

**SPECIAL MEETING OF THE EAST HANOVER TOWNSHIP BOARD OF  
SUPERVISORS – COMPONENT 3M  
8848 Jonestown Road, Grantville, PA 17028  
February 4, 2009**

The Special Meeting of the East Hanover Township Board of Supervisors was called to order with the pledge to the Flag by Chairman Keith Espenshade at 7:00 P.M. Present were Supervisors Marie Beaudet, Dave Marshall, John Nelligan and Tom Shutt.

Scott Wyland, Solicitor; Chris Hannum, LTL Consultants; and Deborah Casey Secretary/Treasurer were also present.

This meeting was audio taped. The tapes are strictly for the use of the Secretary-Treasurer for clarification during preparation of the minutes.

Chairman Espenshade thanked the public for taking its time to attend the meeting and help the Board address the issue. The facts, as the Township perceives them, will be presented from DEP on the installation of public sewer in Partridge Hills and Englewood. Most residents who live in the developments and those who are currently hooked up to the sewer should have received a letter in the mail regarding the issue. Fact sheets are also on the table as a handout which should highlight some of the points that will be discussed at the meeting. Chris Hannum of LTL Consultants, wastewater treatment specialist, and Solicitor Scott Wyland are present to discuss DEP's issues. Chairman Espenshade also introduced John Nelligan as the Township's new Supervisor who was appointed at the February 3<sup>rd</sup> meeting to fill the vacant Supervisor position. Solicitor Wyland and Mr. Hannum will make presentations. After the presentations, the Board will take comments from the public. Chairman Espenshade asked that the residents come to the microphone and provide their name and address so their comments can be put into the record. All comments will be heard and addressed.

Solicitor Wyland noted he has been in the position of Township Solicitor for a little over a year. During that time, he has dealt with DEP on behalf of the Township on this issue. He has been in practice for 20 years and has done a lot of work with DEP, with water and sewer issues. The firm he works for is a public utility firm and spends a good deal of time working with the various regulatory aspects of utilities.

- One of the things the Board has made clear is that it wants to get as much information to the residents as possible. During the last quarter of 2008, there was a lot of activity and discussions with DEP. Almost all of it is summarized in the letter of January 12<sup>th</sup> that was mailed to the residents. He assumed most of the residents present are fairly familiar with the issue and have a good background on it. A lot of time will not be spent on rehashing the basics. A meeting was held last year where a lot of time was spent going over the background of the issue.
- The Township is at a decision time now because last summer, with the residents' input, the Board made a decision, with a divided vote, to submit to DEP a plan

that basically the Township does not want sewer in the neighborhoods at this time and would rather take a wait and see attitude with respect to whether public sewers are needed in the area. The Township will monitor the on-lot systems that exist, and address them on an as needed basis. Last fall, DEP rejected the plan. The Township elected not to appeal the decision. Also, any of the residents in those neighborhoods could have appealed the decision but did not do so.

- DEP has informed the Township the next move will be an enforcement action to force the Township to file the kind of plan DEP wants to see which is a Component 3M that calls for public sewer.
- There is an Act 537 Plan in progress for the Township. Every municipality is supposed to have an Act 537 Plan, which is an overall written plan on how to address the public sewer needs for the community. This plan looks at the different areas of the Township, the land uses, the soils, anticipated development and tries to put in place a written plan on how to take care of the sewer needs. The plan, once approved by DEP, is sort of like the constitution for sewer needs in the Township. The plan is amended from time to time when new larger development comes into a municipality. One of the things an Act 537 Plan does is require the municipality to take a comprehensive look. If there is a lot development in one area of the Township we can direct all the flows to a centralized wastewater treatment plant to take care of those flows. If there is just a few residences in an extremely rural area, it may be the area would remain on on-lot sewer systems. DEP wants communities to do the planning and take the time to evaluate all the alternatives and to look, in a real comprehensive way, what is going on in the community and then reach a conclusion in the study that says it does make sense to put public sewers in a particular area. DEP does not want the Township to wait for the Act 537 to be completed, but take the step DEP views as being long overdue which is to submit an update to the existing plan that calls for public sewer in Englewood and Partridge Hills.
- The January 12<sup>th</sup> letter explains the options: do nothing, go ahead and submit the Component 3M which calls for public sewer now, delay and wait until the revised Act 537 Plan is in place and see if it does conclude public sewers are needed in that area, then hookup to public sewer. The 3<sup>rd</sup> option would mean the people in the neighborhoods that have systems that are failing now or fail between now and when public sewer is available, could be required to do an immediate update of their on-lot systems (sand mound, holding tank, etc.) which is going to be expensive. This is futile since in a year or two, that area would be hooking up to the sewer system and having to pay additional money to hookup to the public sewer.
- Because of the potentially high impact to some residents, the Board wanted to emphasize and made a point with DEP that the Township is going to take the time to get the information to the residents, make sure they have a forum to get questions answered and let the Board know how they feel about it, but to try to recognize you can't overcome the fact that DEP is going to insist on this. The next few years and a lot of money could be spent fighting this, but Solicitor Wyland did not feel this would be successful in changing the feelings of DEP.

- DEP was asked to attend the meeting a couple of times and elected not to come. If the residents have questions for DEP, or you feel you want to let DEP know how you feel about the issue, Solicitor Wyland encouraged the residents to do so. The Township will provide a contact number for DEP and it will be posted on the website. He did not know how effective it would be if the residents would contact DEP.
- Solicitor Wyland noted DEP's mission is to prevent pollution and not wait until it happens. Part of the battle he has heard over the past year is there no incredibly strong evidence that right now, there are a lot of problems with failing systems in these neighborhoods. That may be true, but that is not the test DEP uses to determine when it is time for sewer. For DEP it is a question as to whether there have been any failures, is it in area where the soil is particularly unsuitable for on-lot systems, is there room on the lots to put replacement systems, will one or two failing systems threaten the ground water, and is there public water available, which is no. He is not hear to argue DEP is right but to help the residents understand what the perspective of DEP is when it makes this type of decision.
- Mr. Hannum has spent a lot of time educating the Township on the process of the Act 537 Plan, the Component 3M update and he has dug into the history of the issue. There were studies done over the years to try to quantify how good or bad the soils are and how many failing and marginal systems exist. This has all been presented before.
- Solicitor Wyland noted we are here to try to answer any questions the residents have. He will answer any legal questions and Chris Hannum will answer the technical ones.

#### Chris Hannum – LTL Consultants

- Mr. Hannum noted his last conversation with DEP, knowing this meeting was to be held, was what does he tell the residents. DEP noted there is an existence of failed systems. There are a total of failed systems noted in previous reports. There is the existence of poor soils. That is documented through the Dauphin County Conservation District. There is also the admission of using unregulated methods to fix on-lot systems. That is one of DEP's major concerns. There is fractureization of the on-lot systems. Anything being held in the soil makes its way into the groundwater. Mr. Hannum asked DEP if these issues are of such an extent that the Township immediately has to do something. DEP's reply was its job is to be proactive. When they see a problem, or one on the horizon, their charge is to remedy the situation. They feel nothing in Englewood or Partridge Hills is going to get any better, but will only get worse. They are resolved to the fact they are doing the right thing to protect the environment by correcting the situation. The time line is what could be argued.
- There are three options on the table. The Township could submit a Component 3M that calls for sewerage of the areas, submit Englewood and Partridge Hills as part of the Act 537 Plan, which would add 9 to 10 months on to the process but puts some individuals at a much higher financial risk for the reasons Solicitor Wyland discussed. The final option is to fight DEP. Mr. Hannum noted he has

been dealing with DEP for 20 years and in this situation, he anticipates a Judge or Board saying DEP is acting passed their mandate. A fight would probably not be positive on the Township's side.

Chairman Espenshade opened up the meeting for public comment.

- Dave Sincavage, 109 Highland Circle, Partridge Hills, asked about the 2 systems mentioned that failed. What has been done to date since the time the failure was known. Mr. Hannum thought the SEO has probably asked, or required them to fix the system or go on a holding tank. He does not have the information since the SEO does not work for LTL. Mr. Sincavage felt the information is important since if the 2 systems are fixed, now there are no failed systems. If the systems haven't been fixed, how could they impose an immediate remedy.
- Solicitor Wyland noted DEP doesn't take a briteline test. It does not look at a particular day and say is there a failing system. He felt DEP looks at the situation more generally. Is it an area that is susceptible to failed systems, sewage leaking into the groundwater, and is not susceptible to being fixed easily or cheaply with respect to appropriate replacements. A lot of the issues that will come up this evening will be "couldn't you argue to DEP". There is a whole category of arguments that could be made but he didn't feel any of them would sway DEP. DEP doesn't look at, is there a failing system, but is this whole area at risk.
- Mr. Hannum noted there are 113 homes within the two developments. There are only 2 known failures. The statistic DEP probably looks at more highly than the failed are the potential. Potential in this case is basically the soil these systems sit in is not good for on-lot systems. Because of the soils, 83 systems fall into the category of potential failures. With DEP looking into the future, those 83 potential failures is what holds weight with DEP.
- Mr. Sincavage asked what would happen if the Township chose the option where immediate inspections are required and homeowners would refuse to allow their systems to be inspected. What can legally be done? Solicitor Wyland noted the law gives the Sewage Enforcement Officer the legal authority to enter onto people's land to do inspections. The authority comes from DEP's environmental laws. DEP has the authority to enter on to a person's land to inspect the facilities and he suspected, in an extreme case, the court system would provide marshal or sheriff service to escort the inspector onto the land.
- Mr. Sincavage noted at the February 3<sup>rd</sup> meeting a question frequently asked of the individuals interviewing for the position of Township Supervisor, was if they would support using discretionary funds to help assist with this issue. Depending on how this issue is decided, it potentially will have a high impact on some people if the choice is made to delay the sewerage; however, it has an impact on more people that don't have issues with existing systems. It has the same philosophy of using discretionary funds to assist with the issue if it deals with a larger amount of people. Is sewerage the 2 areas a benefit to the Township? If it is, he would ask for some sort of assistance from the Township.
- Solicitor Wyland noted the Supervisors are elected to represent all the residents of the Township. This issue will only have a cost impact on a small percentage

of the residents. He asked if Mr. Sincavage felt the Township should use funds that are there for the good of the entire Township to help offset an expense to small group of residents. If so, he asked how much and what is fair. Mr. Sincavage noted it would all depend on which way this goes. Everyone pays school taxes but not everyone has children in the school system. Some of the taxes go to take care of the roads, but not everyone drives. He knows the Township is not imposing this on the residents, but it is almost a greater broader view of DEP saying it could contaminate drinking water. Drinking water is for all the residents that have wells. The Township should probably help out with some of the cost since he felt you could make the argument that it could affect all the residents. Mr. Sincavage noted his position is he does not want sewer and would rather fight it. Solicitor Wyland noted probably the majority of the people present do not want public sewer, and agree with the proposition that to the greatest extent possible, General Township funds should be used to help subsidize or offset individual's costs; however, this doesn't represent the residents not present at the meeting.

- Solicitor Wyland noted at the February 3<sup>rd</sup> meeting the Board voted to authorize the pursuit of substantial grant funds through the H2O PA Grant program. If the project is advanced now, there is no guarantee the grant will be received. The Township's project is well defined and could be considered a ready to go project, there is some money that might be available to help offset the cost.
- Mr. Sincavage noted he did not understand where the \$70.00 per month is coming from. His wife did some research on local municipalities in the area and their cost is lower. He commented in most systems, incremental additions to the system, usually reduce the cost. How can there be varying costs with people using the same system. The \$70.00 per month is a concern to him and felt a lot of the individuals on fixed incomes are concerned also.
- Solicitor Wyland noted sewer rates can't be compared community to community. In every case, the cost is based on what the cost is to develop the system. For a treatment plant that has been built recently and has a few number of people using it, the cost will be high. As you add people, the theory is the cost would go down. You can also have separate sewer districts. A lot of communities have different areas that were developed and sewerred at different times and they have discrete sewer districts. The law gives the Township a lot of discretion on how to set that up and is usually done with the thought of making it as fair as possible, and the cost as low as possible.
- Mr. Hannum noted the cost of \$70.00 per month is derived from a lot of different issues. There is an existing PENNVEST debt service at a cost of \$345,000.00 per year for the existing treatment plant. If you include the individuals from Englewood and Partridge Hills, plus the existing users, (880 users) it comes to a cost of around \$563.00 per year for each user to cover debt service. Plants that were built in the 70's paid 75 cents on the dollar because those plants were built under the Clean Water Act. In the 80's and 90's, there wasn't that type of support. Depending on when the plant was built, you will see varying costs in other communities.

- Mr. Sincavage asked why, just using one plant, the cost would be different for different people. He thought some people who are already on the system pay significantly less. Mr. Hannum noted the current users pay \$50.00 per month. The application for the grant being applied for needs to be submitted by February 13<sup>th</sup> or you miss the opportunity for the grant. LTL recommended to the Board the Township apply for the grant to be in line for the money. If selected, the grant will pay a minimum of 50% of the total cost, or up to 66%. The total cost of the project would equate to around a \$65.00 per month charge per user. The decision would have to be made as to whether the cost gets spread among all users or just Partridge Hills and Englewood.
- Solicitor Wyland commented a rate is derived from the initial construction cost of the plant and collection system. Whatever was not paid in cash, there is an annual debt service payment. There is also the operation and maintenance cost of the plant, which includes chemicals, electric, the operators' salaries, all the costs that are incurred in treating the wastewater, regulatory compliance, etc. When you have a new system layout, if you get a grant, you can use that towards the cost of laying out the new collection system, and you collect tapping fees. There is a formula in the law that directs how to calculate a tapping fee and the maximum amount. Those people who connect to the sewer system pay a buy in fee (tapping fee) which goes to offset the cost of laying out the system. For anything that is left unpaid, another loan would have to be taken out which would generate another annual debt service cost. This is the information used to determine user rates. There is discretion on the part of the Township as to how to use the tapping fees and how to use the user fees in terms of paying for some of the costs. You can't determine what the user fee is going to be until you get to the point where you know what all the costs are.
- Scott Smith of Englewood on Pineview Drive asked if the sewerage was Township wide as opposed to being two developments, would it affect the monthly charge. Mr. Hannum noted the fee was calculated for the purpose of planning and planning only as a Township wide rate. Mr. Smith noted whether the rate was done via option 2 or option 1 is somewhat irrelevant to the cost. Solicitor Wyland noted the only variable would be the presumed increase in construction cost.
- Mr. Smith asked for an explanation of the Option 2 time frame as to when people would get hit with costs. Mr. Hannum noted DEP would allow the Township until June to complete the Act 537 plan. After completion there would be another 30 days for public comment and agency reviews. The Supervisors would have to adopt it by Resolution in August and then forward it to DEP. It would probably be the end of 2009 until approval would be received for the plan. It could be sooner. Shovels in the dirt would be 2 years from when the Township decides to do the project. It would not start the design or infrastructure until the Act 537 Plan or Component 3M is approved. This type of project uses aerial topography. Leaves have to be off the trees so the start time of the project would have to be before late spring, or after November. If the Component 3M is selected, which is option 1, that project would probably be completed late summer 2011.

- Mr. Smith noted Option 2, as explained by Mr. Hannum would be completed around December 2011 and that is when the fees would hit. Mr. Hannum noted he was correct and there is a grace period of anywhere 30 to 90 days to connect.
- Solicitor Wyland noted DEP can, if it wants to, mandate faster milestones, but a typically realistic time frame is around 3 years.
- Mr. Smith felt the sewerage was inevitable. He noted every government official on television, across the country is talking about ways they are clamoring for funds to mitigate the financial hardships going on. This is the worst economic time since the Great Depression. A lot of people don't have \$12,000.00 laying around so they will have to go for a home equity loan. With housing prices down, credit is tight. It seems like a sane person would probably not push this forward right now unless it was of an emergency nature. Has this been addressed as to how DEP looks at the issue as to what is the hurry. Having 2 developments singled out vs. doing this Township wide, you would think it is an emergency. From what Mr. Smith understands, less than 2% of the systems have failed with a higher probability of those that might. If you could rationalize this is an emergency to DEP, the next question is if this was 2004, 2005 or 2006, you could sort of understand it. This is 2009. During conversations with DEP has it acknowledged the current financial situation?
- Solicitor Wyland noted DEP traditionally writes off entirely the financial impact of its decisions. Mr. Smith commented you can't turn on a television news program without 100% of it being focused on current economic hardships. Our Congress went through a lot of discussion on how it is going to get an extra \$1,000.00 tax cut back in the average persons pocket to help them. It seems sort of counter intuitive that the whole rest of the Government direction is talking about tax cuts and there is one body saying a \$12,000.00 hookup fee is what it is. He asked if anyone has talked to DEP about the financial burden on the residents.
- Ms. Beaudet noted she was present, along with Solicitor Wyland, Mr. Hannum and Mr. Shutt, at a meeting with DEP. They explained the financial hardship to the residents. DEP was immune to the hardship. Their response was it had to be done.
- Mr. Smith noted the adamant urgency of Englewood and Partridge Hills is only 6 to 9 months ahead of the Township wide plan. It does not seem like 6 to 9 months in a non-emergency situation is something that can be justified with emergency.
- Mr. Hannum noted a meeting was held with DEP in February, 2008 and the issue was brought up as to why Englewood and Partridge Hills were being pushed ahead when a whole Township wide plan needs to be done. There may be a cost benefit if other areas need sewerage. At that meeting the Township was informed to get the Component 3M for Englewood and Partridge Hills by June, 2008. DEP does not concern itself with the cost, however if the monthly fee was \$350.00, no one could do it and the project will fail. The closest he has heard a DEP official tell him is at around \$150.00 per month, DEP would consider some other alternatives.
- Solicitor Wyland noted DEP and EPA have both expressed they informally use some sort of formula that is at 2% of the average income in the community.

When the annual rate exceeds that they will then take into account the affordability of the project.

- Mr. Smith noted basically DEP is approaching this as business as usual with no acknowledgement that this is somewhat of a historical time. Solicitor Wyland felt recent events have not changed DEP's attitude. DEP has noted this sewer issue has been going on for 12 years and they do not want to hear anymore excuses. There is also a little bit of a corresponding offsetting increase in the value of your home by being on a public sewer.
- Mr. Smith asked if there has been any reaching out to anyone for a plea of some reasonable help with the issue. Someone who might have any influence with DEP.
- Mr. Marshall commented the Township had someone contact our local Representative and Senator to help us with the grant process to help with the financial burden.
- Mr. Smith asked if the timeframe of the grant coincide with the timeframe of the project. Mr. Hannum noted the grants are good for 6 years. The due date for the application is February 13<sup>th</sup> and the award will be in May. This will coincide with the timeframe. Solicitor Wyland noted no one is sure there will be a second round of grants which is why the Township is applying now.
- Mr. Smith noted it was his understanding Representative Marsico is going after some money for something up on the I81 Rt. 39 exchange and there are some Federal and State monies for infrastructure. He asked if any of that money might be available for sewer.
- Ms. Beaudet noted the I81 and Rt. 39 project is in conjunction with West Hanover Township. Representative Marsico and Senator Piccola have been asked to participate in the support of the H2O Grant. Work has also begun on seeing how the Township can participate in the stimulus package, since the project is almost shovel ready by their standards.
- Mr. Smith noted when the Casino came, the hosting Township is to receive a certain percentage of funds. It is his understanding that there are 2 Townships in the state where there were exceptions made, ours being one. As a concession prize of the exception East Hanover Township has some preferential treatment via a Memorandum of Understanding. It seems there may be some monies available to ask for the project. He asked if this is being pursued.
- Mr. Marshall noted the money Mr. Smith is speaking about cannot be used for the project since those funds need to be related to an impact of the Casino. Those monies have to be applied for in the form of grants, which has been done. It looks favorable the Township may receive those grants. There are some funds that are discretionary that do not come from the grants and those funds could be used. Unfortunately, the sewer system is not related to the impact of the Casino.
- Ms. Beaudet commented there have been other Townships and boroughs who may receive grant money and there is no impact from the Casino for those grants. This is something the Township will keep its eye on. Every aspect of funding is being investigated.

- Mr. Smith commented when it comes time to connect, will the residents be able to collectively bid out to get competitive bids or will it be mandated as to who they have to use.
- Solicitor Wyland noted the Tapping Fee is calculated based on the sum cost of the project. The construction of the project will be bid out by law. The inspection fee is fairly minimal, around \$100.00. The individual cost of hooking up to the system is something the resident controls. Residents could pool the connection to try to get a better cost.
- Bill Dillon was speaking on behalf of Barbara Horvath of Englewood. He commented this is an unfunded mandate by DEP. The residents have to accept it and proactively plan for this. He has contacted some contractors about putting in systems and one individual told him about a system he put in Mechanicsburg where the Township purchased all the pumps. There was some buying power by doing that and there was uniformity in the pumps. He felt it was smart to be proactive in looking for the money the Township is looking for to help with the cost. All the things the Township is currently doing seem like the right moves.
- Marilyn Koch, Earlys Mill Rd. across from Englewood. She is presuming they are included with Englewood since they received the letter. She asked how many years are left on the PENNVEST loan. Mrs. Casey thought it was about 26 years.
- Chuck Mundy, 211 Tannenbaum Way. He asked about the fact sheet. Item 1 says the original plan in 1988 cited this area as a problem that needed corrected. The latter 2 plans were not that definitive. The 1988 HRG study said Englewood was marginal. The 1994-95 Erdman Anthony and the 2003 C&E Design studies concluded sewer was not needed in either Partridge Hills or Englewood. The 2007 PCS study completed by LTL concluded Englewood doesn't need sewer. Mr. Hannum reported at the East Hanover Planning Commission meeting on April 23<sup>rd</sup> that there were no systemic problems. Mr. Mundy felt the sewer was not needed.
- Chairman Espenshade asked if Mr. Mundy was trying to convince the Board of something. He noted the sheet list facts. Mr. Mundy noted the Township is saying it is a definitive conclusion that sewer is needed but it is not. Chairman Espenshade noted that was Mr. Mundy's opinion. Mr. Mundy commented it was the opinion of the 4 engineers.
- Mr. Mundy noted in item 2 on the fact sheet where DEP cited the triggering mechanism, he responded by saying that on January 15<sup>th</sup>, the Dauphin County Planning Commission in its review of their Component 4B said that centralized sewage is not typically extended to rural areas such as Englewood. None the less, East Hanover is entitled to pursue such expansion if its officials see fit. It looks like the Board of Supervisors has its finger on the trigger. Item 8 are the 3 choices. A is the same as the January 12<sup>th</sup> letter. option 2, and that is if we admit public sewer is needed and commit to public sewer for Englewood and Partridge Hills, you would avoid on-lot repairs if your system failed. Under option 3 of the letter, B on the fact sheet, if you don't admit to a problem and a system fails, repairs are required. Mr. Mundy felt all failing systems need to be repaired to protect the public health. If you have a failing system and admit it, then

according to what is being said, you don't have to get it repaired until the sewer comes through; but if you don't admit you have a problem and have a failure, you have to fix it right away. This is what the letter says.

- Ms. Beaudet noted this is what DEP is saying. She attended the meetings and that is what was said. She does not want anyone to have sewer that doesn't need it, but the Township has been fighting with DEP regarding the issue. The only reason DEP is saying this is if the Township agrees to sewer these areas and if a system fails in Englewood or Partridge Hills, DEP knows within 2 years the area will be sewerred. Obviously something will have to be done with the failed system. If the Township says it is not sewerred the area and a system fails, DEP will bypass the Township and go right to the property owner.
- Mr. Mundy noted option C is to refuse to comply with DEP's requirement to sewer the subdivisions. DEP hasn't required it yet. The Township is anticipating DEP will require it. It was talked about defending that option with \$100,000.00 in legal fees. The Township has no problem with allowing 110 homeowners to shell out \$10,000.00 each to hookup to sewer that is not needed rather than spend \$100,000.00 of taxpayer money which is less than \$20.00 per resident to defend the conclusion of the 4 engineers the Township hired.
- Ms. Beaudet noted all the engineers did not conclude sewer was not needed. In the 1988 study, a soil scientist said Partridge Hills had real problems and Englewood was marginal. DEP favors this study and will not consider the other studies. The Township has tried everything to fight the issue and what it is now trying to do is let the residents know what is going on and that it is trying to get all the funding it can to help with the project. She did not feel there was anyway out DEP's decision.
- Solicitor Wyland noted he liked Mr. Mundy's attitude that he wanted to fight. Mr. Mundy thinks the option of litigating is so obvious that it is what the Township should do automatically without further thought. That's great but it gets more complicated than that. Mr. Mundy points to things he feels are so persuasive that they will carry the day. He has cited studies he feels are fairly conclusive. Mr. Mundy noted Ms. Beaudet told him the studies don't conclude Englewood needs sewer. Ms. Beaudet noted she said it was marginal. Solicitor Wyland commented Mr. Mundy could put all his information in front of DEP saying the studies say its not completely conclusive sewer is needed and DEP will thank him for his information. They have all that information but will say they also looked at the soil types, the size of the lots and it thinks there needs to be public sewer there. That is the decision you want to fight, that is the decision the Courts will say DEP is the alleged expert in this area. It has discretion. The Court is not going to reverse DEP's decision just because they think Mr. Mundy makes more sense. Mr. Mundy noted it was not his opinion but the 4 engineering firms the Township hired.
- Mr. Hannum commented he had the exact conversation with DEP and this was discussed at last year's public meeting. He brought those arguments up to DEP. He has seen a lot of Township with a lot worse problems that were given longer time frames. He asked DEP to show him where the real problem was. The

argument he got was the soils aren't fit for on-lot systems, there is no room to put replacements, and DEP is looking into the future.

- Mr. Mundy felt the Supervisors should do what it did on June 4<sup>th</sup>, defend the residents and not subject them to a \$2,000,000.00 boondoggle. They need to fight for the residents and for what is right.
- Chairman Espenshade noted there are some other residents that don't agree with Mr. Mundy's philosophy. That also needs to be taken into consideration.
- Mr. Marshall noted Mr. Mundy is a resident of Englewood and Mr. Mundy feels the area doesn't need to be sewerred and the Township should fight the issue. Mr. Marshall doesn't feel the people that are not residents of the area should have to pay for that fight. He asked Mr. Mundy how much of his own money did he want to put towards legal costs. Mr. Mundy asked if Mr. Marshall was suggesting if only the residents that have a fire should pay for the Fire Company. Mr. Marshall noted he had problems with the past sewer system and paid the bill himself. He asked if Mr. Mundy was willing to do that. Mr. Mundy noted it was the Township that signed the Consent Order; the Township should take responsibility for its action.
- Chairman Espenshade asked what point Mr. Mundy was getting with the Consent Order since his name was on it. He wanted to know what Mr. Mundy was talking about. Chairman Espenshade commented his question to the solicitor at that time, before he signed, was does the Consent Order mean Partridge Hills and Englewood need to be sewerred. The solicitor's interpretation of the agreement at that point in time was no. That is why he signed the agreement. You can only go so far in the community's availability of funds to fight something he does not see is going to change. Mr. Mundy made comments but did not come to the microphone. Chairman Espenshade noted if it was his way, this meeting would not be held since there would be no sewers in Partridge Hills and Englewood, but he doesn't have that option. His options are what are listed on the handout and he knows what the results will be. If Mr. Mundy is asking Chairman Espenshade to spend \$150,000.00 to defend this, it is not going to happen since DEP has already said this is going to happen. There is no fight. You can't take this anywhere and win the battle so his job as a Supervisor is to pick battles that he feels benefits the residents and he does not see this as a winning battle. Mr. Mundy continued to speak from his seat in the audience but did not come to the microphone.
- Kevin Widner, 427 Pheasant Rd. noted he was hearing the issue was inevitable. The Township has the option of going with the Component 3M right away, which hopefully gives the residents a little benefit of overall costs understanding the timeline still puts us out until 2011. He is looking at it from a perspective of a financial burden as well. In 2011 he has his first child heading off to college with 2 coming right behind him. This is not a good time to have another monthly installment of \$70.00 per month. The larger point he wants to make is the Township should go with option 2 since it is inevitable this is going to have to be done, and please defer away from consideration of option 3 for the following reason. In all likelihood somebody will have a problem if testing is mandated, and somebody will have to bear the burden of these additional costs of a sand

mound, holding tank, pumping fees, etc. He does not think any one person or household should have to bear the burden when this is inevitable.

- Dave Wiltraut of Tannenbaum Way, Englewood noted he has continually heard Englewood and Partridge Hills will be affected by the decision. If you pull out the development plans for both areas and check off all the lots, are those the people who will be hooked up. When the main lines are run out to the developments, and there are people within so many feet of the main line when the plan is put together, are there going to be branches put into the line going down Rt. 743 to any home adjacent to it and will they be required to hookup to grow the project and get the unit cost down.
- Mr. Hannum noted right now the plan is to include all the 113 homes of Englewood and Partridge Hills. Under the 2<sup>nd</sup> Class Township Code, the Supervisors have at their discretion, anyone with a structure within 150 feet of a sewer line can be made to hookup. Solicitor Wyland commented the law gives the Township the power to require some additional connections to the system. This is not part of the current project, but will be a question faced in the future. Capacity of the plant has to be considered and does it make sense to require additional connections to help lower the cost. The most efficient plant is the one that has the most possible people connected to it. This does not mean it is the Townships automatic policy to require hookups of people along the way. The Township can define the areas where the hookups are going to happen. A decision has not been made at this time.
- Mr. Wiltraut asked if there is any impact that Rt. 743 is a State Road when it comes time for digging up the road. Mr. Hannum noted if that is the selected route, then a Highway Occupancy Permit will need to be obtained from the State.
- Mr. Wiltraut commented everyone talks about DEP as a nebulous villain. When the Township talks with DEP, is there a specific person you talk to all the time and is this the same person who has been on the case for the past years.
- Solicitor Wyland noted there is some consistency. The people he and Mr. Hannum have been dealing with have been there for 15 to 20 years. It is really the DEP office you deal with. There has been more consistency with DEP than on the Township's part. He did not feel the Township is the victim of personnel change.
- Mr. Wiltraut note he heard the Township is doing what it can to procure money to help mitigate the cost of the project. The initial cost of putting the system in is one thing, but being faced with a \$70.00 per month, if not more, forever is just an excessive amount. He asked the Board to try whatever it can to reduce the cost. There are a lot of people who have lost their jobs, and people who have jobs are worried about loosing them. The last thing anyone needs to see right now is a \$70.00 per month charge that will go on forever. If the sewer has to be put in, it has to be put in and you deal with it. Please try to get the cost down.
- Dave Houseal of 130 Bunny Lane, thanked everyone at the head tables for what they have done so far. This has not been easy for anyone. Mr. Houseal asked if the system has been designed yet. Mr. Hannum noted it has not. For planning purposes the Township has to show DEP where we imagine it based on USGS maps. The problem with USGS maps is they are shot at 20 foot contours.

When the actual design is done, it is shot at 2 foot contours. A lot of times when using a USGS map there are details you can't see until you get the closer contour and it can change things. The design has been done to a preliminary standpoint so we can get approximate quantities of pipe, manholes, where a pump station would most likely be put in, etc. It is considered a conceptual layout.

- Mr. Housel noted he will be dealing with an area that is on the down side of Bunny Ln., S. Meadow, and Pheasant. He was told some time earlier there are going to be 8, 9 or 10 grinder pumps installed to pump waste up Bunny Ln. He asked how many grinder pumps the Township currently has. Mr. Hannum noted he would have to get that information from Mr. Cassel. Mr. Housel asked what the success rate is. He knows there are failures with the pumps. Mr. Hannum noted the Township will avoid low pressure systems or grinder pumps at all cost. It is an inefficient way to handle sewage. We strive to have all sewer flow by gravity, but sometimes it is not possible. At this time, there is no idea as to how many grinder pumps will be needed. Mr. Housel commented he spoke with someone from Lower Paxton Township and that individual indicated the grinder pumps have been a maintenance nightmare for that Township.
- Mr. Housel asked if he had a grinder pump, would it be his property, or the Township's. Mr. Hannum noted the Township would address that issue prior to design. Mr. Housel asked who pays the electricity and maintains them. He would assume the property owner would be responsible for that which is not fair. What happens if you are pumping from one pump to the next to the next, he goes away and his breaker trips in his house. Who is going to get into his house, which is private property, and reset the breaker. He feels there are a number of problems with using grinder pumps.
- Mr. Housel noted the Township is considering a 537 Plan. With the update of the plan, the Township would be looking at concentrations of housing, lot sizes, etc. What if the 537 Plan includes the Timber Ridge development, what about the houses on Pheasant Rd. which are above Partridge Hills. Some of those houses have been there quite some time. Today he counted the homes and there are 41 houses on Timber Ridge, 6 on Lora Ln., 9 on S. Meadow, 25 on Pheasant, which equals 81 houses which are not in the Component 3M plan. Mr. Hannum noted when they met with DEP in February, 2008, this was the rationale for postponing Partridge Hills and Englewood. They asked DEP to let the Township roll the area in to the 537 Plan and do a comprehensive job for the whole Township. The response was it has been 10 to 12 years, there has been enough time, you know what to do so do it. Mr. Housel commented if the 537 Plan calls for those areas to be sewered within 10 years, they come onto the system and there is nothing done with a pumping station, the existing grinder pumps will have to handle the additional sewage. He requested the Township look into a pump station for that area instead of using grinder pumps and make sure the pump station is large enough to handle the entire area as new users come on line in the future. He asked the Township use common sense and make a plan that is feasible, not just squeak by for today.

- Keith Oellig 440 Fire House Rd. asked if the Township's bonds can be refinanced. Mrs. Casey noted the Township has a PENNVEST loan and it could be refinanced. This will be looked into.
- Mr. Oellig asked if there is a 2 tier system as far as hookup fees for new and existing EDU's. New developments that don't have the additional cost of sand mounds and pumping should bear more of the burden than the residents that have been here. Mr. Marshall noted if it is a new subdivision, they are required to put in all the infrastructure for sewer but they don't pay a higher rate. Mr. Oellig felt new developments should have a higher hookup fee to reduce the cost down the road. Solicitor Wyland noted there is a little bit of discretion there. There is a formula used to calculate tapping fees; however, there is a maximum tapping fee the Township is allowed to charge, and if it wants to, can charge a lesser fee. Chairman Espenshade noted the tapping fee was adjusted for the newer projects and they paid more than the original users. Mr. Oellig asked what the fee would be for the residents that are going to be forced to hookup. Chairman Espenshade noted the fee has not yet been determined. The fee will be dictated by what the total cost of the project is. Mr. Hannum noted the project costs for the line going in is estimated at \$1.84 million. Mr. Oellig noted theoretically as you add more users, the debt service should go down. Mr. Hannum noted the basic economics of sewer treatment plants is once you build it, you want to fill to capacity as quickly as possible.
- Larry Suhr asked who is going to own the new system. Chairman Espenshade noted the Township would. Mr. Suhr commented if the Township owns the system, why is it saying it should not use some of the discretionary funds to help with the cost. Chairman Espenshade noted the Board is not saying that, there are some residents who have encouraged the Board not to use the funds since they don't think it is fair. He felt gaming revenue that comes to the Township is discretionary funds the Board can use. If it becomes necessary to use those funds, he will advocate to the other Board members for those funds. Mr. Marshall previously suggested to the Board members about using some of that money to help with the project. Mr. Suhr felt it would be a good idea to use those funds if needed. Chairman Espenshade noted the Board has to justify the benefit of the sewer system to all residents of the Township. If it is done, he felt it would be a benefit to all residents since we are not creating a problem with ground water pollution. The Township has been charged with the task of mitigating the problem in DEP's terms before it happens. Since the Township has gaming revenue, it is at the Boards discretion as to how those funds are used. He has a problem using tax dollars for a service that all the residents might not get. The Fire Co. was used as an example, but that is an opinion. Installing the sewer system isn't a benefit Township wide and he doesn't have a problem using gaming revenues to supplement the project.
- Mr. Suhr noted a few years back, there was a building restriction put on the whole Township because of the condition of the soils. Chairman Espenshade noted DEP has their ways of applying pressure. Pressure is being applied and the Township has to pick and choose what it is going to fight. Solicitor Wyland and Mr. Hannum were sent to DEP on the Township's behalf after the

Component 3M was submitted saying the Township is not going to do what DEP is asking. If it wouldn't have been for the Solicitor, the Township would probably be doing the project now. In 1986, DEP used the building restriction as a way to get the Township to install the original plant

- Mr. Nelligan noted he was involved in the first project. The temperament of DEP at that time, and what he is hearing now, has not changed. The Township originally tried every angle possible to negotiate certain issues and it was impossible. Then the Township was put under mandate and also required to hookup the rest stops on I81.
- Mr. Suhr felt in another 2 to 4 years, the residents will be back at another meeting like this because as soon as DEP gets out and walks Ridge Rd., that area will need to be hooked up. There will be more problems since the line in that area is not big enough. Chairman Espenshade noted a line study is being done at this time for the Hilton Garden Inn's request to hookup to the sewer. Mr. Suhr hoped the Township would make them replace the line. Chairman Espenshade noted he would personally favor new construction bearing the cost since there would be no infrastructure cost to the Township and EDU revenue is gained. He noted if someone is out there saying the Township wants to hookup Englewood and Partridge Hills for the revenue, that is not true. The Township could very easily sell the capacity set aside for those 2 developments right now. Pressure is being put on the Township by DEP.
- Mr. Shutt commented he was at a meeting with DEP and was shocked. After he left the meeting, he realized how the Township representatives were treated. There was no respect. DEP is a committee of people that are hand picked and not voted in by the public. They have nothing to lose and will do what they feel is right. Mr. Shutt wished a group of people would have gotten together and set up a meeting with DEP and find out what it is like to get a cold shoulder as soon as you open your mouth.
- Mr. Suhr asked if it would be advisable to set up a water and sewer authority so that issues could be handled without having to go through the Supervisors. Solicitor Wyland noted a lot of communities face this question when they first start getting into the water and sewer business. The residents have control over the elected officials by the use of the ballot. You set a board of appointed individuals whose only job is to run the sewer system and they will do what is best for the sewer system which is get as many people connected to the sewer system as they can so it can be run efficiently. The law gives authorities a lot of discretion on how much to charge for rates. The authority will make its own decisions. Sometimes the decisions will be liked by the Supervisors, sometimes they won't be and the Supervisors will not be able to do anything about it. This can lead to tension and sometimes hostility between an authority and the Supervisors. As the authority members age out of the appointments, they can be replaced. You can't remove an authority member other than have a judge remove them for cause, and you can't vote an authority member out of office.
- Mr. Marshall noted there were thoughts of an authority at one time and a feeler was put out to get people who would be interested in joining. There was only

one person who wanted to be on the authority. There was not enough interest from the public.

- Mr. Suhr noted the grinder pumps that are in use now were paid for by the Township and are maintained by the Township. He asked if the residents have any say in one user that continually costs the Township thousands of dollars just to maintain his pump due to his neglect. He is referring to Funcks. Mr. Hannum noted LTL is looking for a potential solution to this problem. Enforcement of these issues falls to the elected officials.
- Mr. Nelligan noted the situation at Funcks is different than the residential grinders, although the pumps are the same. During the course of the process of putting the original system into place and building the system out, the situation at Funcks came to the Township as a surprise. It was oversight on the engineering side and at the last moment required a grinder pump. Proper access to the line for gravity purposes could not be obtained. The Township ended up being the custodian of that grinder pump.
- Mr. Suhr noticed over the summer months when Funcks was tore down and they were rebuilding, there still continued to be problems with the grinder pump. It would seem to him the problem is not coming out of Funcks but the jury rigged hookups to the campers set up. He felt if those people were off the system and onto holding tanks, the problem would be resolved.
- Mr. Suhr asked how long it would take to do the Act 537 Plan. Mr. Hannum noted it would take approximately 1 year. Mr. Suhr noted the Township engineers have been working on the plan for 3 years. He hoped LTL does a better job than the previous ones. Every time an engineer was fired, the new one had to start all over.
- Bonnie Housel, 130 Bunny Lane, Partridge Hills thanked everyone for trying to get the grant money for the Township. She asked how much the H2O PA grant was for. Ms. Beaudet noted the Township will have to come up with 1/3 of the money for the project. Mr. Hannum noted the Township share would be \$908,000.00 of the project cost. Ms. Housel realizes the Township has lost with DEP and she is for Option 2. She noted the map showing the area stops at Bunny Lane and doesn't go down to Pheasant or Meadow. Mr. Hannum noted the map is conceptual and will go to DEP to their planning section. When the project is under design LTL will come back to the Supervisors and show them a more detailed layout and options such as the potential to get more users if the routing is changed. Ms. Housel felt all of Partridge Hills should be included since DEP may throw it back indicating 4 houses are missing. Mr. Hannum did not know if DEP has looked at any of the submission to that detail. This will be considered during final design process.
- Ms. Housel noted she spoke with other neighbors regarding the grinder pumps. They are very much against the grinder pumps because of the fears of them backing up, etc. She wished the Supervisors would consider a pump station.
- Chairman Espenshade noted if he has anything to do with it, there will be no grinder pumps and there will be a main pump station. Mr. Marshall noted it wouldn't take much to convince him of a pump station since grinder pumps are a lighter version of a larger pump and they typically have more problems. If you

put in 15 grinder pumps vs. a pump station, you have 15 motors to maintain vs. 1. Also our plant operator checks the existing grinder pumps every day which is an additional cost. It is a benefit to have a pump station vs. grinder pumps. Mr. Marshall also noted he thought the original plans that showed Englewood and Partridge Hills had a pump station.

- Mr. Nelligan noted he was on the Board when the original plan was done and a pump station was shown, but the grinder pump concept came to light as a means of reducing the costs. It was poor decision. The pumps have been reasonably good, but there is no such thing as a fail safe grinder pump. There are check valves for back flow and a light indicator system that tells you if the pump is not working. He is not in favor of the grinder pumps either.
- Ms. Housel asked if there are any avenues for the residents to file for their own personal grants for their residence. Mr. Hannum noted depending on your financial status, there are Community Development Block Grants. Most of them are utilized to pay tapping fees. The grants would incur the Township to take certain contractual issues.
- Ms. Housel asked if was possible to have a representative or even all the residents from Partridge Hills and Englewood involved in the design of the system so they are comfortable with what is going on. She would like to be able to review the design. Chairman Espenshade noted that would be possible. The problem is we think we provide enough information, but because the Supervisors deal with this all the time, we don't realize that maybe we are not providing enough information. Everything that is done is public. When the design is received, the residents are more than welcome to review it. It was suggested that special meetings could be held and the information could possibly be put on the website. Mr. Hannum noted the Supervisors will typically be briefed at the 30, 60, and 90% design mark. You will be amazed at how much change between the 30 and 90% mark.
- Debbie Tregrea of Jonestown Rd. and a current user of the system received a letter because there may be some impact on current user fees. She asked why their current fee of \$50.00 may be increased to the \$70.00. Mr. Hannum noted that number is based on a Township wide plan and is required as part of the plan. Ms. Beaudet noted DEP wanted numbers. You have different zones, Zone 1, existing users, Zone 2 Partridge Hills, Zone 3 Englewood, and you lump everyone together to come up with numbers and hope to scare DEP as to the cost. That didn't work. The Township has discretion to keep Zone 1 by itself, Zone 2 on its own, and Zone 3 on its own. Those are decisions that have to be made down the road. If the Township keeps the zones together, then everyone shares the cost. If Zone 1 is kept by itself, the rates will go up minimally. There are still 400 EDU's sitting out there. If developers can help out by putting in pumps, etc. This could help the costs.
- Ms. Tregrea noted there is an existing system and more users are being added. She asked why the user cost is going up. Mr. Hannum noted the Sewer budget has been somewhat subsidized by developer fees over the past couple years. That is currently being reviewed as to the impact of the user rates. Ms. Tregrea asked if contributions by developers would be decreasing. Mr. Hannum felt in

this economy, they would be. Solicitor Wyland noted you outlay more cash to do a new collection system, you collect tapping fees from the new users, there is an existing plant that does have some additional capacity, so a developer comes along and pays new tapping fees to get into the existing system. The fees collected help, but the operation cost of the plant will go up since you are treating more sewage. It is hard to determine a rate. Ms. Tregia noted some of us have been paying for 10 years and the rates have gone up. There is a theory all Township residents should not have to pay for the system. Her question is why does an increased system send the cost back on the current users.

- Chairman Espenshade noted he is on the current system and has had residents' echo Ms. Tregia sentiments.
- Ms. Beaudet commented zones may help in obtaining grants when officials see what the costs might be.
- Dave Roman, 236 Tannenbaum Ln. asked what are the next steps after this meeting as to what option would be picked, and after the option is picked what happens beyond that. Would this be in the general monthly meetings, will there be special meetings. Chairman Espenshade noted what the Supervisors were trying to do with the meeting tonight was to gauge the sentiment of what the residents felt was an option to pursue. We have heard some people respond to option 2. As a Board, we have to decide what option will be pursued and instruct LTL to initiate the process.
- Mr. Marshall commented the decisions would be made at the monthly Supervisors meetings unless a special meeting of this nature is held. A special meeting may be an option to keep the residents informed, or send out a special letter.
- Mr. Roman asked if the Supervisors felt they would have a decision by the next meeting. Chairman Espenshade noted the Supervisors do have to make a decision in the near future because DEP will be expecting it. Ms. Beaudet noted DEP is currently under funded and has the ability to fine so the Township needs to stay ahead of the issue.
- Mark Mackelvey, 147 Evergreen Ln., Englewood noted he will have to put a sewage pump in because his property goes downhill. If the lines are going to be run down the street, would he be able to use his existing tank for the sewage pump or would he be required to buy a new one. Mr. Hannum noted it would have to be reviewed as part of the design and he would need to see more details as to how big and where his tank is. It is rare and infrequent that existing tanks are used. Usually these pump systems come as a package. Mr. Mackelvey asked if he would be required to pay for the system. Mr. Hannum noted that decision has not yet been made.
- Donna Shutt, 881 S. Meadow noted since it seems to be inevitable that the area will be sewered, if we pay the tapping fee now, can there be a discount? Solicitor Wyland noted there are communities that do that to encourage full subscription to the sewer. This is a good question, but about a year ahead. He will make a note to work with Mr. Hannum on this. Chairman Espenshade noted other options have been discussed, but the Township is not at the point to start this. Ms. Shutt commented she has not avoided the project or thought about it. She has saved

the money, but her \$10,000.00 is not \$10,000.00 today. That is the point the residents are trying to make.

- Amy Bennet, 142 Bunny Ln, noted she is for option 2. She commented the Board can decide how to use discretionary funds. The sewer project has to happen. If we have the grants for the Township and they are discretionary funds for the Township but only a small percentage of the Township needs the sewer at this time, what percentage of the Township do we make up and why don't we use that percentage of the funds to help with the project. Chairman Espenshade felt that was a very reasonable argument, but felt we need more than that percentage. If the Board could do that at no cost to the residents, they would love to do it. The Township is going after grants and that will be a big factor in whatever we do. If we get the grant, \$900,000.00 is a sum the Township can work with. If we don't get it, then we are back to square one, checking into President Obama's stimulus package, etc. We do know we get over \$934,000.00 per year in gaming revenue that he considers discretionary funds. It has been discussed can we do something with those funds, and he felt the consensus is yes, but to what degree is not known. He does have to answer to other residents as to how those funds get used. Ms. Bennet asked when the date of next meeting was. It was noted it is February 17<sup>th</sup>.
- Ms. Beaudet noted the money that was used to get the grants was not taxpayer dollars but gaming money and spending that money enabled the Township to get more discretionary funds than was originally planned.
- Roger Hoffman, S. Meadow Lane, Partridge Hills noted the minimum cost would be \$70.00 per month for sewage. He knows the cost is approximate. How long does the cost remain in effect? Did the Township allow for what the cost would be in 2 years from now when the residents are required to hookup. Mr. Hannum noted after the cost of all the pipe, pumps, etc. was figured there is a 20% contingency cost for construction put into the rate. Mr. Hoffman has concerns with the fee and feels it will be higher in a couple years. Solicitor Wyland commented one of the first things Mr. Hannum's firm did when they came on board a year ago was found, through some mathematical calculations, a substantial amount of additional capacity in the existing plant. Over the next 2 years, a lot of that will come on line with new customers without any corresponding heavy capital contribution to increase the size of the plant. That additional revenue will help to hold the cost or even drive it down. At the same time you are working against the increased cost of operations and maintenance.
- Mr. Hoffman asked if there is a history in other areas as to how often there is a rate increase. It was noted there have been 2 increases in the rates since the plant opened. Mr. Marshall commented the rates started out cheaper than what they should have been because of the debt service. When the interest rate went up for the debt service is when the rates went up.
- Mr. Hoffman noted Option 3 has a disadvantage of immediate inspection of all systems in Englewood and Partridge Hills. He asked what an on-lot system inspection involved. Mr. Hannum commented the inspection falls to the jurisdiction of the SEO who is a separately appointed official of the Township. He is not an SEO but felt it was a visual observation with some probing where they

look at the condition of the soil around the drain field or the area your septic system is draining to. They are looking for no sewage coming to the surface. They also look at the type of soil the system is in. Mr. Hoffman asked how he knows if his system is failing. Mr. Hannum noted that is the risk of Option 3. There are people who would not know if there was anything wrong with their system unless an inspection is done. Mr. Hoffman asked how much does it cost to do an inspection. Mr. Hannum felt it would be less than \$65.00. Mr. Hoffman asked what would be wrong with a blanket inspection of all the systems in the area and target the ones that have an issue and fix them. Mr. Hannum noted DEP has basically said sewer now under the Component 3M or you can sewer later under the Act 537 plan, but either way, the area will be sewerred. If the properties are inspected and homes are found to have failing systems that need holding tanks, holding tanks will cost around \$5,000.00 and it has to be pumped out each month at a cost of \$200.00 plus per month.

- Mr. Hoffman asked if the Township goes with Option 2 and it starts to design and build the system and someone's on-lot system fails in the interim, who is going to say it's failing. Mr. Hannum noted a complaint would trigger an inspection. Mr. Hoffman asked if there is any fail safe way to do this, since he is looking a financial impact on the residents if their systems fail before they can hookup. He asked who would interpret and determine a failing system. Mr. Hannum noted it is the SEO's decision to determine if a system is in failure. Mr. Hoffman asked if the SEO works for the Township or DEP. Solicitor Wyland noted he is appointed and compensated by the Township but his powers are derived from DEP. Chairman Espenshade noted the SEO is licensed by DEP. He works for the Township, but enforces the States sewage enforcement regulations. A complaint has to be issued for the SEO to inspect a property unless the individual resident contacts the SEO because he has concerns of a problem. Chairman Espenshade noted everything done regarding these issues is complaint driven.
- Mr. Hoffman felt a blanket inspection of all the lots is a minimal cost. Chairman Espenshade noted some of that has been done, but the Township is not sure what all is involved with DEP if the extensive testing is done. Mr. Marshall commented his understanding is if the extensive testing is done, it will be more than what the Township has already done. There could be problems that exist that may be discovered with the blanket testing.
- David Boyd asked how the Supervisors will know what options the residents want. Chairman Espenshade commented if the residents want to take a vote he would be open to that. The Board was hoping to gauge how the residents felt at this meeting. Mr. Boyd noted he was in favor of Option 2.
- Mr. Boyd commented the discussion was just held on potential problems that might occur with testing. He had a problem created by Verizon who dug up his system. As a result of this, he spent a lot of time trying to get the issue resolved. ARM Group of Hershey helped with the resolution of the problem and he recently asked them to supply him with a finalized report of the system. He was told his system is good for now and as long as it can be. It has been accepted as being repaired by the SEO because no formal verification has occurred since then. He does not know for a fact that it isn't going to fail again in another 2 years. At that

time he was told the SEO does not verify the system or determined if it is good or bad, but goes by what has been done to fix the system. If the SEO does not come onto the property and verify if the system was fixed, how does he justify coming in and verifying any other systems. Mr. Hannum felt the testing suggested for Option 3 would be a different type of program. The SEO is currently triggered by complaint. Under option 3 it would be the Township taking the testing on and that is a different role.

- Chairman Espenshade noted when the original tests were done, that was done under a different agreement and Light-Heigel was not being contracted as the SEO for those tests.
- Mr. Boyd commented the report submitted to the SEO by the firm that was hired by ARM to check his property, noted the opinion was the system that he has does not warrant repair but has to be set up somewhere else on his property. He also made the comment that all systems in the Englewood area and the whole Township are the same as Mr. Boyd's and they are going to fail.
- Tom Gordon of 120 Evergreen Ln., Englewood. Mr. Gordon asked when the Act 537 Plan needs to be completed. Mr. Hannum commented if the option is taken to include Englewood and Partridge Hills into the 537 Plan, which is for the entire Township, then it needs to be completed by June, 2009. Mr. Gordon asked if the Component 3M plan is done, when that is due. Mr. Hannum did not know when DEP expected the Component 3M, but DEP knew the Township was having this meeting and expect a response shortly. Mr. Gordon understands while the Township wants to make a decision and make things happen, we don't want to make them happen so fast that we only address 2 of the problems and that is Englewood and Partridge Hills. DEP says they are problems so we have to address them. Is it cost effective to only do those 2 areas or is it much more cost effective to do the entire Township. Sometimes doing things piece meal is not the most cost effective way to hold down the costs. The reason he is looking it as a Township wide issue is he would hate to see current users pay \$50.00 per month, Englewood and Partridge Hills pay \$70.00 per month and then other new users pay \$100.00 per month. He felt that would create a lot of dissention between the residents of the Township. The grants have been applied for and he felt the Township has done everything it can to obtain as much money as possible, even if we don't actually go through with the system and put it in place now, the grants have been applied for.
- Mr. Gordon noted right now, we are not looking at a Township wide system, only to handle Englewood and Partridge Hills. Solicitor Wyland noted the purpose of the Act 537 Plan is to study the entire Township to see if there are other areas that warrant public sewer in the near term. The purpose of the plan is not a blanket public sewer throughout the entire Township. Chairman Espenshade noted the past 537 Plans have typically addressed a particular area of concern in the Township. He did not think there is anything else listed in the current 537 Plan other than Englewood and Partridge Hills as something of a concern in the future. We would like to look at the whole Township, but there is nothing in the past plans that have indicated anything else that could be a problem. He thinks this is where DEP is coming from. In the 1988 study Englewood was considered

a future concern and not an immediate concern at that time. 20 years later, it has become an immediate concern.

- Mr. Gordon commented there has been a lot of nebulous between the legal profession and the engineering profession and no one wants to say this is the number. He wants to know what the number will be. As an individual who will have to put the plumbing in all the way to the road, his understanding is the main systems will, as much as possible, be paid for by grant money or discretionary funds from the Casino. As a home owner his responsibility is for everything from the house out to the hookup to the main at the road. Chairman Espenshade noted the stub is run to the right-of-way and from there on it is the homeowner's responsibility. That would change if there was a grinder pump or something else the Township wanted to be involved with.
- Mr. Gordon noted if the decision was made to go with Option 2 we are looking at a time frame of hookup being sometime in 2011. The cost to him as a resident would be cost only in 2011 or are there monies needed up front. Mr. Hannum noted typically the tapping fees would be collected when you apply for the permit. Mr. Gordon noted the bottom line is when will the residents need to have \$10,000.00 or \$15,000.00 for sewer. Mr. Hannum commented if you stay ahead of DEP with your decision making process, they don't enter into your schedule. As long as things are being moved along at a reasonable pace, they don't tell you when to get things done. When you go to a Consent Order, an action from DEP, they will dictate a schedule to you.
- Dave Sincavage asked what the difference is between the Component 3M and the Act 537 Plan and if the Component 3M only includes Englewood and Partridge Hills and if the Act 537 Plan will bring in other areas close to the developments that would make sense to add on to the system. If that is the case, there is no time line on the Component 3M but it needs to move forward. Is there a possibility for the Component 3M to be submitted and still work on the Act 537 Plan in parallel. Ms. Beaudet noted the Township was working on both plans in parallel. DEP decided it was not going to wait for the Act 537 Plan so planning was shifted from the Act 537 Plan to the Component 3M. In a perfect world, it would have been great to keep them going concurrently but DEP thought otherwise.

Mr. Marshall noted to the residents that wished to have their opinions heard or have acknowledgement of their choice of options, there will be 2 weeks before the next meeting. The Supervisors can be reached through the website by e-mail and that is always forwarded to them, or by mail or telephone. He would prefer it was done in writing by a letter or e-mail. It would be appreciated by the Board since it would give them a good feel of the desire of the residents.

Mr. Nelligan commented about communications. He asked how many residents depend on looking at the website for information. A few residents raised their hands. Mr. Nelligan asked how many would be more dependent on seeing something in the mail. More residents raised their hands. Mr. Nelligan was concerned about how to communicate with the residents on the issue.

Ms. Beaudet wanted to find the most efficient way to get information to the residents.

There were no further comments from the residents of Board.

**Mr. Marshall made a motion to adjourn the meeting. The meeting was adjourned at 9:40 PM.**

Respectfully submitted,

Deborah A. Casey

cc: Marie Beaudet  
David Marshall  
Keith Espenshade  
John Nelligan  
Tom Shutt  
Hawke, McKeon & Sniscak  
Curt Cassel

Charles Longreen  
Planning Commission  
Light-Heigel & Associates  
Posted  
Zoning Hearing Board  
LTL Consultants