

Milford Township Board of Supervisors' Minutes
February 17, 2026 - 7:00 pm

Attendance: Supervisors present: Christian Haberle, Chair and Timothy Johnson, Member. John Mininger, Vice Chair was absent. Staff present: Jeff Vey, Township Manager; Devan Ambron, Assistant Manager/Secretary/Treasurer; Todd Baldwin, Pennoni, and Kate Harper, Timoney Knox.

Call to Order: Mr. Haberle called the meeting to order at 7:00 pm.

Motion to amend agenda to add public comment: Mr. Haberle made a **MOTION** to amend the agenda to include Public Comment. The motion was seconded by Mr. Johnson and passed unanimously.

Public comments: None

Review of Act 537 Comments: Mr. Vey stated Milford Township advertised a 30-day public comment period for the revised Act 537 plan being considered for adoption. A public meeting was held on February 3, 2026 where comments were received. A public meeting was announced and advertised for February 17, 2026 to further discuss comments on the revised plan. The plan was distributed to the Bucks County Planning Commission, the Quakertown Area Planning Committee, the Bucks County Health Department, and the Milford Trumbauersville Area Sewer Authority. All of these agencies had no comments. Mr. Vey referenced the letters received and noted this is a summary that omits specific details for clarity; and readers are encouraged to consult the original letters for a full understanding. On January 12th, 2026 a letter was received from Fox Rothschild representing SKAOS LLC with the following substantive comment. *“SKAOS proposed to develop the Property for a wellness recovery center, memory care center, and office building ("Previous Project") that was allocated 2 EDUs for the existing building, which is currently connected to public sewer, 29 EDUs for the wellness recovery center, and 16 EDUs for the memory care center. The "Major Subdivision and Land Development Since 2020" chart in the 537 Plan, (page 33) allocated to the Previous Project, 29 EDUs and 16 EDUs. By letter dated April 15, 2021, the PA DEP granted planning module approval for the proposed wellness recovery center and the proposed office building at 6,920 gallons of sewage per day. “SKAOS is no longer proposing to develop the Previous Project and is now proposing age-restricted townhomes and a "Wellness Center". “SKAOS requests the draft Act 537 Plan include the Proposed Project, in lieu of the Previous Project, allocating 122 EDUs (i.e., 124 less the 2 EDUs already allocated and connected to the Property). The Act 537 Service Map shows the Property in red as "Future Development", property should be shown in yellow as "Development within 5 Years".”* On January 14, 2026 a letter was received from Manko, Gold, Katcher & Fox representing MVP 663 & LifeQuest with the following substantive comment. *MTASA is requesting that the WWTP be re-rated to 950,000 GPD (pg. 31). It is unclear whether the WWTP has sufficient capacity for expected future development is based on the existing 800,000 GPD rating or the proposed re-rate at 950,000 GPD, which should be clarified in the final version of the document before it is submitted to PADEP, especially given that, based on the statements in the Revised Plan, the current users connected to the WWTP generate 892,262 GPD, which is more than the current WWTP rating. It is also unclear whether the Revised Plan's statements regarding adequate capacity are accurate, given the errors contained in the "Approved Projects" versus "Future Projects" and related projected timeframes contained in the Revised Plan, as discussed below. Pg 33-34 Completed, Approved & Future Projects, Milford Village Section 1- Apartments (263 EDUs) is an approved project, rather than a "Future Project," as reflected in the summary chart. This project received both preliminary and final land development plan approvals from the Township and is anticipated to commence construction in the Spring of 2026. This project therefore should not be listed as a future project anticipated to be constructed in a period greater than 5 years, as is incorrectly stated in the Revised Plan. Likewise, Milford Village Section 1 - Retail (21 EDUs) received preliminary plan approval from the Township and is anticipated to receive final plan approval next month in February 2026, with construction anticipated to commence this year. MVP and LifeQuest also dispute the EDUs that each apartment unit or retail location will have the same discharge volume as a single-family home. Likewise, the EDUs calculated for Milford Village Section 1 - Retail should be corrected to reflect the proper number of EDUs, commensurate with actual sewage discharge before the Revised Plan is finalized. Milford Village Section 1- Apartments (263 EDUs) and Milford Village Section 1 - Retail (21 EDUs), must be listed under the "Approved Projects" before it is finalized and submitted to PADEP. The remaining sections of Milford Village listed in "Future Projects" category are projected to*

commence in a significantly shorter time period than what is identified in the summary chart. Milford Village Section 2 - Senior Apartments (225 EDUs), Milford Village Section 4 - Retail 2 Buildings (46 EDUs), anticipated to commence construction in 2027, Milford Village Section 5 - Congregate Care (273 EDUs), anticipated to commence in 2028, each of MVP's and LifeQuest's developments, including the projected EDUs, must be corrected before it is submitted to PADEP. Likewise, the Act 537 service area map that appears on page 71 of the Revised Plan must be correspondingly updated. There is another inaccuracy, Brookfield Village Subdivision, 07-10-2006, 1-00930-391-3J with 107 EDUs as an "approved" development as of July 10, 2006. But, to date this development has not yet commenced. "Future Projects" does not include LifeQuest, a 3.29-acre property located at Route 663 and Rosenberger Road include this in "Future Projects" category with anticipated commencement of less than five years, before the plan is submitted to PADEP. Comments at the February 3, 2026 Public Meeting include representatives of SKAOS LLC, MVP 663 I, and LifeQuest who reiterated their written requests for EDU allocations and map changes from yellow to red to indicate their developments to be anticipated within 5 years. Steve Boell represented St. Luke's Healthcare Network and requested EDU allocation as shown as Milford Village Sections 7, 8 & 9. Mr. Haberle asked if there were any comments so far. No comments were received.

Policy Discussion EDU Reservation: Mr. Vey presented a Draft Memo titled Milford Township Response to Act 537 Comments addressed to the Board of Supervisors dated February 17, 2026. The memo discusses an EDU Reservation Policy and states a clear policy should be adopted that defines and clarifies EDU Reservation. The policy should address "Approved Projects" and "Future Projects" and clarify Eligibility Requirements, Nature of the Allocation, and Reservation and Maintenance Fees. Approved projects must be DEP approved with a firm capacity status. Eligibility Requirements include: The project is located within the Authority's Act 537 Sewer Service Area; Final municipal land development approval has been granted and all appeal periods have expired; The project has received written approval of a Planning Module (Component 3 or equivalent) from the Pennsylvania Department of Environmental Protection ("DEP"), identified by DEP approval number; The Authority has issued written confirmation of capacity allocation referencing the applicable DEP approval number. Nature of Allocation includes Capacity allocation under this section constitutes a conditional right to connect, subject to: Continued compliance with the Authority's DEP discharge permit; Compliance with the Act 537 Plan; Payment of all tapping fees and connection charges; Commencement of construction within 60 months of allocation. No property right in sewage discharge capacity shall vest until: Physical connection is made, and flow is lawfully introduced into the system. All allocations remain subject to modification if required by: DEP permit limitations; Consent orders; Capacity restrictions imposed by DEP. Reservation & Maintenance Fees include: A maintenance reservation fee of \$100 per EDU per year shall apply only until physical connection; There is an annual escalation of \$50 per EDU capped at the then current annual customer service fee; Failure to pay within 30 days of written notice shall result in suspension; Failure to cure within 60 days of written notice shall result in revocation of allocation. Future Projects, Pre-DEP (tentative capacity reservations), Eligibility Requirements include Municipal sketch or preliminary plan submission; Issuance of a conditional "Will Serve" letter stating expressly: No DEP planning module approval has been issued; No firm capacity is guaranteed; Reservation is revocable; No vested rights are created. The Nature of Allocation includes: Reservation is administrative only and does not constitute; A discharge right; A property interest; A guarantee of future service; Reservation is expressly subordinate to: DEP permit limits; Act 537 Plan revisions; Capacity needs of DEP-approved projects; Authority reserves unilateral right to reduce or revoke tentative reservations if necessary to maintain regulatory compliance. Reservation & Maintenance Fees include: Annual reservation fee of \$50 per EDU; Fees due January 30 of each year; Escalation of \$25 per EDU annually; Failure to pay within 30 days of written notice results in automatic expiration of reservation. Mr. Haberle said that is our draft response to all comments and asked if there were any comments from the Board or any comments from the public. Mr. Del Markward, MVP 663 I, asked if everything that was just read is a Township event vs. an Authority event. Mr. Vey stated the Township sets the policy for the Authority and this a draft and concept. The policy will have to be endorsed and adopted with Milford Township and Trumbauersville Borough and he is unsure if this is the direction it will go. Mr. Vey said a lot of this is not new and all of the requests for "Future Projects" is really highlighted. Capacity is eaten up and it comes with reservation of capacity. Brookfield has had 107 EDUs for decades that have been sitting unused. This is why there is language for capacity banking. There are residents of Milford Township that have a need for a single EDU that are being told it is not available because we have so much capacity on a list. This is what also led to the consideration of reservation fees. The Sewer Authority follows through on their policy and the adopt it. If it is adopted, it is implemented. Mr. Vey noted the Approved Projects and Future Projects need to be cleaned up prior to sending to DEP. There are items on the list that should not be on the list. Mr. Vey stated there is a

reservation fee, if someone wants to say this is a serious thing, that is fine, if you meet the criteria. The fee goes up every year incrementally until the cap is met. This is a private personal business decision. The solicitors will look at the language of the policy then it will be sent out for review. Mr. Vey added he doesn't know how limited the capacity is to be honest. There is a subtle distinction between a plant permit and an NPDES permit, which relates to actual hook up and tapping fees which the township is not involved in. The township is a planning entity that is given the responsibility to oversee and ensure the proposal meshes with plans and works with the Authority. Mr. Vey said never before has the Act 537 been so thoroughly reviewed. Mr. Markward asked if what was read, once the solicitors for the Authority and Township discuss, will the final version be an Authority document of a Township document. Mr. Vey replied, both. The aspect of the EDU policy is Sewer Authority business. Mr. Haberle added it will be their policy in our Act 537 Plan. Mr. Vey noted it is the Sewer Authority who will make sure the criteria is met. We are here to support and it is time the eligibility criteria gets defined and the definitions are correct. Hopefully at the next meeting it gets passed. The Act 537 cannot be finished until we know what the approved Future Projects are. DEP had legitimate comments. Ms. Diana Silva, representative for MVP 663 I and LifeQuest asked if a draft is available and when she can get a copy. Mr. Vey asked if there are any problems with giving the information now. Mrs. Harper stated the policy has not been reviewed by the solicitors and this is discussion only. Ms. Silva asked when it is anticipated the review will happen. Mr. Vey said discussions were had with the Authority last night. In principle, he does not know of anyone who is against it. Mrs. Harper said the reservation of EDUs is a future issue. Mr. Vey said there is a section referencing future and approved projects with EDUs and reservation of capacity. Mrs. Harper said maybe the public wants to know if they pay tapping fees, is that what we put in our Act 537 Plan? Mr. Haberle said what we list as future pre-DEP may have some disagreement whether it is current or approved. Mr. Vey stated the DEP # must be included. Mrs. Harper said so we have to figure out where the reserved capacity sits now. Mr. Vey asked with the policy being a really rough draft if it is okay to distribute. He would like council to review and offer comments. Mrs. Harper said she does not have any objections to handing out the rough draft. Mr. Haberle asked if there was any public comment. No comments were received.

Consideration of Holding Tank Ordinance: (Discussion Only)

Mr. Vey stated that revisions were made to the Holding Tank Ordinance, which predates the Health Department's involvement in regulating holding tanks. Our two ordinances require property owners to notify us when the tank reaches 7/8 capacity, at which point the alarm should activate. This requirement is clearly operational in nature.

The revisions are intended to better coordinate with the Pennsylvania Department of Environmental Protection and the Bucks County Department of Health, with the Health Department handling the specific regulatory details.

The Bucks County Health Department had no comments on the Holding Tank Ordinance, and no public comments were received. Mr. Vey stated that the ordinance can be adopted after the Act 537 Plan is adopted.

Revised Act 537 Plan: (Discussion Item)

Mr. Vey explained that, procedurally, the EDU Agreement must be addressed first. The Sewer Authority will need to inform the Township who is included in the plan. Map amendments are also required to ensure the documents are current. Adoption is anticipated at the next meeting, depending on what occurs over the next two weeks.

Adjournment: With there being no further business Mr. Haberle made a **MOTION** to adjourn the February 17, 2026 Milford Township Board of Supervisors meeting at 7:36 p.m. The motion was passed by Mr. Johnson and passed unanimously.