

Board of Supervisors Special Meeting April 30, 2007

The Board of Supervisors conducted a Special Meeting held on Monday April 30, 2007 commencing at 9:00 a.m. Chairman Mr. Hensel called the meeting to order. Present were Supervisors Ms. Silvernail, Mr. Doratt, Mr. MacCombie Township Engineer, Mr. Pompo Township Solicitor and members of the community.

Mr. Hensel waived the moment of silence and pledge of allegiance.

Mr. Hensel stated that the purpose of the meeting is to discuss a draft Resolution a policy for the allocation of capacity within the wastewater system serving and set forth a procedure.

Mr. Pompo began by stating that the Resolution is subject to the availability of capacity, the Township may assign all or a portion of a requested allocation of capacity in the Township's sewer system for a specified property, subdivision or land development "project" subject to compliance with the requirements of this policy and upon approval of such assignment by the Township, such assigned capacity shall not be transferred to another project. In no event shall the Township or any officer or agent thereof approve an assignment of sewer capacity unless there exists, at the time of such request for sewer capacity demonstrable treatment and conveyance capacity in the Townships sewer system as determined by Pa Dep's approval of the required Act 537 sewage facility planning. The Completion of the Chapter 94 consistency requirements of an Act 537 planning module or planning module exemption by the Township is not an allocation of capacity.

The Board pointed out certain paragraphs of the Resolution for discussion:

Mr. Pompo read that any capacity remaining in the Township's sewer system shall be allocated by the Township on a first come first served basis subject to compliance with the regulations established in this policy. In order in which capacity is allocated shall be determined by the order in which completed Part 2 applications for capacity are received and logged in by the Township and receive Part 2 approval by the Township. The entire capacity allocation request of an applicant with a maximum allocation limit of one quarter of the available capacity in the treatment area in which the project is located shall be allocated before capacity is allocated to a subsequently applying applicant in the same treatment area. Provided however when less than five percent of treatment and or conveyance capacity is left in the Township's sewer system, as determined by the Township an assignment of capacity for any property shall be limited to no more than ten percent of the total amount of capacity remaining. For example if 50,000 gallons of capacity remain available in the Township sewer system no individual project shall be eligible to receive more than 5,000 gallons of the remaining sewer capacity for its project. Nothing set forth in this policy shall limit the Township's ability to assign capacity to projects serving existing residences with in the Township.

Mr. Pompo added that an applicant must notify the Township if an applicant transfers the tract of land to a new owner. The allocation may with written approval from the Township be transferred with the tract provided that the required number of EDU's for the transferees proposed use remains constant. The transferee of the tract of land shall not be allocated any additional Edu's as a result of the transfer or any proposed change in

the use of the tract. The Township must be notified of any transfer and provided with documentation indicating the new owner of the tract.

If an applicant does not desire to preserve an allocation of capacity for a tract of land beyond the original five year period, the applicant may request a refund of the tapping fee and notify the Township of the applicants release of allocated capacity. Upon receipt of such request and notice the Township will refund 55% of the tapping fee paid. The remaining 45% of the tapping fee shall be the Township funds.

If the applicant desires to preserve an allocation of capacity beyond the 5 year period, the applicant must commence to pay the full user rates for the number of EDU's of capacity which have been allocated. If the applicant is delinquent in the payment of such user rates for a period of 60 days the allocation of capacity shall automatically expire and the capacity, which has been allocated, to the tract shall be returned to the Township with no refund of any portion of the tapping fee to the applicant.

The Board stated that the Resolution is written not to allow any one person to take all the allocation.

Ms. Silvernail stated that she has concerns regarding the 5-year period. Mr. MacCombie commented that once the Board has approved land development the developer has 5 years to undertake the project. Ms. Silvernail stated that she would rather have them be used as soon as they are purchased. Ms. Silvernail added that she is in favor to shorten the (5) year time period.

Ms. Silvernail asked what if a developer purchases EDU's and the sewer is within the Act 537 area but the sanitary sewer pipes are not? Mr. MacCombie replied that any allocation sold would be based upon the location of the existing sanitary sewer and a clause to state that the Township is not responsible to neither pay nor run the sanitary sewer line.

After lengthily discussion Mr. Pompo stated he will make the appropriate changes to the Resolution and make sure that the Board and public get a copy and placement on the agenda for May 16, 2007 Board meeting.

The Board took public comments from John Jaros, William Colby, Vic Kelly and John Newton.

With there being no further business the meeting was adjourned.

Respectfully Submitted,

Lisa Myers
Secretary/Treasurer