

Willig, Robert A.

From: [REDACTED]
Sent: Thursday, October 4, 2018 11:08 AM
To: Willig, Robert A.
Subject: Re: Update from previous Email
Attachments: Sewer Ordinance - Copy.zip

(1) Good morning Mr. Willig, To answer your first question i am an owner/operator of a farm consisting of 65 acres in Salem Township, Luzerne County. I am also the president of Planning commission and have been part of a Previous Complaint with regards to Township Ordinances before.

(2)Ordinance 2007-4 Connection to Sewer District of Improved Properties also 2nd Class Twsp. Code as it pertains to sewer and drains specifically to the distance from sewer connection to land owner and being able to compel the individual to hook up and bare all expenses.

We Currently have a Newly Elected Supervisor that has been on a previous Lawsuit in the Township against a Cafo that is now looking to find any way this farmer would be forced to dispose of or get rid of Odor for the residents that he promised he would. This has been an issue for some time and recently a decision by the Supreme Court in P.A. not to hear another appeal has him and the Lawyer [REDACTED] from that Law Suit looking for any angle to force this Cafo to change his Practices and endure more financial hardship for their benefit. I feel that when the municipal sewer reaches all the farms located within a 150 ft. proximity he will try and make all of us hook up and dispose of manure through the Municipal Sewer system.

I believe he and this Lawyer who recently sent a correspondence demanding the Township force this farm to hookup his Swine barn to sewer has Violated numerous laws and regulations. Section 519 Preemption of Local Ordinances Sections A,B,C,D an blatant disregard For the Nutrient Mgmt. And Odor Mgmt. act. A violation of 503D site plan illustrating manure storage facility, and under the MPC that says the enforcement of an Ordinance that would severely impact the financial impact to this farmer. Also under the ACRE Law that Govt. has no authority to adopt an ordinance that is unreasonable effort to regulate a Cafo.

I am sure I can give even more examples of this issue. I have attached in a file for you, the Ordinance, also the Letter from the Attorney and the Letter from Town Solicitor in response to his correspondence.

The Supervisors are currently waiting to hear back from the DEP in Wilkesbarre and Williamsport on the possibility to even move Animal waste thru Municipal sewer system. I am hoping that this matter gets resolved soon as I feel no matter the outcome from DEP this Supervisor and Lawyer will continue to try and create more issues that will impact all of the Farms in Salem Township.

Please feel free to contact me for anything to help you in this matter and thank you for your help.

Sincerely, [REDACTED]

[REDACTED]

ATTORNEYS AT LAW

[REDACTED]

[REDACTED]

August 1, 2018

STEVEN FRAIND, SUPERVISOR
RICHARD TALANCA, SUPERVISOR
MALCOLM PLEVYAK, SUPERVISOR
SALEM TOWNSHIP
38 BOMBOY LANE
BERWICK PA 18603

RE: [REDACTED]

Gentlemen:

I write you on behalf of numerous citizens of Salem Township who presently have pending a case in the Supreme Court of Pennsylvania in regard to the [REDACTED] CAFO.

It has come to my client's attention that Salem Township passed an Ordinance in 2018 which provides as follows:

If the owner of any Improved Property located within the Sewer District of this Township which is adjoining or adjacent to, or whose principal building is within, 150 feet from any part of the Sewer System, after sixty (60) days' notice from the Township, either by personal service or certified mail, requiring the connection of such Improved Property with the Sewer System, in accordance with Section 2.01, shall fail to connect such improved Property and use the Sewer System as required, this Township, its Agents, Assigns and employees of this Township, or its Agents or Assigns, shall be provided access to all properties serviced by the Sewer System for installation, inspection, repair, replacement, and maintenance of sewer facilities, including, but not limited to, laterals, pipes, meters, junctions, and other facilities, including those upon private property. The Township its Agents, Assigns, and employees of this Township, or its Agents or Assigns, shall engage in such installation, inspection, repair, maintenance, and replacement at reasonable times and upon the

provision of reasonable notice, except in the case of emergencies and the potential for immediate threat to public health and welfare, in which case, notice shall be given to the property owner as soon as possible thereafter, in any reasonable manner.

As I'm sure you know from living in the community, many of my clients, who are your residents, are no longer able to use their properties in a normal manner. They can no longer enjoy their yard areas. They cannot enjoy their swimming pools. They cannot entertain friends outside of their homes because of the foul odors coming from the [REDACTED] CAFO. Your citizens are unable to use their decks. Many people can no longer garden. People cannot hang clothing out on their clothes lines.

Many of your residents want to be able to enjoy fresh air. However, they are not able to open windows because of the noxious odors caused by the [REDACTED] emitting odors and other poison from their barn. These citizens chose to live in Salem Township long before the [REDACTED] started their pig factory because they wanted to enjoy "country living" in a neat, well manicured environment.

You probably witness children going to the [REDACTED] Elementary School pulling their shirts over their noses to try to block out odors from the [REDACTED] farm. In addition, we believe that the [REDACTED] facility is polluting Thompson's Run. Moreover, as I am sure you have been advised, there will be a significant injury to the tax base because of the stench from the [REDACTED] operation.

On behalf of approximately 200 citizens of Salem Township, I am requesting the supervisors to enforce your Ordinance and require the [REDACTED] to dispose of any pig manure and urine by connecting to the township sewer system. If such a connection is made, my clients believe that there will be no further odor and they will once again enjoy their properties.

I am advised that the Berwick Area Joint Sewer System will accept the pig manure and urine. While some minimal testing may be required I have been assured that the manure and urine can be safely treated at the Berwick facility.

If the township supervisors fail to require the [REDACTED] to connect to the sewer system, my clients have requested me to file suit against the township and supervisors requiring connection and seeking damages from the township and its supervisors individually.

I will be happy to meet with township officials at your convenience. However, I am requesting that the township begin the proceedings to have the [REDACTED] connect to the sewer system within the next 30 days.

Please be guided accordingly.

Very truly yours,

[REDACTED]

[REDACTED]
[REDACTED]
ATTORNEYS AT LAW
[REDACTED]
[REDACTED]

August 31, 2018

[REDACTED]
[REDACTED]
Re: [REDACTED]

Dear [REDACTED]

I am in receipt of your letter dated August 1, 2018 relative to the above matter. As you know, your letter and the content thereof was discussed by the Board of Supervisors at their regularly scheduled meeting on August 14, 2018. The Supervisors have directed me to respond as follows.

Initially, the Supervisors direct me to convey to you and your clients that they do believe the proposal to connect the [REDACTED] farm to the public sewer has merit and deserves to be given a serious look. However, it is premature to send a mandatory connection notice to [REDACTED] and the Township will not do so at this time.

Your letter has prompted the Township to direct the Township Engineer to contact both the Wilkes-Barre and Williamsport offices of DEP. The purpose is to enquire of DEP its position relative to connecting a CAFO to a public sewer system. As you are aware, DEP has approved and monitors a Nutrient Management Plan for the [REDACTED] farm. Additionally, DEP would need to sign off on the BAJSA plant accepting animal manure from a commercial enterprise. I am attaching for your review a copy of the letter the Township Engineer sent to DEP on August 20, 2018.

The Township is taking this proposal very seriously and the Supervisors are acting quickly and in good faith to gather the information needed to make a legal and educated decision in this matter. The Supervisors ask that you forgo your threatened legal action while they give your proposal a hard look. Of course, if you move forward with your suit the Township will respond and counter sue each of your Plaintiffs individually for bringing a frivolous suit in light of the good faith action the Township is taking on response to your proposal.

The Township is aware that you and your concerned citizens are working closely with Supervisor Plevyak on this matter. I trust that he will keep you well informed of the action the Township is taking in this matter. However, I too will keep you up to date on the progress made so that you can keep your clients informed.

Best Regards,

A thick, black, horizontal redaction bar covering the signature of the sender.A faint, circular stamp or mark, possibly a seal or a date stamp, located in the lower right quadrant of the page.