

Milford Township

From: Jessica Rella [jessica@magnottalaw.com]
Sent: Friday, January 13, 2023 9:50 AM
To: Milford Township; 'penney luhrs'; 'Gary Williams'
Subject: RE: Eastern Pike County Regional Act 537 Plan Adoption Resolution

Dear Supervisors:

I was forwarded a copy of a Resolution for Adoption for Act 537 Plan pertaining to the Eastern Pike Study. In review of the Executive Summary, Paragraph 4 indicates that no structural alternative has been selected for Milford Township. It goes on to state that a proposed transmission line running through Route 6 and 209 in Milford Township conveying flow from Milford Borough into Westfall Township. At the time of this study, Milford Township has not expressed interest in requiring residents to connect or to assist with funding the sewer extension from Milford Borough to Westfall Township in the immediate future. Capacity has been reserved and planned for the future from Milford Township as noted in Chapter 4. As a result, there are no immediate based on the OLD survey, well water sampling and good drainage based on the soil data Milford Township will focus on maintaining the existing OLDS and COLDS in the township and pass an OLDS Management Ordinance. In the event of future potential connections, Milford Water Authority is Milford Township's selected institutional alternative.

In reviewing the Executive Summary I would note the following:

1. There is no mention of how much capacity will be reserved and planned for future development from Milford Township.
2. The revised 537 Plan has Milford Township adopting an OLDS Ordinance and an OLDS Management Ordinance.

My review of Chapter 4 indicates that it is clearly only listing the current zoning regulation for Milford Township and the other respective townships. The only reference to extension of public sewers to new development areas is in Section 4.6.1 which indicates since no connections are anticipated in Milford Township immediately, new development will have OLDS unless a property submits a planning module to revise the Act 537 Plan for review and approval by the Milford Township Board of Supervisors.

Chapter 5 Section 5.8 outlines a potential ordinance for sewage management programs which would require each person owning a building served by an on-lot sewage disposal system to have the septic tank pumped by an authorized pumper within three years of the effective date of the ordinance. Thereafter, that person would have to pump their tank at least every five years or whenever an inspection reveals that the septic tank is filled with solids or scum in excess of one-third (1/3) of the liquid depth of the tank.

In addition, Section 5.10 adds that a no action alternative is not being considered. Section 5.11.4 says that no structure alternatives for Milford Township had been contemplated at the time of this study. The study areas of Milford Township East and Milford Township West are not significant needs areas based on the OLDS surveys, the well water sampling data, and the good drainage in Milford Township East and West. Due to the lack of a Mandatory Connection Ordinance, the study anticipates no immediate connections in the next five years and does not account for any financial contribution from these future connections. The properties along Route 6/209 are projected as future connections and would have the option to voluntarily connect to the proposed sewer collection system.

Paragraph 6.7 Administrative Organization and Legal Authority for Implementation states as follows: The implementation of the alternatives identified in this Act 537 Plan will require administrative organizations that can incur indebtedness on behalf of the project, can guide the project to completion, and provide the necessary operation and maintenance to the project. The Municipal Authority's (Municipal Authority of the Township of Westfall, Milford Water Authority and Matamoras Municipal Authority) in the region are recommended as the agency's to provide funding and to implement the proposed alternatives. Intermunicipal Agreements have been finalized with this structure.

Chapter 7 Paragraph 7.1.3 indicates that Matamoras Borough, Milford Borough, Westfall Township and Milford Township have each written out and signed a letter of authorization granting permission for the Authority of Westfall Township to develop the joint municipal plan on behalf of each municipality. A new Intermunicipal Agreement will be reached shortly to establish charges in billing as well as legal authority, maintenance and enforcement responsibilities. In addition to the four municipalities, the three authorities will also need to be involved in the Agreement. All three authorities have the legal authority to negotiate entering agreements with other parties and raise capital for construction and operation and maintenance of facilities.

In Paragraph 8.1.1 the implementation of alternative is 2B and 3B and 6F has been chosen and is anticipated to be completed in accordance with the projected implementation schedule assuming that a finalized Intermunicipal Agreement between all parties and authorities is finalized and funding is secure. Without the finalized Intermunicipal Agreement, development agreements and favorable funding, public and private, these structural alternatives are not considered to be feasible and will not be implemented. The plan forwarded to my office contains two exhibits C and D, both of which are summaries of surveys taken. The plan that was forwarded to me does not include any appendices and indicates that that file is empty. The appendices chapter has a table of contents which includes the following: Appendix L Planning Agency Review and Comments, neither of these documents are attached to the information which was forwarded to my office. I would request before the Board of Supervisors vote on the Act 537 Plan that they request a full copy of all appendices and documents which are being submitted to the Department of Environmental Protection.

Thank you for your cooperation and assistance. If you have any questions, please do not hesitate to contact me.

Sincerely,

Anthony J. Magnotta, Esquire

Jessica Rella
Legal Assistant

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From: Milford Township <milfrdtp@ptd.net>
Sent: Thursday, January 12, 2023 9:42 AM
To: Contact <contact@magnottalaw.com>; Christina Markgraf <christina@magnottalaw.com>; 'penney luhrs' <dpluhrs@yahoo.com>; 'Gary Williams' <williamsgarym@outlook.com>
Subject: FW: Eastern Pike County Regional Act 537 Plan Adoption Resolution

Good Morning,