

Milford Township

From: Milford Township [milfrdtp@ptd.net]
Sent: Monday, February 15, 2021 11:34 AM
To: 'Robert DiLorenzo'; 'ray@rar.bz'; 'Patrick McCarthy'; 'peggymanuel@gmail.com'; 'Lynette Huffman'
Subject: FW: Milford Township Connections
Attachments: 2021.02.09-Comments on the proposed responses to the PC and additional plan questions.pdf; 2021.01.12-Milford Township PC Response (TOWNSHIP).doc; 04 CHAPTER -4.pdf; 05 CHAPTER -5.pdf

Hi All,

Here's a correspondence from HRG.

Thanks,

Shahana Shamim
Secretary
Milford Township Planning Board
Pike County

From: Spatz, Mark [mailto:m spatz@hrg-inc.com]
Sent: Thursday, February 11, 2021 1:08 PM
To: Rachel Hendricks
Cc: penney luhrs; Gary Williams; Milford Township; Anthony Magnotta
Subject: RE: Milford Township Connections

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).

Mspatz
570.851.2804 [office]

570.954.7589 [cell]

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

570.851.2804 [office]

570.954.7589 [cell]

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.

9/14/20

ia Code

(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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CHANGES TO PROPOSED MILFORD TOWNSHIP RESPONSE TO PLANNING COMMISSION COMMENTS

#4 - No public sewer connections are anticipated in the Township *initially*.

Any property wishing to connect in the future will need to submit a Planning Module to revise the Act 537 Plan for review and approval by the Milford Board of Supervisors and the Milford Municipal Authority as the planned owner and operator of the line (the Authority) in the Plan.

#8 – No public sewer connections are anticipated in the Township *initially*.

See #4 response.

We are all on the same power system and capacity limitations and planning will affect all of us.

Power supply is not a legitimate concern. Utility coordination will be completed during the design phase regardless. The power demand is less than a household dryer; especially considering run time and frequency per day.

#9-18 Will these comments to be responded to by other municipalities?

Yes, but not as questions from the Milford Township Planning Commission as it would not be appropriate for the Township PC to be looking at planning for outside the Township jurisdiction.

#12 – We do anticipate that new development may choose to hook in and in fact 4.6.1 indicates if the public sewer is accessible new development will be required to hook in, therefore pricing is a valid concern for the future of the Township and planning for the future is the entire purpose of this exercise. Therefore, please respond to the questions or forward the response of the entity that will be responsive.

We have amended the language to accurately reflect that existing properties or new developments, homes or businesses will need to go through sewer planning (a Planning Module) if they want to connect to the line. Therefore, price is not a valid concern at this time. This will give some additional options in the future vs. grinder pumps. i.e.: a centralized pump station could be proposed, etc... The Planning Module will need to be submitted to the Township and Authority for review and approval. Also, DEP will need to review and approve. It will be a voluntary process for any landowner to submit a planning module. If it is in existing septic system that is failing driving the desire to evaluate connecting to public sewer or not, they will have choices to either fix their on-lot system or connect to the public system (assuming the Township, Authority and DEP approves).

#13 and #14 – These comments expressly ask for recommendations regarding planning for new development within the system. See #12.

These comments are in regard to Borough's planning which is outside the Township's Planning Commission preview and are not appropriate. They are also asking for study of things that are outside of the Act 537 planning scope.

#20 – The Board of Supervisors cannot own this answer. We are aware of a well for Wheatfield Village which well house does in fact front directly along the proposed path of this planned transmission line. “We” as in the BOS, cannot indicate we were unaware.

We have revised this draft response. See attached.

#21 ...anticipated in the Township initially.

See #4 response.

#22 – The requested changes were not reflected in the revised materials we received.

Please find the attached update.

#25 – The requested changes were not reflected in the revised materials we received.

Please find the attached update.

#32 – Change to “The typo has been corrected.”

Please find the attached update.

#34 – Does that mean the portion of the line in the Township will not have any ability to generate odor problems? Please confirm. – **Correct.**

#37 – Add the language in #45 to this response. Further, the fees will clearly be paid by future connections are therefore a legitimate concern to the Township. Please provide a complete response.

The fees will only be paid if they want to connect and also go through the process of asking the Township to amend the Act 537 plan to let them connect – and if the Milford Municipal Authority allows them to connect. Therefore, costs are not a concern at this time for the Township study area.

See find the attached update.

#42 – Please see #37. - See the attached update.

#46 – Should this response not be changed to “No municipal paving will be expected in the Township.” - See find the attached update.

#48 – See 37. Further, whatever source the Borough may be using to subsidize these costs for Borough properties is something we would like to be aware of for the possible future connections in the Township. – **no, not really. Future connections in the Township may be subject to a tapping fee. However, do keep in mind #4 response. Property owners will be actively seeking the ability to connect and thereby willing to pay fees and charges. Or if they are not, they an keep the status quo.**

#49 – See #37. See #4 response.

#50 – The second half of this comment/question has not been addressed. Please respond accordingly. The section was removed, so is a moot point. However, the Township is responsible for protecting the health safety and welfare of the community so if an on-lot system is failing and the Township knows about it (the responsible charge of the Township required SEO) the Township does have an obligation

to make sure the failing OLDs system is rectified. This is nothing new. This is why the Township is required to have an SEO on staff.

#56 – That depends on exactly where the line stops which is the point of the question. Please respond. – see #4 response. It is a PENNDOT road for which they are responsible for permitting which will involve traffic maintenance and protection to keep the road open and traffic flowing. A claim of “disastrous” is without merit. The subject area is within the Borough limits.

#57 - ...anticipated in the Township *initially*. – see #4 response.

#67 – The response to #29 says to see #28, forwarding to the Borough. Please respond as this part of the question is regarding future development in the Township, not in the Borough. – see #4 response.

.....
Additional comments:

It is more appropriate that these comments be submitted to the Milford Township Board of Supervisors.

Milford Township

Response to Planning Commission Comments

January 12, 2021
Last Rev. February 11, 2021

We have reviewed Milford Township Planning Commission's Comment Letter from 1/5/2020, regarding the Eastern Pike County Regional Act 537 Plan project. Our responses are indicated below.

1. Continuity of government in an open and transparent manner is essential, but must be conducted differently in these extraordinary times. The State has recommended:
 - Consider live-streaming meetings through Facebook Live, Skype, GoToMeeting, or other platforms (Zoom).
 - To encourage less in-person attendance, provide alternative means for public comment, such as an email address where comments may be submitted in advance or a call-in number.

In 2020, it is common for municipalities throughout the State to be conducting their business through live-stream meetings. In addition, the other municipal stakeholders within the regional plan have successfully held live-stream meetings, which in many cases makes it easier for residents and business owners to attend in the comfort of their homes, to present the Plan, to address questions and take comments. Recognizing the timeline of COVID restrictions and risks, the Township feels it is appropriate to keep things moving forward on the Plan utilizing all the tools at our disposal to make sure things are handled in a fair and completely open and transparent manner. The Plan has been posted at the link: <http://tiny.cc/easterpike537> for 6-months at this point – a more accessible method than viewing one copy at a public office (minimum requirement) – and in addition, live-streamed public meetings throughout the State are showing larger numbers of attendees, not less, because residents and business owners can connect no matter where they are at or what they are doing. Through the public comment period, the Plan will be advertised in the local paper and be available at the above link which will be reference in the advertisement and on the Township's website.

2. All comments on the Plan are addressed by the Milford Township Board of Supervisors (BOS). HRG helps the BOS prepare responses, but ultimately it is the Township's responsibility to address sewer planning within its jurisdiction. The focus of responses below remains on the Township's sewer planning area as the Township has no jurisdiction to control sewer planning for other municipalities. However, a copy of the Planning Commission's comments were forwarded to stakeholder municipalities for their information and consideration.
3. "Shall" was removed and wording was altered to avoid any confusion and make it explicitly clear that Milford Township is not planning to implement an On-Lot Disposal System (OLDS) ordinance in the immediate future unless the 5-year monitoring period deems it is warranted and necessary.
4. The agreement will need to be worked out between the 4 municipalities and 2 municipal authorities after the Plan is approved. As stated in the Plan, the implementation of the plan is contingent upon an inter-governmental cooperation agreement (inter-municipal agreement) being reached. No public sewer connections are anticipated in the Township and therefore no billing is anticipated. As a result, the Township's section of the intermunicipal agreement is expected to be minimal. The Milford Municipal Authority is anticipated to build, own, and operate the transmission line through the Township.
5. The 1,200 pages which constitutes ordinances and comprehensive plans are required to be included by the DEP Act 537 Plan Checklist. The documents were read through and reviewed and generally

summarized in Chapters 1 through 4. The engineer said they were not essential for the Planning Commission to review as presumably the planning commission is familiar with the Township's plans and ordinances. An example of using the documents is the zoning maps. The zoning maps are used to target commercial zoning districts in the alternatives as that is a designated needs area by the municipalities. In addition, there is a large excess of pages due to the regional nature of the Plan as there are 4 separate municipalities involved. The most recent comprehensive plans, relevant ordinances, etc. provided by the municipalities are included in the Plan. While they are living documents, these are the most relevant at the time of the plan. The Act 537 Plan is also a living document.

6. The DRBC does not review the DEP Task Activity Report (TAR). The stakeholder municipalities along with HRG have been in contact with the DEP and DRBC. HRG has been in contact with the DEP regarding the TAR and has received several comments. We have also attended an in-person meeting with the DEP with all four stakeholder municipalities present. Milford Township had representation at the meeting with DEP on December 6th, 2019, to discuss the TAR. Any of the outstanding items the DEP had based on the TAR submissions prior were solved and the Draft Act 537 Plan was sent to the DEP on June 1, 2020. DEP has declined to review the Draft Act 537 Plan (due to limited resources) until they receive the adopted Plan by the municipalities (a normal process). Milford Township has all communication with the DEP regarding the TAR as of HRG's letter (with enclosures) dated September 2, 2020.
7. No "anti-degradation letter" was completed. The DEP or DRBC has not informed the municipalities that it will be required at this point as the discharge of the planned treatment facility will not be to a High Quality or Exceptional Value stream.
8. No public sewer connections are anticipated in the Township. All properties within the Township are anticipated to remain on OLDS. In either case, a power company notification is not warranted and therefore has not been issued.
9. No public sewer connections are anticipated in the Township. The Township has chosen the No Action Alternative.
10. See response #9.
11. See response #9.
12. See response #9.
13. See response #9.
14. See response #9.
15. See response #9.
16. See response #9.
17. See response #9.
18. See response #9.
19. The results of the table are shown in Appendix G on the Survey Results Map. The Survey Results Map was utilized to analyze alternatives. A representative from stakeholder municipalities met multiple times (once a month) from June 4, 2019 through August 5, 2020 to discuss the Plan and the municipalities desiring a public sewer alternatives selected the recommended alternative. Milford Township selected the No Action Alternative.
20. DEP may require this well to be tested in the future. If testing is required and contaminants are found, the SEO will need to work with local OLDS owners to rectify.

21. No public sewer connections are anticipated in the Township. Planned flow impacts to the existing wastewater treatment plan are addressed in Chapter 5.
22. The statement will be changed as suggested.
23. The data used is from the most recent Pike County Comprehensive Plan, but the plan has been modified to use the census data for the most accurate and up to date information.
24. The DVHS resides in the Westfall Township Planning Area. A copy of the Planning Commission's comments were forwarded to Westfall Township for their consideration.
25. Wording has changed to say OLDS and COLDS. COLDS are a subset of OLDS, but the change is made.
26. See response #24.
27. Alternative 4A-4C is for public sewer service outside the Township Planning Area. However, should be 21,200 GPD in terms of immediate connections. The Plan has been updated accordingly.
28. This comment is for a public sewer alternative to serve properties outside of Milford Township's Planning Area. A copy of the Planning Commission's comments were forwarded to Milford Borough for their review.
29. See response #28.
30. See response #28.
31. Organic loads vary. Capacity calculations are based on the past 5-year records and show that with the added waste loads of the selected public sewer alternatives – which will serve properties outside the Township's Planning Area – capacity will still exist at the Westfall Wastewater Treatment Plant (WWTP).
32. The typo has been corrected.
33. No public sewer connections are anticipated in the Township. A detailed study of the groundwater table was not completed because the gravity alternatives were not found to be the most cost effective alternatives for public sewer in other municipalities.
34. See response #9.
35. See response #9.
36. There are 12 suspected OLDS system failures within the Township's Planning Area.
37. No public sewer connections are anticipated in the Township therefore no public sewer service fees are anticipated for properties within the Township's Planning Area. See response #45.
38. E. Harford Street is outside the Township's Planning Area.
39. COLDS are not recommended in terms of a municipally operated public wastewater treatment alternative. They can be constructed on an individual property basis. No public sewer connections are anticipated in the Township so new OLDS or COLDS are anticipated.
40. No public sewer connections are anticipated in the Township so new OLDS or COLDS are anticipated.
41. The paragraph has been revised to state "... connect once public sewer is available."
42. Milford Township is selecting the No Action Alternative. See response #45.
43. OLDS are private systems for which repair or replacement will vary based on the specific property. The cost of which will be born by the private property owner. The cost to study private property

owner expenses to replace their system falls outside the scope of this study. The study is focused upon public system alternatives to conventional OLDS.

44. The Act 537 Plan is a living document. The Milford Township Board of Supervisors are responsible for proper sewer planning within the Township.
45. The proposed transmission line through Milford Township would be within the State Road right-of-way. The Township does not own or maintain this area. Additionally, the new infrastructure is planned to be owned and operated by the Milford Municipal Authority. No sinkholes or other concerns are anticipated.
46. See response #45. No municipal paving is expected to be impacted.
47. The proposed transmission line through the Township is outside the 100-year floodplain.
48. No public sewer connections are anticipated in the Township and therefore no fee for use is anticipated in the Township.
49. See response #48.
50. It is a standard method usually written in for Act 537 Plans as a way to mitigate potential OLDS concerns while repairs are being planned or as a way to extend the life of the system. Based on the concern, this section will be removed as it is not necessary.
51. It is recommended as a means for temporary solution when an OLDS is under repair. Holding tanks are not recommended for permanent usage. A holding tank ordinance will allow the Township to monitor the usage of them for proper future sewer planning.
52. Milford Borough requested this change in August 2020 with Council's first review of the draft plan before it was transmitted to the planning agencies. Westfall Township did the same through their planning commission review. The language has been changed to reflect the same planning in Milford Township.
53. The provided OLDS Ordinance Template comes from DEP. Milford Township will evaluate changes to the template if an OLDS ordinance adoption is deemed to be warranted after the monitoring period (see response #52).
54. The resources put into Public Education is ultimately up to the municipality. The DEP cannot mandate how much is spent and the program should not be able to be used against the municipality.
55. East and West Harford Streets reside outside of the Township's Planning Area. A copy of the Planning Commission's comments were forwarded to the Borough for their review.
56. Harford Street resides outside of the Township's planning area. A copy of the Planning Commission's comments were forwarded to the Borough for their review.
57. The No Action Alternative is what has been selected by Milford Township. No public sewer connections are anticipated in the Township. This statement is in reference to the failed system found within the Township's Planning Area which will be addressed by the Township's SEO with the property owner. Additionally, there are several Suspected systems within the Township – as defined by DEP – that if do require repair or replacement in the future, that too will be addressed by the Township's SEO directly with the property owner.
58. See response #9.
59. The 2019 Westfall Township Chapter 94 report resides in Appendix D.
60. This is from 2006 Pike County Comprehensive Plan, On-Lot Suitability is shown in Map 5 in Appendix C.
61. See response #9.

62. The sentence is revised.
63. This comment relates to properties outside the Milford Township Planning Area. A copy of the Planning Commission's comments were forwarded to Westfall Township for consideration.
64. See response #4.
65. No public sewer connections are anticipated in the Township. Therefore, no rate payers are anticipated in the Township. The restoration costs are built into the Test Pit Price.
66. No public sewer connections are anticipated in the Township. It is the number of properties that will connect in the immediate future in other municipalities.
67. If approved, this Act 537 Plan would be the most up to date Act 537 Plan for Milford Township. Regarding COLDS systems, see response #29.
68. The following professionals have had the responsibility to review this document:
 - a. Matthew Roberts, Mark Spatz, P.E., and Cory Salmon P.E. of HRG
 - b. Michael Mrozinski, Pike County Planning Commission
 - c. Milford Borough Council and Milford Borough Planning Commission
 - d. Milford Township Board of Supervisors and Milford Township Planning Commission
 - e. Westfall Township Board of Supervisors and Westfall Township Planning Commission
 - f. Matamoras Borough Council and Matamoras Borough Planning Commission
 - g. David Kovach, P.G. of DRBC

