



MEMORANDUM FOR AGENDA ITEMS

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| TO: | South Whitehall Township Planning Commission |
| FROM: | Tom Petrucci, Township Manager |
| DATE: | December 15, 2023 |
| SUBJECT: | Act 537 Sewage Facilities Plan Update Public-to-Public Wastewater Disposal System Transfer (DRAFT/REVISED) |
| COPY TO: | H. Bender; D. Manhardt; M. Elias; G. Adams; J. Alderfer; T. Fehnel |

- **Background Information:**

The draft Public-to-Public System Transfer Act 537 Plan Update was prepared in order to officially recognize the transfer of the South Whitehall Township Authority to South Whitehall Township, as well as to address any previous planning that has not yet been implemented for the Township service area. Phase 2 of the Ridge Farms Major Plan is the only area in which additional development growth beyond the current approved sewer franchise area is provided for in the draft Act 537 Plan Update.

The draft Public-to-Public System Transfer Act 537 Plan Update is applicable to situations where a public entity intends to transfer the responsibilities of one municipal entity to another (in this case, effectuating the final transfer of the Authority to the Township as originally authorized by Ordinance No. 1021, which was adopted by the Board of Commissioners on May 3, 2017).

SSM Group was utilized for technical guidance concerning this portion of the project. Township staff, including a project team comprised of Executive, Community Development, and Public Works personnel, assisted with compiling all necessary background information and the drafting of mapping that was required for the project.

During the September 21, 2023 regular meeting of the South Whitehall Township Planning Commission, the Commission members Planning Commission reviewed the draft Act 537 Plan Update and unanimously recommended approval to the Board of Commissioners without conditions.

Following said removal and recommended action of approval, Township staff has further refined the narrative of the draft Public-to-Public System Transfer Act 537 Plan Update to make the following administrative changes:

- Confirms and clarifies the legal process by which the dissolution of the South Whitehall Township Authority must occur (and the specific legislative actions by ordinance and resolution that were previously taken by the Board of Commissioners to commence that process).

- Ensures that all existing intermunicipal agreements are accounted for in the narrative and corresponding appendices (and further explains the purpose and need for the intermunicipal agreements).
- Provides an updated map that clearly delineates all future known planning areas for the next five (5) to ten (10) years.
- Clarifies that Phase 1C of the Ridge Farms project includes 17 duplexes (34 units) and will require a separate Planning Module. It is anticipated that the entire Phase 1 of the Ridge Farms Project will begin within the next 5 years. Clarifies that Phase 2 of the Ridge Farms Project is anticipated to occur within the next ten (10) years.
- Adds language to ensure that the narrative is aligned with the formatting expected by the Pennsylvania Department of Environmental Protection.
- It is important to note that the substantive content of the mapping related to the sewer franchise area has not changed within this revised draft Act 537 Plan Update from the last version that was reviewed by the Planning Commission.

Since the narrative content and some of the appendices have changed, Township staff and legal counsel felt it necessary and appropriate from a procedural standpoint to resend the revised version of the Act 537 Plan Update to the Planning Commission for review and approval.

The revised version of the Act 537 Plan Update will be available at the following page of the Township website no later than Monday, December 18, 2023:

<https://www.southwhitehall.com/departments/public-works/water-and-sewer/act-537-sewage-facilities-plan-update-2023>

- **Action Requested:**

Official action is requested from the South Whitehall Township Planning Commission in the form of a motion to recommend approval of the revised draft Public-to-Public System Transfer Act 537 Plan Update to the Board of Commissioners without conditions.