreements. And then after that's
4 done then you can go to the next stages. Again,
5 that's the Borough stuff, that's not really
6 Township.

7 MR. KEVIN STROYAN: Then to
8 summarize it, I personally believe that the
9 impression that is given by this document's
10 statement about the no alternative action is
11 something that, on the face, DEP would take the
12 opinion that this would not be acceptable. So I --
13 it just -- I'm bewildered that there's direct
14 statements that have no foundation in the document.
15 But, I'll move on.

16 MR. MAGNOTTA: Thank you, Kevin.
17 Are there any other comments?

18 Board members? Rachel.

19 MS. HENDRICKS: Yeah, this is
20 Rachel Hendricks, one of the supervisors.

21 I'd like to ask Mr. Spatz about
22 the language that Kevin is referring to in terms of
23 the DEP approval process. When DEP does their
24 review, do they simply accept or reject or do they
25 specifically modify or give, you know, the changes

1 that they require in order to find a level of
2 acceptance?

3 MR. SPATZ: Yeah, they would
4 provide comment. So they would, you know, review
5 the document. If they had questions or comments on
6 certain things, they would provide that and then it
7 would be up to the municipality to respond to
8 those. Typically we help with those responses, but
9 ultimately if it comes down to decisions, then we
10 can't make decisions. Only the supervisors can
11 make the decisions, but we can help guide on like
12 what are they asking for? What are they looking
13 for? Is this a big thing? Should we just change
14 it?

15 A lot of times if we would get
16 comments, I'll typically mark them up in like the
17 headers, like I would just change -- they might
18 comment on like language. We prefer it to say this
19 instead of that. A lot of times, like, all right,
20 okay, it's six and one half, half dozen of the
21 other. Like you could say it multiple ways, it
22 still means the same thing. So you just change it
23 to say whatever. And they might have very specific
24 reasons that, you know, I'm not aware of. Like,
25 hey, this is how we're saying it across the entire

1 state, so we want it to be consistent, you know, on
2 a certain thing or something, which obviously
3 evolves over time since, not that we're not
4 actively engaged in these plans, but it just
5 evolves over time and you find out that the
6 districts are not the same. You know, we're
7 dealing with Northeast, PA district staff changes.
8 So it can change just with staffing changing on
9 what certain people want to see here or what it
10 says. If there's other decisions that are more
11 consequential, then we might need to sit down and
12 talk about those or get on a call. And then if
13 it's of major substance, then we have to have a
14 meeting with the department, the township may need
15 to.

16 I don't see an issue where the
17 Township or the DEP, you know, we're not like
18 setting up to have a situation where we're thinking
19 that DEP is going to come back and say that, you
20 know, the no action alternative is not acceptable.
21 I don't believe that's going to be the case. In
22 our experience with things, we don't see -- you
23 know, when we did the tier 2 assessments on OLDS,
24 you know, there's a couple failures, I think less
25 than a handful within the township, this is that

1 map that we're looking at, but they're not
2 clustered. You know, you don't see a big cluster
3 of failed systems. You know, I think there's --
4 yeah, I think there's less than a handful. I think
5 there's only 2 or 3. So those would just get
6 remedied with the -- you know, by the SEO with the
7 property owner. But ultimately, you know, if we
8 saw like a big handful or a big pattern of red dots
9 on there, then, yes, I think if we would come back
10 and say there's no action alternative, the
11 department would say, hum, I don't know about that.
12 But in this situation, I don't see that being a
13 problem. But, I'm -- you know, I can't speak for
14 the department. So I'm holding my breath. I truly
15 do not feel that they're going to take an exception
16 to that, but if they -- you know, I can't guarantee
17 that.

18 MR. MAGNOTTA: Mark, typically,
19 how long does the department take in reviewing an
20 Act 537 Plan?

21 MR. SPATZ: I would say six to
22 nine months, maybe a year. Northeast PA, though,
23 is notoriously slow, like really bad. So, I don't
24 know. On one breath I know that the department
25 is -- right now I think it's one person seems like

1 with some of the emails from Pat Devitt, so if that
2 stays the same, then I think it would take a long
3 time.

4 If -- I keep hearing about a big
5 surge in funding with the recovery plan and the
6 township may even have got money, I know my
7 township got money, so that may -- I was thinking
8 the other day, I'm like, well, maybe the state will
9 get some money and maybe it'll -- because the
10 department right now with Covid is slow across the
11 board. Everything is really, really slow. It's
12 the one thought that crossed my mind is, well,
13 maybe the state will get some assistance and speed
14 things along. So I would at least plan for a year.
15 It could be longer. They technically have 120 days
16 upon submission and acceptance to provide comment,
17 so we'll see. But there's always little loop holes
18 in those 120-day timeline.

19 MR. KEVIN STROYAN: So who does
20 the department confer with when they have questions
21 or during their review and is there a public
22 comment period with DEP?

23 MR. SPATZ: The department will
24 confer with -- by written letter, and, no, this is
25 the public comment period. If you have substantial

1 changes, so like say the plan would come back and
2 the department -- again, I don't want to do this
3 wrong way, but say the department would come back
4 and say, yeah, you guys need to do public sewer,
5 that would trigger then now having to go back to
6 the public comment period. That's a substantial
7 change. If the department comes back and says,
8 hey, I want you to change this paragraph to say
9 this instead of that and it really kind of means
10 the same thing, there's not another public comment
11 period. So anything of substantial change.

12 Ultimately the township is --
13 it's a -- as always, as I've expressed this
14 multiple times because it's the fact, the township
15 is in control. This is the supervisors' plans.
16 Whatever they want it to say, that's what it will
17 say. They have to adopt it as a resolution, you
18 know, they've adopted the draft to submit to DEP,
19 but there's another part of that, once the document
20 is finalized, you know, a while from now, so
21 ultimately the conversation between, you know, what
22 the plan says and, you know, how to address DEP
23 comments, we will help draft comment responses to
24 those and changes. But, ultimately, the
25 supervisors need to be okay with that.

1 MR. KEVIN STROYAN: If the
2 township chooses to adopt this through ordinance
3 does that give it another public hearing?

4 MR. SPATZ: No. I mean, the
5 ordinance -- the only difference between a
6 ordinance and a resolution -- well, I'm not an
7 attorney, but in this scenario, you're not required
8 to do an ordinance. The biggest difference, what I
9 understand, between an ordinance and a resolution
10 is an ordinance requires a --

11 MR. MAGNOTTA: Public
12 advertising and a public hearing.

13 MR. SPATZ: But the 537 Plan
14 requires public advertisement anyways, so.

15 MR. MAGNOTTA: Right.

16 MR. SPATZ: Now, this, I guess
17 technically, you know, we're looking at adopting
18 this final resolution, so we're in the public
19 comment period for that. This is the public
20 meeting for it.

21 MR. KEVIN STROYAN: So then it
22 doesn't matter when you approve it, a year from now
23 you don't have to revisit it?

24 MR. SPATZ: Revisit what?

25 MR. MAGNOTTA: As far as public

1 comment is concerned, Kevin?

2 MR. SPATZ: Public comment or
3 public hearing.

4 MR. MAGNOTTA: Yeah. No.

5 MR. SPATZ: Correct.

6 MR. MAGNOTTA: That's correct.

7 MR. SPATZ: As long as there's
8 no substantial change.

9 MR. MAGNOTTA: I would also just
10 break in for one minute so that the record is
11 clear, I did get a text from our secretary. Faith
12 Zerbe did send a comment letter. So that'll be
13 forwarded to DEP along with the plan, it will be
14 forwarded to you Mark for a response. She's from
15 the Delaware Riverkeeper network.

16 MR. SPATZ: It's important to
17 understand too what the public response is. Like
18 we get public comments. It's not HRG responding to
19 these. It's the supervisors' responses. We draft
20 them, but ultimately it's the supervisors. You
21 know, if they want to say something different than
22 our draft, I can provide the word doc. What do you
23 want it to exactly say? That's what we will put in
24 there. So it's not -- I think a lot of this
25 process has been looked at -- like HRG, you know,

1 we're given these comments to HRG. HRG is like,
2 no, you're not. You're giving them to the township
3 and the township will, you know, we'll help draft
4 the responses, but ultimately it's whatever the
5 township wants them to say. So, like Delaware
6 Riverkeepers provided public comments and we'll
7 have to put some sort of -- the supervisors will
8 have to put some sort of response in there. Again,
9 we're going to draft as a part of our service, but
10 it's going to ultimately say whatever the
11 supervisors want it to say.

12 Unless, honestly, if you guys,
13 like Rachel or Penny or any of the supervisors, if
14 you -- you know, there's nothing to say that we
15 have to draft out the responses, you guys are like,
16 well, we'd like to just -- and you're obviously
17 more than welcome. I'm more than happy to not
18 draft up responses, but we do do that as a part of
19 the service.

20 MR. KEVIN STROYAN: Yeah, but --
21 so who actually answers the public comment? No
22 one?

23 MR. MAGNOTTA: Supervisors. The
24 supervisors answer the public comment.

25 MR. KEVIN STROYAN: And that's

1 true of the Borough Council as well?

2 MR. MAGNOTTA: Yes.

3 MR. SPATZ: So each municipality
4 responds, but it's important to understand that
5 they're not responding to the commenter, they're
6 responding to the comment and put it in the
7 document and then that goes to the department.
8 See, that's a big difference between like other
9 processes. So for -- I think it's a big difference
10 between like a planning commission. Like a
11 planning commission reviews the land development
12 plan. You have a comment, you need to come to a
13 resolution on that. That's not how 537 works. You
14 have a public comment. We need to address the
15 comment, document it in the plan, but it doesn't
16 need to satisfy the commenter, it just needs to
17 address that comment, which could be, we've taken
18 that comment under consideration, and that's it.
19 That's not a -- it might not be, you know, to the
20 commenter's liking, but that's not what's required.

21 Again, the supervisors are in
22 charge of what this plan says. The intent of the
23 public comment period is to give the supervisors
24 information. Then they will consider that to
25 ultimately produce this plan.

1 MS. HENDRICKS: This is Rachel
2 again. I do think that given that we have chosen
3 the no action alternative, that we should make some
4 adjustments to the language there. I think it's
5 very severe in terms of creating an appearance
6 that, you know, we're really mocking up the works
7 by taking the no action alternative, and I think
8 that we should have more of an explanation there as
9 to, you know, specific to Milford Township. And if
10 it's not, if we can except ourselves out, given
11 that it's a multi-municipal document, and say
12 specifically, Milford Township has chosen this
13 alternative because, then lay it out very clearly,
14 as opposed to, you know, the language, the way it
15 is now, and I understand you're saying it's boiler
16 plate, but it's basically saying, you know, we're
17 choosing the alternative that's going to mock up
18 the public water supply, prevent anyone from using
19 recreational waters, you know, and some other
20 pretty severe things, and I'm not comfortable with
21 that language given that it's what we've chosen.
22 And I think we can make some very minor tweaks to
23 that language and perhaps just add a paragraph that
24 indicates why we felt that alternative was the most
25 appropriate one for our community and have it

1 specific to Milford Township, and I think then it
2 would be acceptable for us.

3 I don't know if Penny and Gary,
4 if you have 5.10 in front of you or in the
5 environmental report 1.2.13 and basically have that
6 same language over again. And also the financial
7 feasibility issue. You know, in this document and
8 in a number of places it indicates that even though
9 community is not viable or the businesses find it
10 to be not viable to continue without that.

11 We've also had businesses and
12 individuals come forward and say that it's not
13 viable for them economically to move forward if
14 they're forced to participate. And I think that
15 that economic issue is one of the reasons that the
16 board of supervisors here chose not to force anyone
17 to hook into the system but to allow it to be by
18 choice, so that we are not placing that as a
19 burden.

20 And I would like to see some
21 language modifications that acknowledge that
22 business viability has been brought up in both
23 directions and that it was not within the scope of
24 this study to adequately assess the businesses'
25 viability. There was nothing done to identify, you

1 know, in depth whether or not there are other
2 alternatives that could suit them. It specifically
3 references several places in the study where, you
4 know, assessing that on an individual business by
5 business basis is not appropriate and not cost
6 effective. But we do keep repeating that it's
7 economically not feasible to move forward as a
8 community without this. So I do note that that
9 business viability question was not part of the
10 scope of the study.

11 MR. SPATZ: Well, I think in the
12 Borough's scenario they're getting that from their
13 comprehensive plan, which is affixed --

14 MR. KEVIN STROYAN: We can't
15 talk about the Borough here.

16 MR. SPATZ: No, I get that, but
17 I think --

18 MR. KEVIN STROYAN: You can't
19 have it both ways, Mr. Spatz.

20 MR. SPATZ: Kevin, come on now.
21 I'm not trying to talk -- the sections that are
22 talking about business viability are specifically
23 within the Borough. So that's where they're
24 referencing to that. I don't believe there's
25 anything in this that's alluding to business

1 viability within the Township.

2 MR. KEVIN STROYAN: In the
3 appendices there are. It's also repeated the
4 economic viability in the appendices, is it not?

5 MS. HENDRICKS: In the
6 environmental report in Section 1.2.13, it has the
7 same language for the no action alternative. And
8 that's what I'm saying. I appreciate what you're
9 saying, Mark, that the references to the businesses
10 in the Borough who question their viability,
11 without the public sewer alternative, but if this
12 language is specifically in the no action
13 alternative, which is the alternative that we've
14 chosen, so --

15 MR. SPATZ: Yeah, no -- I'm
16 definitely clear on the no action alternative part.
17 The thing I'll need some help on is where are we
18 getting that from. So I need some help with the --
19 same thing on the environmental stuff. I know we
20 want to say, well, this doesn't, you know, it's
21 better. There was this thing that was out there,
22 like, oh, well, cess pools are better for the
23 environment. That's not true. So to then -- like
24 it's not going to -- I just don't know how to make
25 that argument.

1 MS. HENDRICKS: I'm sorry, Mark,
2 I don't think we're as far apart as perhaps you're
3 thinking?

4 MR. SPATZ: Okay.

5 MS. HENDRICKS: When we're
6 saying probable degradation of public water, which
7 I think both, you know, as Kevin said, both in
8 Milford and in Matamoras is not likely to be
9 happening with the on-lot density because of where
10 those public water supplies are located. You know,
11 if you use the language to say possible degradation
12 of groundwater, then I think that we're not -- I
13 think that we're in agreement, you know. I think
14 we can move forward with language like that.

15 To say loss of recreational use
16 of waterways, if we said possible loss, you know,
17 there were times without knowing where it's coming
18 from, that the beach in Milford was shut down and
19 we don't know what the source of that is or isn't
20 if we don't know if a public sewer system is going
21 to correct that or not. But we could say possible.
22 I think that, you know, as it pertains to the
23 businesses saying that it's not financially
24 feasible, I just think we need some language that
25 is more inclusive to say and other businesses have

1 expressed concerns that the cost of being part of a
2 central system would hamper their economic
3 viability. Assessing the economic viability of
4 businesses in the area is outside of the scope of
5 the study.

6 So, say, yeah, some are saying
7 yes, also acknowledge that some are saying the
8 opposite, because that is true. And we've had
9 this -- I know I had business owners come forward
10 and express that concern. And perhaps, you know,
11 we're saying in the no action alternative -- in
12 each area that you go through the no action
13 alternative, the last line says that it was
14 rejected in many of the places. It says that it
15 was assessed and rejected, and it wasn't rejected
16 in Milford Township.

17 So if we can say that it was
18 rejected except by Milford Township where it was
19 felt that this alternative allowed for system
20 capacity to be more available for those that needed
21 it and potentially for future growth while limiting
22 negative economic consequences for existing OLDS
23 owners with functioning systems, then I think we
24 have language here that I certainly would be
25 comfortable with as a supervisor who has

1 participated in moving the township in that
2 specific direction of the no action alternative,
3 acknowledging that it's not so much that we're
4 saying, you know, public sewer is the worse thing
5 in the world, we're certainly not saying our
6 community can't survive without it, but we're also
7 saying, hey, forcing people to participate we don't
8 think is the best way to go for our community. We
9 want to make sure that if and when and where it's
10 absolutely needed, that that's where it goes as
11 opposed to just forcing people to sign up to make
12 it a more economically viable project right at the
13 onset. Which it may well happen that way for new
14 projects to start to see as the planning is
15 approved, by the time we get several years down the
16 line where you got a year into it for DEP to
17 approve and then you've got a design phase that
18 could be -- what? -- nine months long, or they
19 build out the Westfall portion over the two years
20 following that, by then you may well have several
21 new entities from the township who are signing up,
22 who are saying to the authority we want to move
23 forward. But we don't want to make everyone along
24 the path who doesn't necessarily need it, sign up
25 just because it's coming and we need to share the

1 cost.

2 I think that's the position,
3 and, Gary and Penny chime in and, you know, let me
4 know if you don't find that to be an accurate
5 statement, but that's certainly how I view it.

6 MR. KEVIN STROYAN: It's very
7 obvious that the supervisors have never stated that
8 they wanted to stand in the way or they wanted to
9 stand in the way of any customer that wanted to
10 hook to the pipe. As a matter of fact, they said
11 that they won't impede that.

12 MS. LUHRS: I would never impede
13 that. If somebody wants to have central sewer in
14 our township and they have to go and do the module,
15 but there's no cost to the township, I think we got
16 the best of both worlds. I really do.

17 MR. KEVIN STROYAN: But to say
18 that it completely impedes the economic
19 development, you got a huge project going on right
20 across the street right now. Econopac is going to
21 do a huge development there, to sustain three
22 shifts over 200 people a shift, 300 people in some
23 shifts. So I agree with Rachel, we have to meet in
24 the middle here somewhere?

25 MR. SPATZ: From my -- Rachel,

1 everything you were saying I think is definitely --
2 we can make those adjustments, and then I'll send
3 it to you guys and we'll hash that kind of stuff
4 out, but it makes a lot of sense.

5 MS. HENDRICKS: Gary, Penny, if
6 you agree, I mean, if you like the language that I
7 just read, I can put that in an email.

8 MS. LUHRS: Absolutely, Rachel.
9 Go ahead and put it in an email. Gary, are you
10 okay with that?

11 MR. WILLIAMS: I'm fine with it.
12 It sounded very good to me.

13 MR. SPATZ: I'm so glad that --
14 it sounded like you were reading something. I'm
15 like, man, I hope she is. Like either she's really
16 good at -- it sounds very smooth.

17 MS. HENDRICKS: Thank you.

18 MR. SPATZ: Yes, that'd be
19 amazing. Thank you.

20 MS. LUHRS: Any more comments?
21 Questions? Concerns?

22 MR. KEVIN STROYAN: I want to
23 thank the supervisors for giving this close
24 attention; Mr. Spatz for his work.

25 MS. LUHRS: Do you have more

1 questions, Kevin, or are you satisfied with
2 everything?

3 MR. KEVIN STROYAN: We sent a
4 lengthy document that has questions about the plan
5 itself, so that's already been done in writing. I
6 don't really want to -- this is the thing of
7 greatest concern to me, what we brought up tonight.
8 I don't want this to be construed the wrong way,
9 that's all.

10 MS. LUHRS: Okay.

11 MR. WILLIAMS: Thank you, Kevin.

12 MS. LUHRS: Mr. Spatz, do you
13 have any more things to add to anything?

14 MR. SPATZ: Not really. I mean,
15 I didn't -- I mean, I guess just the final piece to
16 this, if anybody is interested, this is the -- the
17 appendix section, which we talked about in some
18 detail, you know, has maps of the different
19 alternatives and mostly the map that I think we
20 were on tonight is an Appendix G, if anybody is
21 interested. This has the OLDS assessments. So I
22 think that -- that's not it, that's H. G has the
23 OLDS maps of what systems were surveyed and what
24 their condition are, so I think that's pretty
25 applicable for the township. I'm not going to go

1 through all these in detail, but like Appendix A
2 and B are a lot of -- you can see specifically B,
3 it's a lot of the existing ordinances and
4 comprehensive plans, so there's a lot of paperwork
5 in that, but it's all just documenting existing
6 ordinances that have been passed for years.

7 If you do look at Appendix A,
8 that's basically a regurgitation of what's in the
9 537 Plan itself. The department requires it in two
10 different formats, one is the 537 sewer plan, but
11 then there's the environmental assessment part of
12 it, which is a lot of the same information. So if
13 you see duplicates, it's like, why are we saying
14 this multiple times. It's just how the department
15 requires the format.

16 These other appendices,
17 obviously you can go through. They have a lot of
18 maps for the public sewer alternatives, the costing
19 and flow values and things of that nature. So I
20 think specifically for the township they're not
21 super relevant, but they're in there. Anybody can
22 view them. Again, this link is on the web site.

23 When is the public comment
24 period ending? I think it's the 30th?

25 MR. MAGNOTTA: Let me just check

1 the ad again.

2 MR. SPATZ: Do you have it
3 handy?

4 MR. MAGNOTTA: I do. Hold on
5 one second.

6 MS. HENDRICKS: While we're
7 waiting, this is Rachel. Mr. Spatz, one of the
8 questions that the planning commission had asked
9 was regarding where exactly on West Hartford Street
10 the line was scheduled to stop. And I think the
11 response that we were able to finalize merely said
12 that there would be nothing in the township. We
13 have some common border on West Harford Street
14 where one side of the street remains in the Borough
15 while the other side of the street is in the
16 Township. Can you offer for us any more specifics
17 about where exactly on West Hartford Street the
18 line is scheduled to stop by what the Borough has
19 chosen?

20 MR. SPATZ: Well, either way, if
21 a property owner -- so the lines -- we do not have
22 any properties that were tagged as Westfall
23 Township properties anticipated to connect to the
24 line, regardless of where it stopped in that area,
25 because that would mean they'd have Westfall --

1 Milford Township, I apologize. We did not have any
2 properties that were tagged as Milford Township
3 properties. And what I mean by tagged is, you
4 know, we're getting GIS data from the county.
5 Right? It assigns a parcel to each municipality.
6 So any of the properties that were tagged to be --
7 that are in Milford Township, were not anticipated
8 to connect because that would then mean public
9 sewer in Milford Township. So, again, they're
10 following the no action alternative, which is, you
11 know, to remain on their private system. Does that
12 make sense? The line will not go outside of the
13 Borough as anticipated right now.

14 And not that a 537 Plan is
15 really to that level of detail, like where is it
16 exactly going to stop. But the Borough would have
17 no jurisdiction to put a sewer line in the
18 Township, so it's not going to go in the Township,
19 unless the Township would want it to. If that
20 makes sense.

21 MS. HENDRICKS: I understand
22 what you're saying. I'm just referring to the fact
23 that one side of the street remains in the Borough
24 while the other side of the street is in the
25 Township, and so it's certainly of interest if the

1 line is going to come past there, especially as we
2 do potentially have people who may come forward
3 later. And as a supervisor, I'd just like to be in
4 the know about whether the line is going to come
5 through those neighborhoods. You know, the
6 individuals, they don't always look at it the same
7 way that we do in terms of where the municipal line
8 stops, especially if the service or the
9 construction is going to impact them.

10 MR. SPATZ: Yeah, so as of right
11 now, from a fundamental standpoint of what they
12 would need to do, if the lines -- so if you have --
13 so if it's a situation -- and I'm going to try to
14 find a map as we're talking here. If the situation
15 were as half of the street is in the Borough and
16 half is in the Township and the line's going down
17 the street, and it's tagged as a Borough street or
18 a state street, it's just as fine, it's a state
19 right of way, the properties within the Borough are
20 likely going to need to connect. The properties
21 within the Township will have the option to connect
22 because we talked about the planning module option.
23 So they're not anticipated to connect, so we're
24 not -- we didn't add those flows in and things like
25 that. Not that flow is really a problem. We're

1 not that -- you know, it's not like things are that
2 tight and slow, but then those properties would
3 need to do some sort of module or something.

4 The way the plan is right now,
5 those properties would need a module or something
6 to be able to connect in the system. And, of
7 course, the Borough would need to -- there'd have
8 to be some agreements then too as well, because
9 obviously then the Borough authority is going to be
10 charging them a rate. Right? So they'll see
11 they're going to be doing billing to properties
12 within the township for sewer. The supervisors
13 will need to agree to that first. So that that
14 would need to occur. And then those properties
15 would need to do a module to connect.

16 537 Plans are a living document
17 too, so years from now, when this comes together,
18 if the township says, you know what, we'd like to
19 just have them all connect and so that each
20 property doesn't need to do a module. You could
21 just do a component 3M which is like a municipal
22 planning module basically, and have them all
23 connect at one time. It could be optional. It
24 could be mandatory. Again, it's up to the
25 supervisors of how that would work. And, again,

1 understanding it's the Borough's sewer line, cause
2 they're going to pay to build it, then they would
3 have to agree to serve those customers too. So
4 it's kind of a two-way street. Does that make
5 sense? You guys would have to approve it. The
6 supervisors would have to approve it from the
7 Township. The Borough would have to approve it as
8 well since -- and the authority since they're the
9 arm of the Borough that's building the line.

10 MR. MAGNOTTA: Mark, before I
11 forget, I just wanted to answer that question. The
12 comment period ends March 31st.

13 MS. LUHRS: Thank you, Tony.
14 Any other comments. Thank you, Mr. Spatz. Thank
15 you everyone that's come. At this time do you have
16 anything, Tony?

17 MR. MAGNOTTA: I do not. Just
18 need a motion to adjourn.

19 MS. LUHRS: I make a motion that
20 we adjourn.

21 MR. WILLIAMS: I will second
22 that motion.

23 MS. LUHRS: All in favor?

24 MR. WILLIAMS: Aye.

25 MR. HENDRICKS: Aye.

1 MS. LUHRS: Thank you everyone.

2 MR. MAGNOTTA: Thank you. Have

3 a good night. Happy Easter everyone.

4 MS. LUHRS: Happy Easter.

5 (Hearing concluded at 7:54 p.m.)

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I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me at the hearing in the above matter; and that the foregoing is a true and correct transcript of the same.

JOSEPHINE HOLLMAN, C.R.