

MINUTES
JOINT MEETING OF THE EXETER TOWNSHIP BOARD OF SUPERVISORS
AND SEWER AUTHORITY
JUNE 26, 2013

The Joint Meeting on the Act 537 Plan was called to order on Wednesday, June 26, 2013 at 7:04 at the Exeter Community Library by Township Board Chairman Donald R. Wilson.

Supervisors Present

Donald R. Wilson, Chairman
 Kenneth A. Smith, Vice Chairman
 Dona L. Starr
 Gary E. Lloyd*
 Jeff Bukowski

Sewer Authority Members Present

Lawrence J. Drogo, Chairman
 Michelle P. Kircher, Vice Chairman
 Donald P. McWilliams, Treasurer
 David E. Sonon, PE
 Cheryl A. Franckowiak, Secretary
 Frederick L. Reigle, Esq., Solicitor
 Roger Phillips, Gannet Fleming, Inc., Engineer
 Paul A. Herb, Wastewater Treatment Superintendent

Pledge of Allegiance

The Meeting was opened with the recitation of the Pledge of Allegiance.

Opening Remarks

Mr. Herb reviewed the objectives of the meeting and introduced the speakers. He stated The purpose of the meeting was to provide background information on the Act 537 Plan; to identify means, findings and actions taken so far; to identify actions moving forward; and to answer questions. He introduced Roger Phillips, from Gannet Fleming, Inc.; Allen Madeira from Berks Envirotech Associates, who participated in a survey and will review results; and Fred Reigle, Sewer Authority Solicitor, who will discuss different types of assessments.

Act 537 Plan Explanation

Mr. Phillips stated Act 537 was passed by the PA Legislature known as the PA Sewage Facility Plan, addresses both the public and private wastewater disposal needs of the community, and has rules on how the Plan is put together and determines its contents. He stated the Plan is an analysis of the existing infrastructure and the existing sewage facility building in the community when the Plan was originally designed. It includes identifying any problems in the infrastructure and potential solutions to those problems which was the reason this meeting was being held. He stated the findings in Exeter Township revealed the sanitary sewer interceptors, which are the large pipes that carry sewage to the treatment plant, had events of sewage overflows that required the Township to go on a Corrective Action Plan (CAP), only allowing a limited number of

connections until those problems were identified. He stated the sizes of the interceptors were to reflect the ultimate volume usage currently and in the future.

The Survey and its Results

Allen Madeira, from Berks Envirotech, stated the survey had been conducted under his direction. The needs analysis was conducted according to the DEP Publication, "A Sewage Disposal Needs Identification Guidance" published on March 19, 1996. He stated the publication sets the exact parameters on how the analysis is to be prepared. He stated there were a mixture of onsite systems in use in the Glen Oley Farms subdivision that was built in three phases known as #1, #2 & #3. He stated Phase #1, the older phase, has many pre-regulatory systems that did not meet the current codes; Phase #2 had a mixture of different types of technologies that met the standards at the time; and Phase #3 is served by public sewer. He noted two properties in Phase #2 were converted to public sewer at the time that Phase #3 was being developed and were not included in the survey. Public health needs were identified by the document broken down by malfunction status, future sewage disposal needs and water pollution needs, either ground water or stream water. He stated a stream nearby was not a part of the survey as it had no problems. The door to door sampling showed there were failing on-lot disposal systems in Glen Oley Farms. He stated a problem for many lots in Glen Oley Farms was if there is a malfunction, there might not be room on the lot for a suitable replacement area. Mr. Madeira stated contaminated water supplies could be determined when individual water wells were sampled. He then explained in detail the types of contamination that could exist in wells and the levels at which they could become dangerous to children and adults. He showed a map of the surveyed parcels in the area with those surveyed highlighted in yellow. Of the 61 properties, 23 properties were surveyed. Confirmed malfunctions were observed in 3 of them; 2 had suspected malfunctions, and 5 had potential malfunctions. The results were that 10 properties or 43.5% of those surveyed, qualified as a public health concern. He spoke of nitrate levels in the properties surveyed stating that no properties of those tested had levels greater than 10 mg/L, which was the safe level. He explained that 3 properties had nitrate levels greater than 5 mg/L, some had zero nitrates and some lower than 5 mg/L. The survey was conducted in July of 2010 and samples were taken at the pressure tank prior to being treated. Mr. Madeira stated coliform testing was done and these properties tested positively for bacteria in water; however, none of the properties showed the presence of fecal coliform bacteria and that was good news. Nitrates were only elevated by two sources which were through agriculture and sewage. He stated there was something going on with nitrates.

Solving the Problems; Where Do We Go From Here

Roger Phillips from Gannett Fleming stated one solution was to convert all properties in question to public sewer. Further study and monitoring could be conducted; however, he cautioned the DEP might take immediate action, separating Glen Oley from the rest of the sewer system. He stated the Act 537 Plan is a Township document that must be adopted by the Supervisors prior to submission to the DEP for review and subsequent approval. He stated decisions would have to be made prior to adoption. He stated for the residents, protecting the water supply would be important, and as a result of conversion, there would be continued reliable service and reduced maintenance costs.

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The Assessment Process

Fred Reigle, Sewage Authority Solicitor, stated should it be determined that the Glen Oley area was going to be included in the 537 Plan and public sewer was mandated by the DEP, there were two ways to assess the cost of converting to public sewer and collecting the fees.

The first option was to seek competitive bids and award the bid to the lowest responsible bidder. Then the assessable costs could be determined through two methods. They would be to conduct a benefit assessment by an appointed Board of View made up of a number of people appointed by the Court of Common Pleas with a hearing being held to determine the price of the assessment. He stated what is determined is the market value of the property prior to sewers being installed and the fair market value of the property after the project was completed and certified. He stated the value of the property prior to sewer lines installation would be subtracted from the value of the property after sewer line improvements and that would be the assessed value. He stated an agreement would be put in place and those would be negotiated settlements that, in his experience, never got to court. He noted there would be more costs involved in this approach. He explained the collection system, noting it could include condemning the property and taking it by eminent domain. He was not anticipating this would be an issue in this case.

Jill Skaist, 30 Devon Drive, felt taxes would go up if the assessed value of the property increased to which Mr. Reigle stated that could happen.

The second option would be an assessment by the Foot Front Rule. In this scenario, a determination would be made on the distance the sewer lines fronts a property and the distance would be multiplied by a number determined by the total cost of the project. He stated that would be the less expensive way to do assessments. He noted in some cases assessments could be postponed and gave an example.

Mr. Herb presented a potential time line whereby, construction could start as early as in March of 2014.

Juan Kraljevic, 31 Devon Drive, asked, if a program was not made mandatory, how could a violating property be made to comply. Mr. Phillips stated there is an ordinance that says once the line was built, anyone within 150 feet would be required to connect within 60 days. Mr. Kraljevic felt money should be set aside for the health and welfare of the residents; and, ignoring this issue now could only make it worse.

Rod Gallager, 71 Devon Drive, deferred his comments until a later time.

Stewart Zager, 205 Sherwood Drive, noted Berks Envirotech stated contamination did not come from sewage. He stated both his and his neighbor's homes did not pass and they had a system put in and that fixed his problem. He felt the problem had to be identified first; and, the solution should come after. He felt the solution might not be to put in public sewers.

David Bean, an attorney, stated he had been retained as special environmental council to represent 48 of the households in the Glen Oley Community. He stated working with him was professional geologist Jeffrey Warmkessel, who also was a certified sewage enforcement

officer. Mr. Bean stated he was in attendance to voice opposition to those aspects of the Township's 537 Plan that pertain to the Glen Oley Farms sewer extension. He stated the sampling data relied on by the Township was not sufficiently representative to support a finding that every household was effected. He stated the sampling base was on 23 of the 63 households who had their well water sampled; and, the assumptions were being made about all the homes in question and did not account for partial, specific variables. He stated sampling results showed only two properties were considered elevated and none were above the maximum contaminant rate for nitrates under the PA State Drinking Act. He noted several results concluded there was an absence of fecal coliform in the water. He stated the data did not support the conclusion that on lot disposal systems were the cause of drinking water impairment. He noted other sources of contamination had not been studied and included in the report. He noted there could be other corrective action should there be problems in the future. He stated a total of six reasons not to force a sewer connection in GOF Phases one and two noting one did not include a system of opt outs. He requested the Township withdraw the part of the plan referring to GOF and to study the matter further.

Mark Vannice, 31 Gladwyn Drive, PE licensed in Pa since 1995, asked if the Township was going to mandate fresh water and if so what was the plan. He asked the Board to not tell them they had thought it through because there was no engineering plan presented. He did not like the Board telling the residents it would cost them \$15,000 without a plan. He noted nitrates were coming from a nearby farm. He stated with the difference between the cost of propane and natural gas, if the Township was going to dig up their street, natural gas should also be put in so residents could reduce the cost of heating.

David Breen, 50 Devon Drive, stated it was clear that several systems had failed and asked if there were existing laws on the books to force action on those residents who had systems that failed. Mr. Madeira stated that was the case and asked direction from the Board on how to handle the malfunctions. He commended the residents for the comments they had made and asked them to remember that there was not sufficient room on many of their properties to accommodate needed technologies. He stated if there was no room, residents would have to pay to have their waste hauled away. Mr. Breen asked which regulations would be used if the system malfunctioned to which Mr. Madeira responded if your system malfunctions today, today's regulations would be used. He stated the gentleman that installed the \$15,000 system had two lots and room to do so. He stated decisions could be made on a case by case basis. Mr. Madeira stated there were several options to correct these types of problems. Mr. Breen stated since the land in the area was heavy limestone, it would be very expensive to install sewers in that area. It was noted no design engineering had been done to date to resolve those types of problems.

Jill Skaist, 30 Devon Drive, asked if any violations notices had been issued on the three confirmed situations in 2010. Mr. Madeira stated there had been three confirmed violations and no violations were issued due to the potential sewer extension. Ms. Skaist asked why those violations had not been fixed, why no notices had been sent and wanted reasons for the malfunctions. Mr. Madeira responded he worked for the municipality, it was their decision and he had not received direction as to how to handle the three situations. Mr. Madeira stated the

Sewage Management Plan Act 537, will mandate updating when adopted and part of that will be the mandatory pump outs that he was referring to. He stated the individual causes could only be assessed on a case-by-case basis; but, the problem isn't usually just a broken pipe that should be fixed. He stated the causes can be complicated and some things that people use to try to fix are useless solutions. Ms. Skaist commended Mrs. Franckowiak for asking probing questions and having those questions answered even though Sewer Authority members were not being helpful. There was a lengthy discussion between Ms. Skaist and Mr. Madeira. He stated those with violations had not been notified because if those notifications had been sent, action would be mandatory. Ms. Skaist wanted to know who initiated this to which Mr. Herb stated he had due to the Act 537 plan. Ms. Skaist gave a history on the development of a pumping station. Mr. Herb stated in 2004 a survey went out to see if residents wanted a public sewer, and they did not. Previously it was not in the 537 Plan and this time it is in the Plan. Mrs. Starr stated this was not a DEP public hearing; but, was a fact finding mission for the Board of Supervisors to learn about the situation so they could make a decision. She stated to be clear it was the Sewer Authority that was handling the 537 Plan. She asked if the properties could be identified that did not have enough room for corrective systems; and, felt if it was more than half then there was a problem. She stated she would like to have GOF removed from the 537 Plan and deal with the problems separately. Ms. Skaist asked what the de-nitrification agreement was. Mr. Phillips stated nearly all of the properties in GOF did not have enough room to handle alternative systems. Then he went on to explain the denitrification issues stating additional treatment for a house with on-lot disposal could be required to install denitrification which is a system to insure water being put back into the ground by the septic systems was not increasing the nitrate problem in the area. He stated the DEP could sometimes mandate denitrification. One resident asked for a definition of the types of bacteria in the water to which Mr. Phillips stated the acceptable state drinking standards were zero for this development; however, there were a variety of remedies and recommended each homeowner should have their water checked out. **Rod Gallager** noted there was no room for growth in these established developments as all were landlocked. He felt the information presented was informative; but, not pertinent. He stated about 5 years ago he had his septic system redone and the drain field cleaned on his property at 71 Devon Drive at a cost of \$8,000; and 5 months ago he had his water softener system redone noting no ultra violet light was needed, at a cost of \$3,000 to \$4,000 and he has spent enough. He stated it would be a significant financial hardship to have to come up with another \$10,000 or \$20,000. Larry Drogo stated the Sewer Authority did not handle on-lot systems, water or gas; only sewer systems. He noted the Sewer Authority was not intending to push anything on any residents. **Ike Matza**, 60 Devon Drive, stated the whole issue became important when three families had failing systems. He stated if the neighborhood had discovered someone had been mistreating a child things would be done to correct the situation and in this situation systems have been failing on three properties and nothing had been done to correct it to the detriment of the neighborhood. He felt something should be done and it was the responsibility of those with failing systems to have them fixed. He felt since the cost would be high to trench, UGI should be approached and involved to run gas lines at the same time which might mitigate the cost and save time. **Stewart Zager** stated the problem is with three houses that should be corrected and felt the solution should not be for all people in the GOF to bear the cost of installing sewers. He felt new

technologies in the future could be a step to take first. He noted a certain distance had to be kept between the gas line and the sewer line; and, not a big trench would be dug for gas lines. *Maria Kraljevic* agreed with the concerns of others and asked if a compromise could be to put the project on hold until all the septic systems were inspected and to take care of any issues found. She felt there were more than three septic systems failing in the area. Mr. Wilson asked if it was true that the nitrate levels found depended on the weather, that nitrate levels could be related to fertilizers put on lawns and that some wells might not be deep enough. Mr. Madeira, to Mr. Wilson's first point, stated he never heard that, to the second point stated fertilizers could affect nitrate levels found, and that some wells might not be deep enough. Mr. Bukowski asked what the responses to the failed systems by the owners were to which Mr. Madeira stated the homeowners were aware of the failed status because they participated in the surveys; but, a correction order was not issued due to the specific time lines needed to correct specific issues and that was a normal procedure. He stated there was a total of 5 properties with a suspicion of violations and they were randomly located. Mr. Bukowski asked a series of questions regarding the properties whose systems had failed, asked how the property owners were notified and if the property owners took care of the problem. Mrs. Kraljevic stated some people had known about their problems for years and have done nothing to correct them. Mr. Bukowski asked how the GOF community felt about having water lines installed as well to which the audience, in unison, stated no. Mr. Wilson asked if a property owner's house was within 150 feet of a sewer line would they be required to connect; how many houses would be involved; and, if a house was more than 150 feet away would they be required to hook up to the sewer. Mr. Phillips stated that would be part of the design; but, the intention would be to have all the houses connect to the sewer. He then stated those more than 150 feet away would not be required to hook up to the sewer. Mr. Bukowski stated Mr. Bean's suggestion for residents to get together to figure out what further testing needed to be done, whether or not all residents would allow testing and who would pay for the testing was sound advice; and, should be followed to find a less drastic solution for a long term of health and safety. However, he would not like to see the process drag on. Mrs. Starr stated if she had a well and a septic system on her property and if she felt something was not right she would call a professional to come in to assess the problem and then fix it. Mr. Wilson felt action on Act 537 should be held off and not to proceed until we know what is included. Mr. Phillip stated there was not a hard deadline; however, there was pressure to solve any problems if they were there. *Lisa VanderLaan*, 5560 Boyertown Pike, recalled attending a Sewer Authority meeting where no one on the Authority knew if the 14 property owners had been notified. She stated tonight Mr. Madeira stated it was not his responsibility to notify those property owners, and she was confused about the reporting structure and responsibilities involved. Mr. Herb stated in the prior meeting they did not have the answers. Mr. Drogo suggested a committee be created to meet with the residents and their representatives. Mr. Bukowski felt it was important to include members of the Sewer Authority and to discuss the matter thoroughly to come up with a solution. It was suggested two meetings be held, with the first one to set the stage to discuss legal and technical issues; and, the second to convey the information to the residents. *Juan Kraljevic* suggested having an extensive study done. Mrs. Starr felt taking a closer look would be advisable and she would like not being pressured by the DEP to make a move. Mr. Matza asked if anyone knew what a septic system test would cost to which Mr. Madeira stated there was no reliable method of testing a septic system and living

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with the system is the real test. He stated the issue was to address the existing concerns on a case by case basis.

* Mr. Lloyd arrived at this time.

Mr. Lloyd stated his approach to this issue was to find legal facts of this situation before going ahead with mandating sewers for these two phases of Glen Oley Farms. He stated he requested information from Gannett Fleming and got a letter in response laying out the details. He stated the letter ended with the line saying, if the Board chose, the Board could remove the Glen Oley Farms Project from the Act 537 Plan and pursue additional evaluation of the area. Mr. Phillips stated the DEP would require the Township, under Chapter 71, to address noted issues and by pulling GOF out and not doing anything would be a violation of Chapter 71. Mrs. Franckowiak asked how the Sewer Authority came to the conclusion that Glen Oley Farms has sewer needs; but, others did not. She asked if other problem areas in the Township had been plotted on a map to keep track of them. Mrs. Kircher stated for years when there are indications of a problem, the Sewer Authority had pursued remedies. Mr. Bukowski stated the lines of communication have to be clarified and homeowners have to be notified if there are issues with their septic systems. Mr. Phillips stated the reason it was not recommended that every septic system in the Township be reviewed was because what was being analyzed was for sizing the trunk line. The study looked at what potential connections could be made to the trunk line and the revision to the 537 Plan was the recommendation that public sewer be put in Glen Oley Farms. He stated it was not a start from scratch plan for the whole Township. Mr. Bukowski asked if the 537 Plan revision would size the pipe to enable us to put sewer lines into Glen Oley to which Mr. Phillips stated yes. One resident asked what defined an issue to the DEP to which Mr. Phillips responded, in his experience in other communities, the DEP has mandated sewers if the property is in close proximity to the gravity sewer. One resident stated there were self-contained sewage systems and asked Mr. Phillips about them. Mr. Phillips stated no matter how the sewage was pretreated it was important to remember the sewage plant still had to process pretreated water. He stated in the State of PA alternative systems would have to be reviewed. He noted holding tanks were being used in the Township.

Mr. Wilson stated he and Mrs. Starr would meet with two representatives of the Sewer Authority and Glen Oley Farms residents to discuss the issues and dates would set up. Mr. Bukowski stated the meetings would be advertised as public meetings and Mr. Wilson stated the dates would be set at the next regular Township meeting.

Adjournment

MOTION by Mrs. Starr, seconded by Mr. Bukowski, to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 9:16 P.M.

A handwritten signature in black ink, appearing to be a stylized name, possibly "J. Starr", written in cursive.

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