

AGENDA
BOARD OF COMMISSIONERS OF SPRINGFIELD TOWNSHIP
WORKSHOP MEETING – MONDAY, SEPTEMBER 12, 2022 – 7:00 PM

ZOOM MEETING ID: [836 1798 7260](https://us02web.zoom.us/j/83617987260)
[MEETING PASSODE: TOWNSHIP](https://us02web.zoom.us/j/83617987260)

LINK TO LIVE BROADCAST: <https://us02web.zoom.us/j/83617987260>

In response to the rising number of positive COVID cases in Montgomery County, masks are strongly encouraged for this meeting.

PUBLIC COMMENT: Residents who plan to attend the meeting in person are encouraged to comment on agenda items or bring new business to the attention of the Board of Commissioners at the beginning of the meeting.

Residents who will be attending remotely are encouraged to submit their comments or questions to the Township Manager prior to the close of the business day on the date of the meeting using the link below:

[SUBMIT PUBLIC COMMENT](#)

1. **Planning Commission** – interview five residents interested in serving as a member of the planning commission
2. **Camp Shelly Ridge** – consider a request from the Girl Scouts of Eastern PA to waive the land development review process in order to construct a 1,200 foot long service driveway
3. **Recycling Report** – review the monthly recycling activities
4. **Plastic Bag Survey** – receive a presentation regarding the results of a survey to determine the level of community support for a single use plastic bag ban
5. **Bucks County Water and Sewer Authority** – continue to discuss the possible sale of the wastewater utility and possible impacts on customer rates
6. **Sidewalk Installation** – continue to discuss a request to install sidewalk on the north side of Haws Lane between Lucon Road and State Route 309
7. **Sale of Used Equipment** – authorize the sale of three used vehicles and three used office machines via the Municibid on-line auction site
8. **Bid – Direct Haul Waste Disposal Services** – review bids received and consider awarding a contract

9. **Bids – Cisco Park/Carlisle Road Streambank Stabilization and Cisco Park Bridge/Gabion Basket Repairs** – review results and consider awarding contracts
10. **Shade Tree Commission** – consider the addition of two alternate members
11. **Resolution No. 1574** – PECO Green Region Grant – a resolution authorizing an application to fund a community-wide tree planting project
12. **Resolution No. 1575 – 380-402 Haws Lane** – a resolution authorizing a partial condemnation of the subject properties for open space and recreation purposes – discussion and comment
13. **Township Manager’s Report** – discuss operational issues as outlined in the monthly report
14. **September Bill Listing** – review and approve the monthly bill listing and check reconciliation of the previous month
15. **2023 Budget Meeting Schedule** – announce tentative meeting schedule through the adoption of the 2023 Budget
16. **Resolution No. 1576** – 2023 Pension Fund MMOs – review and consider adopting the 2023 pension fund obligations
17. **Resolution No. 1577** – consider adopting a resolution to comply with Act 57 of 2022 requiring a waiver of additional charges (as defined in the Act) associated with the purchase of real estate or transfer of title to a mobile home
18. **Zoning Hearing Board Agenda** – announce the agenda of any special or regular meeting of the Zoning Hearing Board
19. **Overhead Banner Request** – consider a request of the Wyndmoor Hose Company to place a temporary overhead banner across Willow Grove Avenue in order to advertise their annual car show and fire muster
20. **Police Contract** – authorize a new employment contract with the Police Benevolent Association
21. **Community Day** – announce that the Township’s annual community day celebration will be held on Sunday, October 2, at Cisco Park
22. **Parks and Recreation Advisory Committee** – review resumes and letters of interest received for an existing vacancy as a member of the Committee
23. **Recreation Center Advisory Committee** – review resumes and letters of interest received from individuals interested in serving on the ad hoc Master Plan steering committee

NEW BUSINESS

MICHAEL TAYLOR
TOWNSHIP MANAGER

AMT:cmt
9/7/22

NOTE: AGENDA ITEMS ARE SUBJECT TO CHANGE WITHOUT FURTHER NOTICE!

ANY INDIVIDUAL WITH A DISABILITY WISHING TO ATTEND THE ABOVE SCHEDULED MEETING AND REQUIRING AN AUXILIARY AID, SERVICE OR OTHER ACCOMMODATION TO PARTICIPATE IN THE PROCEEDINGS, PLEASE CONTACT THE OFFICE OF THE TOWNSHIP MANAGER AT 215-836-7600, 72 HOURS PRIOR TO THE MEETING.

To access the live broadcast of the meeting via zoom, residents can watch:

- **VIA WEB BROWSER:** Copy and paste this link into your web browser: <https://us02web.zoom.us/j/83617987260>; type in the passcode: TOWNSHIP, when prompted.
- **VIA ZOOM APP:** if you have the Zoom App on your smartphone, tablet, or computer, open the program, click join a meeting, and enter the Meeting ID: [836 1798 7260](#); type in the passcode: TOWNSHIP, when prompted.
- **VIA CALL-IN:** Dial +1 646 558 8656 and enter the Meeting ID: [836 1798 7260](#); type in the passcode: TOWNSHIP, when prompted.



📍 1003 Egypt Road, Phoenixville, PA 19460
☎ 610.935.2175 📠 610.481.9098
🌐 barryisett.com

July 29, 2022
BIA #1079321.001

Mr. Michael Taylor - Township Manager
Springfield Township Municipal Building
Administration
1510 Paper Mill Road
Wyndmoor, PA 19038

Dear Mr. Taylor:

RE: SHELLY RIDGE CAMPUS – SERVICE DRIVE
330 Manor Road, Lafayette Hill Township, Montgomery County

On behalf of the Girls Scouts of Eastern Pennsylvania, Barry Isett & Associates, Inc. (Isett) is requesting waivers from the following sections under the Township's Subdivision of Land Ordinance.

1. Chapter 95
 - Formal Land Development. request administrative review.
2. Chapter 95-7.1
 - Traffic Management Study.

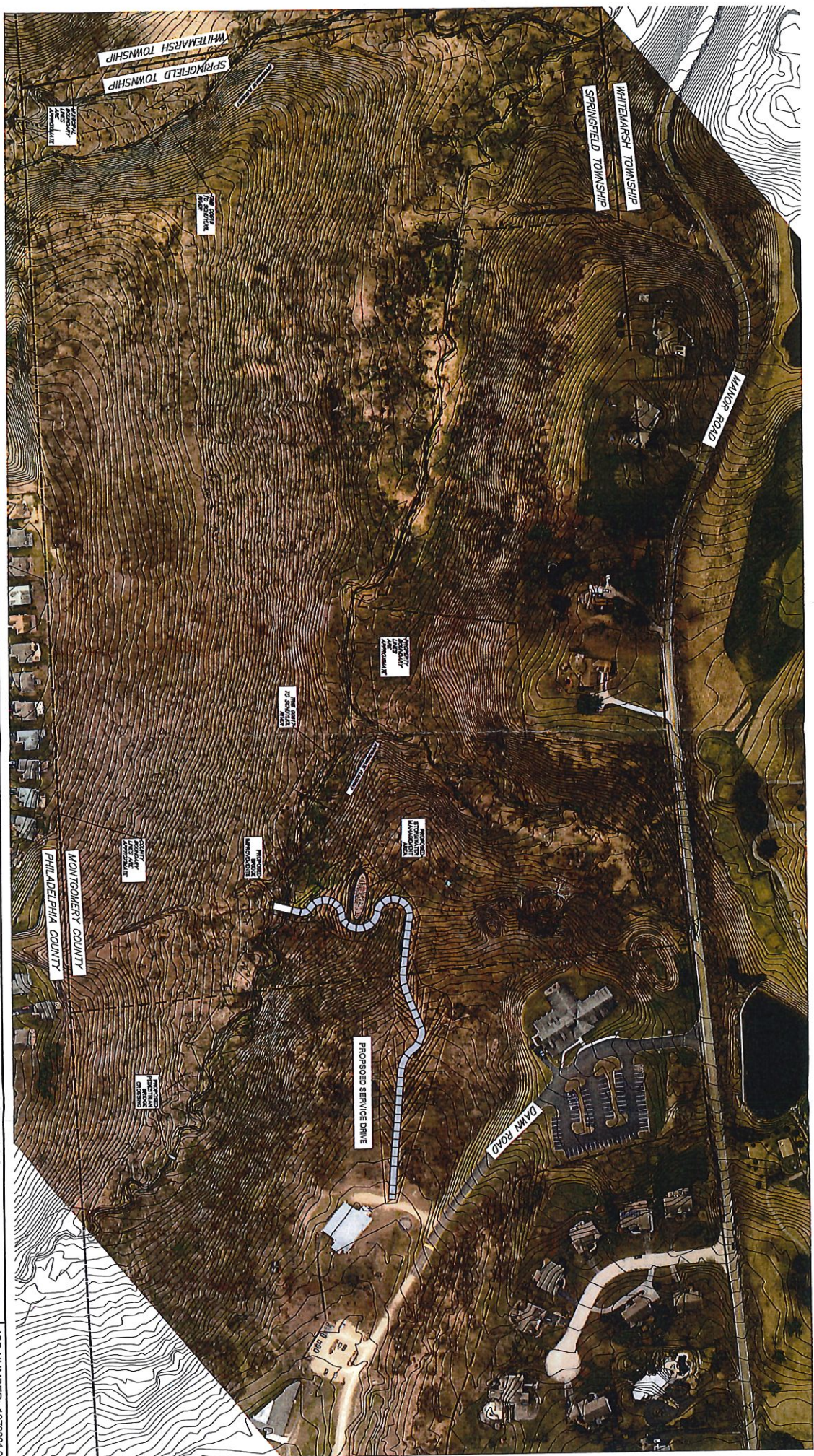
If you have any questions, concerns or require additional information, please do not hesitate to contact me at 610-398-0904.

Sincerely,

Paul T Schmoll, P.E.
Senior Project Manager

Enclosures

cc: Isett file



BARRY
DISETT &
ASSOCIATES
 ENGINEERS ARCHITECTS PLANNERS
 810.398.0804
 barry@barrydi.com

SKETCH PLAN - OVERALL
 GIRL SCOUTS OF EASTERN PENNSYLVANIA
 SPRINGFIELD TOWNSHIP & WHITEMARSH TOWNSHIP
 MONTGOMERY COUNTY, PA

JOB NUMBER:	1079921.000
DATE:	12/22/2021
SCALE:	1"=200'
DRAWN BY:	LJA
SHEET:	SK-0

**RECYCLING REPORT
STATISTICAL DATA
FOR THE MONTH OF AUGUST 2022**

	<u>THIS MONTH</u>	<u>YEAR TO DATE</u>	<u>2022 BUDGET</u>
Materials Collected (tons)			
Single Stream Recyclables	170.5	1,385.9	2,231
Householder Participation			
No. of Curb Stops	24,000	174,936	281,276
Percent of Total (7,200)	66.6	69.7	75.0
Avg. Lbs. per Curb Stop	14.2	15.9	15.9
Sales Value of Recyclables (net)			
Single Stream Recyclables (\$38.19)*	(6,511.40)	(9,472.88)	(101,323.33)
Disposal Savings/Cost Avoidance			
Authority Tipping Fee @ \$62.03	10,576.12	85,966.14	138,407.54
State Performance Grant			
Prorated Annual Award	2,470.42	19,763.36	29,645.00
Grand Total Sales/Savings			
	6,535.14	96,256.60	66,729.21
Cost of Collection (prorated)			
Labor and Overhead	(25,313.00)	(202,504.00)	(303,756.00)
Equipment Cost	(3,816.75)	(30,534.00)	(45,801.00)
General Expense/Recycling Center	(83.33)	(666.66)	(1,000.00)
Total Cost	(29,213.08)	(233,704.66)	(350,557.00)
Net Income and Saving			
	(22,677.94)	(137,448.06)	(283,827.79)

* Sales value adjusts monthly

Information on pursuit and implementation of Plastic Bag Ordinance

PRESENTED BY SPRINGFIELD TOWNSHIP EAC

Agenda

- Why focus on plastic bags?
- Township Survey Results
- Implementations in across the US
- What would an ordinance cover?
- Implementation & Impact to Business and Residents
- Common Questions (FAQ)
- Other Recommendations
- Wrap-Up & Next Steps

Why Focus on plastic bags?

SINGLE US PLASTIC BAGS

Why Focus on plastic bags?

- Throwaway/Single Use plastics represent 40% of the plastic thrown away each year.
- Plastic bags cannot be recycled.
- They impact the equipment & need additional work to sort and remove them.
- PennDOT spends \$13 million annually cleaning up roads, plastic bags represent a significant portion of that waste.
- Bags end up not just as roadside litter, but also impact streams and other ecosystems
- Single use bags are used between 11-12 minutes
- Plastic makes up 30.4% of Pennsylvania Highway litter (37.1% are cigarette butts)
- 100 billion plastic bags are thrown away in the U.S. alone per year.
- A typical U.S. household uses 1,500 plastic bags per year.
- Contributes to microplastics in our food and water supply.
- Generating more plastic than we can recover

Township Survey Results

BUSINESS AND RESIDENTIAL SURVEY ON SUPPORT FOR A PLASTIC BAG ORDINANCE

Business Survey Results

Familiarity, use and type of business

How familiar are you with the impact of single-use plastic bags on the environment?

Very familiar	17
Somewhat familiar	9
Not at all familiar	1
Not very familiar	1

Does your business use single-use plastic bags?

No	14
Yes, very often	9
Yes, sometimes	4

What type of business do you have?

Small commercial/retail space	9
Restaurant, cafe, take-away food establishment	3
Large commercial or chain	3
Supermarket or grocery store	2
Large commercial or chain; contractor/restoration	1
salon	1
retail	1
Small commercial/retail space; antique	1
dental office	1
bank	1
hair salon	1
physical therapy	1
post office	1

Importance & barriers

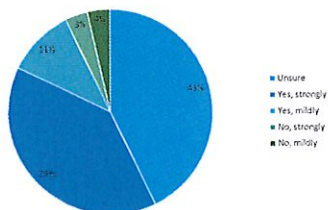
How important are single-use plastic bags to your business?

Very unimportant	12
Neither important or unimportant	6
Somewhat important	6
Very important	3

What barriers (if any) keep you from switching to a more environmentally alternative?

Cost of alternatives	10
Availability from suppliers	4
Not applicable	2
Convenience	5
Lack of knowledge of alternatives	2
Switched/Use to paper bags	2
Do no use them	1
Corporate policy and procedures	2

Business Support for an Ordinance



Program & policy support for reduction of litter & waste from single use plastic bags?

What programs or policies do you support to reduce litter and waste generated from single-use plastic bags?

Greater access to reusable bags	15
Township ban on single-use plastics	10
Charge customers a fee for bags	4
Don't use	1
Bring own cloth bag	1
We supply boxes our products ocme in customers bring own bags	1

Inventory & support for charging

How long would it take you to use up your current supply of single-use plastic bags?

3 months	10
6 months	5
12 months or more	3
9 months	1

Many plastic bag ban ordinances across the country require businesses to charge for paper bags, as an incentive for customers to bring their own bags. Would you support this provision?

Yes, mildly	7
Unsure	7
Yes, strongly	5
No, mildly	2
No, strongly	2

Additional comments from businesses

People bring their own bags

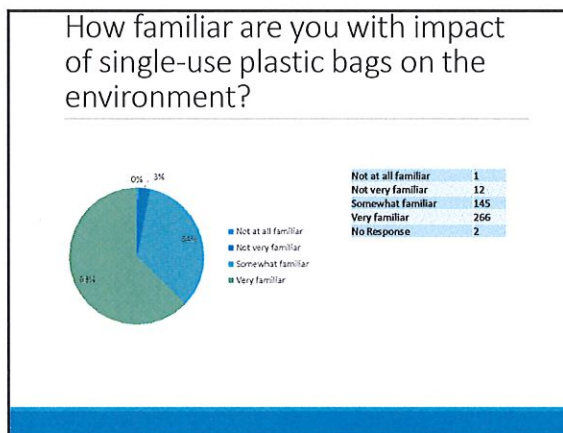
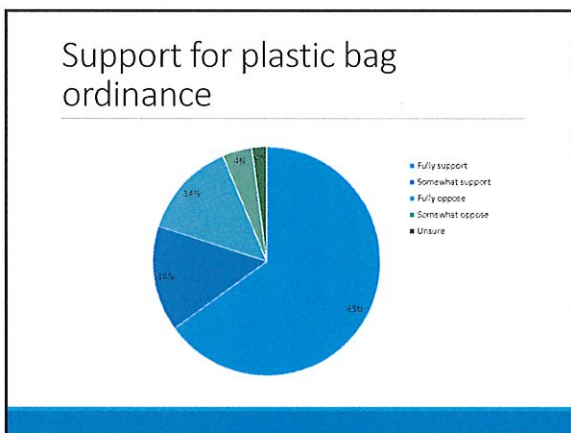
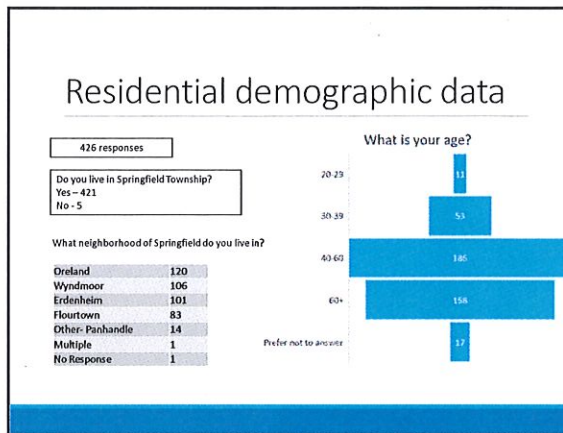
Strongly support if alternatives provided

Supply recycling containers for businesses

Chain (multi-location) businesses are already doing this in other townships, and looking for consistency across townships/states.

A number of larger retailers are already planning on phasing out bag use (e.g Wegmans)

Residential Survey Results



Reusable bag use

How often do you use reusable bags when shopping?	
Always	96
Never	22
Rarely	58
Sometimes	92
Usually	158

What prevents you from using reusable bags?	
Forgot to bring them	258
I always use reusable bags	81
Want the single-use bags for other purposes (trash can liners etc)	39
Prefer plastic	23
Unsure	8
Too expensive	6
Forgot to bring them/ always use reusable bags	5
Grocery delivery services	2
Stores automatically put them in plastic bags (even when informing I have my own)	2
They are filthy and full of bacteria after several uses.	2
Delivery of groceries	1
Due to illness, I pick up order to minimize person to person contact	1
For meats, some fruits.	1
Haven't gotten in the habit, but am willing to	1
I recycle my single use plastic bags/ packaging	1
Not sanitary for use of food and difficult to insure etc lines	1
Occasionally forget to take them with me out of my car.	1
Keeping some on the passenger seat has helped me remember.	1
They gather and with little storage, they take up space.	1

If plastic bags were eliminated from retail stores in Springfield Township, how likely are you to shop in another township?	
Likely	39
Somewhat likely	35
Somewhat unlikely	31
Unlikely	317

What do you do with most single-use plastic bags?*

Reuse them	298
Recycle them	192
Throw them away	50
Pet waste	10
Iron them together to form waterproof "fabric"	1
I use them for trash	1
Leave them in my spare room	1
Line garbage can	1
Put them in curbside recycling (note- they are not able to be recycled from curbside)	1
My supermarket Wegmans recycles clean plastic bags	1
Put them in bins at stores (like Giant and Acme)	1
Recycle by using the grocery store bins	1
Return to grocery store	1
Bingo collects them	1
Use the plastic bag recycling receptacle at my place of work.	1
Picking vegetables in garden to directly store in refrigerator	1
Keep them for home projects	1
Contribute to my parents' business so they get used a second time	1

*very thin bags which are not intended for re-use

Additional, selected, comments from residents

Would like to see the results of our meeting to include residents.
 Might be nice to have "the info" sent again for people who are knowledgeable about reducing plastic waste. Also a great idea to have information sent to businesses to determine info.
 Let the consumer decide for themselves.
 For markets and stores.
 Should be the decision of the individual business.
 I would support if alternative bags were provided for sale (such as paper) but not if it would cause me to have to pay for bags every time I forget to bring my own.
 Big names also can't force things on us.
 People are offered instructions for recycling, like water a number to learn and they mailed copies to residents with instructions on how to properly recycle for recycling. It could not have an environmental impact for bags.
 More to be left alone.
 How can we get funding to get the needed to that project and make it a good proposal to make concrete to the public?
 How to ensure bags are not bought from one of the plastic bags. How plastic will be used to make sure that the full of plastic. Where does it end?
 Reference to other people that have already done this in US and abroad.

Summary & Take Aways

26 businesses responded

- 50% supported it
- 9% opposed

426 resident responses

- 80% support
- 7% oppose

Large support for doing this from business and residents. Chains are doing this elsewhere and want consistency to do it everywhere.

Implementations across the US

Who has implemented ordinances?

10 U.S. states have already passed plastic bag bans: California, Connecticut, Delaware, Hawaii, Maine, New Jersey, New York, Oregon, Vermont and Washington (as of May 24, 2021).



In our area, Philadelphia, West Chester, and Narberth has passed bans, and Ambler, Haverford, and Lower Merion are about to.

Springfield Township is part of the Southeastern PA Single-Use plastics coalition, a group of 35 suburban townships that are working to pass bans on single use plastics.

Municipal Implementations

- Narberth, PA 2018 (bags and straws) \$0.10 fee
 - West Chester, PA 2019 – ban and \$0.10 fee
 - Philadelphia, PA - fee
 - Media and Easttown now considering ban/fee
 - Connecticut - \$.10 fee for 2 years, then ban starting July 2021
 - Delaware – requires in store recycling. Limits SUPB usage
 - California – Bans SUPB for large retail; \$.10 min fee for recycled paper/resuable plastic/compostible bags.
 - DC – Bans SUPB, fee for all other disposable bags distributed. Established Anacosta Protection Fund
 - 15 states have "banned bans" (prevent local laws)
- As of August 6th 2022 the Single Use Plastics coalition has 35 local townships on board in different stages of adoption. Most recently Media and Solebury have passed ordinances.

Which Bag Laws Work?

3 Approaches – 2 Recommended, 1 Less Effective

Takeaway: Fees on All Bags and Ban/Fee Hybrids laws most effective at reducing overall SUPB consumption by changing consumer behavior

Ban	Fee on All Bags	Ban/Fee
<p>Hybrid (shifts to paper)</p>		

What are the results of bag ban in those areas?

The longer an ordinance is in effect, the better it is.
Retailers save money with people bringing their own bags / charge fee.
Some increase in other plastic bag purchases, but significantly less than the reduction by eliminating single-use bags.
Increase in use of reusable bags & recycled paper bags.

What would an ordinance cover?

What would an ordinance cover?*

Relative to Springfield Township
Retail establishments in the township (including restaurants, convenience stores, supermarkets, retail stores, etc.)
Covering all extruded plastic bags
Exemptions related to food safety (wet, raw food items and produce bags)
Period of non-enforcement (6 months to 1 year)
Enforcement is based on citizen reporting
Businesses can charge a fee (.10 - .15c) per bag
* Proposed, subject to change based on adoption by Board of Commissioners

Impact to Businesses & Residents

IMPACT TO BUSINESS AND RESIDENTS

Impact of a ban to Businesses

Cost savings for businesses reducing purchase of single use bags.
Business can pass cost of paper bags to consumers.
No longer willing to contest these laws, don't want to look like the bad guys but happy to reduce costs when most shoppers bring their own bags.
Generally happy if they are able to charge a fee that covers the cost of the bags they provide.
Supermarkets voluntarily selling reusable bags / charging for single use bags for years; now trickling down (e.g. Wawa)
Large chains are already moving away from plastic bags (e.g. Wegmans)

Impact of a ban to Residents

It generally takes a few months for people to adapt behavior.
Most people are open want to see the change.
Having or getting reusable bags
Biggest issue are people forgetting their bags.

What would local implementation look like?

Local Implementation

Would occur over a period of time.

Follows the normal process for drafting, publication, comment and adoption of an ordinance by the Board of Commissioners.

Example Timeline:

1. EAC provide a formal request to the Township board for adoption of a plastic bag ban ordinance.
2. Board would authorize Solicitor to review ordinance
3. Solicitor would provide reviewed ordinance to Board
4. Ordinance would be advertised by Board for public comment
5. Board would vote on the ordinance.
6. If passed ordinance would become effective.
 1. 6-12 months period of transition before enforcement.
7. After 6-12 months ban would be in full affect in the township.

Education would happen throughout this process, driven by the EAC.

Common Questions (FAQ)

Common Questions

Why just plastic bags?

Who or what would exceptions be?

What about enforcement/fines?

What about equity? Impact economically challenged residents?

Doesn't it lead to higher consumption of other types of plastic bags?

- Yes, but not anywhere to the volume removed by banning single use plastic bags.
- Alternative uses have other more environmentally friendly options.

What are the signage requirements?

Do I have to get rid of my stock of plastic bags?

Other Recommendations

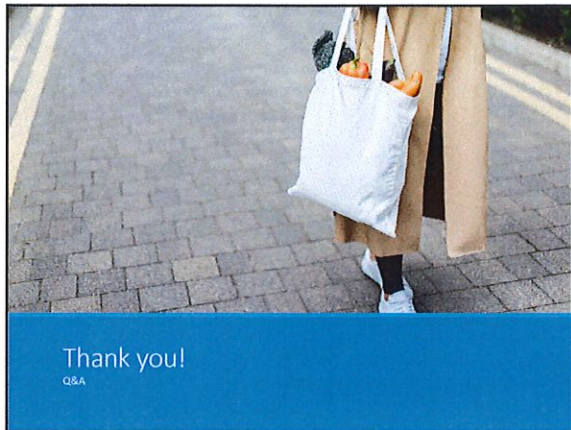
Additional businesses and residents can take to further reduce plastic waste and litter

- Provide straws only on demand
- Avoid double-bagging where possible
- Offer up condiment packets on request or as optional
- Hot food take-away – look to implement re-use and return program for take away containers like Tiffin.

Our Request

Board of commissioners to consider a plastic bag ordinance. A template ordinance has been provided along with our letter of recommendation.

Authorize the EAC to provide education to the public and businesses through the process of adopting this ordinance.

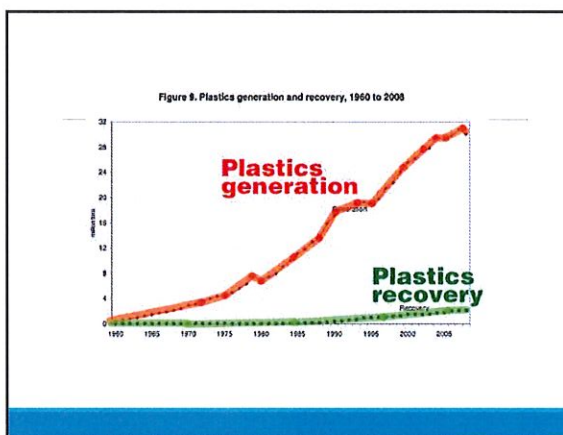


Sources, reference & more information

- Plastics Collaborative policy whitepaper on single use plastics
[PlasticBagBanLaws.org](https://plasticbagbanlaws.org)
- [Plastics Collaborative policy white paper on single use plastics](#)
- [NSCEP Reducing Wasted Food & Packaging: A guide for food services and restaurants](#)
- [Center for Biological Diversity – 10 Facts about single-use plastic bags](#)
- [Sierra Club Plastic Bag Ban Fact Sheet](#)
- [Surfrider Toolkit](#)
- [NOAA Marine debris program](#)
- [WWF 2019 plastic ingestion study](#)
- [Canada bans making & importing single-use plastics](#)

Additional Slides

REFERENCE INFORMATION AND BACKUP SLIDES



PA History /Recent "Hold" on Local Bans

History of Pennsylvania Law

- Gov. Wolf vetoed a 2017 legislation to strike down a proposal that would have pre-empted local restrictions on plastic bag use
http://www.pennlive.com/news/2017/06/gov_tom_wolf_to_ban_state_bag_bill
- June 2019 & 2020, Gov. Wolf signed budget bills w/rider prohibiting municipal bans or taxes on plastic bags or packaging for one year while legislative agencies study the economic and environmental impact
<https://www.centredaily.com/news/local/article232101147.html>

2021: Philadelphia and other municipalities sue PA citing ban rider to budget is not constitutional
July 1, 2021 ends state 1 year ban provisions

Chicago reported some higher garbage bag purchases due to those reusing SUPBs

<https://eview.chicagobooth.edu/economics/2019/article/why-banning-plastic-bags-doesn-t-work-intended>

Which Bag Laws Work Best?

- **Ban/Fee Hybrid - San Jose, CA:** Ban on SUPBs +10-cent fee on paper cut river bag litter by 2/3, in neighborhoods by 1/2, Reusable bag use from 4% to 62%, "no bag" from 19% to 43%. Recycling machine down time cut by 1/2.
- **Ban/Fee Hybrid - Alameda Co., CA:** Ban on SUPBs + fee on paper / reusables led to 80% less single-use paper and plastic bags, 200% more reusable bags or "no bag", 44% less SUPBs in storm drains
- **Fee Only - Chicago:** 7-cent fee cut SUPB use at supermarkets 42%, increased reusable use by 20%, increased "no bag" by 12%.
- **Ban Only - San Francisco:** 2007 law found less effective, stores switched to paper, a lot of double bagging.
- **Ban Only - In Westport, CT:** 50% used "reusable" bags (including thicker plastic bags), 45% paper bags, and 2% no bag
- **Takeaway: Fees on All Bags and Ban/Fee Hybrids laws most effective** at reducing overall SUPB consumption by changing consumer behavior

Source: Surfrider Toolkit <http://surfrider.org/publications/Effective-Bag-Law-Action-Toolkit-2019-2020>

Narberth Bag Fee / Plastic Straw Ban

<https://www.ecode360.com/NA0447/laws/LE1057727.pdf>

- Passed by unanimous vote in October 2018
- Survey showed large community support
 - 92% of people supported reducing use of plastic bags
 - 79% supported ban on single use bags
 - 49% supported \$0.10 fee on plastic bags
- \$0.10 fee on SUPBs retained by the business
- Plastic straws banned unless requested / disability
- Reusable/paper/compostable allowed -no fee directive
- Exempts only nonprofit bazaars or festivals.

West Chester Hybrid Ban/Fee

- Passed the Borough Council by a 4-3 vote in 2019
- Implementation **Jan. 1, 2022 (delayed by PA Ban):**
 - Bans all SUPGs and plastic straws.
 - \$0.10 fee for each "compliant" bag distributed. Must be ≥4 mil reusable or paper with ≥40% recycled content and fully compostable (i.e., no plastic)
 - Fine of \$100+, for violation. 1 year extension on appeal to evaluate impact
 - Hardship requests allowed; straw exception for disability
 - Also applies to takeout deliveries

<https://www.plastics.com/resources/west-chester-borough-plastic-bag-and-straw-ban>

Philadelphia Bag Ban

<https://www.philly.gov/news/philadelphia-plastic-bag-ban-environmental-protection>

- Estimated to save \$9 million in cleanup cost, portion of current 1 billion SUPB/yr
- Council passed 2/10/19; **effective 10/1/21; enforced 4/1/22**
- Supermarkets, convenience stores, gas stations, dep't stores, dollar stores, clothing, restaurants, food trucks, farmers' markets, and delivery services
- Exempts dry cleaners, does not affect "wrapping" or bags for fruit, etc. before bagging at the final point of sale.
- Ban only – all <2.25 mil or blown-film extrusion process bags
- Proposed \$0.15/bag fee on bags was dropped – expected to reduce reuse performance, simply shift to paper
- Bill includes a provision to study outcomes

10 Facts About Single-use Plastic Bags

1. Americans use 100 billion plastic bags/yr, requires 12 million barrels of oil to make.
2. 14 plastic bags uses the equivalent of gas required to drive one mile.
3. Average American family takes home ~1,500 plastic shopping bags a year.
4. Only 1% of plastic bags are recycled, the average family only recycles 15 bags a year. The rest end up in landfills or as litter (according to Waste Management.)
5. Up to 80 percent of ocean plastic pollution enters the ocean from land.
6. At least 267 different species have been affected by plastic pollution in the ocean.
7. 100,000 marine animals are killed by plastic bags annually.
8. One in three leatherback sea turtles have been found with plastic in their stomachs.
9. Plastic bags are used for an average of 12 minutes.
10. It takes 500 (or more) years for a plastic bag to degrade in a landfill. Unfortunately the bags don't break down completely, but instead photo-degrade, becoming microplastics that absorb toxins and continue to pollute the environment.

ORDINANCE NO. _____ -- 2020

**TOWNSHIP OF LOWER MERION
MONTGOMERY COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF THE TOWNSHIP OF LOWER MERION,
MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE
LOWER MERION TOWNSHIP CODE TO ADD A NEW CHAPTER
_____ TITLED, “SINGLE USE PLASTIC CARRY-OUT
BAGS”, REGULATING THE SAME AND PROVIDING FOR
RELATED PURPOSES, FINDINGS, DEFINITIONS,
REQUIREMENT, ENFORCEMENT, PENALTIES, AND
EXEMPTIONS.**

WHEREAS, the First-Class Township Code authorizes the Board of Commissioners of Lower Merion Township (“the Township”) to adopt ordinances “generally regulating the affairs of the township” and “to prescribe fines and penalties for a violation of any township ordinance, including building, health, or public safety codes or ordinances and air or water pollution violations,” and further authorizes the Board to “make such regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the township and the inhabitants thereof”; and

WHEREAS, the Storm Water Management Act of October 4, 1978, P.L. 864, No. 167, authorizes municipalities to adopt local ordinances to regulate development within the municipality consistent with stormwater planning for the watershed in which they are located and, pursuant to such Act, the Township has adopted a stormwater management ordinance; and

WHEREAS, Article I, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (“ERA”), provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Under the ERA, Lower Merion Township, as a trustee of the public natural resources that fall within its bounds, has the duty and authority to prohibit the degradation, diminution and depletion of those public natural resources; and,

WHEREAS, under the authority of these statutory and constitutional provisions, the Board of Commissioners of the Township, after due consideration of the proposed Ordinance at a duly advertised public hearing, has determined that the health, safety and general welfare of the residents of the Township will be served by this Ordinance to regulate the distribution of single use, carry-out plastic bags within the Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of Lower Merion Township, Montgomery County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows:

**CHAPTER _____
PLASTIC BAG REGULATIONS**

§1. Purpose and Findings.

A. The purpose of this Chapter is to reduce the use of single-use, plastic carry-out bags by retail establishments within the Township-, curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways and other aquatic environments, reduce greenhouse gas emissions, reduce solid waste generation, promote the use of reusable, compostable, and recyclable materials within the Township, and to preserve the natural, scenic, historic, and esthetic values of the Township.

B. Findings.

1. The use of single-use, plastic carry-out bags is severely detrimental to the environment in multiple ways, including in the generation of greenhouse gas emissions, solid waste, and litter, harm to wildlife, and increased water consumption.

2. There are numerous retail establishments within the Township that provide single-use, plastic carry-out bags to their customers as well as many establishments that do not, evidencing that there are practical alternatives to single-use, plastic carry-out bags.

3. Most single-use, plastic carry-out bags are made from plastic that does not readily decompose.

4. Approximately one hundred billion single-use, plastic carry-out bags are discarded by United States consumers each year. In the Township such bags are not readily recyclable, and they are not among the materials accepted as part of the Township's residential recycling program.

5. Numerous studies have documented the prevalence of single-use, plastic carry-out bags littering the environment, blocking storm drains, entering local waterways, and adhering to or upon natural resources and public property.

6. The taxpayers of the Township pay the costs related to the cleanup of single-use, plastic carry-out bags from the roadways, trees, sewers, waters, and parks within the Township.

7. From an overall environmental and economic perspective, reusable or compostable bags or recyclable paper bags are preferable to single use, plastic carry out bags.

8. Alternatives to single-use, plastic carry-out bags are readily available in and around the Township.

9. As required by the ERA to the Pennsylvania Constitution, the Board of Commissioners seeks to preserve the natural, scenic, historic, and esthetic values of the Township.

10. The Board of Commissioners desires to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.

§2. Definitions.

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly requires otherwise:

TOWNSHIP - shall mean the Lower Merion Township.

RETAIL ESTABLISHMENT - any store or commercial establishment, whether for profit or not for profit, that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of the Township. Retail Establishments include but are not limited to: a commercial establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers market, convenience food store, food mart delivery service or other business entity engaged in the retail sale of a limited line of goods that include milk, bread, soda and snack foods; a public eating establishment (i.e. a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods. Dry cleaners are not considered Retail Establishments for purposes of this Ordinance.

COMPLIANT BAG - shall mean the following paper carry-out bags and reusable bags.

- A. A paper bag that meets all the following minimum requirements:

- (1) It is considered a recyclable material based on the Township Code, as the same may be amended from time to time, contains a minimum of 40% post-consumer recycled material and displays the words “recyclable” and/or “reusable” in a highly visible manner on the outside of the bag; or
- (2) It can be composted.

- B. A reusable bag is a bag made of cloth, fabric or other material that is specifically designed and manufactured for multiple reuse. If the bag is made of plastic, it must be a minimum of 4.0 mils thick.

CUSTOMER - any person purchasing or receiving goods or services from a Retail Establishment.

POST-CONSUMER RECYCLED MATERIAL - a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-Consumer Recycled Material" does not include materials and by-products generated from and commonly reused within an original manufacturing and fabrication process.

PRODUCT BAG - a very thin bag without handles used exclusively to carry meats or other uncooked food items to the point of sale inside a Retail Establishment or, for reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

SINGLE-USE PLASTIC CARRY-OUT BAG - any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, which is less than 4.0 mils thick and that is provided by a Retail Establishment to a Customer at the point-of-sale. The term does not include bags intentionally designed for reuse or product packaging. The following are exempt from the category of Single-Use Plastic Carry-out Bags:

- A. Product Bags;
- B. Newspaper bags; or,
- C. Bags sold in packages containing multiple bags, packaged

at time of manufacture, and intended for use as food storage bags, lawn bags, trash or garbage bags, or pet waste bags.

§3. Single-Use Plastic Carry Out Bags Prohibited.

Beginning on the effective date of this Ordinance, no Retail Establishment shall provide to any Customer a Single-Use Plastic Carry-Out Bag as defined in Section 2, above. This prohibition applies to Single-Use Plastic Carry-Out Bags provided for the purpose of carrying goods away from the point-of-sale. This prohibition applies to Single-Use Plastic Carry-Out Bags used for take-out deliveries from Retail Establishments within the Township. The point-of-sale in such transactions is deemed to be at the Retail Establishment regardless of where or how payment for the transaction occurs.

§4. Compliant Bags

- A. If the Retail Establishment provides a Compliant Bag made of paper, as defined in § 2 above, for the purpose of carrying goods or other materials away from the point-of -sale, it shall charge the Customer a fee in the amount of \$0.10 per paper Compliant Bag. This charge shall be reflected in the sales receipt.
- B. Customers may use bags of any type that they bring to the Retail Establishment themselves, without incurring a fee for a Compliant Bag or other charge.

§5. Exemptions

The Board of Commissioners, upon written request of a Retail Establishment, may exempt a Retail Establishment from the requirements of this Ordinance for a period of one (1) year from the effective date of this Ordinance upon a finding by its Environmental Initiatives Committee that the requirements of this Ordinance would cause undue hardship to the Retail Establishment. An "undue hardship" shall be found only if the Retail Establishment demonstrates that it has a unique circumstance or situation such that Single-Use Plastic Carry-Out Bags are the only bags that are functionally suitable for its business.

§6. Enforcement

- A. The Township Manager, or his designee, has the responsibility for enforcement of this Ordinance and may promulgate reasonable rules and regulations in order to enforce the

provisions thereof, including, but not limited to, investigating violations and issuing fines.

- B. Any Retail Establishment that violates or fails to comply with any of the requirements of this Ordinance, after an initial written warning notice has been issued for that violation, shall be liable for any and every subsequent violation.
- C. Any Retail Establishment that receives an initial written warning notice may file a request for an exemption pursuant to the procedure in §5 above.
- D. If a Retail Establishment has subsequent violations of this Ordinance after the issuance of an initial written warning notice of violation, the following penalties shall be imposed and shall be payable by the Retail Establishment:
 - (1) A fine not exceeding \$100.00 for the first violation;
 - (2) A fine not exceeding \$200.00 for the second violation in the same year dating from the first violation;
 - (3) A fine not exceeding \$500.00 for the third and each subsequent violation in the same year dating from the first violation.
- E. In addition to the penalties set forth in this Ordinance, the Township may seek legal, injunctive, or other equitable relief to enforce this Ordinance.

§7. SEVERABILITY

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

§8. REPEALER

All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

§9. EFFECTIVE DATE

This Ordinance shall become effective on July 1, 2021.

ENACTED AND ORDAINED THIS _____ DAY OF _____ 2020.

LOWER MERION TOWNSHIP

BY: _____

DRAFT

SINGLE-USE PLASTICS COMMUNITY SURVEY SURVEY STRATEGY

If the Springfield Township Board of Commissioners supports the dissemination, collection, and data analysis of the EAC's Single Use Plastics Community Survey to the residents and businesses of Springfield Township, the distribution and collection of the surveys will occur as follows:

DISSEMINATION:

Both surveys will be made available in digital and printed formats:

RESIDENT SURVEY

a. DIGITAL FORMAT:

- Use of Survey Monkey to create and have the public take an online survey.
- Links to that survey will be featured on the township website and the Springfield EAC facebook page
- The survey will be sent electronically to residents who have signed up for township email notification system.

b. PRINTED FORMAT:

- Hard copies of the survey will be available at the library and township building.

BUSINESS SURVEY

a. DIGITAL FORMAT:

- Use of Survey Monkey to create and have businesses take an online survey.
- Links to that survey will be featured on the township website and the Springfield EAC facebook page

b. PRINTED FORMAT:

- Paper copies of the survey will be given to individual businesses by EAC members and volunteers.
- Phone calls will be made to township businesses by the Springfield EAC to solicit participation

COLLECTION & ANALYZING RESULTS:

The surveys will be available for a three month period.

Digital surveys will be submitted automatically upon completion. Respondents with printed copies of the survey will be able to submit at the Free Library of Springfield Township or the Township's Administration Building.

After the three month period, the members of the EAC will gather and analyze the data. The EAC hopes to present the results of the survey to the Board later this summer. Further action will be recommended based on the findings.

Residential Plastic Bag Usage Survey

Springfield Township

Thank you for taking the time to complete our survey.

The purpose of this survey is to assess the current usage of single-use plastic bags by Springfield Township residents, as well as the willingness of our community to support a single-use plastic bag ban ordinance. Such an ordinance would limit the use of single-use plastic bags that are not designed to be sturdy enough to be reused.

Most available recycling machinery can't handle plastic bags, it's difficult to get usable material from the bags, and very little market for post-consumer plastic as new material is cheaper. As a result nearly all end up as litter, water pollution, air pollution, or sitting for hundreds of years in landfills[1].

This survey is distributed by the Springfield Township Environmental Advisory Commission (EAC).

1. Do you live in Springfield Township?

- Yes
- No

2. Which neighborhood of Springfield do you live in?

- Erdenheim
- Flourtown
- Oreland
- Wyndmoor

3. What is your age?

- 10-19
- 20-29
- 30-39
- 40-60
- 60+
- Prefer not to answer

4. How familiar are you regarding the impact of single-use plastic bags on the environment?

- Very familiar
- Somewhat familiar
- Not very familiar
- Not at all familiar

5. How often do you use reusable bags when shopping? (cloth or other durable material intended for reuse)

- Always
- Usually
- Sometimes

- Rarely
- Never

6. What prevents you from using reusable bags?

- Forgot to bring them
- Prefer plastic
- Want the single use bags for other purposes (dog waste, children's lunch etc)
- Too expensive
- I always use reusable bags
- Unsure

7. What do you do with most single-use plastic bags (those very thin- not intended for multiple use), after you receive them from a restaurant or store

- Reuse them
- Throw them away
- Recycle them at store
- Put them in curbside recycling*
- Other

*Note: plastic bags are not accepted in curbside recycling and end up in the normal waste stream

8. Would you support a ban on single use plastic bags from stores and supermarkets?

- Fully support
- Somewhat support
- Somewhat oppose
- Fully Oppose
- Unsure

9. If plastic bags were eliminated from retail stores in Springfield Township, how likely are you to shop in another township?

- Unlikely
- Somewhat unlikely
- Somewhat likely
- Likely

10. Other comments or suggestions to reduce plastic waste in our township?

Surveys can be returned to the dropbox at the Free Library of Springfield Township.

For further information, follow the Springfield Township EAC Facebook page or attend our monthly meetings, the fourth Wednesday of each month. You can also email surveys or get more information at eacspringfieldmontco@gmail.com

All personal information will be handled confidentially

Thank you for participating in our survey.

[1] Sources, (UC Berkeley, McArthur /World Economic Forum, RecyclingToday report, State Impact Pa., NPR, PennEnvironment).

Business Single-Use Plastic Bag Survey

Springfield Township, Montgomery County

The purpose of this survey is to assess the current usage of single-use plastic bags by Springfield Township businesses, as well as the willingness of the township business community to support a single-use plastic bag ban ordinance. Such an ordinance would limit the use of single-use plastic bags that are not designed to be sturdy enough to be reused. This survey is distributed by the Springfield Township Environmental Advisory Commission (EAC).

Most available recycling machinery can't handle plastic bags, it's difficult to get usable material from the bags, and very little market for post-consumer plastic as new material is cheaper. As a result nearly all end up as litter, water pollution, air pollution, or sitting for hundreds of years in landfills[1].

1. How familiar are you regarding the impact of single-use plastic bags on the environment?

- Very familiar
- Somewhat familiar
- Not very familiar
- Not at all familiar

2. What type of business do you have?

- Restaurant, cafe, take-away food establishment
- Small commercial/retail space
- Large commercial or chain
- Supermarket or grocery store
- Other (please specify: _____)

3. Does your business use single-use plastic bags?

- Yes, very often
- Yes, sometimes
- No

4. How important is it to you to be able to use single-use plastic bags in your business?

- Very important
- Somewhat important
- Neither important nor unimportant
- Somewhat unimportant
- Very unimportant

5. What barriers (if any) keep you from switching to a more environmentally friendly alternative?

- Cost of alternatives
- Availability from suppliers
- Lack of knowledge of alternatives
- Corporate policy and procedures
- Convenience
- Other (please specify: _____)
- Customer preference

6. What programs or policies do you support to reduce litter and waste generated from single-use plastic bags? Check all that apply.

- Township ban on single-use plastic bags
- Charge customers a fee for plastic bags
- Greater access to reusable bags
- Other (please specify: _____)

7. Would you support an ordinance prohibiting a business from providing a single-use plastic shopping bag for customers?

- Yes, strongly
- Yes, mildly
- Unsure
- No, mildly
- No, strongly

8. We understand that investments you have made in your business and single-use plastic bags may play a role in transitioning off of them. How long would it take you to use up your current supply of single-use plastic bags?

- 3 months
- 6 months
- 9 months
- 12 months or more

9. Paper bags cost more than plastic bags. Many plastic bag ban ordinances across the country require businesses to charge for paper bags, as an incentive for customers to bring their own bags. Would you support this provision?

- Yes, strongly
- Yes, mildly
- Unsure
- No, mildly
- No, strongly

(Additional Comments) How could the Springfield Township EAC best support your business in reducing or eliminating the use of single-use plastic or plastic bags?

Surveys can be returned to the drop box at the Free Library of Springfield Township.
 For further information or to email your survey, contact the Springfield Township EAC at eacspringfieldmontco@gmail.com

[1] Sources, (UC Berkeley, McArthur /World Economic Forum, RecyclingToday report, State Impact Pa., NPR, PennEnvironment).

Montgomery County Single Use Plastic Coalition (MCSUPC)
2/1/2022 Meeting Notes

Richard Metz called meeting to order.

Faran Savitz, Zero Waste Advocate at Penn Environment:

- **Time for action on this is NOW** due to possible changes that might prohibit new regulations with upcoming gubernatorial and other elections.
- **Business/commercial interests** can see this as a plus. Plastic bags have been sunk cost in the past. \$.15 per bag fee should make it a net zero cost and improve profitability, while showing support for the environment. Businesses also see these regulations as inevitable, so want input and consistency. Engage with retailers. Acme and target came on board after resolution was adopted in Philly. Walmart trying to use thicker bags to get around loop hole in ordinance.
- **Outreach: Elected officials**, both local and state, can be helpful. Need a champion on the elected Board – will have relationships with fellow Commissioners, contacts with businesses, township manager. Talk to them, one on one to see if they have concerns. Contact township Economic Development task force or commission, and chambers of commerce.
- **PennEnvironment is a great resource**, Faran can talk to local officials who are reluctant. Remember, we don't need every commissioner, just a majority. And with momentum, may get more votes than it appears before the vote. PennEnvironment mostly works at state level so it is a great resource.
- **A survey may not be necessary** unless commissioners want that information. If we do a business survey, call or walk in and give them paper survey. If we can reach the right person by phone, the survey takes just a couple of minutes. Township may have business email/phone list. State reps might also have lists. TTF, PennEnvironment and other environmental organizations can help by using their email lists, social media to push out survey. Can use Google Forms or Survey Monkey for online surveys and use paper surveys as well. In Pittsburgh, no survey, just a sign on letter. Some municipalities did half paper surveys, half email.
- **Municipality Enforcement:** Enforcement could be added to current reporting system, for example for potholes and could be added to business inspections. In the Philly law, there are fines that escalate with each

subsequent violation. Municipalities and business districts benefit by have less litter and become more desirable.

Richard Metz, facilitator,

_____ Create regional momentum, try to get an ordinance to commissioner by end of year. Show the support/benefit of multiple townships going forth together. Some townships don't want to be first. A cultural shift will occur if whole region has ban.

Julie Slavet, Tookany/Tacony Watershed Partnership:

Summarized plastics are a unhealthy presence in environment

_____ Plastics in water, air. Terrible for wildlife and create environmental waste.

- **Look for partnerships, the Multiple municipality coalition is important** to reassure hesitant commissioners that this is not a new or untried concept. This is what people want. Communicate with local commissioners desired goals.
- **Mailing lists are available** from local organizations such as TTWP and PennEnvironment. Talk to EDTF about business survey. They care about business districts and how they look.
- **Remember that elected officials work for you!!!** Do not hesitate to call them or walk into their offices. Although the county is not involved, inform county commissioners. They can reach out. (cheltenham, contact Mccarter)
- **TTWP will help** with spreading the word through its social media, newsletter, email list.

Logan Welde, Clean Air Council:

- **Proposed regulations are business friendly.** This needs to be a point of emphasis early on in discussions with commissioners and others who represent business interests.
- **Keep the ordinance simple** – with a standard fee for all businesses. No low income carve-out necessary. Will be working on styrofoam ban soon.

Cost

Philly uses 1B per year, (and estimated .02 per plastic bag - \$32 Million vs. .10 per paper with total cost of \$100 million. Reason for 15cent per bag fee, to help make it economically beneficial for businesses.

Municipality Reports:

ABINGTON: Karin McGarry-Rosen, Andrea Soo (EAC)

➤ Current state: Residential survey developed but not sent out yet. Business survey to be developed. Ready access to municipal email and social media for survey distribution

CHELTENHAM EAC: Greta Bunin, Jeff Plaut, Sidney Kahn-Cheltenham

➤ Current state: working on strategy to pre-approach commissioners. Developing one page discussion outline for commissioners. Leaning towards approaching likely commissioner allies first to gain support and feedback. Like the concept of approaching with positives for both community, and additional income for businesses. Advocated for strategy of starting with plastic bags, then styrofoam, then plastic utensils.

DOYLESTOWN: Heidi Shriver-Doylestown (N/A)- board passed waste reduction recommendation, will work on ordinance.

HATBORO: Elizabeth Anzinger, Alex Myers (EAC)

➤ Current State: Will survey business owners, with challenge that restaurants use their own waste hauler.

LOWER GWYNEDD: Lisa Brown, Maureen Nunn, Rea Monaghan (EAC)

➤ Current state: Dealing with new supervisors and liasons. Municipality has good relations with major retailers (Giant Sustainability Manager) The township business association will be helpful in contacting businesses. They did a residential survey. and access to good survey, email, and social media tools. Used Survey Monkey for their survey.

LOWER MERION: A land trust conservancy. Maurine McGeehan (Lower Merion Conservancy & EAC)

➤ Recapped history of their process which began in 2019. did a residential survey promoted through the conservancy and township websites and social media. In mid to late 2019, they worked with the sustainability task force set up by the township. Then they did business outreach and contacted 130 businesses. The commissioners were satisfied with the outreach and the support it showed. In July, the issue was tabled because the township wanted to participate in the lawsuit with Philly. In Aug, they got great feedback and all 14 commissioners seemed supportive. In December, the township put it on hold because it wanted to focus on other

sustainability issues. It hired a sustainability manager. Now, they seem ready to discuss it again.

MONTGOMERYVILLE: Don Hamp

➤ Current state: Learning and listening. Got feedback from township liaison that they need to take into account the many retailers such as at the mall and Metroplex, etc

PLYMOUTH TOWNSHIP: Patricia McArthur, Bill Sabey (EAB)

➤ Current state: many retailers at the mall. Contacted Faran at PennEnvironment. Actively working on plan.

UPPER DUBLIN: Austin Faberman (N/A)

UPPER GWYNNEDD: Jon West

➤ Current State: In initial conversation phase. May need to coordinate with adjoining towns (Lansdale, Towamencin). Planning for likely residential and business surveys.

UPPER MERION: Zach Davis) (N/A)

SPRINGFIELD: Richard Metz (EAC)

➤ Current State: Designing survey for commercial and residential. Working with Mac to approve surveys before sending to Board. Commissioner outreach has not been too productive so far, (Julie commented) need to have those individuals in commissioners neighborhood contact them.

WHITEMARSH: Deb Shreero (EAC)

➤ Current State: lots of support (“Why haven’t we done this yet?”). Feeling others want consistency of regulation across our area. Not doing a survey at this time- probably would just confirm opposition to bags.

Last words- Farin, Logan, Julie- act sooner then later due to uncertain political environment. Momentum will build with introduced ordinances. Can contact them with questions. Don’t carve out low income exception to ban- humiliates residents. Can provide bags at township buildings. Suburban communities differ from Phila. In terms of workability.

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 752 Session of
2021

INTRODUCED BY SABATINA, KEARNEY, SANTARSIERO, COMMITTA,
TARTAGLIONE, COSTA AND CAPPELLETTI, JUNE 23, 2021

REFERRED TO FINANCE, JUNE 23, 2021

AN ACT

1 Prohibiting retail establishments from providing single-use
2 carryout plastic bags to consumers at the point of sale;
3 authorizing counties to impose paper carryout bag fee;
4 establishing the Paper Carryout Bag Fee Account; and imposing
5 penalties.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Short title.

9 This act shall be known and may be cited as the Carryout Bag
10 Regulation Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall
13 have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 "Account." The Paper Carryout Bag Fee Account established
16 under section 5(a).

17 "Compostable plastic bag." A plastic bag or pouch that at a
18 minimum meets the American Society for Testing and Materials
19 standard D6400 for compostable plastic, as amended.

1 "Consumer good." A good that is sold at retail to a
2 purchaser for personal consumption or household use.

3 "Department." The Department of Revenue of the Commonwealth.

4 "Paper carryout bag." A paper bag that is designed and
5 intended to be used for the carrying of goods purchased at a
6 retail establishment and is provided to a consumer by the retail
7 establishment at the point of sale. The term does not include a
8 recycled paper bag.

9 "Postconsumer recycled material." A material that would
10 otherwise be destined for solid waste disposal, having completed
11 its intended end use and product life cycle. The term does not
12 include materials and byproducts generated from, and commonly
13 reused within, an original manufacturing and fabrication
14 process.

15 "Recycled paper bag." A paper carryout bag provided to a
16 consumer by a retail establishment at the point of sale that
17 meets all the following criteria:

18 (1) If more than an eight pound bag, the bag contains
19 no less than 40% postconsumer recycled materials.

20 (2) If less than an eight pound bag, the bag contains no
21 less than 20% postconsumer recycled material.

22 (3) The bag is accepted for recycling in curbside
23 recycling programs in a majority of households that have
24 access to curbside recycling programs in this Commonwealth.

25 (4) The name of the manufacturer of the bag, the country
26 where the bag was manufactured and the percentage of
27 postconsumer recycled material contained in the bag are
28 printed on the bag.

29 "Retail establishment." An establishment that meets all of
30 the following criteria:

1 (1) The establishment sells or offers to sell retail
2 consumer goods to the public and has gross sales of consumer
3 goods in excess of \$1,000,000 during the previous tax year.

4 (2) The establishment has more than 10,000 square feet
5 of retail space or is part of a chain engaged in the same
6 general field of business which operates no less than five
7 units of more than 4,000 square feet of retail space in this
8 Commonwealth under common ownership and management.

9 "Single-use carryout plastic bag." A bag or pouch of
10 flexible packaging made of thin, flexible, plastic film that is
11 designed and intended to be used for the carrying of goods
12 purchased at a retail establishment and is provided to a
13 consumer by the retail establishment at the point of sale. The
14 term does not include any of the following:

15 (1) A reusable bag or pouch specifically designed for
16 multiple use that is made of cloth, fabric or durable plastic
17 of a least 2.25 mils.

18 (2) A nonhandled plastic bag used to protect a purchased
19 item from damaging or contaminating other purchased items
20 when placed in a recycled paper bag, a reusable grocery bag
21 or a compostable plastic bag.

22 (3) A bag provided by a pharmacy.

23 (4) A bag provided to contain an unwrapped food item.

24 (5) A nonhandled bag that is designed to be placed over
25 articles of clothing on a hanger.

26 (6) A compostable plastic bag.

27 Section 3. Prohibition on single-use carryout plastic bags.

28 (a) Prohibition.--

29 (1) A retail establishment shall not provide a single-
30 use carryout plastic bag to a consumer at the point of sale.

1 (2) A retail establishment shall not require a consumer
2 to use, purchase or accept a single-use carryout plastic bag,
3 paper carryout bag, recycled paper bag, compostable plastic
4 bag or reusable grocery bag as a condition of sale of any
5 product.

6 (b) Nonretail establishments.--An establishment that is not
7 a retail establishment may opt to reduce its distribution of
8 single-use plastic carryout bags or cease to provide single-use
9 carryout plastic bags to consumers at the point of sale as
10 required for a retail establishment under this act.

11 (c) Notice.--

12 (1) If an establishment that is not a retail
13 establishment opts to cease providing single-use carryout
14 plastic bags to consumers at the point of sale as required
15 for a retail establishment under this act, the establishment
16 shall provide the department with a written notice. The
17 notice shall specify the establishment's intent to be
18 regulated as a retail establishment under this act and shall
19 be irrevocable.

20 (2) The notice shall be dated and signed by an
21 authorized representative of the establishment and shall
22 include the name and physical address of all retail locations
23 covered by the notice.

24 (3) The department shall acknowledge the receipt of the
25 notice in writing and shall specify the date the retail
26 establishment will be regulated as a retail establishment
27 under this act, which shall not be less than 30 days after
28 the date the department acknowledges the receipt under this
29 paragraph.

30 (4) The department shall post the name and physical

1 retail locations, organized by county, of each establishment
2 that has opted to be regulated as a retail establishment as
3 specified under this act.

4 Section 4. Paper carryout bag fee.

5 (a) Fee.--The governing body of a county of any class may,
6 by ordinance, impose a fee of five cents per paper carryout bag
7 provided by a retail establishment to a consumer at the point of
8 sale. The fee shall be collected by the retail establishment
9 from the purchaser and shall be paid over to the Commonwealth.

10 (b) Statements.--Any sales slip, invoice, receipt or other
11 statement of price furnished by a retail establishment to a
12 consumer to collect the fee imposed under this section shall
13 separately state and make payable the fee and state the number
14 of paper carryout bags provided to the consumer.

15 (c) Retail sales.--The transfer of a paper carryout bag to a
16 consumer by a retail establishment shall not constitute a retail
17 sale and the fee imposed under this section shall not constitute
18 a receipt for the sale of tangible personal property.

19 (d) Exemptions.--All of the following shall be exempt from
20 the fee imposed under this section:

21 (1) A consumer who is provided a recycled paper bag from
22 a retail establishment at the point of sale.

23 (2) A consumer using the Supplemental Nutrition
24 Assistance Program (SNAP), Special Supplemental Nutrition
25 Program for Women, Infants and Children (WIC) or any
26 successor programs for the full or partial payment for the
27 items purchased.

28 Section 5. Paper Carryout Bag Fee Account.

29 (a) Establishment.--The Paper Carryout Bag Fee Account is
30 established as a restricted account in the General Fund. Money

1 collected from the fee imposed under section 4 shall be
2 deposited into the account.

3 (b) Distribution.--Money in the account shall be distributed
4 as follows:

5 (1) Two cents out of every five cents collected in a
6 county from the fee imposed under section 4 shall be
7 distributed to the Department of Environmental Resources to
8 award grants for applicants approved to develop and implement
9 municipal recycling programs within the county in accordance
10 with section 902 of the act of July 28, 1988 (P.L.556,
11 No.101), known as the Municipal Waste Planning, Recycling and
12 Waste Reduction Act.

13 (2) Three cents out of every five cents collected in a
14 county from the fee imposed under section 4 shall be
15 distributed to the Department of Conservation and Natural
16 Resources to award grants for approved applicants to design,
17 establish, monitor and maintain riparian buffers within the
18 county under the Riparian Forest Buffer Grant Program.

19 Section 6. Preemption.

20 (a) Single-use plastic bags.--The provisions of section 3
21 prohibiting a retail establishment from providing a single-use
22 carryout plastic bag to a consumer at the point of sale shall
23 preempt any local ordinance or regulation regarding single-use
24 plastic bags.

25 (b) Paper carryout bag fee.--An ordinance adopted under
26 section 4(a) authorizing a county to impose a paper carryout bag
27 fee shall preempt any local ordinance or regulation regarding
28 carryout paper bags.

29 Section 7. Penalties.

30 (a) Assessment.--The Office of Attorney General, a county or

1 municipality may assess a civil penalty on a person who
2 knowingly or reasonably should have known that the person
3 engaged in conduct that violates this act. A civil penalty under
4 this section may be assessed as follows:

5 (1) An amount not exceeding \$100 per day for the first
6 violation of this act.

7 (2) An amount not exceeding \$200 per day for a second
8 violation of this act.

9 (3) An amount not exceeding \$5,000 per day for the third
10 and subsequent violations.

11 (b) Collection.--A civil penalty collected under subsection
12 (a) shall be distributed to the law enforcement agency
13 responsible for assessing the civil penalty. If the civil
14 penalty under subsection (a) is collected by the Office of
15 Attorney General, the Office of Attorney General may use the
16 civil penalty to enforce this act upon appropriation by the
17 General Assembly.

18 Section 8. Effective date.

19 This act shall take effect in 180 days.

Business



Bucks County nixes proposed \$1.1 billion sewer sale to Aqua Pennsylvania amid public outcry

Bucks County Commission ends talks to sell BCWSA sewer system after uproar of protests: 'What we heard from the public was clear.'



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Brian Maguire, of Warrington Township, Pa., asks a question during the Q&A about the proposal to sell its sewer system at the open house held by Bucks County Water and Sewer ... [Read more](#)
TYGER WILLIAMS / Staff Photographer

by Andrew Maykuth
Published Sep 6, 2022

Bucks County on Tuesday called off a [proposed \\$1.1 billion sale of the county's sewer system](#) to Aqua Pennsylvania after an upwelling of public opposition to the audacious proposal, which would have been the largest privatization ever of a U.S. public wastewater system.

forward with Aqua’s proposed offer.

» **READ MORE: *In Philly suburbs, sewer systems are for sale, and citizens push back, fearing rate hikes***

The proposed sale would have generated a massive influx of funds to the county, which could have used the money to reduce debt and fund improvements without increasing property taxes. It would also have allowed BCWSA to rid itself of obligations to spend hundreds of millions of dollars to upgrade the aging sewer system. But opponents said it was a back-door tax increase that would saddle wastewater customers with escalating sewer bills in perpetuity, while giving up control of a major public asset.

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The sewer system serves about 100,000 households in 31 towns in Bucks, Montgomery, and Chester Counties.



Pamphlets and signs arguing to “Stop the Sewer Sale,” from Food and Water Watch, filled a table at an event held by Bucks County Water and Sewer Authority in Perkasie in July.
TYGER WILLIAMS / Staff Photographer

“While I see much potential in adding an estimated billion dollars to the county treasury, I cannot say that I feel comfortable with this transaction,” Bob Harvie, chairman of the Board of Commissioners, said in a statement. Harvie said he asked John Cordisco, the chairman of the water and sewer authority, to “stop any negotiations and not sell any of the BCWSA operations.”

Michael Sullivan, executive director of the Warwick Township Water and Sewer Authority and regional director of the [Pennsylvania Municipal Authorities Association](#), called on the BCWSA board to “do the right thing” and halt the sale. “These critical services should remain in the public trust,” he said.

An uproar of protests

The Bucks decision is a major setback for private water utilities, which have aggressively sought to expand in Pennsylvania since the state in 2016 passed new rules encouraging private ownership of public water and sewer systems. The law, which was originally envisioned as a mechanism to allow towns to sell their troubled systems to private owners, has turned into a bonanza of cash for some towns. But it often comes at the expense of sewer customers.

Under Aqua’s proposal to Bucks, current sewer rates would be frozen for a year but would eventually be increased to match Aqua’s rates, [which are now about \\$88](#) compared with BCWSA’s average monthly rate of \$48. The precise impact was unclear because the advocates for privatization suggested that some sale proceeds could be used to soften the rate impact, at least temporarily.

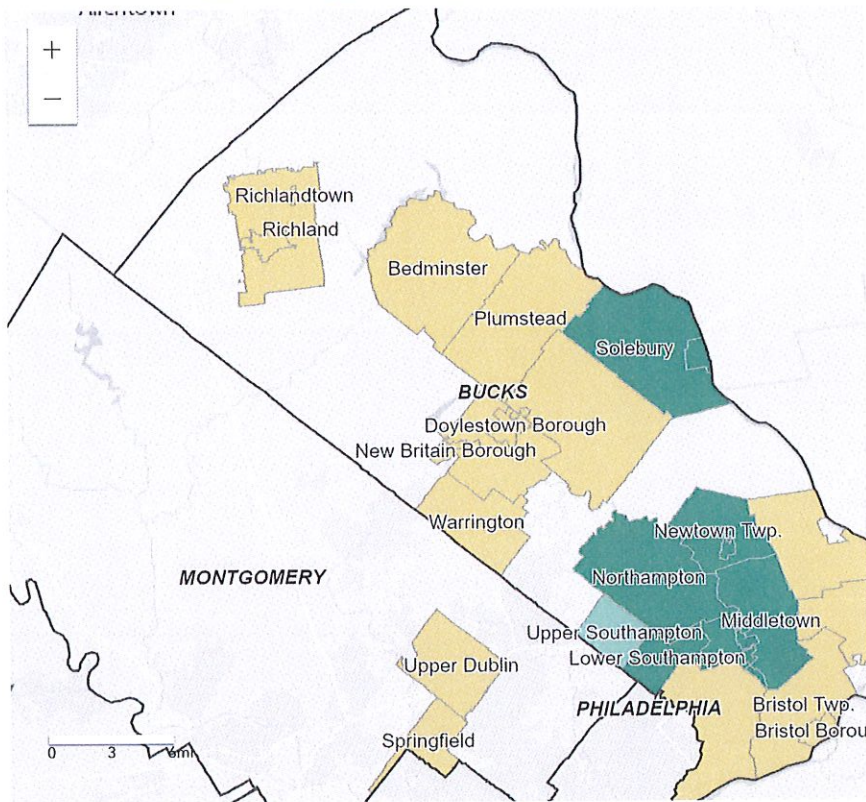
Diane Ellis-Marseglia, the vice chair of the county commissioners, said that customers expressed a fear of “ballooning rates” comparable to what has happened in other towns that sold their systems to private owners.

An Offer to Buy Bucks County’s Sewer Utility

The Bucks County Water and Sewer Authority (BCWSA) serves about 100,000 households in 31 towns in Bucks, Montgomery, and Chester Counties. The authority announced on July 13 that it was considering a formal offer of \$1.1 billion from Aqua Pennsylvania to buy its sewer system, which makes up about three-quarters of BCWSA’s customer base. If the sale is approved, the remaining BCWSA entity would serve only drinking water customers.

Click on the map for more information.

Type of service: Sewer Water Water and sewer



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SOURCE: Bucks County Water and Sewer Authority

JOHN DUCHNESKIE / Staff Artist

run BCWSA sewer system to a private entity,” Ellis-Marseglia, said in a statement. She and Harvie, the chairman, are Democrats.

Gene DiGirolamo, the board’s Republican commissioner, agreed it was time to call an end to the sale process.

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“Given the remaining uncertainties around the potential sale, and the sheer amount of public opposition to it, I believe that it is in the best interests of the people of Bucks County that the authority end its negotiations with Aqua, Inc.,” DiGirolamo said in a statement.

The proposed sale attracted immediate protests from BCWSA’s unions; several neighboring water authorities; a national group opposed to utility privatizations, Food and Water Watch; and a local group that opposed Norristown’s proposed sewer system sale, Neighbors Opposing Privatization Efforts.

But the sentiment shifted strongly against the sale after the [Bucks County Association of Township Officials](#) organized a flood of resolutions approved by local governing boards, some of which had sold their sewer systems to BCWSA under the assumption that they would remain in public ownership.

Skeptical that the county is actually walking away from the table, privatization opponents said they planned to continue with Wednesday’s protest until BCWSA formally voted to stop the sale. “We don’t have them voting ‘no’ yet, so we are going to continue and stay on them,” said Tom Tosti, a director of the AFSCME local that represents the authority’s supervisors

A fiduciary duty

back with an offer of \$1.1 billion.

BCWSA said it also considered and rejected a similar offer for the system from Pennsylvania American, Aqua's principal rival.

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Aqua Pennsylvania, a subsidiary of Essential Utilities Inc. in Bryn Mawr, did not immediately provide a statement about the apparent end of its quest for the Bucks system.



John Cordisco, chairman of the Bucks County Water and Sewer Authority, talks with a community member at the authority's open house event in Perkasie in July.
TYGER WILLIAMS / Staff Photographer

The sale process was shrouded in secrecy for months — many local officials suspect it would not have proceeded without the silent approval of the county commissioners — and [came to light only in April](#). Authorities are not required to conduct an asset sale in public.

“They understand that public assets — such as a sewer system — are best held by a public entity like the Bucks County Water and Sewer Authority,” Santarsiero said in a statement. “If the system were to be sold to a private entity, public control — and, critically, a great degree of accountability to the ratepayer — would be lost forever.”

Political conflict averted

The BCWSA board, an independent board whose members are appointed by the county commissioners, has the power to sell the authority’s assets without the consent of elected officials. But Harvie, the chairman of the Bucks County commission, warned that the commission has the power to change BCWSA’s charter to potentially impede a sale.

“We were never going to be in conflict with the commissioners’ position,” Cordisco, the BCWSA chairman, said in a statement. “As such, I have informed the BCWSA board members that I do not support moving forward with the proposed offer, and we will determine the next appropriate steps.”

The Bucks agreement to nix the sale seems to avert a potential conflict that has befallen Delaware County, where the regional sewer authority agreed to sell itself to Aqua Pennsylvania in 2019 just before voters ousted the Republicans from county control.

The Delco Democrats, upon entering office in 2020, voted to disband the Delaware County Regional Water Quality Control Authority, known as DELCORA, and to block the sale.

The Commonwealth Court ruled in March that Delaware County’s takeover of DELCORA was permissible. But the 2019 sale agreement

[Politics & Government](#)

Bucks Commissioners To Authority: End Sewer Sale Talks With Aqua

In separate statements, the two majority commissioners are calling for the BCWSA to end talks with Aqua on the sale of its sewer system.



Jeff Werner, Patch Staff P

Posted Tue, Sep 6, 2022 at 11:24 am ET Updated Tue, Sep 6, 2022 at 11:50 am ET

Replies (6)



The headquarters of the Bucks County Water and Sewer Authority. (Jeff Werner)

DOYLESTOWN, PA — Bucks County Commissioners Bob Harvie and Diane Ellis Marseglia are asking the Bucks County Water & Sewer Authority to end consideration of a proposed sale of its sewer conveyance system to Aqua, Inc.

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The two majority commissioners made their feelings known in two separate statements released to the public Tuesday morning.

"While I see much potential in adding an estimated billion dollars to the county treasury, I cannot say that I feel comfortable with this transaction," said Harvie, the chairman of the three member board of county commissioners.

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"I did speak with the chair of the authority to ask that he and the rest of the board stop any negotiations and not sell any of the BCWSA operations," he continued. "As a Bucks County Commissioner, I don't have a direct vote on whether or not a sale should happen, but I and the other commissioners do have the power to change the charter of the Bucks County Water and Sewer

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"Following my conversation with the chairman of the authority I believe the board of the BCWSA will do what is necessary to end discussions with Aqua, Inc.," he said in his statement.

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The Bucks County Water and Sewer Authority announced in July that it had entered into exclusive negotiations with privately-held Aqua, Pa. for the potential sale of its sewer system for \$1.1 billion. Since that announcement, municipal officials and residents have responded with a resounding "no," fearing future ballooning rate increases and a loss of local control.

"For the past several months, there have been many questions and much concern about the possibility that part of the Bucks County Water and Sewer Authority will be sold to a private company," said Harvie. "We have heard those concerns from our residents and from elected officials throughout the county, and we thank them for being advocates for our county."

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With that being said, Harvie said that there are some advantages private companies have over public utilities, just as there are areas where public utilities have advantages over private companies.

"The authority's board members have been exploring the possibility of a sale because they take seriously their responsibility to do what is in the best interests of their customers," said Harvie. "The authority has been acting as they should, asking questions, exploring options, weighing the benefits and costs. I respect their professionalism and their efforts to be transparent through this process.

"The purchase of public utilities by private companies has accelerated in recent years and while we don't yet know what the long-term effects of these purchases will be, we do know that they have led to increased costs for customers," said Harvie. "Because neither the commissioners nor our staff have been part of the negotiations, the county had many questions we needed answered. We sent about 50 questions to the BCWSA and posted them publicly. The authority promptly answered those questions for us, and their answers were also made public. Speaking for myself, the answers we received did give me more clarity on this issue, but also raised some additional questions."

Marseglia said after carefully reviewing all the information available regarding the sale, "I cannot recommend that the BCWSA continue to entertain Aqua, Inc.'s proposal

"I greatly appreciate the diligent work of the BCWSA, its board and staff in vetting this proposal and maintaining transparency with the public by holding town halls, public meetings, and responding promptly to the commissioners' questions and questions

"When \$1.1 billion was offered, BCWSA, whose systems may face over \$250 million in upcoming repairs, had a fiduciary responsibility to thoroughly research the proposal and listen to feedback from the public, weighing pros and cons," said Marseglia in her statement. "While the financial aspect of this deal is a reasonable alternative given the expensive infrastructure work ahead, what we heard from the public was clear, nonpartisan, and near-universal: do not sell off the publicly-run BCWSA sewer system to a private entity.

"Fear of ballooning rates, as evidenced by similar takeovers around the country, and loss of a well-managed, highly-regarded public utility topped the feedback I have received," Marseglia continues. "Granted, the commissioners do not have the power to approve or deny any such sale – that responsibility rests with the independent BCWSA – we can only advocate a position on behalf of Bucks County residents. That said, the commissioners do appoint the BCWSA board and reserve the power to dissolve the authority entirely, and I trust that the members of the BCWSA will do what's in the best interest of the ratepayers.

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"To be clear, this doesn't get us out of the woods," says Marseglia. "Harsh realities do await in the form of the aforementioned system repairs, an issue that will eventually face ratepayers. But I believe we can find solutions to those issues without involving the sale of one of our public institutions to a private corporation, under which we'd no longer have any oversight."

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August 29, 2022

Benjamin Jones, Chief Executive Officer
and Commissioners
Bucks County Water and Sewer Authority
1275 Almshouse Road
Warrington, PA 18976

Dear Mr. Jones, Chairman Cordisco, and Commissioners;

Local leaders in Pennsylvania and around the country are determining that it is in the best interest of their communities to allow professional water companies with scale and expertise to rebuild aging infrastructure, manage new and emerging environmental and water quality regulations, and redeploy municipal assets to more pressing needs.

We applaud your diligence in putting local communities first as you consider Aqua Pennsylvania's proposal to purchase the Bucks County Water and Sewer Authority (BCWSA). Because the transaction has attracted the attention of several ill-informed commentators, we felt obligated to set the record straight on Fair Market Valuation (FMV), which has proven to be a valuable tool for local governments around the country, and Act 12 of 2016 which has benefited hundreds of thousands of Pennsylvanians.

Our combined experience includes nearly a century of public service. We have acted as Chairmen and Commissioners of the boards and commissions that regulate utilities in Illinois, New Jersey, and Pennsylvania; public utility commission staff; and as a litigator in the Pennsylvania Office of Consumer Advocate, which advocates on behalf of utility ratepayers in the Commonwealth. The former New Jersey Board of Public Utilities commissioner hasn't served on the board for over a decade, leaving five years prior to the FMV law passing in New Jersey.

Driven by urgent infrastructure challenges, an aging workforce, and evermore stringent water quality and environmental mandates, a growing number of municipal governments simply want out of operating water and wastewater systems. Pennsylvania's Act 12 of 2016 provides a pathway to do this. This important legislation gives a municipal corporation the option to voluntarily sell its water and wastewater systems to a professional water company at a price determined by an independent appraiser and approved by the state public utility commission after a through litigated process. The Pennsylvania General Assembly saw the value of Act 12. That is why it passed on a bipartisan basis with near unanimous support and was signed by Pennsylvania Governor Tom Wolf.

The reason Act 12 is such a valuable piece of legislation is because water and wastewater systems today face unprecedented challenges. Many water systems have cast and ductile iron pipes that are reaching the end of their useful lives. Replacing this infrastructure is expensive; making it difficult to keep rates affordable. Moreover, advances in technology are continually detecting new contaminants in water resulting in more stringent state and federal environmental water quality regulations that can be costly and challenging to comply with. In addition, utilities are increasingly the target of cyber

criminals, making it more important than ever that water systems have effective (often complicated) cyber security measures in place. All these pressures make it more difficult than ever to operate a water or wastewater system in today's world.

Combined with the fact that many municipalities are facing pressures of their own, like unfunded pensions and aging workforces, makes Act 12 even more important, as it provides local governmental entities with the option to get a fair price for water assets. Proceeds from these sales benefit the communities served by allowing the retirement of debt, funding of pensions, and reinvestment in other much needed infrastructure or other critical local priorities.

It is for these reasons that legislation like Act 12 has passed in ten other states, including Illinois and New Jersey. Fair Market Valuation, first pioneered in Pennsylvania, is now considered a best practice and is being adopted by states across the country. In Illinois, Fair Market Valuation has been so effective that it was renewed for ten years and expanded, on a bipartisan basis, in 2015.

The hurdle that the Commonwealth's water and wastewater systems face with respect aging infrastructure is immense and requires flexibility, including the ability of municipalities to sell their systems for a fair price. The flexibility that Act 12 provides has been a lifeline to municipal systems in Pennsylvania.

According to its latest report card from the American Society of Civil Engineers (ASCE), Pennsylvania received grades of "D" and "D-" respectively for its water and wastewater systems. The ASCE reported the following about Pennsylvania's drinking water systems:

Pennsylvania's drinking water infrastructure is aging. Cast iron, which makes up a majority of Pennsylvania's water mains, saw break rates of nearly 35 per 100 miles per year, a 43% increase since 2012. Smaller community water systems, meanwhile, are struggling to fund projects to meet new regulations. Many public water system (PWS) billing rates have not kept up with rising costs. Over the next ten years, Pennsylvania's PWSs are projected to have a \$10.2 billion funding gap. To meet this gap, these systems will likely need to adopt full-cost pricing and find new technologies to reduce consumption and waste. Otherwise, the public could face increased health risks, environmental impacts, and financial losses.

The outlook for Pennsylvania's wastewater systems is even more bleak:

Aging wastewater management systems discharge billions of gallons of raw sewage into Pennsylvania's surface waters each year. The average age of most sewer systems is approaching 70 years with many having pipes over 100 years old. 1.6 million homes in PA are served by on-lot systems with failure rates of nearly 20%. Half of the State's Sewage Facilities Plans are over 20 years old. It is estimated that the Commonwealth has a funding gap of \$8.4 billion over the next 10 years to repair existing systems, upgrade existing systems to meet regulatory requirements, control Combined Sewer Overflows, address illicit Sanitary Sewer Overflows, and construct new or expand existing systems to meet increasing demands. Available funding over that time is estimated to be \$900 million, approximately 10% of the required annual investment.

Needless to say, water infrastructure is expensive. The EPA estimates that Pennsylvania needs to spend more than \$16 billion over 20 years just to modernize its drinking water infrastructure. Exacerbating the problem is the fact that the water industry is the most capital-intensive industry among all utilities. As you well know, the BCWSA is no exception. It needs an estimated \$400 million in sewer repairs and upgrades alone. In Plumstead Township, for example, up to 75% of customers' sewer lines leak and need to be replaced.¹

The fact is that professional water utilities are generally in a better position to manage these costs than municipal utilities. They have experience developing asset management plans and gradually undertaking infrastructure upgrades so that any cost burden to customers is manageable and rates remain reasonable.

In addition to the escalating costs of infrastructure, it is becoming increasingly difficult and costly to meet state and federal drinking water standards. As water is the only utility that is ingested, compliance with safety standards is essential with no room for error. This is another strong argument for entrusting the operation of a system to a professional water company. Nationwide, data from the U.S. Environmental Protection Agency (EPA) shows that investor-owned utilities recorded zero health-based water quality violations last quarter.²

This is noteworthy because according to the EPA Enforcement and Compliance History Online (ECHO) database, 517 municipal drinking water systems across the country experienced a health-based water quality violation of the Safe Drinking Water Act in the second quarter of 2022 (the most recent data available). In total, those systems serve a combined 11.8 million Americans. In Pennsylvania alone, 12 municipal drinking water systems, serving 45,000 customers, experienced a health-based drinking water quality violation in the second quarter of 2022.

In contrast, multiple studies covering decades worth of EPA data have found that investor-owned utilities have the strongest compliance records of all system operators. For example, a landmark 2018 study published in the Proceedings of the National Academy of Sciences analyzed EPA data for 17,900 communities over a 34-year period (1982 to 2015), making it the largest and most comprehensive review of water compliance data ever conducted. According to the study's authors, "Privately owned utilities are found to be less vulnerable to violations than government ownership. In particular, large private firms are associated with lower likelihood of violation."³

As the EPA continues to issue new health advisories regarding PFAS – also known as “forever chemicals” in drinking water, the costs to provide service that is consistent with these standards continues to rise. The good news is that most professional water companies have been proactively

¹ <https://www.tapinto.net/towns/doylestown/sections/government/articles/what-local-officials-think-of-aqua-s-offer-to-buy-the-county-s-sewer-system>

² Data compiled from a review of the EPA's Enforcement and Compliance Online History

³ Allaire, Wu and Lall in the Proceedings of the National Academy of Sciences, “National Trends in Drinking Water Quality Violations” February 2018

working to remove these 'forever chemicals' as part of their promise to ensure safe drinking water for the communities they serve.

While some opponents argue the sale will result in higher rates for customers, it is important to remember that transactions are reviewed and approved by the state public utility commissions as being in the public interest. The proceeding before the public utility commission gives all parties, including consumer advocates and residents, an opportunity to participate. Rather than diminishing oversight, the sale of municipal water and wastewater systems actually *increases* the regulatory scrutiny of investments in physical infrastructure, rates charged customers, and the financial health of the utility. Unlike a municipal system, which has relatively little transparency in ratemaking, rates for an investor-owned utility are set by the utility commission after a thorough, transparent, litigated proceeding with the right to appeal to the courts.

It is unfortunate that the filed comments of some critics simply ignore, misunderstand, or misrepresent the compelling financial and operational benefits these transactions can offer local communities. Around the county, and in Pennsylvania, the record shows that it makes sense for local governmental entities, such as BCSWA, to consider selling aging systems to professional water companies. Out-of-state interests, for their own purposes, seek to confuse the issues by providing incomplete and inaccurate facts, and spinning the law and the future cost realities of owning and operating a water and wastewater system.

Voluntarily selling water and wastewater systems to a water company is an effective way for entities like BCWSA to reallocate municipal assets to higher priorities, access the expertise and scale of large professionally managed utilities, and provide customers with high-quality, reliable service for a fair price under the watchful eye of the state public utility commission, Attorney General, and other consumer advocates.

Thank you for allowing us to present these comments. Please feel free to reach out to any one of us if you would like to discuss any of these issues further. We will gladly lend you our combined century of experience in these matters.

Sincerely,

Norman Kennard
Former Commissioner
PA Public Utility Commission

Richard Mroz
Former President
N.J. Board of Public Utilities

Brien Sheahan
Former Chair and CEO
Illinois Commerce Commission



1275 Almshouse Road | Warrington, PA 18976 | 215-343-2538

August 26, 2022

Bucks County Commissioners
Robert J. Harvie, Jr., Chair
Diane M. Ellis-Marseglia, Vice Chair
Gene DeGirolamo, Secretary
55 E. Court St.
Doylestown, PA 18901

Dear Bucks County Commissioners:

We appreciate your interest and due diligence to thoroughly assess the proposed offer made by Aqua Pennsylvania to acquire the Bucks County Water and Sewer Authority's (BCWSA) wastewater assets. We understand the value of getting all the facts and understanding every detail on behalf of Bucks County's residents, especially for an acquisition valued at more than \$1.1 billion.

Per your August 15, 2022, letter requesting additional information regarding the potential sale, BCWSA has provided responses to your questions in the **enclosed** document. We also included several supporting attachments that contain additional information and details to help answer your questions.

Since we were able to publicly announce the formal proposed offer for our wastewater assets, we have been meeting with customers, municipalities, residents, employees and many others to discuss the offer and answer questions. Our outreach has included meetings with the following:

- representatives from all our retail and wholesale municipalities,
- more than 100 residents who attended the public open houses events we held at two Bucks County Community College campuses,
- union representatives and employees,
- a virtual town hall with the Bucks County Association of Township Officials, which included 14 municipalities that were represented, and
- three public authority board meetings, which have included morning and evening sessions, where several residents spoke during public comment period.

In addition, we pursued all channels and platforms to inform Bucks County residents and our customers about the offer. This has included sending first-class letters to our 75,000 wastewater customers, utilizing social and digital media, informing news outlets with updates and of course our informational site, which has been visited by more than 3,000 visitors – BCWSACommitment.org.

We have said from the beginning we will not make a decision on the offer until we conduct a thorough fact-gathering process and are able to address stakeholders' questions, such as the ones you have presented us. Please let us know if you have any questions and we look forward to ongoing discussions with the county.

Sincerely,

Benjamin W. Jones, CEO
BCWSA

BCWSA Questions from the Bucks County Board of Commissioners

Responses to each question provided in bold below.

1. Reports are that the sale of the sewer portion of the BCWSA would net \$1.1 billion and would be the largest sale of a public utility to a private entity in American history. Please verify that amount, and also answer the following:

Response: The total value of the proposed acquisition is \$1,126,400,746 as specified in the Asset Purchase Agreement. The total includes a purchase price of \$935,000,000 and the deferred capacity fee collections valued at \$191,400,746.

- a. How much of the revenue needs to be used to pay off BCWSA debt?

Response: The total debt payoff is \$177,371,017.

- b. What other BCWSA obligations need to be met using the remaining funds?

Response: The total debt amount indicated above is the only obligation.

- c. After the above obligations are met, will the BCWSA commit to transferring the remainder of those funds to the County of Bucks?

Response: The remaining proceeds from a potential sale after payment of the sewer project may be transmitted to Bucks County.

2. Has BCWSA raised its sewer rates over the past five years? If so, please detail those increases.

Response: BCWSA enacted the following sewer rate increases over the last five years:

- January 1, 2017: 5% retail and 4% wholesale

- January 1, 2019: 5.5% retail and 1.2% wholesale

3. Does BCWSA believe that it is legally required to remit to the County the proceeds of a sale of the sewer operations of BCWSA or does BCWSA believe this is discretionary? With references to statute and/or caselaw, please provide a legal basis for BCWSA's opinion.

Response: In addition to answer 1(c) above, BCWSA, upon agreement with the Bucks County Commissioners, could retain some of the money and manage a rate stabilization fund established for the current BCWSA customers. This may require further amendment to the Articles of Incorporation.

4. If the County accepted the proceeds of the sale of the sewer operations of BCWSA, how much would need to be put aside to offset any increase in sewer rates for the next five years? For the next 10 years?

Response: The amount of net proceeds provided to Bucks County to offset any sewer rate increases over the next five and 10 years is estimated to be \$136 million and \$294 million, respectively. The amounts are based on an independent professional's analysis using historical rate increases and calculated rate projections.

- a. Has there been discussion of this fund being the responsibility of Essential Utilities/Aqua Pennsylvania, instead of the County?

Response: BCWSA anticipates that a trust would be formed and managed by a trustee with the full cooperation from Aqua Pennsylvania to provide certain billing information. The trustee would act as a fiduciary for the customers receiving the benefits of the rate

- b. Either Bucks County or BCWSA could oversee the activities of the trustee and either could have the right to replace the trustee with a new one if the need would arise.

- c. Does BCWSA believe that such a fund may be managed by BCWSA? If not, please provide a legal basis for BCWSA's opinion.

Response: As indicated in answer above, either Bucks County or BCWSA could oversee the activities of the trustee and either could have the right to replace the trustee with a new one if the need would arise.

5. Will Essential Utilities/Aqua Pennsylvania commit to not raising rates for the next five years? For the next 10 years?

Response: Aqua Pennsylvania has committed to maintain BCWSA's sanitary wastewater base rates in effect at closing of the transaction for the first year after the acquisition or until January 1, 2025 (whichever occurs first). The ongoing capital spending at BCWSA is estimated to be about \$254 million so BCWSA would need to raise rates to meet its obligation. BCWSA anticipates contributing a portion of the potential sale proceeds to a fund maintained by either Bucks County or BCWSA to minimize customer rate increases over the next 10 years.

6. In what way could the Bucks County Commissioners retain a position of oversight and involvement so that sewer ratepayer interests, as well as problems, are readily attended to and resolved?

Response: If the sale is approved by the BCWSA Board, Aqua Pennsylvania will be required to file an application with the PA Public Utility Commission (PUC) seeking approval of the sale. BCWSA will intervene in that proceeding to be a formal party, which will allow it to receive all information filed as part of the application. As part of the PUC application process, the County could also intervene since it is unquestionably an interested party. Intervening would enable the County to be involved in everything that is happening with the application.

The County could also submit written testimony, ask for discovery from other parties to the application proceeding, provide argument in briefs and cross-examine witnesses at the hearing regarding the application. Residents and customers would also have the opportunity to attend the hearings and provide testimony. All interested parties would be able to participate at the PUC in any future rate increase hearings.

7. Can the Authority continue to operate relying only on income from its water operations?

Response: BCWSA is a financially self-sufficient authority and would continue to operate relying only on income from its water operations.

- a. Will water rates need to increase to allow the Authority to function?

Response: Aside from any potential sale activity, the water rates are already scheduled to be adjusted in 2025 to accommodate additional debt incurred for assets unrelated to the sewer transaction. The last adjustment to water rates was in 2015.

8. It is our understanding that residents who are not customers of BCWSA who choose to, or have to, connect to the BCWSA sewer system are responsible for all costs to do so. Whereas a private company, such as Essential Utilities/Aqua Pennsylvania, is permitted to cover those expenses for the resident. Is that accurate?

Response: Aqua Pennsylvania is permitted to contribute up to a maximum allowable investment for customers who apply for service connection to a sewer main that already abuts their property or where the applicant(s) request a main extension to render service. Currently, at the Company's weighted average rate for all systems, the maximum contribution is approximately \$15,000 per customer. If the costs of the customer connection exceed the maximum allowable contribution, the customer(s) would be required to pay the difference. The calculations for the maximum allowable investment for a lateral (main to curb) or a main extension are performed in the same manner. However, the exact amount is dependent on the specific circumstances and details of each application.

9. Please detail the number of BCWSA sewer customers by municipality, regardless of what County they are in.

Response: Attachment #1 below includes a breakdown of BCWSA retail sewer customers by municipality and by county.

10. When calculating its number of customers, is BCWSA including residents who pay their sewer bill to another authority that handles conveyance, which then pays BCWSA for treatment (i.e. Township of Falls Authority)?

Response: BCWSA's total customer base includes retail customers in Bucks, Montgomery and Chester counties along with the gallons we process for

wholesale customers, which is translated into equivalent dwelling units (EDUs)

- a. Will any rate freeze implemented by Essential Utilities/Aqua Pennsylvania extend to bulk customers (i.e. Township of Falls Authority) as well as to individual ratepayers?

Response: Wholesale customers will have 2 options:

- 1. assign their existing contract to Aqua and pay the same amount they would if BCWSA still owned the assets through the duration of the contact.**
- 2. negotiate a new contract prior to closing with Aqua including a new rate schedule.**

As part of any negotiation of a new contract, Aqua would maintain the bulk customers rates at closing on similar terms as the retail customers (i.e. for the first year after the acquisition or until January 1, 2025, whichever occurs first).

11. For municipalities who sold their sewer operations to BCWSA in recent years under the assumption that those operations would stay under the control of a public entity, does BCWSA have a plan to address any desire by those municipalities to re- acquire their systems?

Response: BCWSA understands there are some municipalities that have a right of first refusal in their sale contracts with prior acquisitions. If the BCWSA Board decides to move forward with a sale, BCWSA would meet with each municipality and community to address any concerns or enter into negotiations to address their decision to repurchase the system under the terms of the contract.

- a. If so, what impact would that have on the negotiations with Essential Utilities/Aqua Pennsylvania?

Response: A few of the municipalities that have sold their sewer operations to BCWSA have communicated formally and informally with BCWSA about the potential sale. Talks with these municipalities are ongoing and BCWSA thinks it is premature at this stage to speculate about what impact this might have on negotiations with Aqua.

12. Please detail the protections being put in place for the current employees of BCWSA.

Response: The Asset Purchase Agreement from Aqua Pennsylvania stipulates the following:

- Aqua Pennsylvania must offer employment to all active personnel who are employed by BCWSA in operating the wastewater system on terms substantially similar to those the personnel have at BCWSA.**
- Prior to closing, BCWSA will provide a Memorandum of Understanding to each union that no employee represented by the union shall be forced to permanently work from a location that is more than 25 miles away from the location to which they report on the date of closing.**

- If a non-bargaining unit transferred employee is required to perform his or her job at a location in excess of 25 miles from where they work on the date of closing, the employee may terminate employment with the bidder for “good reason.” Aqua Pennsylvania must agree in the offer letters it provides to each non-bargaining employee at closing that upon termination for “good reason” Aqua will give the employee the right to 1.5 times their annual pay and continued medical and dental coverage at Aqua’s expense for up to 12 months.
 - Aqua must assume BCWSA’s collective bargaining agreements on the closing date.
13. What impact will there be on the pensions of current and retired employees of BCWSA if the sale occurs and they go from being employed by a public entity to a private entity?

Response: The proposed sale will not impact the pensions of current or retired employees. Please see Attachment #2 for a detailed breakdown of each pension plan.

14. Will Essential Utilities/Aqua Pennsylvania recognize all the current bargaining units who represent current employees?

Response: Aqua Pennsylvania must recognize all current bargaining units who represent current BCWSA employees. See answer above to question 12.

15. Since the BCWSA was initially set up as joint authority, would the split caused by this sale void the original intent of the Bucks County Board of Commissioners? Who, if anyone, would have standing to challenge a sale on this basis?

Response: The sale of the sewer system would not be in conflict with BCWSA’s original intent. BCWSA has the power to sell, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it. The Articles of Incorporation granted the BCWSA all powers under the Municipality Authorities Act.

16. Would the sale of the sewer system ultimately require a vote of approval by the Bucks County Board of Commissioners to be finalized?

Response: The BCWSA is a distinct legal entity from Bucks County. According to the Municipality Authorities Act, an authority that has been incorporated under the Act becomes an independent agency not subject to the control of the incorporating municipality. The Bucks County Commissioners have no legally required involvement to approve or deny the potential sale prior to BCWSA making a final decision.

17. Why is Essential Utilities/Aqua Pennsylvania only interested in the wastewater system and not the entire authority?

Response: BCWSA chose to only entertain a formal offer for the wastewater system and thus Aqua's potential interest in our water system was not a priority for BCWSA.

18. Was a valuation done of each system (water and sewer) or both systems combined?

Response: A valuation analysis was completed by an independent professional for each system to determine underlying values of each and combined.

19. What will become of the BCWSA if the sale is complete?

Response: The BCWSA currently exists to manage two separate operations - sanitary sewer system and water distribution system in Bucks County and other territories. If the BCWSA were to sell its sanitary sewer system, it would continue in existence. An authority must submit a request to terminate its existence from the municipality that created it. BCWSA would still have a purpose- managing, maintaining and operating its water distribution system project. It would have no reason to request termination by Bucks County.

20. Does BCWSA believe that it would be required to be dissolved and recommissioned as a new entity only dealing with water? With references to statute and/or caselaw, please provide a legal basis for BCWSA's opinion.

Response: The BCWSA's powers can be altered through amendments to its Articles of Incorporation. The language related to management, operation and maintenance of sanitary sewer systems can be removed. If the BCWSA, in agreement with the Bucks County Commissioners, believes that there are other projects it can undertake to help the people of Bucks County, those projects can be added to its enumerated powers. For instance, as a municipal authority, the BCWSA can take on projects related to stormwater planning, management and implementation.

21. Please share feedback received by BCWSA from the public regarding the proposed sale (e-mails/correspondence/public comments).

Response: BCWSA has pursued a comprehensive public outreach campaign to encourage feedback from residents, customers, stakeholders and any other interested parties. Outreach has included traditional and digital media platforms, along with utilizing letters and emails to reach as many individuals as possible. The authority has received similar feedback and questions that the Bucks County Commissioners presented in this list of questions, along

with the correspondence received by individual municipalities. It has been valuable feedback and an opportunity to address important questions and misinformation that has been circulated.

22. When and where will additional public events/townhalls/open houses be held?

Response: In addition to the public open house events and meetings with every municipality that BCWSA serves, BCWSA has been meeting with stakeholders, associations and residents as requested. BCWSA holds its regularly scheduled meetings every fourth Wednesday of the month, which the public is encouraged to participate and provide feedback.

23. What is the likelihood of the PUC approving the dissolution of the BCWSA and allowing the county to create a new authority with additional purposes?

Response: Since BCWSA was created pursuant to the Municipality Authorities Act, the PUC does not have jurisdiction over the dissolution or continued existence of BCWSA or any decision by Bucks County to create any new authority that the County might see fit to create.

24. Can you provide us a specific historic example of when the PUC approved the sale of a water and sewer authority, the dissolution of that authority and then granted the creation of a new authority for a different purpose?

Response: Please see Attachment #3 below for specific examples, including 17 recent acquisitions when the PUC approved the sale of a water and sewer authority.

25. Are there examples of the PUC approving such a split in the past (selling off one system but keeping the other)?

Response: As indicated above, BCWSA was created pursuant to the Municipality Authorities Act, and the PUC does not have jurisdiction over the dissolution or continued existence of BCWSA or any decision by Bucks County to create any new authority that the County might see fit to create.

26. After a sale, would the remaining revenues in the BCWSA account be expendable for a purpose other than that for which the initial rate was collected? In other words, can a rate collected for water and sewer in turn be used for something like stormwater infrastructure or another purpose under a new authority?

Response: Remaining revenue held by the BCWSA collected by operating the sewer system should first be used to pay of the BCWSA's outstanding debt for the sewer system. Any revenue remaining after paying off the debt could be transferred to Bucks County. The general rule is that fees collected must be consummate with the service provided.

27. In terms of working with the PUC on projects, rates, etc., are there any advantages a public authority has over a private entity? Are there advantages a private entity has over a public one?

Response: It's important to note that municipal authorities are not subject to PUC approvals. A private entity such as Aqua Pennsylvania is subject to PUC oversight and regulation which provides for independent oversight of operating, financial, and administrative performance of the utility in its rendering of service to its customers. A private entity's advantage can be viewed by its depth of experience and size which provides access to technical staff that support local management, including a large internal state-certified laboratory, to address or react to issues or emergencies that may arise.

In addition, the PUC requires a lengthy process to approve changes such as rate increases, which include several public hearings. Any customer is given the right to have his or her opinion heard on the official docket before an administrative law judge. Municipal authorities, on the other hand, can raise rates at any time through a vote of its board without any review or public input.

28. Please define "tap-in fee" revenue and how it is to be captured and used.

Response: A tapping fee is charge to a new customer that wants access to BCWSA's wastewater system and the fees are intended to ensure new customers pay their "fair share" of the system that existing customers paid to have built and maintained.

- a. What would happen to that revenue if this sale goes through?

Response: If the sale transaction closes, BCWSA would maintain the revenues from the deferred capacity fees. Aqua will purchase the excess capacity over time from BCWSA as new connections are added at the negotiated amount.

29. Why would Essential Utilities/Aqua Pennsylvania be interested in purchasing a sewer system that, according to reports, will require \$245 million in repairs?

Response: One of Aqua Pennsylvania's core competencies is addressing capital repairs in the most cost effective and efficient manner by leveraging its size (economies of scale), depth of expertise, and competitive cost of capital. As a regulated company, Aqua Pennsylvania spends capital to improve service, reliability and long-term viability of water and wastewater systems. Regulated utilities enhance their systems by making capital improvements and receiving the opportunity to earn a regulated return (income) on those improvements that the PUC deems appropriate.

30. Why does BCWSA think it is a wise idea to sell the sewer system?

Response: The Board has made no decision with the proposed offer by Aqua Pennsylvania to acquire the wastewater system. When we are presented with an acquisition for any aspect of the BCWSA, we have a fiduciary responsibility to examine every detail and determine what is in the best interest of our customers, communities we serve, municipal partners, and our employees. This process has included obtaining an independent assessment of our entire operations, facilitating open houses for the public, meeting with every municipality we serve and with our employees, addressing questions by residents, regional associations and stakeholders (including the Bucks County Commissioners), and gathering feedback from individuals across every platform available. We look forward to the ongoing discussions and input.

The remaining questions assume there is no sale of the sewer operations:

31. Has BCWSA projected forward, any amount of time, to determine if sewer rates will need to be raised in the future?

Response: BCWSA has calculated estimated monthly rate projections from 2024 through 2034. A chart (included in Attachment #4 below) presenting the annual increases is on the BCWSACommitment.org page under “Resources”.

a. If so, how many years forward has BCWSA projected and what are the projected increases over that time?

Response: As indicated in the answer above, BCWSA’s projected rate increases will go from an average monthly rate of \$60.23 to \$77.57 from 2024 through 2034, marking a 29 percent increase over this period.

32. What sewer infrastructure projects would BCWSA need to undertake in the next 10 years?

Response: BCWSA will need to undertake several infrastructure projects over the next 10 years. A list of these projects and costs are included in Attachment #5 below.

a. What are the projected costs of those projects?

Response: The total projected cost is about \$254 million for all infrastructure projects.

b. How would BCWSA finance those projects?

Response: Infrastructure projects would be financed through a combination of service charges (customer rates) and debt instruments, such as bonds.

c. What, if any, impact would those improvements have on sewer rates?

Response: As indicated in previous answers, the infrastructure improvements have been factored into the estimated monthly rate projections from 2024 through 2034 (also presented in Attachment #4).

33. Will BCWSA be mandating that customers who are not currently connected to the BCWSA system connect to a public sewer?

Response: The policy requiring connections to a public sewer system is under the purview of the municipalities in which BCWSA customers reside. The relevant Borough or Township Code grants municipal governing bodies the authority to adopt and enforce ordinances requiring property owners connect to public sewer systems.

34. It has been suggested that BCWSA needs more than \$245 million in sewer repairs. Is that accurate and will the authority be in the position to be able to make the repairs?

Response: BCWSA would be able to make the repairs and upgrades through a combination of service charges (customer rates) (see Attachment #5) and debt instruments.

- a. What kind of rate increase would be required to begin and complete the aforementioned repairs?

Response: The projected rate increases from 2024 through 2034 are included in the chart below (Attachment #4).

- b. Would the BCWSA considering floating a bond to make any necessary repairs?

Response: Debt instruments, such as bonds, would be utilized to make the necessary sewer repairs.

ATTACHMENTS

ATTACHMENT #1
BCWSA Retail Sewer Customer Breakdown

ATTACHMENT #2
Employee Pension Plan

ATTACHMENT #3
List of approved PUC Acquisitions

ATTACHMENT #4
Projected Rate Increases

ATTACHMENT #5
Capital Costs – Projected Repairs & Projects

ATTACHMENT # 1

Bucks County

Bensalem Township	16,766
Bristol Borough	3,982
Buckingham Township	442
Doylestown Borough	3,118
Doylestown Township	3,160
Langhorne Borough	539
Middletown Township	10,018
New Britain Borough	1,435
New Hope Borough	1,012
Plumstead Township	3,350
Richland Township	4,189
Richlandtown Borough	424
Solebury Township	1,005
Warrington	8,446
Bensalem Township	16,766
Bristol Borough	3,982

Montgomery County

Upper Dublin Township	8,906
Springfield Township	7,071

Chester County

West Vincent Township	559
Birmingham Township	430

ATTACHMENT #2

Retired Employees

The sale will not affect the rights under the existing BCWSA retirement plans of employees who have retired or will retire before the sale closing date.

Current Employees – the State System Plans

BCWSA maintains two defined-benefit pension plans (the “State System Plans”) as part of the Pennsylvania Municipal Retirement System (the “State System”). The Bucks County Water and Sewer Authority Defined Benefit Plan covers eligible union and non-union employees whose employment or reemployment by BCWSA commenced before October 1, 2018. The Bucks County Water and Sewer Cash Balance Plan covers eligible union and non-union employees whose employment or reemployment by BCWSA commenced on or after October 1, 2018.

BCWSA will amend the State System Plans to provide for full vesting of all transferred employees in their benefits as accrued through the sale closing date.

The transferred employees will have the same rights under the State System Plans as if they had terminated their employment with BCWSA otherwise than in connection with the sale. For example, any transferred employee who is eligible to take normal or early retirement as of the date of closing of the sale will be entitled to elect to receive a retirement annuity under the State System Plans. Any prior BCWSA employee who was eligible to receive a deferred vested benefit under a State System Plan would continue to have this right.

The transferred employees will cease to accrue additional benefits under the State System Plans when they are transferred to the buyer.

Because the buyer is not a municipal entity, it cannot become a participating employer under the State System. The buyer will be contractually required to adopt its own defined-benefit plan (or to amend its existing defined-benefit plan, if any) to provide retirement benefits to the transferred employees with respect to their post-sale service for the buyer which are “substantially similar” to the retirement benefits provided for the transferred employees under the State System Plans. The buyer will be required to recognize the transferred employees’ service with BCWSA as if such service were with the buyer for eligibility and vesting purposes under the buyer’s defined-benefit plan (as well as the buyer’s other employee benefit plans and programs).

The best way to achieve these goals might be for the buyer to establish a “wrap around” defined-benefit plan for the transferred employees which will provide to the transferred employees (a) at least the same retirement benefits they would have received if they had continued to be employed by BCWSA and continued to participate in the State System Plans, reduced by (b) any and all retirement benefits which they actually receive under the State System Plans. Under this arrangement, the transferred employees would receive retirement income from two sources—the State System Plan and the buyer’s wrap-around defined-benefit plan—with the combined income being the same as they would have received if they had continued to be employed by BCWSA.

Current Employees - the Operating Engineers Fund

BCWSA is currently required to contribute \$1.25 per hour to the Operating Engineers Central Pension Fund (the "Operating Engineers Fund"), a multiemployer pension plan, for union employees who are covered by the Local 835 collective bargaining agreement.

The rights of transferred Local 835 employees to receive benefits from the Operating Engineers Fund as accrued through the sale closing date will not be affected by the sale.

Unless the buyer reaches an agreement to the contrary with Local 835, the buyer will become obligated to make contributions to the Operating Engineers Fund, and the transferred Local 835 employees will continue to accrue benefits under this plan.

Current Employees - 457 Salary Deferral Plans

BCWSA maintains two "deferred compensation options" (the "457 Salary Deferral Plans") to which participants may make salary-deferred contributions. BCWSA is required to make employer contributions to these plans for certain union employees covered by the Local 2939 collective bargaining agreement. Participants are 100% vested in their plan accounts.

Transferred employees will have the same rights under the 457 Plans as if they had terminated their employment with BCWSA otherwise than in connection with the sale. They will have the right to receive distribution their vested plan account balances, to roll over part or all of such distributions into the buyer's 401(k) plan, or to direct that part or all of their lump sum distributions be transferred directly into the buyer's 401(k) plan.

The buyer's 401(k) plan will be amended to provide that service of the transferred employees with BCWSA will be credited under the buyer's 401(k) plan for eligibility and vesting purposes, and to require the same employer contributions as are required under the Local 2939 collective bargaining agreement. If necessary, the buyer's 401(k) plan will also be amended to accept rollovers and direct transfers from the 457 Salary Deferral Plans.

ATTACHMENT #3

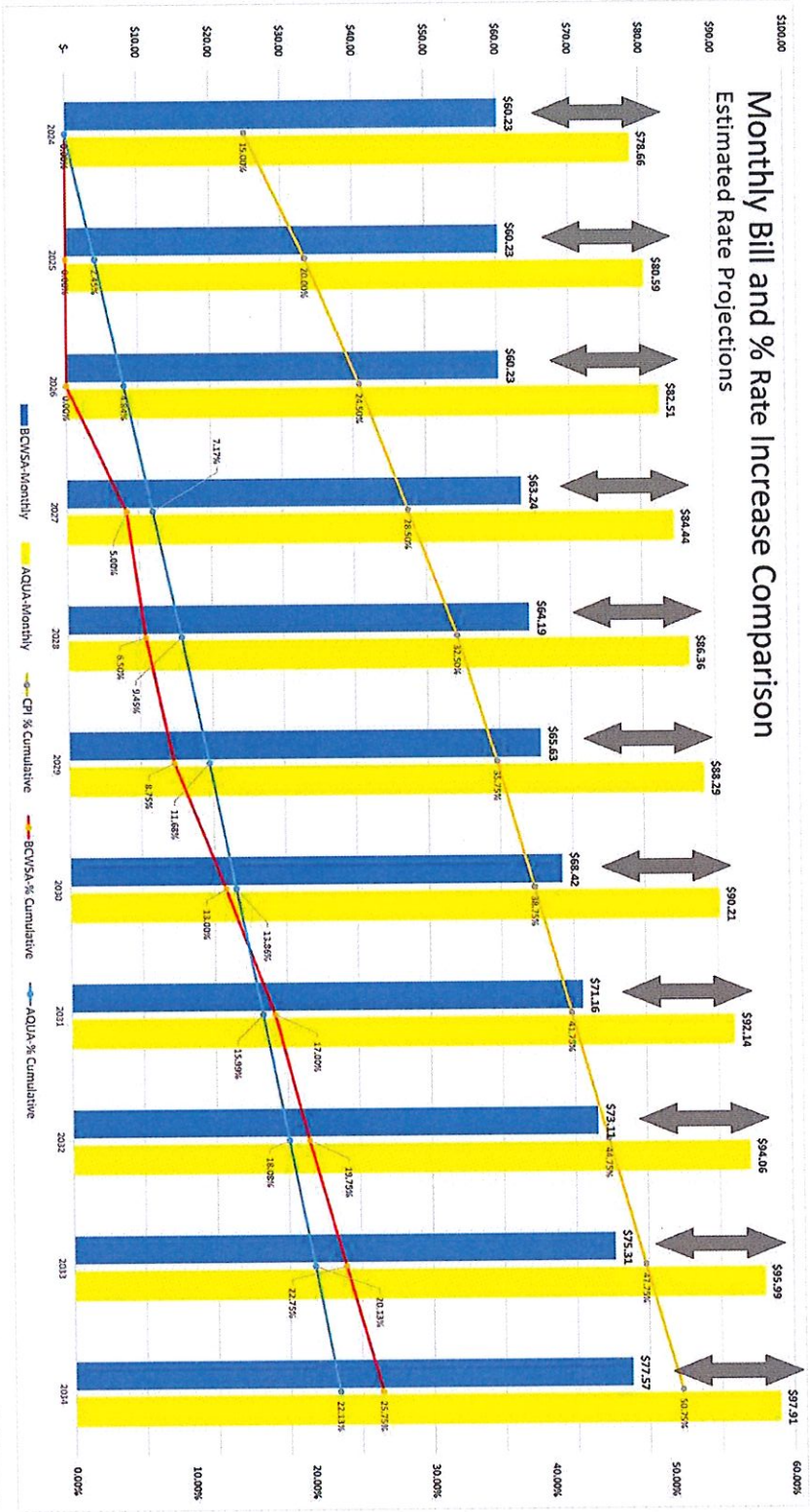
1. Application of Aqua Pennsylvania Wastewater, Inc. under Sections 1102 and 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 1102(a) and 1329 to Acquire the Wastewater Assets of East Whiteland Township, Docket No. A-2021-3026132
2. Application of Aqua Pennsylvania Wastewater, Inc. under Sections 1102 and 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 1102(a) and 1329 to Acquire the Wastewater Assets of Willistown Township, Docket No. A-2021-3027268
3. Application of Aqua Pennsylvania Wastewater, Inc. under Sections 1102 and 1329 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 1102(a) and 1329 to Acquire the Wastewater Assets of Lower Makefield Township, Docket No. A-2021-3024267
4. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire the Wastewater System Assets of **the York City Sewer Authority** and operated by the City of York, Docket No. A-2021-3024681
5. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire the Wastewater System Assets of Valley Township, Docket No. A-2020-3020178
6. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire Water System Assets of Valley Township, Docket No. A-2020-3019859
7. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire Wastewater System Assets of the Borough of Royersford, Docket No. A-2020-3019634
8. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire Wastewater System Assets of the Upper Pottsgrove Township, Docket No. A-2020-3021460
9. Application of Aqua Pennsylvania Wastewater, Inc. under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire the Wastewater System Assets of Cheltenham Township, Docket No. A-2019-3008491
10. Application of Aqua Pennsylvania Wastewater, Inc. under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire the Wastewater System Assets of East Norriton Township, Docket No. A-2019-3009052
11. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire Wastewater System Assets of **the Borough of Kane Authority**, Docket No. A-2019-3014248
12. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire Water System Assets of **the Steelton Borough Authority**, Docket No. A-2019-3006880

13. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire Wastewater System Assets of **the Exeter Borough Authority**, Docket No. A-2018-3004933
14. Application of Aqua Pennsylvania Wastewater, Inc. under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire the Wastewater System Assets of East Bradford Township, Docket No. A-2018-3001582
15. Application of Pennsylvania-American Water Company under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire the Wastewater System Assets of **the Municipal Authority of the City of McKeesport**, Docket No. A-2017-2606103
16. Application of Aqua Pennsylvania Wastewater, Inc. under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire the Wastewater System Assets of Limerick Township, Docket No. A-2017-2605434
17. Application of Aqua Pennsylvania Wastewater, Inc. under Section 1102(a) of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1102(a) And 1329 to Acquire the Wastewater System Assets of **the Municipal Authority of New Garden Township and the New Garden Township Sewer Authority**, Docket No. A-2016-2580061

ATTACHMENT #4

Assumes estimated Aqua rate case awards based on independent analysis

BCVSA rate projection includes Bristol acquisition and anticipated projects for a total of \$254 MM



↕ = Difference Subsidized with Customer Benefit Fund Over 10-Year Period

ATTACHMENT #5

Project	Cost
Systemwide Repairs ⁽¹⁾⁽²⁾⁽³⁾	\$50,000,000
Totem Rd Capacity 4 MGD	\$40,000,000
Repairs of EPA TV Mandate	\$25,000,000
Debt Serv on EPA Mandate Funds (Projected)	\$20,000,000
Springfield Capacity	\$20,000,000
Green Street Upgrade	\$20,000,000
Quakertown Plant Debt Service	\$15,000,000
CNB Expansion	\$15,000,000
Kings Plaza Upgrade	\$15,000,000
Lambertville Upgrade	\$15,000,000
Gen Sets 40 @ 350k	\$10,000,000
Pole Barn	\$2,500,000
Old Dublin Pumps	\$2,000,000
Misc Pumps etc.	\$1,700,000
Vactors	\$1,500,000
Utility Body Trucks 40 @ 35k	\$1,400,000
Total	\$254,100,000

- (1) Additional repairs based on EPA life expectancy of 1,200 miles of pipe
- (2) Based on 60-year life expectancy (25% of current facilities)
- (3) Additional repairs not yet included in the rate project as it is estimated that the video inspections of the entire system and subsequent repairs fall outside of the rate projection timeline.



1275 Almshouse Road | Warrington, PA 18976 | 215-343-2538

August 26, 2022

Angela P. Benner
Township Manager
Plumstead Township
5186 Stump Road
Pipersville, PA 18947

Dear Ms. Benner:

We appreciate Plumstead Township's interest in learning more about the proposed offer made by Aqua Pennsylvania to acquire the Bucks County Water and Sewer Authority's (BCWSA) wastewater assets. We want to ensure that you, the township supervisors, and residents have as much information as possible when reviewing the details of the proposed offer.

Per your recent letter that included follow-up questions from your meeting with us on July 25, 2022, BCWSA has provided responses to your questions in the **enclosed** document. As you are aware, we have been meeting with many stakeholders, customers and residents throughout this process and have been addressing questions along the way. There have been several public meetings and forums along with a comprehensive outreach across every platform that we hope has been helpful for your township.

We have said from the beginning we will not make a decision on the offer until we conduct a thorough fact-gathering process and are able to address stakeholders' questions, such as the ones you have presented us. Please continue to check the informational site www.BCWSACommitment.org for any updates and let us know if you have any questions. We look forward to ongoing discussions with the county.

Sincerely,

Benjamin W. Jones, CEO
BCWSA

BCWSA Questions from Plumstead Township

Responses to each question provided in bold below.

1. It is our understanding that Aqua has rate zones, and all properties in one rate zone will pay the same sewer rate to Aqua. Will all existing BCWSA customers be in one rate zone? Will existing BCWSA be separated into different rate zones? Will a new rate zone be created for existing BCWSA customers? We would like clarification on how the rate zone(s) will be established for BCWSA customers.

Response: All of the BCWSA customers will be in their own rate zone upon closing (newly created) and all customers will remain in that rate zone until such time as the Company proposes they be consolidated into another rate zone or the PUC requires consolidation. Customers in the newly created BCWSA rate zone will pay the same rates by customer class. Customers of an acquired system are not split between multiple rate zones. Aqua Pennsylvania's wastewater tariff in effect has 12 rate zones currently and over the course of many years and multiple rate cases, the Company will seek to consolidate rate zones that are similar in cost.

2. When the Rate Stabilization Fund (RSF) was discussed at the meeting, there was mention of charts and tables used for calculating how the RSF could be established. Please provide copies of the data that was used to come up with the RSF.

Response: The amount of net proceeds provided to Bucks County to offset any sewer rate increases over the next 10 years is \$294 million. The amount is based on an independent professional's analysis using historical rate increases and calculated rate projections.

3. It is our understanding that it has not been determined who will maintain the RSF. Will this be determined before the sale is finalized as well as how the RSF will be created and work?

Response: BCWSA anticipates that a trust would be formed and managed by a trustee with the full cooperation from Aqua Pennsylvania to provide certain billing information. The trustee would act as a fiduciary for the customers receiving the benefits of the fund. Either Bucks County or BCWSA could oversee the activities of the trustee and either could have the right to replace the trustee with a new one if the need would arise.

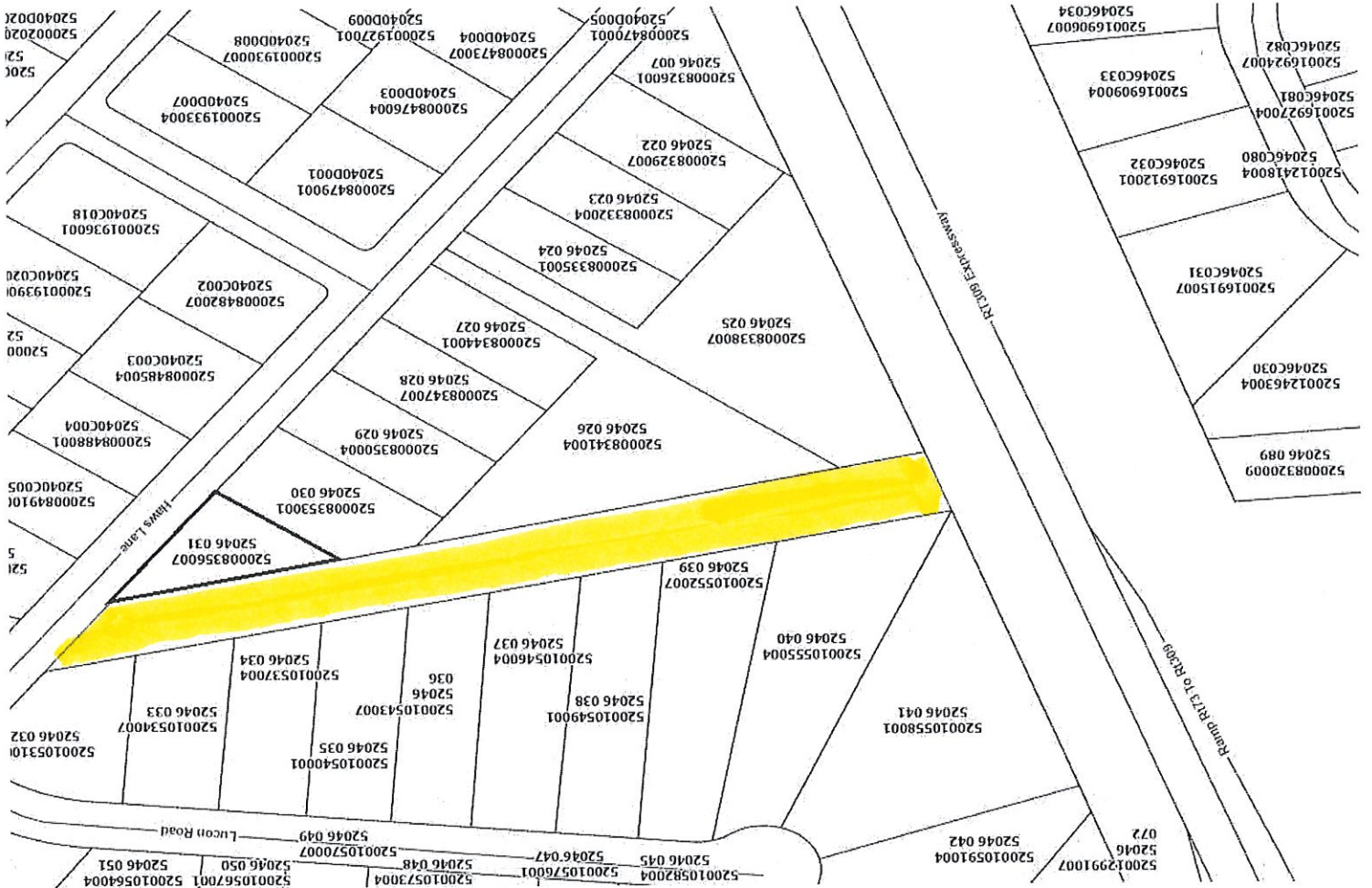
4. As you know, there is a settlement agreement between Plumstead Township and BCWSA. The Township would like to meet with BCWSA and Aqua representatives to discuss how Aqua intends to honor this settlement agreement, and to determine whether the Public Utility Commission will prohibit Aqua from complying with all or certain provisions in the settlement agreement. Please let me know who I can work with to coordinate this meeting.

Response: Under the stipulation and agreement between Plumstead Township and BCWSA, Section 22 states, "in the event that BCWSA sells/assigns all its rights and obligations under this Agreement to a new or different municipal authority or a private utility company, such assignment shall be subject to an agreed upon modification of this Agreement and Court Order." It also states, "the Township shall have further right of first refusal to purchase any or all facilities, which may be offered by BCWSA for sale to the private utility or third party."

5. How many BCWSA customers are in Plumstead Township? If possible, please provide the number of residential vs. non-residential.

Response: The following is a breakdown of BCWSA customers in Plumstead Township:

Plumstead Township Residential	3,219
Plumstead Township Commercial	96
Plumstead Township Industrial	23
Plumstead Public	10
Plumstead Municipal	2



BID NOTICE

DIRECT-HAUL REFUSE DISPOSAL SERVICES

Each municipality listed below is seeking a qualified Contractor(s) by way of competitive bidding to provide all facilities, equipment, labor and services required to provide Direct-Haul Disposal Services. A request for bids package setting forth the details of participating in the competitive bid process is available, through August 31, 2022, except holidays, at the Springfield Township Administration Building, 1510 Paper Mill Road, Wyndmoor, Pennsylvania 19038 between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, or request an electronic version via ctaylor@springfieldmontco.org.

Each bidder must submit a bid incorporating a price structure based on a per-ton cost for the services requested for the period from January 1, 2023 and extending for five (5) years, with a three (3) year optional extension, in accordance with the bid documents and the subsequent award of a Contract by a specified municipality.

All bids must be submitted in accordance with the bid documents by Wednesday, August 31, 2022 at 4:00 p.m., prevailing time at the Springfield Township Administration Building, 1510 Paper Mill Road, Wyndmoor, Pennsylvania 19038. Bids will be opened beginning at 11:00 a.m., prevailing time, on Thursday, September 1, 2022.

A performance bond shall be submitted by each successful Respondent to each municipality awarding a Contract for Direct-Haul Disposal Services within twenty (20) days after each Contract is awarded in the amount of 50% of the price bid by the successful Respondent based upon the 2022 tonnage of the municipality and the five-(5) year period.

The municipalities participating in the competitive bidding process are: Ambler Borough, Cheltenham Township, Hatboro Borough, Springfield Township, Upper Dublin Township, and Upper Moreland Township.

Participating municipalities reserve the right to reject any or all bids received, or to take such action as may be necessary in the best interest of the municipality. Bids may be held for a period of ninety (90) days to evaluate proposals and the qualifications of bidders.

Michael Taylor
Springfield Township Manager

NOTICE FOR BIDS

Notice is hereby given that sealed bids will be received by Springfield Township, Montgomery County, until 1:00 p.m. (prevailing time) on Thursday, August 18, 2022, at which time bids will be read aloud at the Springfield Township Building, 1510 Paper Mill Road, Wyndmoor, PA 19038, for the following:

CISCO PARK BRIDGE FOOTING REPAIR & GABION BASKET WALL REPLACEMENT

This project includes construction and installation of bridge footer, gabion wall, concrete footer (40 LF), gabion basket wall (40LF), installation and maintenance of the coffer dam and pump around system, and topsoil restoration of all disturbed areas. All documents and solicitation details are available in the office of the Township Manager, Springfield Township, 1510 Paper Mill Road, Wyndmoor, PA 19038 for a fee of \$50.00.

A certified check or bank draft, payable to the order of the Township of Springfield, negotiable U.S. Government Bonds (at par value), or a satisfactory Bid Bond executed by the Bidder and an acceptable surety, in an amount equal to ten percent (10%) of the total bid amount shall be submitted with each Bid. The successful Bidder will be required to furnish and pay for Satisfactory Performance and Payment Bond and Labor and Materialmen's Bond, each in an amount of 100% of the contract amount. Bidder qualifications and schedule of prices shall be submitted with the bid. A Certificate of Insurance, showing proof of Workers Compensation Coverage, and a completed Commonwealth of Pennsylvania Public Works Employment Verification Form must also be submitted.

Bid proposals shall incorporate minimum wages and salaries as set forth by the Pennsylvania Department of Labor and Industry (prevailing wages). The Contractor must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex, national origin or handicap.

Springfield Township reserves the right to reject any or all Bids, to eliminate or reduce items or quantities, to waive any informality, or take other such action that is deemed to be in the best interest of the Township and as may be permitted by law. Bids may be held by the Township for a period of up to 60 days from the date of Bid opening for the purpose of reviewing Bids and investigating qualifications of bidders, prior to awarding Contract. Springfield Township does not discriminate on the basis of race, color, religion, sex, national origin or handicap.

A Mandatory pre-bid meeting will be held on Tuesday, August 9, 2022, at 10:00am at the Springfield Township Building, 1510 Paper Mill Road, Wyndmoor, PA 19038

Any questions regarding the project will be taken until 2:00 pm on Friday, August 12, 2022. Questions shall be directed to the Township Engineer: Woodrow & Associates, Inc., 1108 N. Bethlehem Pike, Suite 5, Lower Gwynedd, PA 19002, 215-542-5648.

**MICHAEL TAYLOR
TOWNSHIP MANAGER**

SPRINGFIELD TOWNSHIP SHADE TREE COMMISSION

BYLAWS

1. Purpose of the Shade Tree Commission. The Shade Tree Commission is to promote the beautification of public spaces and encourage good planting and landscaping of private spaces in the Township.
2. Legal Basis for the Township Shade Tree Commission. The Shade Tree Commission, as presently constituted, was established by the Township Commissioners and exists under Ordinance 802 adopted July 13, 1994.
3. Members of the Shade Tree Commission.
 - a. Number. The Shade Tree Commission shall have 5 members who serve without compensation although they may be reimbursed for necessary and reasonable expenses. Shade Tree Commission members must be residents of the Township.
 - b. Term of Office. The term of each of the members of the Commission shall be 3 years or until a successor is appointed and qualified.
 - c. Appointment of New Members, Vacancies. Members of the Shade Tree Commission are appointed by the Board of Commissioners. The Chairperson of the Shade Tree Commission shall promptly notify the Board concerning vacancies in the Commission, and such vacancies shall be filled for the unexpired term by the Board. For Commissioners who are up for reappointment, the Chairperson shall give a full appraisal of their performance to the Board of Commissioners and for the filling of vacancies, the chairperson shall indicate the skills that would be helpful to the Commission. The Township Commissioner liaison is responsible to draw to the attention of the Board of Commissioners when a member of the agency has missed three consecutive meetings or four meetings annually. The Board of Commissioners shall determine if the commission member should be replaced.
 - d. Advisory Staff. In addition to the appointed members, the Commission may also include the Township Commissioners Liaison, Staff Liaison, and Community Planner, who shall serve in an advisory capacity with no voting privilege.

4. Officers. The officers of the Shade Tree Commission shall consist of a Chairperson, and Vice Chairperson.

- a. Duties:

The Chairperson. shall serve as official representative of the Shade Tree Commission, transmitting at the request of the Commission proposed amendments to the Comprehensive Plan and proposed amendments to ordinances to the Board of Commissioners, serve as official spokesperson for the Commission at public hearings or on other occasions when authorized by the Commission, and conduct such direct contacts or correspondence as may be necessary to the work of the Commission. Chairperson shall also preside at Commission meetings, prepare meeting agendas, make assignments to individual Commissioners, inform Commissioners of correspondence, invite non-members to meetings, and carry out other necessary and proper functions.

Vice Chairperson. The Vice Chairperson shall act for the Chairperson in his absence.

Staff Liaison. The Staff Liaison shall take minutes and arrange for their distribution. The official minutes shall be in the custody of the Township Manager.

- b. Term of Office. Officers shall serve annual terms and may succeed themselves.

- c. Election. The Commission elects its own Chairperson and Vice Chairperson. Nominations shall take place at the meeting in December. Elections will be held at the meeting in January with election by a majority of Shade Tree Commissioners present. Officers will then assume their posts at the meeting in January.

5. Powers and Duties. The Shade Tree Commission shall, at the request of the Board of Commissioners, have the powers and shall be required to perform the duties outlined in Chapter 84, Section 84-4 of the Code of the Township of Springfield.

6. Meetings.

- a. Frequency. Regular meetings will be held on the fourth Thursday of each month with special meetings held as necessary. Meetings will be held in the Township Building starting at 7:00 p.m.

- b. Quorum. A quorum shall consist of a majority of the current standing membership. A meeting, for purposes of discussion only, may be held with less than a quorum.

- c. Agenda and Minutes. Agendas of the upcoming meeting and minutes of the past meeting shall be mailed to Shade Tree Commission members at least one week before each meeting.
- d. Attendance by Non-Members. The Chairperson of the Shade Tree Commission may invite any non-member having business before the Shade Tree Commission to attend Commission meetings.
- e. Public Meetings. All Commission meetings shall be public.
- f. Voting on Shade Tree Commission Resolutions. Procedures will follow normal rules of order. Only appointed members of the Commission shall have voting privileges. Any member may call for a vote on any issue. All votes will be open. Decision will be by simple majority. Minority members may prepare minority reports on recommendations to the Board of Commissioners and such reports will be transmitted by the chairperson along with the majority report. However, considerable efforts shall be made in every instance to develop consensus.

7. Conflict of Interest and Disclosure.

- a. Disclosure. It shall be the duty of each member of the Commission to disclose on the records of the Commission, any actual or apparent conflict of interest.
- b. Withdrawal. Any Commissioner experiencing a conflict of interest shall declare their interest to members of the Board; abstain from voting on the matter and keep out of deliberations on the matter. He/She shall not discuss the matter privately with the Township staff or with any other Commission member.
- c. Policy and Procedure. This code is adopted as a voluntary act on the part of the 5 Commissioners constituting the Board of the Springfield Township Shade Tree Commission. It is self-enforcing and a self-determining code on the part of each Shade Tree Commissioner and collectively as a board. When a Commissioner has doubt as to the applicability of a provision of this code to a particular situation, then that Commissioner should apply to the fellow board members for an advisory opinion.

8. Shade Tree Commissioners and Public Statements.

- a. When Shade Tree Commission is Considering an Issue. Shade Tree Commission members shall at all times make it expressly clear when they are not speaking as members of the Shade Tree Commission. In the midst of deciding a difficult issue, to be defined case by case by the Shade Tree Commission, members should refrain from outside discussion until decisions are finalized.

b. When Shade Tree Commission is Not Considered an Issue. Shade Tree Commission members should seek to clarify planning goals in frequent outside contacts, should seek to elicit ideas, facts, and feelings about community planning problems from interested citizens, and should at no time impugn the views of other members of the Shade Tree Commission with whom they disagree.

9. Relationship with Montgomery County Open Space Committee.

The Shade Tree Commission shall submit all applications for the Montgomery County Shade Tree Grant Program in accordance with the regulations as defined in the Open Space Guidelines.

10. Amendments. These bylaws shall be reviewed annually and may be amended by a majority vote of the current standing membership of the Shade Tree Commission.

Adopted by the Board of Commissioners this 10th day of September 1997.

RESOLUTION NO. 1574

**TOWNSHIP OF SPRINGFIELD
MONTGOMERY COUNTY, PENNSYLVANIA**

**A Resolution Authorizing Application to the
2022 PECO Green Region Open Space Program**

WHEREAS, the PECO Green Region Open Space Program is a partnership between PECO and Natural Lands that has awarded nearly \$2.4 million in grant funding since 2004 to preserve, protect and improve open and green spaces in southeastern Pennsylvania; and

WHEREAS, the Township has received and understands the 2022 PECO Green Region Open Space Program Guidelines; and

WHEREAS, the Board of Commissioners of Springfield Township recognizes that open and green spaces in communities is crucial to local quality of life and that trees provide numerous health, social, economic, environmental and aesthetic benefits; and

WHEREAS, according to 2011 data released by the USDA's Forest Service, Springfield Township currently possesses a 32% tree canopy while the national average is 40%; and

WHEREAS, the Springfield Township Tree Canopy Enhancement Project seeks funding to preserve and strengthen our community's tree canopy by expanding the number of trees planted on private and public property in the Township; and

WHEREAS, the Township desires to apply to the PECO Green Region Open Space Program for a grant for the purpose of carrying out this project.

NOW, THEREFORE, BE IT RESOLVED: that the Board of Commissioners of Springfield Township, Montgomery County, Pennsylvania, hereby authorizes application to the PECO Green Region Open Space Program requesting up to \$10,000 to fund the Springfield Township Tree Canopy Enhancement Project; and

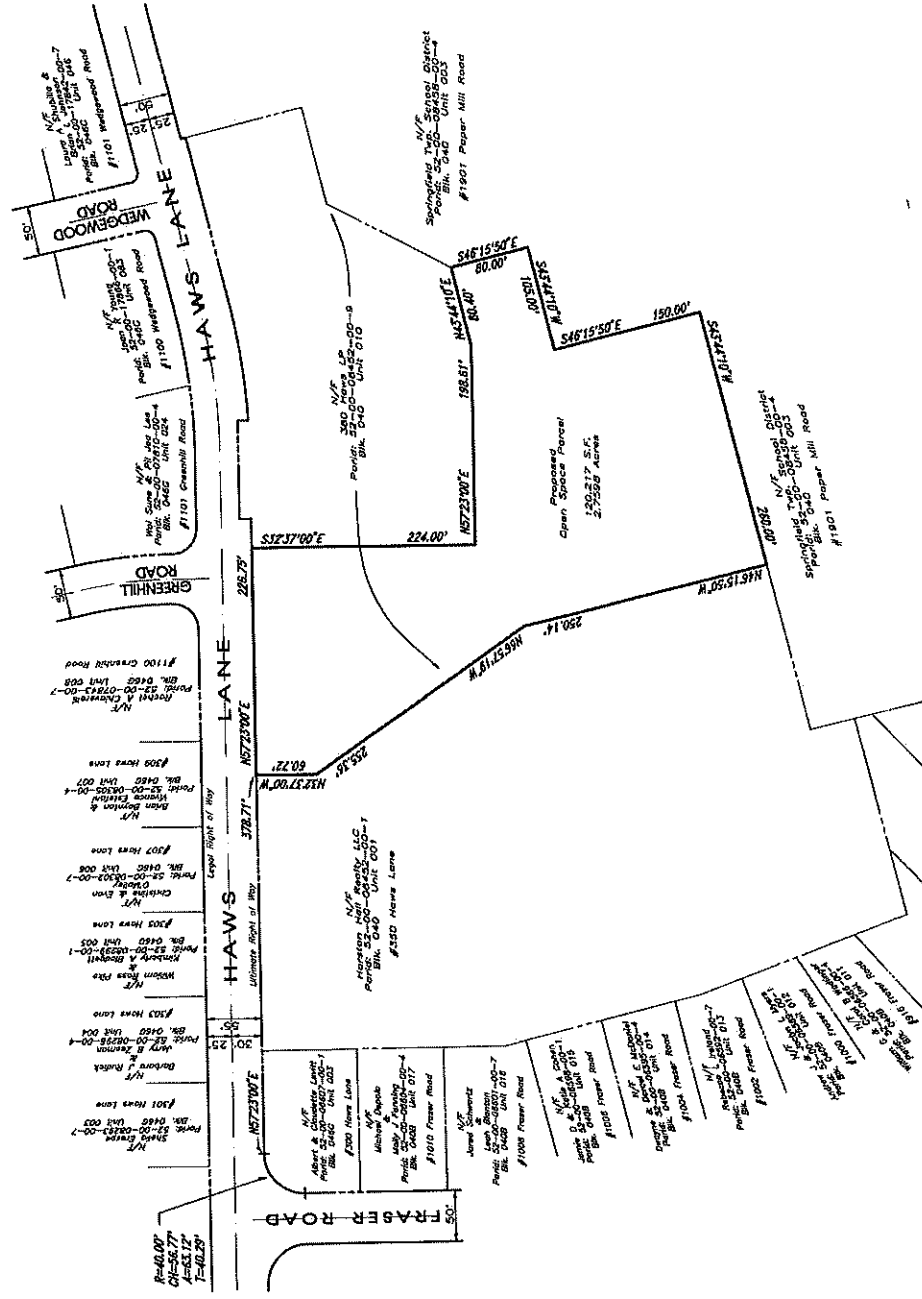
BE IT FURTHER RESOLVED, THAT, if the application is granted, the Township commits to the expenditure of matching funds totaling 50% of the total project cost.

ADOPTED this 14th day of September, 2022.

BOARD OF COMMISSIONERS
OF SPRINGFIELD TOWNSHIP

By: _____
Eddie T. Graham, Esq., President

Attest: _____
A. Michael Taylor, Secretary

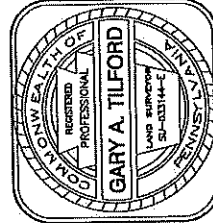


- NOTES:
- BOUNDARY INFORMATION TAKEN FROM DEEDS AND PLANS OF RECORD AND FIELD SURVEYS PERFORMED BY CHARLES E. SHOEMAKER, INC. DURING MAY 2006.
 - REFERENCE PLAN: SUBDIVISION PLAN, TRADITIONS OF SPRINGFIELD MADE FOR GENESIS ELDERSHIRE - HARSTON, INC. BY CHARLES E. SHOEMAKER, INC. DATED NOVEMBER 25, 2008 AND LAST REVISED JULY 06, 2015. DWG. NO. SP - 632.

SITE AREA

OPEN SPACE PARCEL TO ULTIMATE RIGHT OF WAY LINE
120,217 S.F. or 2.7598 ACRES

JOB NO.	DWG NO.
27013	SP - 762
DATE	SHEET NO.
AUG. 30, 2022	1 OF 1



CHARLES E. SHOEMAKER, INC.
ENGINEERS & SURVEYORS
110 KEYSTONE DRIVE MONTGOMERYVILLE, PA. 18936
PHONE: 215-887-2165 FAX: 215-876-7781
E-MAIL: staff@ceshoemaker.com

OWNER
380 HAWS LP
113 E MILL ROAD
FLOURTOWN, PA. 19031

SITE ADDRESS
HAWS LANE
FLOURTOWN, PA 19031

COUNTY PARCEL No. 51-00-08452-00-9
BLOCK / UNIT No. 040-010

INSTRUMENT No. 20220014081

EXHIBIT PLAN
OF
OPEN SPACE PARCEL, A PORTION OF
PARID: 52-00-08452-00-9
MADE FOR
WOODROW AND ASSOCIATES
SPRINGFIELD TOWNSHIP, MONTGOMERY COUNTY, PA.



CHARLES E. SHOEMAKER, INC.

ENGINEERS AND SURVEYORS
 SOUTHEAST CORNER OF EASTON & EDGE HILL ROADS
 1007 EDGE HILL ROAD
 ABINGTON, PENNSYLVANIA 19001

OPEN SPACE PARCEL TO BE DEDICATED TO
 SPRINGFIELD TOWNSHIP, A PORTION OF
 OF PARID: 52-00-08452-00-9
 PREPARED FOR WOODROW AND ASSOCIATES
 HAWS LANE
 SPRINGFIELD TOWNSHIP
 MONTGOMERY COUNTY, PENNSYLVANIA

ALL THAT CERTAIN tract or parcel of land designated as Open Space Parcel, a portion of PARID: 52-00-08452-00-9, SITUATE in the Township of Springfield, County of Montgomery and Commonwealth of Pennsylvania bounded and described in accordance with an Exhibit Plan Open Space Parcel, A Portion of PARID: 52-00-08452-00-9, dated August 30, 2022, as prepared by Charles E. Shoemaker, Inc., Engineers and Surveyors of Abington, Pennsylvania as follows:

BEGINNING at a point on the Southeasterly ultimate right-of-way line of Haws Lane (55' wide at this point as widened by 5' on the Southeasterly side from its former width of 50'), said point being at a distance of three hundred seventy-eight and seventy-one one-hundredths feet (378.71') measured North Fifty-seven degrees Twenty-three minutes zero seconds East (N57° 23' 00"E) from a point of tangency, said point being at a distance of Sixty-three and Twelve one-hundredths feet (63.12') measured on the arc of a circle curving to the right with a radius of Forty and no one-hundredths feet (40.00') from a point of curvature on the Northeasterly side of Fraser Road (50' wide); THENCE along said Southeasterly ultimate right-of-way line of Haws Lane North Fifty-seven degrees Twenty-three minutes zero seconds East (N57° 23' 00"E) Two hundred Twenty-six and Seventy-five one-hundredths feet (226.75') to a point; THENCE through lands of PARID: 52-00-08452-00-9 the three following courses and distances: 1) South Thirty-two degrees Thirty-seven minutes zero seconds East (S32° 37' 00"E) Two hundred Twenty-four and zero one-hundredths feet (224.00'); 2) North Fifty-seven degrees Twenty-three minutes zero seconds East (N57° 23' 00"E) One hundred Ninety-eight and Sixty-one one-hundredths feet (198.61'); 3) North Forty-three degrees Forty-four minutes Ten seconds East (N43° 44' 10"E) Eighty and Forty one-hundredths feet (80.40') to a point, a corner of lands of PARID: 52-00-08452-00-9 and PARID: 52-00-08458-00-4; THENCE along lands of PARID: 52-00-08458-00-4 the four following courses and distances: 1) South Forty-six degrees Fifteen minutes Fifty seconds East (S46° 15' 50"E) Eighty and no one-hundredths feet (80.00'); 2) South Forty-three degrees Forty-four minutes Ten seconds West (S43° 44' 10"W) One hundred Five and no one-hundredths feet (105.00'); 3) South Forty-six degrees Fifteen minutes Fifty-seconds East (S46° 15' 50"E) One hundred Fifty and no one-hundredths

CHARLES E. SHOEMAKER, INC.

ENGINEERS AND SURVEYORS
SOUTHEAST CORNER OF EASTON & EDGE HILL ROADS
1007 EDGE HILL ROAD
ABINGTON, PENNSYLVANIA 19001

OPEN SPACE PARCEL TO BE DEDICATED TO
SPRINGFIELD TOWNSHIP, A PORTION OF
OF PARID: 52-00-08452-00-9
PREPARED FOR WOODROW AND ASSOCIATES
HAWS LANE
SPRINGFIELD TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

Page 2

feet (150.00'); 4) South Forty-three degrees Forty-four minutes Ten seconds West (S43° 44' 10"W) Two hundred Sixty and no one-hundredths feet (260.00') to a point, a corner of PARID: 52-00-08452-00-1; THENCE along said lands the three following courses and distances: 1) North Forty-six degrees Fifteen minutes Fifty seconds West (N46° 15' 50"W) Two hundred Fifty and Fourteen one-hundredths feet (250.14'); 2) North Sixty-six degrees Fifty-seven minutes Nineteen seconds West (N66° 57' 19"W) Two hundred Fifty-five and Thirty-six one-hundredths feet (255.36'); 3) North Thirty-two degrees Thirty-seven minutes zero seconds West (N32° 37' 00"W) Sixty and Seventy-two one-hundredths feet (60.72') to the first mentioned point and place of beginning.

BEING OPEN SPACE PARCEL Haws Lane, 380 HAWS L.P.

CONTAINING 120,217 square feet or 2.7598 acres.

27013
Sp-762
August 30, 2022

**SPRINGFIELD TOWNSHIP
BOARD OF COMMISSIONERS**

MONTGOMERY COUNTY, COMMONWEALTH OF PENNSYLVANIA

RESOLUTION NO. 1577

**A RESOLUTION REQUIRING WAIVER OF ADDITIONAL
CHARGES FOR NONPAYMENT OF REAL ESTATE TAX
WHEN A TAXPAYER HAS PURCHASED REAL ESTATE
OR TRANSFERRED TITLE TO A MOBILE HOME AND
HAS NOT RECEIVED A REAL ESTATE TAX BILL
WITHIN TWELVE (12) MONTHS OF PURCHASE OR
TRANSFER**

WHEREAS, the Local Tax Collection Law, 72 P.S. §5511, authorizes a Tax Collector to collect taxes and levy Additional Charges upon taxpayers for past due tax bills; and

WHEREAS, Pennsylvania Act 57 of 2022 (“Act 57”) requires municipalities to adopt a resolution or ordinance requiring its Tax Collector to waive Additional Charges upon real estate taxes beginning in the first tax year after the effective date of Act 57, when certain conditions enumerated in Act 57 are met; and

WHEREAS, the Board of Commissioners adopts this Resolution to comply with Act 57 to require waiver of Additional Charges when a taxpayer has purchased real estate or transferred title to a mobile home within twelve (12) months but has not received a real estate tax bill.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of Springfield Township hereby adopts the following in compliance with Act 57:

1. The Tax Collector for Springfield Township shall automatically waive Additional Charges for real estate taxes beginning in the first tax year after the effective date of Act 57, if the taxpayer does all of the following:

(a) Provides a waiver request of additional charges to the Tax Collector in possession of the claim within twelve (12) months of a Qualifying Event.

(b) Attests that a notice of the property’s tax bill was not received.

(c) Provides the Tax Collector in possession of the claim with one of the following:

(i) A copy of the deed showing the date of real property transfer; or

(ii) A copy of the title following the acquisition of a mobile home or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences.

(d) Pays the face value amount of the tax notice for the real estate tax with the waiver request.

2. All taxpayer waiver requests shall be submitted on a form prepared and authorized by the Department of Community and Economic Development.

3. A taxpayer granted a waiver and paying real estate tax as provided in this resolution shall not be subject to an action at law or in equity for an Additional Charge, and any claim existing or lien filed for an Additional Charge shall be deemed satisfied.

4. A Tax Collector that accepts a waiver and payment in good faith in accordance with this resolution and Act 57 shall not be personally liable for any amount due or arising from the real estate tax that is subject in the waiver.

5. The following words and phrases appearing in this Resolution shall have the meaning indicated unless the context specifically and clearly indicates otherwise:

Additional Charges - Any interest, fee, penalty, or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

Qualifying Event –

(i) For purposes of real property, the date of transfer of ownership.

(ii) For purposes of manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a mobile or

manufactured home on a parcel of land not owned by the owner of the mobile or manufactured home. The term does not include the renewal of a lease for the same location.

Tax Collector - As defined in Section 2 of the Local Tax Collection Law (72 P.S. §5511.1, et seq.), a delinquent tax collector as provided in Section 26.1 of the Local Tax Collection Law, the tax claim bureau or an alternative collector of taxes as provided in the Real Estate Tax Sale Law (72 P.S. §5860.101, et seq.), an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against, the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

APPROVED at the public meeting of the Springfield Township Board of Commissioners held on September 14, 2022.

SPRINGFIELD TOWNSHIP

By: _____
Eddie T. Graham, Esquire, President,
Board of Commissioners

Attest: _____
A. Michael Taylor, Secretary

LOCAL TAX COLLECTION LAW - EFFECT OF FAILURE TO RECEIVE TAX
NOTICE

Act of Jul. 11, 2022, P.L. 701, No. 57

Cl. 72

Session of 2022
No. 2022-57

HB 430

AN ACT

Amending the act of May 25, 1945 (P.L.1050, No.394), entitled "An act relating to the collection of taxes levied by counties, county institution districts, cities of the third class, boroughs, towns, townships, certain school districts and vocational school districts; conferring powers and imposing duties on tax collectors, courts and various officers of said political subdivisions; and prescribing penalties," further providing for effect of failure to receive tax notice.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 7 of the act of May 25, 1945 (P.L.1050, No.394), known as the Local Tax Collection Law, is amended to read:

Section 7. Effect of Failure to Receive Tax Notice.--(a)

Failure to receive notice shall not relieve any taxpayer from the payment of any taxes imposed by any taxing district, and such taxpayer shall be charged with his taxes as though he had received notice.

(b) (1) Notwithstanding any other provision of law, a taxing district shall, within ninety days of the effective date of this subsection, by ordinance or resolution, require a tax collector to waive additional charges for real estate taxes beginning in the first tax year after the effective date of this subsection, if the taxpayer does all of the following:

(i) provides a waiver request of additional charges to the tax collector in possession of the claim within twelve months of a qualifying event;

(ii) attests that a notice was not received;

(iii) provides the tax collector in possession of the claim with one of the following:

(A) a copy of the deed showing the date of real property transfer; or

(B) a copy of the title following the acquisition of a mobile or manufactured home subject to taxation as real estate showing the date of issuance or a copy of an executed lease agreement between the owner of a mobile or manufactured home and the owner of a parcel of land on which the mobile or manufactured home will be situated showing the date the lease commences; and

(iv) pays the face value amount of the tax notice for the real estate tax with the waiver request.

(2) The Department of Community and Economic Development shall develop and make available to each taxing district a form by which a taxpayer may request a waiver of additional charges under this section, which shall include a space for attestation by the taxpayer.

(3) A taxpayer granted a waiver and paying real estate tax as provided in this subsection shall not be subject to an action

at law or in equity for an additional charge, and any claim existing or lien filed for an additional charge shall be deemed satisfied.

(4) A tax collector that accepts a waiver and payment in good faith in accordance with this subsection shall not be personally liable for any amount due or arising from the real estate tax that is the subject in the waiver.

(5) As used in this section, the following words and phrases shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

The term "additional charge" shall mean any interest, fee, penalty or charge accruing to and in excess of the face amount of the real estate tax as provided in the real estate tax notice.

The term "qualifying event" shall mean:

(i) For purposes of real property, the date of transfer of ownership.

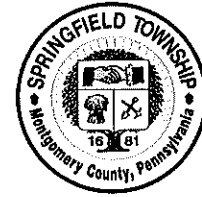
(ii) For purposes of manufactured or mobile homes, the date of transfer of ownership or the date a lease agreement commences for the original location or relocation of a mobile or manufactured home on a parcel of land not owned by the owner of the mobile or manufactured home. The term does not include the renewal of a lease for the same location.

The term "tax collector" shall mean a tax collector as defined in section 2, a delinquent tax collector as provided in section 26.1, the tax claim bureau or an alternative collector of taxes as provided in the act of July 7, 1947 (P.L.1368, No.542), known as the "Real Estate Tax Sale Law," an employee, agent or assignee authorized to collect the tax, a purchaser of claim for the tax or any other person authorized by law or contract to secure collection of, or take any action at law or in equity against, the person or property of the taxpayer for the real estate tax or amounts, liens or claims derived from the real estate tax.

Section 2. This act shall take effect in 90 days.

APPROVED--The 11th day of July, A.D. 2022.

TOM WOLF



**Springfield Township
Zoning Hearing Board
September 26, 2022
7:00 P.M.**

7:00 P.M. Call to Order:

Pledge of Allegiance:

**Roll Call: Ed Fox; Esq. Chairman, Zoning Hearing Board
Jennifer Guckin, Vice Chair, Zoning Hearing Board Member
Megan McDonough; Esq., Zoning Hearing Board
James Brown; Zoning Hearing Board Alternate Member
Kate M. Harper, Esq.; Solicitor, Zoning Hearing Board**

Decisions: There are no pending Order & Opinions to render.

New Business:

Case #22-13: This is the application of **Zachary & Christine Cregar**, owner of the property located at 508 Oreland Mill Road, Oreland, PA 19075, known as Parcel #5200-1270-6004. The applicants have requested a dimensional special exception to allow for the construction of a 286 square foot, single story addition, to the side of the home that will reduce the side yard setback to 0 feet and have an aggregate side yard dimension of 10 feet. The property is required to maintain one side yard of at least 10 feet and have two side yards totaling a minimum of 25 feet. The applicants have requested a dimensional special exception from Section 114-64.B of the Springfield Township Zoning Ordinance, based on the property having 60 feet of street frontage. The property is zoned within the B-Residential District of Ward #3 of Springfield Township.

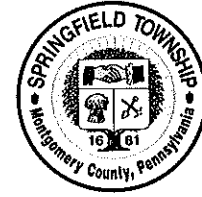
Case #22-19: This is the application of **Mr. Jeffrey Farrell**, owner of the property located at 1016 Abington Avenue, Wyndmoor, PA, 19038, also known as Parcel #5200-0010-9001. The applicant has requested a dimensional variance from Section 114-131.2.C of the Springfield Township Zoning Ordinance. The applicant seeks approval to install a 160 square foot, single story accessory building, three feet from the side and rear property lines instead of the required seven feet. The property is zoned within the D-Residential District of Ward #5 of Springfield Township.

Case #22-20: This is the application of **Rachel & Scott Levitt**, owners of the property located at 506 Willow Road, Orelan, PA 19075, also known as Parcel #5200-1833-1004. The applicants have requested a dimensional variance from Section 114-12.A.13.A of the Springfield Township Zoning Ordinance. The applicants seek approval to construct an addition to the rear of the home that is proposed to be built on piers, the proposed addition is located within a defined flood plain. The proposed addition has been designed so as to not impede the flow of stormwater. The property is zoned within the B-Residential District of Ward #6 of Springfield Township.

Case #22-22: This is the application of **Stephanie Lawall & Stephen Dolan, III**, owners for the property located at 1606 Mulberry Road, Flourtown, PA 19031, also known as Parcel #5200-1217-2007. The applicants have requested a dimensional variance from Section 114-54.B.1 of the Springfield Township Zoning Ordinance. The applicants propose to demolish the existing home and construct a new single family dwelling with side yards of 14.9 feet and 18.1 feet, for a total of 33 feet instead of the required 35 feet. The property is zoned within the A-Residential District of Ward #6 of Springfield Township.

Adjournment:

Note: The next meeting of the Zoning Hearing Board is scheduled for Monday, October 3, 2022 with a 7:00 P.M. start time. This meeting will be held at the Springfield Township Administration Building located at 1510 Paper Mill Road, Wyndmoor, PA 19038



**Springfield Township
Zoning Hearing Board
October 3, 2022
7:00 P.M.**

7:00 P.M. Call to Order:

Pledge of Allegiance:

Roll Call: Ed Fox; Esq. Chairman, Zoning Hearing Board
Jennifer Guckin, Vice Chair, Zoning Hearing Board Member
Megan McDonough; Esq., Zoning Hearing Board
James Brown; Zoning Hearing Board Alternate Member
Kate M. Harper, Esq.; Solicitor, Zoning Hearing Board

Decisions: There are no pending Order & Opinions to render.

New Business:

Case #22-21: This is the application of **The GIANT Company**, applicant for the property located at 1874 Bethlehem Pike, Flourtown, PA 19031, also known as Parcel #5200-0190-4006. The applicants have requested a dimensional variance from Section 114-144.C and further defined within Section 114-145 {The Sign Schedule} of the Springfield Township Zoning Ordinance. The applicant seeks approval to install one additional wall sign of 15.69 square feet on the front façade of the existing building. The sign is proposed to contain copy that reads {GIANT DIRECT}. This proposed sign is an addition to the four existing walls signs totaling 128.21 square feet. The property is zoned within the Shopping Center District of Ward #6 of Springfield Township.

Case #22-23: This is the application of **Susanna Ratsevang**, owner of the property located at 8323 Stenton Avenue, Wyndmoor, PA 19038 also known as Parcel #5200-1656-7004. The applicant has requested a dimensional variance from Section 114-131.A of the Springfield Township Zoning Ordinance. The applicant seeks approval to install a 120 square foot accessory building within the required 40 foot front yard setback. The building is proposed to be 20 feet from the front property line adjoining Stenton Avenue. The proposed accessory building will

conform to all of the other dimensional requirements of the Zoning Ordinance. The property is zoned within the A-Residential District of Ward #2 of Springfield Township.

Adjournment:

Note: The next meeting of the Zoning Hearing Board is scheduled for Monday, October 24, 2022 with a 7:00 P.M. start time. This meeting will be held at the Springfield Township Administration Building located at 1510 Paper Mill Road, Wyndmoor, PA 19038

2022 Police & Fire Car Show



This is a photo of the banner used last year for the Car Show.

2022 will be identical, except for the change of date to October 8, 2022.

Advisory Board Vacancies



How to Apply

The Board of Commissioners welcomes resumes and letters of interest from residents who wish to serve as volunteer members of township advisory boards and commissions such as the Planning Commission, Park and Recreation Advisory Board or Library Board of Directors.

Apply to Volunteer

Alternatively, you can **send a letter of interest or resume to the attention of Mr. Michael Taylor, Township Manager, 1510 Paper Mill Road, Wyndmoor, PA 19038 or email mtaylor@springfieldmontco.org**, in order that you may be considered for appointment as openings occur.

Current Vacancies - Updated 9/7/2022

Recreation Center Advisory Committee - (NEW) Several Vacancies

The Springfield Township Board of Commissioners announced their intention to form an advisory committee to guide the planning process for a new recreation center at their August 10, 2022 business meeting and put out a call for volunteers from the community to serve on the committee.

Planning Commission - One (1) Vacancy

There is currently one (1) vacancy on the Springfield Township Planning Commission. The Commission makes recommendations to the Board of Commissioners on all land development and subdivision applications that are

submitted to the Township. The Planning Commission plays an important role in developing the Township's Comprehensive Land Use Plan, as well as keeping the Subdivision and Land Development Codes up to date and in compliance with Pennsylvania's Municipalities Planning Code (MPC).

Parks & Recreation Advisory Committee - One (1) Vacancy

There is currently one (1) vacancy on the Springfield Township Parks & Recreation Advisory Committee. The Committee advises the Board of Commissioners on the goals and objectives of the Township's parks and recreation programs and serves as a sounding board for the recreational needs of our residents.

We consider applicants for all positions without regard to race, color, sex, religion, ancestry, national origin, sexual orientation, gender identity or expression, familial status, family responsibility, marital status, age, disability or handicap, use of service animals and/or mechanical aids, or any other non-merit factors. Applicants requiring accommodation in the application process should contact Springfield Township at 215.836-7600.