

Milford Township

From: Jessica Rella [jessica@magnottalaw.com]
Sent: Thursday, January 19, 2023 10:16 AM
To: mroberts@hrg-inc.com
Cc: 'Rachel Hendricks'; Gary Williams; penney luhrs; Milford Township
Subject: Eastern Pike County Regional Act 57 Plan Adoption Resolution
Attachments: 1-18-2023 Ltr to HRG re Resolution.pdf

Dear Mr. Roberts:

Attached please find correspondence with regard to the above referenced matter.

Thank you,

Jessica Rella
Legal Assistant

ANTHONY J. MAGNOTTA, ESQ.

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January 18, 2023

(Via Email: mroberts@hrg-inc.com)

HRG

Herbert, Rowland & Grubic, Inc.
Engineering & Related Services
P. O. Box 504
Clarks Summit, PA 18411
Attn: Matthew Roberts

**Re: Milford Township
Eastern Pike County Regional Act 57 Plan Adoption Resolution**

Dear Mr. Roberts:

I am writing to you in my capacity as Solicitor for Milford Township, Pike County, Pennsylvania. The Board of Supervisors reviewed the proposed Resolution of Adoption of the Act 537 Plan at their January 17, 2023 meeting. During that review, questions arose as to the enforceability of the Resolution against Milford Township if the Act 537 Plan was adopted in its present form. I have been asked by the Supervisors to summarize these questions and request that additional action be taken with respect to the Plan. First, the revised Act 537 Plan contains a sample On-Lot Sewage Disposal Ordinance and a proposed Intermunicipal Agreement. The Milford Township Board of Supervisors has indicated the desire not to be bound by the terms of the On-Lot Sewage Disposal Ordinance contained in the proposed Act 537 Plan and has indicated in the past that there are issues concerning cost sharing with respect to the Intermunicipal Agreement since Milford Township is not benefited directly by this project. Second, the Act 537 Plan currently contains language in Paragraph 6.7 Administrative Organization and Legal Authority indicating that Intermunicipal Agreements have been finalized with respect to the implementation of the alternatives identified in the Plan, operation and maintenance expenses and funding to implement the proposed alternatives. Although the intent of the paragraph seems to indicate to DEP that the Municipal Authorities will be responsible as the organizations for implementation and funding of the Plan, the statement that Intermunicipal Agreements have been finalized is false and misleading since Milford Township has not signed any final Intermunicipal Agreement nor have the

Township Supervisors approved any Intermunicipal Agreement other than the existing Agreement. That Agreement provides in pertinent part that the parties will do a cost feasibility study to evaluate the costs of implementing the extension project and develop a plan for how those costs will be allocated in an equitable manner satisfactory to all parties. As you are aware, the Township Supervisors have consistently indicated that they do not believe that one-quarter (1/4) cost contribution is equitable since the Township receives such little benefit from this project.

The Supervisors have also requested that I indicate to you the utilization of language in the Act 537 Plan singling out Milford Township for its decision not to implement a Mandatory Connection Ordinance is disturbing. Perhaps the Plan should indicate that it is anticipated that Milford Township will not require mandatory connection along the pipeline proposed for Route 6 and 209, however, capacity is being set aside for those residents of the Township who wish to voluntarily connect in accordance with DEP and Authority Rules and Regulations.

The Supervisors have requested that I make you aware of their concerns and suggest that the plan be modified as requested so that it is consistent with the Supervisors goals for the community. The modifications would certainly ease the adoption of the Resolution. Thank you for your cooperation and assistance.

Sincerely,



Anthony J. Magnotta, Esquire

AJM/jsr

cc: Rachel Hendricks/Milford Twp. (ravhendricks@gmail.com)
Gary Williams/Milford Twp. (williamsgarym@outlook.com)
Penney Luhrs/Milford Twp. (dpluhrs@yahoo.com)
Shahana Shamim/Milford Twp. (milfrdtp@ptd.net)