

**EAST HANOVER TOWNSHIP BOARD OF SUPERVISORS
SPECIAL MEETING – ACT 537 PLAN
8848 Jonestown Road, Grantville, PA 17028
July 8, 2010**

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 7:05 P.M. Present were Supervisors Dave Marshall, John Nelligan, and George Rish. Tom Shutt was absent.

Scott Wyland, Solicitor; Chris Hannum & Leo Scott, LTL Consultants; Andrew Stein, Stein Consulting; and Deborah Casey Secretary/Treasurer were also present.

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

Chairman Espenshade noted the meeting was to present the Act 537 Plan. He asked that the residents come to the podium and provide their name during the Question and Answer period. Chairman Espenshade turned the meeting over to Chris Hannum from LTL Consultants who has been working on the project.

INTRODUCTIONS

Chris Hannum introduced himself, Leo Scott from LTL Consultants; Andy Stein from Stein Consulting; Deb Casey, Secretary/Treasurer, the Board of Supervisors; and Scott Wyland, Solicitor. He noted what will be done this evening is to present the newest draft version of the Act 537 Sewage Facilities Plan. There is a handout of the slide presentation and it is available for review at the Municipal Building and also the Township's website.

PURPOSE AND PLAN OF ACTION IN ACT 537 PLANNING

- Act 537 planning is required by the State to protect public health and water resources. All municipalities are required to plan how they are going to handle sewage facilities within the Township.
- Regular updates are required every 5 to 10. Most municipalities do not do updates on a regular basis. East Hanover Township has taken this on to try to avoid some pitfalls that have been encountered in the past and to be proactive.
- Key elements in a 537 Plan are to identify existing challenges, anticipate future needs, where is prime development land, and how close it is to sewer, quantifies alternatives to problems and solutions.
- East Hanover's last complete plan was done in 1988. There have been some revisions to the plan since then. Under the guidance of the Board of Supervisors, LTL was given the direction that the Township wants to look down the road to identify problems before someone else does.
- Other purposes of the plan are to provide sewer service areas to protect public health and to protect water resources of the Township. It also channels

development into areas that can support sewer so you don't have several subdivisions that don't have any way to get sewer.

- DEP gives specific guidelines for Act 537 Planning.
- DEP wants you to review previous plans, present existing conditions which affect on-lot sewage, installation of new sewer systems, look at the geography and do a sanitary needs analysis.
- The Township must demonstrate to DEP where its growth is going to be and how you plan to service that growth in the future.
- DEP is also looking at alternatives to solving the problems.

PRESENTATION OF RESEARCH METHODS AND RESULTS

- The plan looks through what is existing in the Township and what its status is. This is for public systems and on-lot systems.
- Problem areas – sanitary needs survey. LTL sent out questionnaires and asked for access to homes for sampling of water. During that time, there was also a visual done of on-lot systems. This was done to find out what the status was of the existing on-lot systems within the Township.
- Well water samples were analyzed for coliform, fecal coliform and nitrates.
- On-lot suitability – this looks at the type of soils in the Township. Some soils are good for on-lot systems, some types marginal and some bad. Those have been quantified.
- The Township was broken down into planning areas. Sewer works best when it follows natural water ways. There were 5 regions determined. Areas 1 and 2 are in the Bow Creek watershed. Areas 3 and 4 are the Manada Creek watershed. Area 5 is everything above I81.
- Sanitary Sewer survey. The first thing looked at were recorded on-lot disposal system mal-functions. 570 systems were looked at and were determined to be no malfunction, failing, suspected to be failing, potential or confirmed. DEP has specific definitions for each one. Suspected and potential have more to do with age and where they are located in regards to soil types. Of the 570 systems examined, 43% had no malfunctions, 57% were diagnosed as malfunctioning; suspected, potential or confirmed. This was just a sampling of the systems, not the entire Township.
- Access was given to 239 wells for sampling. 5% had no nitrates; 76% had 1-4.9 ppm nitrates; 16% were between 5-9.9 ppm nitrates; and 3% were equal to or greater than 10 ppm nitrates. Nitrates by themselves do not create a problem, but it could be a sign that a nearby on-lot system is failing. Unless you prove otherwise, DEP considers all nitrates to come from a source of a failing on-lot system.
- Coliform – 56% had no coliform; 44% had coliform. Of the 46% with coliform, 5% had fecal coliform. Fecal coliform is a direct indicator of an on-lot system failure.
- DEP uses certain criteria to look at soils. USGS puts information out on the soils in each County. This is one of the criteria that is used. Slopes, building density, zoning, the FEMA 100 year flood plains, National Wetlands Inventory and water bodies are also looked at.

- Once all the information was put together, the samplings, surveys, etc. there were 2 problem areas identified, which were sections 2 and 4.
- Mr. Hannum discussed the suitable areas for on-lot systems and noted most of the Township has a challenge when it comes to on-lot system suitability.
- Mr. Hannum discussed area 4 for suitability and pointed out the areas that were problem areas on the maps. Developments included in area 4 are Manada Oaks and Fairfield Estates
- The goals of the plan were to develop a comprehensive sewage data set that can be used as a basis for planning; identify areas that require sewer and remedies for the largest problems; insure no new source of nutrient loading is created by the plan; dedicate existing reserve capacity at the Dairy Lane wastewater treatment plant to serve existing residents with sewer needs; create an administrative body (Sewer Authority) to oversee the implementation of the plan; identify and install ordinances necessary to further regulate individual sewage facilities; and derive a long-term implementation schedule based upon the financial capabilities of the Township and its residents.

PRESENTATION OF ALTERNATIVES CONSIDERED

- Once the problem areas were identified, alternatives were looked at to solve the problem. There are 2 types, infrastructure and administrative. Infrastructure involves putting sewer in; administrative alternatives are changing ordinances, putting an authority in place, setting up a capital reserve plan, and management programs.
- Numerous alternatives were put on to the table for the Board of Supervisors to resolve. 17 different alternatives were looked at. They were first presented to the Water and Sewer Committee and then to the Board. It was narrowed down to 3 alternatives.
- The small area in section 2 along Dairy Ln. is being considered to be connected as part of the Englewood and Partridge Hills project. The other area along Pheasant Rd. will also be considered with the Englewood and Partridge Hills project. If DEP responds to the Township quickly, these 2 projects will be implemented during 2011.
- Section 4 is the biggest problem. This is over 180 homes and has an anticipated implementation schedule of 2021. This is a 10 year plan and the reason for this is so the Township can develop a capital plan and take the fees it needs to build up a reserve so it is not an extreme hardship to the Township and the residents.
- Mr. Hannum discussed the maps in the presentation.
- The Section 4 project presents problems with the number of homes and the geography.
- Administrative alternatives – the formation of an Authority to undertake the 10 year plan and take over the operations of the treatment plant; plan for the future; put together a capital plan and execute it. As part of this, the OLDS Management program in place be reviewed; the small flow sewage facilities will be reviewed since it will be the Township's responsibility if those systems don't work; the SALDO and Zoning ordinances will need to be reviewed to coincide

with sewer; and the development of a Comprehensive Plan which is currently underway.

FINANCIAL IMPACT – ANDY STEIN

- Mr. Stein noted the plan is recommending the Township start a Capital Reserve Plan to set money aside for the future. It will be recommended the existing user rates go from \$640.00 per year to \$700.00 per year. This will be more in line with the operation of the existing treatment plant. This does not take the collection system into account. Money needs to be set aside for future maintenance. There would also be a 6% to 7% increase per year in sewer rates for the next 10 years. The sewer rates and tapping fees alone don't pay for the infrastructure; you try to get close enough to afford the debt service.
- When you look at area 4 there is not a lot of population density in the area. You will have 180 homes hooking up to almost a 9 million dollar project whereas some place like Lower Paxton, you could have 3,000 people hooking up in the same size area. This puts an extra burden on the Township. From what has been found, area 4 is the next Englewood and Partridge Hills. The Township is trying to get ahead of having DEP coming in and ordering the area to be sewerred. It is better to put away some money now than have huge tapping fees and sewer rates in the future and the Township having to raise taxes to help with the project. This is not a question of if we are going to solve the problem, but how we are going to solve it and whether we get to do it or DEP tells us to do it.

COURSE OF ACTION – SELECTION AND IMPLEMENTATION OF ALTERNATIVES

- Mr. Hannum noted the 2011 implementation for Pheasant Rd. and Dairy Ln. were discussed. 2021 will be the section 4 areas.
- Upon of approval from the Board of Supervisors, the Act 537 Plan will be put out for public review from July 22nd through August 22nd. Notice will be published in the newspapers on July 18th and July 25th. The plan will also be submitted to Planning agencies at the County and local level and they will have 60 days to review the plan. Once the planning agencies and public comments come back and have been answered, it will be put before the Board of Supervisors for adoption by resolution and the plan submitted to DEP for review. DEP will have 120 days to review the plan. Based on this time frame, we could be looking at the end of this year, beginning of 2011 for an accepted plan.
- Mr. Hannum noted this is the Township's plan; however, DEP has the final say in the plan.

QUESTIONS AND ANSWER PERIOD

- Mr. Stein noted any questions asked this evening would be included in the minutes but any comments made that an individual wants to go into the written record of the Act 537 Plan has to be submitted in writing.
- Chuck Mundy of Englewood noted on the OLDS malfunction slide, 570 on-lot systems were examined. He asked what kind of examination was conducted.
- Mr. Hannum noted the known mal-functions were taken from the SEO records. The other ones were based on the soil types they reside in and are suspected.

There was also a visual review done by LTL employees when they went to grab the water samples. The visual included detection of odors, marshy areas, lush green grass where it shouldn't be, etc. When the areas are probed, they reveal a gray, soapy type looking soil.

- Leo Scott noted the primary source for the 570 sites came from the 2006 mailing survey. That information was looked at and it provided age of the systems and location and from that LTL was able to delineate the potential suspected and confirmed malfunctions. Holding tanks and repair reports from the SEO were also added. A certain number had been field verified and that was done when the water samples were done.
- Mr. Mundy felt mail-in surveys are not generally accurate when you don't get many returns. Mr. Scott noted there were around 1500 surveys returned. We were not allowed to use Englewood and Partridge Hills so the 570 does not account for those returned surveys.
- Mr. Mundy commented the 57% malfunction rate includes 34% potential malfunctions. He felt that potential malfunctions could mean the system could be operating satisfactory. Mr. Scott noted he was correct but DEP views potential suspected malfunction as much as a confirmed malfunction. Discussion continued on the sampling and the data.
- Mr. Mundy asked when the water sampling tests were conducted. Mr. Scott noted they were done last summer. Mr. Mundy asked if it was a 15% representation of the Township. Mr. Scott noted the sampling that was done is what is required by law.
- Mr. Mundy asked about the 350 EDUs remaining in the plan. Will the 180 required for the 10 year plan be reserved out of those EDU's. Mr. Hannum noted as part of the revised 537 Plan, they will be.
- Solicitor Wyland commented a lot of Township's are struggling with the question of reserving capacity when you have limited capacity. He felt the best practice is if you identify an area that is in need of future service, and you identify that in your Act 537 Plan and DEP approves the plan, then it is appropriate for the community to reserve that capacity in the plant. There are no court cases decided that answers the question. If the community reserves the flows and you have a high user that shows up before the connection and wants to connect now, it appears the answer emerging in the law right now is the best practice is you identify an area that needs, you put that in your Act 537 Plan, reserve the capacity, and there is a good sound basis approved by an agency to do that.
- Mr. Mundy noted the selective alternatives slide showed 3 options remaining. He asked about the old homes along Rt. 743 between Dairy Lane and Early's Mill Rd. The line will go right past those homes and these homes have small lots and the soil can't be much different from the homes right across the road that have to hook up and are probably 30 years newer. Why are those homes not being considered? Mr. Hannum commented the largest area was focused on first and the lines will be able to be extended in the future. The line that is going past these homes is a pressure line and not a gravity line.
- Mr. Mundy commented the Township is looking to raise the rates of the existing users to finance the 8 million dollars for the 180 homes 10 years from now. Mr.

Stein noted some of the increase will go to the future project and some will go toward the ongoing maintenance and capital improvement of the existing plant. That does not even consider the collection system. Either the users pay for it or the entire Township pays for it. With Englewood and Partridge Hills, the existing users are subsidizing to some extent that project as well as the Township. Mr. Mundy felt it would be less painful if all the residents of the Township would help with the cost. It was noted the residents will with the Capital Improvement Plan. Discussion continued.

- Bonnie Housel of Partridge Hills asked if the Board of Supervisors would go for grant monies for the future project. Mr. Stein noted they would, but you need to get closer to the date of construction to apply for those monies. With grants, everyone wants to hear matching funds which is why the Township is going to set money aside for future projects. This is another reason why an authority will be created since the money can be transferred out of the General Fund and put into a capital improvement fund for dedicated future use. DEP standards will only get stricter in the future.
- Ms. Housel asked about the Sewer Authority. If the Board of Supervisors change in the future, can it disband the Sewer Authority. Solicitor Wyland noted a Sewer Authority is appointed by the Board of Supervisors for a 4 year term period which is staggered. If the elected officials disagree with the decisions of the Authority, they can wait for the individual's term on the Authority to expire and then not reappoint them. Authority members can only be removed for cause and you would have to go to court to remove an individual. An Authority can be disbanded by the Board of Supervisors, but you have to have the municipality assume all of the obligations of the Authority, which includes the financial obligations. Municipalities are restricted on how much they can borrow based on its tax base. Authorities are not bound by that and they can often borrow more than what a municipality can. If the Authority has a lot of debt that the Township can't assume, then it can't disband the Authority. Discussion continued.
- Ms. Housel noted her concerns were not with the Authority being disbanded, but the Board of Supervisors changing and a new Board making the decision not to go through with the future plans. She felt the future project is worthwhile and the Township needs to preserve its water. Solicitor Wyland noted an Authority is supposed to be thinking along the lines of what is good for the community as far as sewer and water is concerned and is an independent body. Even if you do have a change of elected officials, the Authority should be staying on its path. It is not easy to change the course of the plan of an Authority. Discussion continued. Ms. Housel asked if most Township's have authorities. Solicitor Wyland noted the vast majority of them do.
- Ms. Housel asked if Englewood and Partridge Hills are part of the approximate 350 EDU's available right now. Mr. Hannum noted they have already been accounted for so they are not part of the available EDU's.
- Ms. Housel asked if the Township would have to build another plant as more EDU's are needed. Mr. Marshall noted the existing plant is expandable. Discussion continued.

- Discussion was held on the sewer authority. Chairman Espenshade noted his goal was to have people on the sewer authority who have a vested interest in the sewer system as to how it is run. He would like to see the members be users of the system.

Chairman Espenshade noted the final plan will be put on the website for review and encouraged everyone to tell people to review the plan. Creating an authority is a first for this Township and there will be some major changes in this Township. He noted if anyone wants comments included in the plan, it has to be done so through writing.

Mr. Nelligan commented the Water and Sewer Committee will be meeting the 1st Thursday in August which is August 5th. This is a public meeting and everyone is welcome to attend.

Dave Marshall made a motion to adjourn the meeting. The meeting was adjourned at 8:15 PM.

Respectfully submitted,

Deborah A. Casey

cc: Keith Espenshade
John Nelligan
Dave Marshall
Thomas Shutt
George Rish
Hawke, McKeon & Sniscak
Curt Cassel

Charles Longreen
Planning Commission
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