

Rockwood Borough Council
May 3, 2018

The special meeting between the Rockwood Borough Council, Rockwood Borough Municipal Authority and the Milford Township Municipal Authority was held on May 3, 2018 at 6:30 pm. Council members present were Amy Jo Stout, Larry Mazer and Dennis Weimer. Rockwood Borough Municipal Authority members present were Cary Phillippi, Dan Peterson and Ken Carolus. Milford Township Municipal Authority members present were Jason Sechler, Dave Friedline and Randy Younkin. Also present were Solicitors Bill and Ben Carroll for the Rockwood Borough, Solicitor Michael Barbera for the Milford Township Municipal Authority, Rockwood Borough Engineer Kevin Yoder, Engineer Randy Musser and Maintenance Supervisor Carl Jones. Nancy Sleasman and Sarah Sleasman with the Rockwood Borough Council; and Joyce King and Jack Bowlby with the Rockwood Borough Municipal Authority were absent.

- 1) Attorney Barbera briefed everyone regarding issues for discussion, including the existing tap situation within the Milford Township service area in the Greenhouse Road subdivision and infiltration concerns.
- 2) Solicitor Ben Carroll stated that the issue arises because there was some recent interest in tap in's in the Milford Township that are not in the Meadowview Subdivision. That brought forth from the Borough's perspective that the agreement between the Rockwood Borough and the Milford Township Authority does specifically refer to forty five (45) water taps and fifty one (51) sewer taps within the Meadowview Subdivision. Rockwood Borough has experienced infiltration in the system in the past and is somewhat concerned about what additional development can do, while at the same time, not wanting to shut down development in the area where development is generally desirable.
- 3) Rockwood Borough's Engineer Kevin Yoder summarized the infiltration issue. Infiltration refers to any non sewage water getting into the system whether it be through sump pumps in basements, groundwater infiltration through the pipe from a break or loose joint. The Borough believed for a while that there was infiltration getting in from the Township. Kevin and Carl Jones put a flow meter in one of the manholes leading out of the Township into the Borough. There are two lines that come together. They went through that to get the entire flow from the Township and the month that they studied most recently was from November 14, 2017 through December 12, 2017. We have more recent data but they are still analyzing that. What that shows is during rainfall events, the flow coming out of the Township spikes drastically. For the most part, the peak flow on a monthly basis is a lot greater than what we expect to see from thirty four (34) homes. Normally thirty four (34) would run around 11,900 gallons per day. The peak for the month that they studied, was over 96,000 gallons, which was after a very large rainfall event. The numbers slowly taper off over the next several days, which demonstrates to us that there is infiltration getting into the system. Every day through the month of November exceeds what we would expect from thirty four homes. The lowest in that month was 22,000 on November 17th, which is still almost double what we expect. Kevin's concern from the infiltration standpoint is how we address flows coming out of the Township when the Borough has no control over the lines in the Township. It's the Township's responsibility, but at the end of the day, Rockwood Borough can't govern or have any legal action over the entity the Township.
- 4) Solicitor Bill Carroll read a letter out loud that was presented to him before the meeting from Randy Musser on behalf of Moelan LLC, which is one of J.R. Enos's companies, they are requesting Rockwood Borough authorize to Milford Municipal Authority, additional sewer and water capacity for two - five acre residential lots proposed for development along Greenhouse Road. These two taps are in addition to the forty five (45) water taps and fifty one (51) sewer taps authorized in the prior agreement with the authority. Additionally, if necessary, authorize the relocation of one of the fifty one previously approved sewer taps, which due to the merger of previously subdivided lots is no longer needed south of Greenhouse Road, to the north side of Greenhouse Road. This tap will serve as a proposed sewer service for the Moelan LLC residual parcel. The relocation of this tap was previously approved by the Milford Township Municipal Authority and the PA Department of Environmental Protection. This action was taken under the understanding that the Milford Municipal Authority had the authority to use the previously approved taps without restriction as to physical location in their area of jurisdiction.
- 5) Randy Musser discussed the subdivision merger. Solicitor Ben Carroll stated that the Borough needs to decide what we want to do. Mr. Musser, on behalf of Moelan LLC, has made a request to the Borough. The Borough's options would include granting the request with the condition that we revise the agreement to get something else or going some other direction entirely which is probably what Milford Township Authority wants to talk about.

Solicitor Ben Carroll's opinion is that it is a matter of choice of what the Borough wants to do. At some point the Borough needs to make a decision about what to do. Do you grant the request or not, do you grant the request with conditions or do you explore some other third path.

Cary Phillippi excused himself from the meeting at 7:25 pm. This left the Rockwood Borough Municipal Authority without a quorum.

- 6) Solicitor Bill Carroll stated that all of the attorneys in attendance are in agreement that everybody admits that there is a problem but that no one has a good solution and no solution is going to be made at a meeting like this one. We need to see if there is some kind of consensus or willingness to talk about the issues and direct some exploration of where we are going. Solicitor Bill Carroll said that if he had to give advice to Rockwood Borough to where we are going; if Rockwood Borough is going to permit water/sewer taps to be sold in any area that isn't covered by the existing agreement of 2006, that whole agreement needs to be revamped and it has to be revamped in such a way that there is effective enforcement to control the infiltration and inflow.
- 7) Solicitor Bill Carroll said that there is talk on the table here of would Rockwood Borough be receptive to some kind of arrangement where the Borough would do something such as:
 - a) Make a joint authority
 - b) Somehow have the Milford Authority convey everything it owns over to the Borough; or
 - c) Do some kind of intergovernmental agreement mainly for the purpose of enforcement
- 8) Council President Amy Jo Stout stated that the Borough will have to take a look at all of the issues and talk with Solicitor Bill and Ben Carroll to see where the Borough needs to be and will get back to all parties. It won't happen overnight and may not be within the next month but we will try to come up with a plan as soon as possible.

Larry Mazer made the motion to adjourn the meeting. Denny Weimer seconded the motion, all were in favor, the motion carried and the May 3, 2018 special meeting was adjourned at 8:15 pm.

I, Jill Shultz, attest that the above public record is true and correct to the best of my knowledge.

Jill Shultz, Secretary

Date