

SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

RESOLUTION NO. 01-11

RESOLUTION FOR OFFICIAL SEWAGE FACILITIES PLAN REVISION FOR
SOUTH MIDDLETON TOWNSHIP
BY THE BOARD OF SUPERVISORS OF SOUTH MIDDLETON TOWNSHIP
CUMBERLAND COUNTY, PENNSYLVANIA

Whereas, Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the "Pennsylvania Sewage Facilities Act", as amended, and the rules and regulations of the Pennsylvania Department of Environmental Protection (Department) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal conforms to a comprehensive program of pollution control and water quality management, and

Whereas, the South Middleton Township Municipal Authority has proposed the Upgrade of an existing Sewage Pumping Station known as Pump Station #1, and the construction of a new force main and gravity sewer (the sewerage facilities) along Park Drive as described in the attached Sewage Facilities Planning Module, and

Whereas, upgrade of said Pump Station and construction of the sewerage facilities will remove sewage flows from the Mt. Holly Borough Authority sewage treatment facilities and direct said sewage flows to the South Middleton Township Municipal Authority treatment facilities, effectively altering the sewer service areas as documented in the Official Sewage Facilities Plan for South Middleton Township, and

Whereas, construction of public sanitary sewers in undeveloped areas creates pressure for development, and

Whereas, the route along which the sewerage facilities will be constructed is in conflict with the Township's Comprehensive Plan in that the area affected is designated for an Agricultural Reserve Area, and

Whereas, the Pennsylvania Municipalities Planning Code (MPC) amendments of 2000 (Acts 67 and 68) require that municipal zoning, subdivision and land development regulations generally implement the municipal comprehensive plan; and

Whereas, the proposed construction of the sewerage facilities on Park Drive from Pump Station #1 to Boiling Springs may be contrary to future land use planning as

set forth in the Comprehensive Plan of 1999 and in conflict with the purpose of the zoning regulations set up to guide future development by Zoning Ordinance No. 13 of 1999; and

Whereas, by allowing the sewerage facilities to be extended into the AC District, compliance with the MPC may be compromised; and

Whereas, South Middleton Township finds that it is in its own best economic interest to manage, collect, convey and treat sewage generated within its borders with its own facilities, and,

Whereas, South Middleton Township finds that the project described in the attached Sewage Facilities Planning Module conforms to a comprehensive program of pollution control and water quality management.

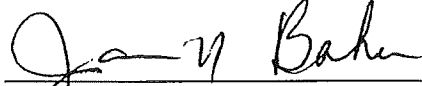
Now, Therefore, be it resolved that the Board of Supervisors of South Middleton Township hereby adopt and submit to the Department of Environmental Protection for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto, under the following conditions:

1. It is expressly understood that the purpose of the force main along Park Drive is to serve Area 4, as shown on Exhibit A attached hereto, exclusively. The force main shall not be used to provide public sanitary sewer service to any areas not included in Area 4.
2. The governing body shall not approve new connections to the force main in any area not within Area 4 as shown on Exhibit A, except as noted in condition #4 below.
3. The South Middleton Township Municipal Authority (the Applicant) shall be prohibited from issuing any permit to connect to the force main constructed as part of this project outside Area 4 as shown on Exhibit A, except as noted in condition #4 below.
4. New connections to the force main shall be limited to only those adjacent properties with documented on-lot system malfunctions as determined by the Township Sewage Officer.
5. Approval of any connection to the force main other than that described in condition #4 above shall constitute a violation of the conditions of this Resolution, and the Sewage Facilities Act. Such a violation shall rescind approval of this Resolution and render in the Township's Official Sewage Facilities Plan in disapproved status, in which case the requirements of Pa. Code, Title 25, Subpart C., Article I., Chapter 71, §71.32(f)(5), related to permits under the Clean Streams Law, shall apply.

6. Approval of any connection to the force main other than that described in condition #4 above shall be considered to be in conflict with the Goals and Objectives and the Future Land Use Plan as contained in the South Middleton Township Comprehensive Plan. In accordance with §619.2 of the MPC, The Pennsylvania Department of Environmental Protection shall not approve any Planning Modules for New Land Development that propose connection to the sewerage facilities approved by this Resolution.

The Township Board of Supervisors hereby certify that the foregoing is a true copy of the Township Resolution Number 11, adopted this 29th day of March 2001.

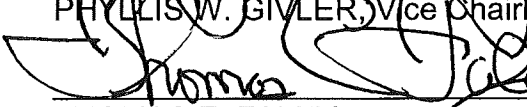
BOARD OF SUPERVISORS
SOUTH MIDDLETON TOWNSHIP



JAMES N. BAKER, Chairman



PHYLLIS W. GIVLER, Vice Chairman



THOMAS E. FALEY



R. DUFF MANWEILER



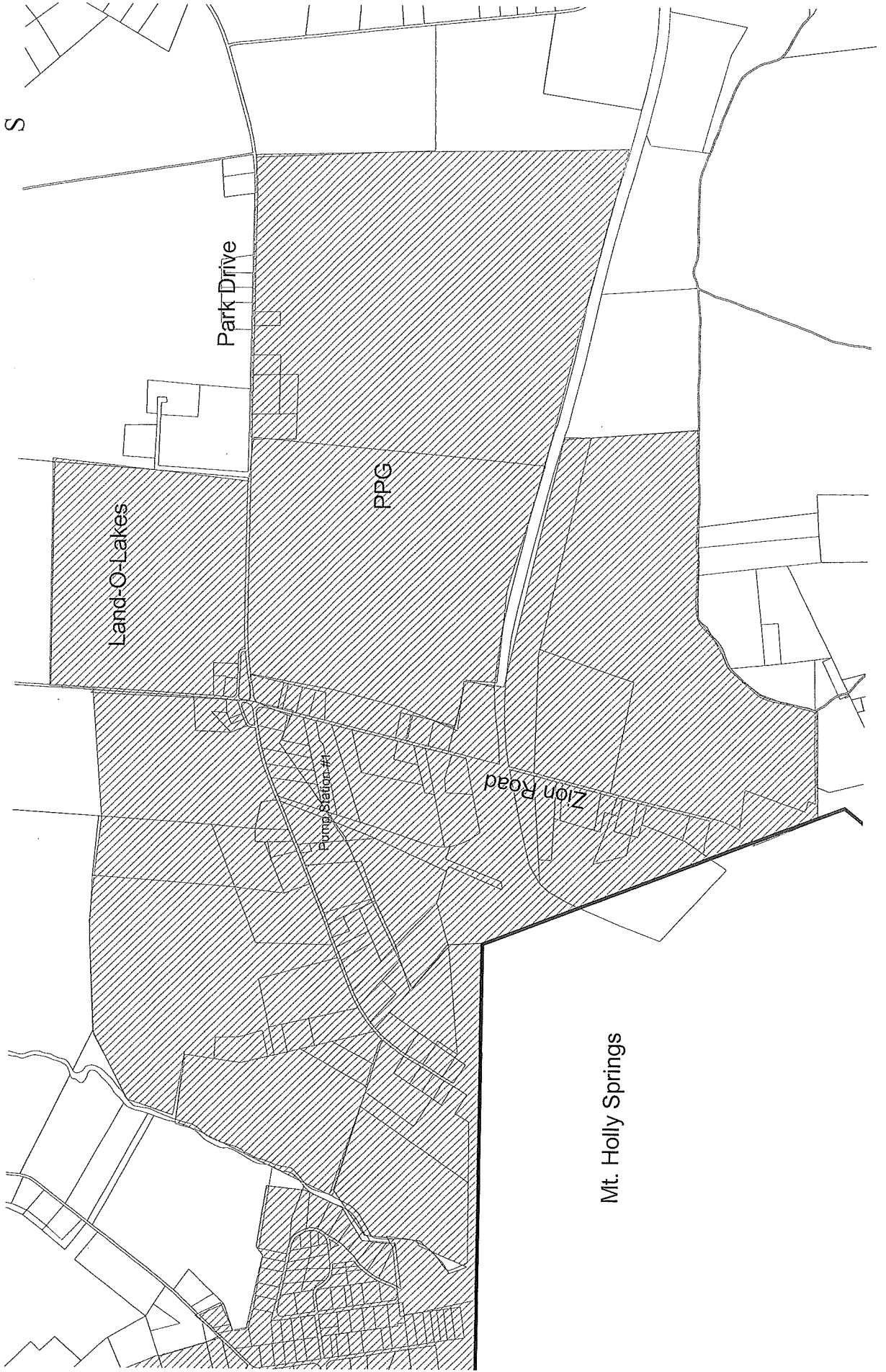
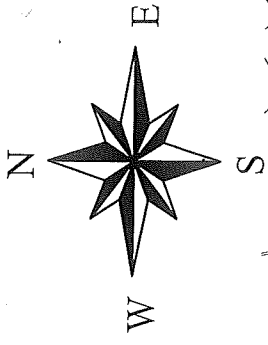
LINDA G. ADCOCK

ATTEST:



SANDRA A. QUICKEL, SECRETARY

Exhibit A - Area 4



SOUTH MIDDLETON TOWNSHIP RESOLUTION
OF THE BOARD OF SUPERVISORS

RESOLUTION NO. 02- 18

WHEREAS, on or about March 15, 2000 the Board of Supervisors approved construction of a force main to provide a connection from industries in the Mount Holly Springs area to the Township treatment plant;

WHEREAS, development along Park Drive would be contrary to the Township's Comprehensive Plan and preservation of farmland in the Agricultural District; and

WHEREAS, at time of approval the governing body, the Board of Supervisors of South Middleton Township, expressed concerns that construction of a force main would encourage developmental growth along Park Drive in South Middleton Township; and

WHEREAS, the governing body approved construction of said force main upon assurances and on the condition that connections would not be permitted; and

WHEREAS, by cover letter dated August 13, 2002, the Boiling Springs Animal Hospital through its owner, Kathy A. Purcell, DVM requested permission to connect to the force main citing a malfunctioning on-lot septic system and poor soils in the vicinity of the Animal Hospital; and

WHEREAS, the malfunctioning of the on-lot system has been well documented for a number of years; and

WHEREAS, the Board desires to correct an obvious source of environmental pollution, but is concerned about allowing connections to the force main as being contrary to the Comprehensive Plan; the policy preserving farmland in the Agricultural District; and being contrary to the limited purpose for extension of the force main and

WHEREAS, the governing body desires to set forth its policy and its rationale for approving the connection of the Boiling Springs Animal Hospital to the force main and to codify its rationale for approving the force main;

NOW BE IT RESOLVED AS FOLLOWS:

1. On March 15, 2000 the Board of Supervisors of South Middleton Township approved extension of the force main from a then existing pumping station along Park Drive to Boiling Springs on the express representation and on the condition that such an extension of the force main would not constitute an expansion of the existing

sewer service area and would not be used for the purpose of development in the Agricultural District along Park Drive.

2. The Board of Supervisors hereby reiterates, ratifies, and confirms its intention to prohibit connection to the force main in the Agricultural District.

3. The governing body hereby adopts as Township policy the position that extensions whether commercial, industrial, or residential be allowed to connect to the force main only when it is established by clear and convincing evidence that an existing structure has an on-lot septic problem which is causing environmental degradation and is expected to continue without connection to the sanitary sewer system.

4. In the event that such documented environmental degradation is found to exist, the applicant shall bear all cost of whatever nature for connection to said sewer system.

5. The provisions of the Resolution shall only apply to the Agricultural District.

NOW, THEREFORE, this 12th day of September, 2002, the governing body of South Middleton Township hereby adopts this Resolution, upon the terms and conditions set forth herein, as reflected by the signatures of the Supervisors contained hereon.

ATTEST:

Sandra A. Quickel
SANDRA A. QUICKEL, Secretary

SOUTH MIDDLETON TOWNSHIP
BOARD OF SUPERVISORS:

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THOMAS E. FALEY, Chairman

R. Duffmanweiler
R. DUFFMANWEILER, Vice Chairman

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