

February 19, 2019

A scheduled meeting of Milford Township Supervisors was called to order at 7 P.M. by Chairman Gary Clark, followed by the Pledge of Allegiance and Invocation. Also present were Supervisor Gary M. Williams, Zoning Officer Shawn Bolles, Solicitor Anthony Magnotta, Secretary/Treasurer Viola K. Canouse, and Assistant Secretary Shahana Shamim.

A motion was made by Gary M. Williams, seconded by Gary Clark, and passed unanimously to approve the minutes of the previous meeting.

Correspondence by Secretary/Treasurer:

Some certificates of insurance, PATH training schedule for the duties of the Zoning Hearing Board, fully executed contract from BRC, beefsteak dinner fundraiser by Dingman Township Volunteer Fire Department, Grant-writing program by Penn State Extension, pay rate information from CENSUS, and PSATS News bulletin.

Old Business:

a. Amendment of the Zoning Ordinance:

The Solicitor informed the audience that comments about the proposed amendment to the Zoning Ordinance were received from Pike County Community Planning. He said that upon reviewing these comments the Board of Supervisors had decided to limit 100 dwelling units for lands with an area of 20 acres in the DD zone. Paragraph 'L' was also added to Section 409.4 to empower the Supervisors to impose conditional use on the dwelling units. Additional access for emergency managements and fire services was also included in this section. Upon reviewing the comments of the residents, the Board of Supervisors had asked Nanci Sarcinello, a Community Planner, to perform a build out analysis for the proposed amendment. He also informed that this Community Planner was referred by the Community Planner, Mr. Carson Helfrich.

One of the residents inquired what a build out analysis was. The Solicitor replied that this analysis is a calculation of how many dwelling units could be built in the DD Zone if the proposed amendment is passed. The Solicitor and the Supervisors informed the residents that they would postpone the discussion of this amendment to March 18, 2019, as Penny Luhrs, the Vice-Chairman, was not able to attend the meeting. Mr. Charles Lutz from 101 Congress Road asked why the Supervisors did not announce that the discussion was going to be postponed. The Chairman replied that that was not legally possible, and he apologized. The Solicitor declared to the audience that another public hearing needed to be held, as more changes were being added to the proposed amendment. He added that these changes would have to be reviewed by the Pike County Community Planning and the Planning Board of Milford Township.

One of the residents inquired what the strategy of Milford Township was for informing the residents of the meetings. The Supervisors replied that the Township always advertises for the meetings. One of the residents from Milford Borough inquired when the adoption of this amendment was advertised. The Solicitor replied that it was advertised on January 10, 17, and 24 of 2019. One of the residents from Broad Street inquired if the rescheduled hearing could be held in a bigger facility for accommodating the full audience. The Chairman replied that he was

looking for a bigger facility. He added that he would hire a certified stenographer for the next public hearing.

A resident inquired if the Township still had a Planning Board. The Supervisors replied that they still had one. The same resident inquired if the developer had presented the amendment before the Planning Board. Mr. Jason Ohliger, the representative of the Legend Properties, explained that he had made an informal presentation to the Planning Board about this amendment. He continued that no formal presentations were made in front of the Planning Board, as four members of the Planning Board had published a warning of a major change in the Zoning Ordinance in Pike County Dispatch. Mr. Ohliger said that he considered this publishing as a pre-disapproval to the amendment. He added that the Planning Board had forwarded the proposal to the Board of Supervisors without any recommendations. Mr. Ohliger said that he believed that the Planning Board was not being fair to his client.

Mr. Don Quick inquired if the advertised amendment was going to be withdrawn by the Supervisors, as a new revised amendment was being proposed. He also inquired if the revised amendment would be re-advertised. The Solicitor and the Supervisors replied that the adoption of the new proposal would depend on the build-out analysis. Mr. Don Quick further inquired if the Planning Board still existed. The Chairman replied 'yes'. Mr. Quick further inquired when the next Planning Board meeting would be held. The Supervisors replied that the next Planning Board meeting would be held on next Tuesday. Mr. Quick said he thought that the majority of the members of that Board were removed. The Chairman replied that he had only declared the intent to remove four members on the meeting of March 4, 2019, and hence these members were still in the Planning Board. The Solicitor clarified that the Supervisors had voted in February to remove these four members in the meeting of March 4, 2019. He added that these four members could plea in an executive session to get reinstated. Rachel Hendricks asked why Nanci Sarcinello was doing the build-out analysis, as Mr. Carson Helfrich was chosen in the meeting for the analysis. The Solicitor replied that Ms. Sarcinello was hired by Mr. Carson Helfrich.

Peggy Emanuel inquired why this Zoning amendment was being discussed so early, as the feasibility study for sewage extension was going to take about a year or two. Mr. Ohliger replied that a timeline was attached to the acquisition of Santos' property. The buyer would be interested if the proposed number of apartments could be built. Ms. Emanuel suggested a better communication between the Township and the residents. The Chairman said that the Secretary is working on the website, and all the information would be there when it is complete. Kimberly Kane inquired if the traffic study was done for this new development. Mr. Ohliger replied that it was too early to consider some aspects such as traffic study, storm water, environmental aspect etc. He added that these aspects were supposed to be considered when final plans of constructions are submitted. He added that the approval of this amendment would enable them to move forward with studying these aspects. Mr. Clark added that Milford Township did not initiate the plan to bring the municipal sewage, and Milford Borough had signed the same contract for extending the municipal sewage. He added that the taxpayers won't pay for this sewage extension. The Solicitor clarified for the residents that the contract that the Chairman was talking about was an intergovernmental agreement between Milford Township, Milford Borough, Westfall Township, and Westfall Township Authority. He added that the agreement states that funding would be available to conduct a feasibility study to see if it would be feasible to extend the sewage from Westfall Township to Milford Borough through Milford Township. This feasibility study would

show how much the cost would be to extend this sewage, and whether the Township would participate in this extension of the central municipal sewage.

A resident from Westfall Township inquired if there would be another public hearing once the amendment to the Ordinance is approved. The Solicitor explained that the proposal from the Legend Properties was still in its beginning phase. They are proposing to build commercial building on the side closer to Route 6 & 209. Legend Properties had proposed to build way more than 100 residential units in the past, but the current proposal of the Ordinance is allowing only 100 residential units for its acreage. This new amendment will be reviewed again by Pike County Community Planning and Milford Township Planning Commission. He continued that there were other parcels that would benefit from this Zoning amendment, and each of these parcels would have to go through public hearings before making such constructions. The Solicitor explained that these meetings and hearings were open to all the residents. Only discussions about personnel and litigations were held in executive meetings, which were not open to the residents.

One of the residents inquired what the build-out analysis meant. The Solicitor explained that it was an analysis of how many units could be built with a proposed Zoning amendment. He added that for this proposal, which is made by the Legend properties, the analysis would provide a calculation of how many units could be built in the DD Zone in all the 20-acre parcels if a single residential unit is allowed to be built in 3,000 square-feet. Mr. Ohliger and the Solicitor assured that it was not a spot zoning, as more 20-acre parcels existed in the DD Zone.

Gary M. Williams and the Solicitor said that Pike County Community Planning would need 30 days to make comments about the new proposal for the amendment. Gary M. Williams made a motion to adopt the proposed new amendment (for cutting the number of allowable units per 20-acre lands to 100 with provisions of additional access of fire and emergencies) on April 1, 2019, Gary Clark seconded, and it was passed unanimously. The Supervisors said that the Planning Commissions would get enough time to review this new revision to the amendment. Gary Clark authorized the Secretary to inform the press about this hearing on April 1, 2019, Gary M. Williams seconded, and it was passed unanimously.

Rachel Hendricks inquired whether the Board of Supervisors had a position on the potential use of a TIF (Tax Increment Financing) District, which uses the increment of taxes on a property before development to after development to help pay for the infrastructure, for paying the expense, as neither the taxpayers nor the developers were going to pay for the development and the feasibility study of sewage extension. Gary M. Williams replied 'no'. She asked Jason how he felt about the next Planning Board meeting. Jason replied that the Planning Board broke the Sunshine Law by publishing a biased article against their proposed amendment.

Dan Klein said that the rents of the apartments in New York are very high, and as such, people from New York and New Jersey would move into these apartments. He added that these people might interfere with fishing and hunting. He continued that most of the local residents won't be able to afford the apartments of Legend Properties, as there aren't high paying jobs around here. The Chairman informed him that these apartments would not cause fishing and hunting to stop, as there is a 90-acre land behind the Santos' property. He added that the County bought that 90-acre land. Gary also informed him that there is the National Park Service for

fishing and hunting. David Weinberg from Milford Borough inquired if the question of this Zoning amendment had started from the request of a specific developer. Gary Clark replied that some other properties in Milford Township qualified for this amendment, and as such, the Board had been talking about this amendment for a long time. He added that the Planning Board and the Board of Supervisors had been making amendments for the benefit of the residents. Mr. Weinberg inquired why this amendment was being considered three years in advance, as the amendment was contingent upon the availability of the municipal central sewage. Mr. Clark replied that this proposal for the amendment would be sent to both the Planning Commissions (Milford Township and Pike County), and their comments would be considered on the meeting of April 1, 2019. The decision at that meeting would be an informed decision, which would benefit the residents of Milford Township. One other resident asked the Roadmaster to consider the terrible traffic on Old Milford Road. The Chairman said that the State Police are alerted when drivers race on that road. Mary Sorrell from 125 Senate Road of Milford Township inquired how 100 units per 20-acre (or more) was found. Mr. Clark replied that the representatives of the Legend property had asked for more units per 20-acre land, and as of then it was cut down to 100, as the proposal had to go through many reviews. One of the residents asked how much revenue was going to be achieved from the apartment units. Gary Clark replied that it was too early to determine the revenue.

- b. Hydraulic spill in Firetower Road: The Solicitor reported that he had informed County Waste about the oil spill made by them on Firetower Road, and that Shahana had sent the invoice of Kiley Associates for the inspection of this spill. He said that he was waiting for a reply from County Waste.
- c. BRC: Blue Ridge fully executed Ordinance No. 100, which amends existing Ordinance No. 62.

#### Treasurer's Report:

receipts since last meeting: Zoning Permits \$100.00, Real Estate Transfer Tax \$376.81 (two more lots sold in Milford Highlands), UGI Road permit \$25.00, Rent \$25.00, PSATS correction refund (3<sup>rd</sup> quarter of 2018) \$42.44, Milford Water Authority \$256.50, Budget update – Receipts 2% and Expenses 5% as of February 1<sup>st</sup>

#### Public Participation:

Mr. Mike Bello from Milford Fire Department reported the number of fire and EMS calls from Milford Township. He also gave information about their equipment maintenance and training.

#### New Business:

- a. Gary Clark made a motion to allow Greenwood Hills Property Association to use the Township building on Saturday, May 18, 2019, 9am – 12 noon, Gary M. Williams seconded, and it was passed unanimously.
- b. Mr. Phillip Barletto asked if he could increase the number of parking lots from 15 to 25, as there was an issue in his garage in Mountain Spring Road. The Zoning Officer said that it was

an expansion of the conditional use, and hence Mr. Barletto would have to fill out the application, and he would have to come back to this board for a hearing.

Report from Roadmaster:

Mr. Gary M. Williams reported that there were two storms since the last meeting. He added that he had received two loads of salt the prior week, and he was expecting two more loads. He said that each of these storms got one of the trucks badly, but they had been fixing it.

Zoning:

Shawn reported that he was working on a renewal application for a well permit. He added that he got a lot of phone calls for buying the Black Walnut Inn property, and some of these callers wanted to reopen the Inn.

Public Participation:

1. Phyllis Simpson informed that since the March storm, water used to come down from Foster Hill Road into her culvert pipe, and Penn DOT had fixed it for her.
2. The Solicitor informed that the Section 413.3 of the current Ordinance required three acres for the kennels. He informed that a proposed amendment to that Section was ready, and it needed to be sent to Milford Township Planning Board and Pike County Community Planning for review. Shawn informed that the current ordinance only included LG district for kennels, and DD Zone needed to be included with a correction with the area requirement. Gary Clark made a motion to advertise for April 15 for the public hearing of this amendment, Gary M. Williams seconded, and it was passed unanimously.
3. Gary M. Williams made a motion to authorize the Secretary to hire a stenographer for attending the meeting on April 1, 2019, Gary Clark seconded, and it was passed unanimously.
4. Rachel Hendricks inquired when the Planning Board was going to receive the revised amendment of the Zoning Ordinance. Gary M. Williams informed that this board would receive this amendment by next Tuesday. The Solicitor added that there would be another Planning Board meeting before April 1, 2019, and hence the Planning Board would get to review the comments of Pike County Community Planning before the public hearing of the amendment of the Zoning Ordinance.
5. Gary Clark informed that he had attended the meeting for ambulance services, and he had learned that the Commonwealth would not send ALS to Milford Fire Department.

There were no other businesses or executive sessions needed, so a motion was made by Gary M. Williams to pay the bills and adjourn. Gary Clark seconded to it, and it was passed unanimously. Adjournment was at 8:40 P.M.

Respectfully submitted,

Bills paid February 19, 2019:

Viola K. Canouse: \$7.50; U.S. Postal Service: \$194.00; Ray's Truck and Auto Repair: \$1,338.65 (out of investment); Cambell Supply Company: \$2,583.76 (out of investment); Bradco Supply Company: \$1,400.25 (out of investment); Perk's Welding Co. LLC: \$1,146.39 (out of investment); PCLP: \$1,382.66; Shakelton: \$140.52; A Plus Onsite Computer: \$100.00; Highmark Blue Shield: \$2,794.24; Lowe's: \$406.81 (out of investment); American Rock Salt: \$4,649.61; Cardmember service: \$2,760.47 (transferred \$1,248.97 from investment for building and auto repair); Kiley Associates, LLC: \$602.50; Transfer to payroll account \$15,000.00; Gary M. Clark (labor): \$1,116.00; Harvey I. McKean: \$1,096.13; Jerry Williams: \$1,645.60; Jerry Williams (overtime): 246.88; Nicholas J. May: \$227.51; Viola K. Canouse (Sec'y./Treas.): \$611.42; Shahana Shamim: \$862.75; Shawn T. Bolles: \$232.13;