

Milford Township

From: Christina Markgraf [christina@magnottalaw.com]
Sent: Monday, August 08, 2022 2:56 PM
To: penney luhrs (dpluhrs@yahoo.com); 'Rachel Hendricks'; 'Gary Williams'
Cc: JOHN KLEMEYER ESQ.; Jason Ohliger; Jim Baron; Milford Township; Contact
Subject: Proposed Intermunicipal Agreement Between WMA, MWA, MMA, MATAMORAS, WESTFALL, MILTWP, MILFORD

Milford Township Board of Supervisors

RE: Proposed Intermunicipal Agreement Between Westfall Municipal Authority (WMA), Municipal Authority of the Borough of Milford (MWA), Matamoras Municipal Authority (MMA), Borough of Matamoras (MATAMORAS), Township of Westfall (WESTFALL), Township of Milford (MILTWP) and the Borough of Milford (MILFORD)

Dear Supervisors:

I have had the opportunity to review the latest proposed Intermunicipal Agreement and would note as follows: Page 2 indicates that given the change in the status of the parties relative to the central sewage that all parties desire to enter into a single comprehensive agreement to address wastewater issues to supersede all existing agreements relating to wastewater conveyance and treatment compacity and the allocation of construction, operation maintenance and administrative cost. As you may recall, there was much discussion early on in this process regarding whether there was a need for individual agreements among all of the municipal bodies. This has been answered by this paragraph.

The definition of "Participant" has been clarified that the municipal signatories to this Agreement shall not be considered participants by virtue of their execution of this Agreement. Likewise the definition of "Private Party" and "Private Party Agreement" have been clarified to indicate that the municipal signatories to the Agreement shall not be considered private parties or a member of a private party agreement simply by virtue of their execution of this Intermunicipal Agreement. Article 8, § 8.01 provides that MWA and MMA shall each to the extent that they or it is not done so prior thereto take all action as it has the legal power to take to have Milford Borough and Matamoras Borough pass Mandatory Connection Ordinances.

Section 8.09, applicable to Milford Township indicates that it is a Pass Through only. Specifically, Milford Township shall not allow any customers within Milford Township from a geographic area not serviced by the Plant to pass through the Intermunicipal Facilities for the purpose of conveying flow to the plant unless such customers or Milford Township have entered into Intermunicipal Agreements with WMA and MWA for conveyance and treatment and have approved Amendment to the Milford Township Act 537 Plan for such connection. Milford Township shall bear the responsibility for obtaining such agreements and amendments. Once again, based upon the current Act 537 Plan a Milford Township resident would not have a automatic right to connect to the sewer system unless the plan was amended or unless a mandatory connection ordinance was passed. Such arrangements would have to be made specifically by the customer with WMA and MWA and may necessitate additional action taken by Milford Township as far as amending its Act 537 Plan to allow for such connection.

The only other additional section added to the Agreement was a Dispute Resolution which would allow the matter to be decided by the Pike County Court of Common Pleas.

Thank you for the opportunity to review this matter. If you have any questions or comments, please do not hesitate to contact me.

Sincerely,

Anthony J. Magnotta, Esquire

cc: **John Klemeyer, Esquire**
Jason Ohliger, Esquire
James Baron, Esquire

Christina Markgraf
Legal Assistant

ANTHONY J. MAGNOTTA, ESQUIRE

Attorney at Law

1307 Purdytown Turnpike, Suite A

Lakeville, PA 18438

Phone: 570-226-5700

Fax: 570-226-5654

E-Mail: contact@magnottalaw.com

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