

VII. Institutional Evaluation

A. Provide an analysis of all existing wastewater treatment authorities, their past and present performance including:

1. Financial and debt status.

The SMTMA is in good financial standing and SMTMA is able to meet all of its debt obligations. Please see the financial statements for year ending December 31, 2008 and 2009 contained in Appendix KK for further details.

2. Available staff and administrative resources.

The South Middleton Township Municipal Authority has the necessary staff and administrative resources available to operate and maintain the existing wastewater and water facilities. It is anticipated that two or more additional employees will be needed to fully staff the upgraded and expanded facilities.

3. Existing legal authority to:

- a. Implement wastewater planning recommendations.**
- b. Implement system-wide operation and maintenance.**
- c. Set user fees and take purchasing actions.**
- d. Take enforcement action against ordinance violators.**
- e. Negotiate agreements with other parties.**
- f. Raise capital for construction and operation and maintenance of facilities.**

The South Middleton Township Municipal Authority was formed by Ordinance on April 3, 1969 (copy of Ordinance attached in Appendix II). The Authority was formed under the Municipal Authorities Act of 1945 (as amended and supplemented), for the purpose of “exercising any and all powers conferred by said act”. As an operating authority, it has the legal authority to execute all of the above functions.

B. Provide an analysis and description of the various institutional alternatives necessary to implement the proposed technical alternatives including:

1. Need for new municipal departments or municipal authorities.

The South Middleton Township Municipal Authority is already incorporated. Therefore, no new departments or authorities are necessary.

2. Functions of existing and proposed organizations (sewer authorities, onlot maintenance agencies, etc.).

The sewer authority, acting as an operating authority, can continue as functioning and will need no changes to implement the proposed alternatives.

The Township, acting under its duty and authority under Act 537, will continue to function as the agency overseeing all private sewage disposal methods.

3. Cost of administration, implementability, and the capability of the authority/agency to react to future needs.

The sewer authority, acting as an operating authority, can continue as functioning and will need no changes to implement the proposed alternatives. The cost of administration is fully covered through user fees.

The Township, acting under its duty and authority under Act 537, will continue to function as the agency overseeing all private sewage disposal methods.

C. Describe all necessary administrative and legal activities to be completed and adopted to ensure the implementation of the recommended alternative including:

1. Incorporation of authorities or agencies.

The South Middleton Township Municipal Authority is already incorporated. Therefore, no additional legal actions shall be necessary to allow them to implement the plant upgrade.

2. Development of all required ordinances, regulations, standards, and intermunicipal agreements.

There will be minimal legal and administrative work to implement the plant upgrade. A resolution from the South Middleton Township Municipal Authority will be needed for any user fee increases to cover the costs, which have already begun to be phased in. If any additional debt is incurred, the Township will need to pass an ordinance to be the guarantor of the debt.

3. Description of activities to provide rights-of-way, easements and land transfers.

None of these activities will be necessary for the implementation of the alternatives.

4. Adoption of other municipal sewage facilities plans.

No other municipal sewage facilities plans will need to be adopted. Monroe Township has the responsibility to plan for the needs of their sewer service areas. A letter from Monroe Township indicating their desire to maintain their existing allocation at the treatment facility is included as Appendix JJ.

5. Any other legal documents.

No other legal documents will be necessary.

6. Dater or timeframes for items 1-5 above on the project's implementation schedule.

The items outlined above will occur at the time that a user fee increase or debt is incurred, as necessary. This will occur as the contract for the plant upgrade is initiated.

D. Identify the proposed institutional alternative for implementing the chosen technical wastewater disposal alternative. Provide justification for choosing the specific institutional alternative considering administrative issues, organizational needs and enabling legal authority.

There is no institutional alternative proposed.

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