

MINUTES
April 20, 2020
Teleconference Meeting
7:00 p.m.

A scheduled meeting of Milford Township Supervisors was called to order at 7 P.M. by Chairwoman Penney Luhrs through a teleconference, the call-in number for which had been advertised in advance in the Pike County Dispatch. Also present were Vice-Chairman Gary M. Williams, Supervisor Rachel Hendricks, Solicitor Anthony Magnotta, and Secretary/Treasurer Shahana Shamim.

Gary M. Williams made a motion to approve the minutes of the previous meeting, Penney seconded, and it was passed unanimously.

Treasurer's Report:

Shahana reported that since the last meeting she had received \$3,237.83 from Pike County Tax Claim Bureau, \$1,543.50 from Real Estate Transfer Tax, \$41.12 from Magisterial District Court, and \$46,058.26 from the Tax Collector.

Zoning:

Complaint: Shawn Bolles, the Zoning Officer, reported that he had received a complaint, which could be handled with the Nuisance Ordinance, which the Solicitor had confirmed. Shawn confirmed that Supervisors had reviewed the complaint, and suggested sending a letter to the property owner. He added that the complaint was about excessive burning, which needed to be stopped. Penney proposed to make a call to the property owner to request access to the property for viewing what was happening. Shawn further informed that this burning could be a DEP and EPA violation, and these organizations have more resources to determine what was being burnt. Rachel cautioned against assuming one person's complaint means a violation is occurring. Shawn replied that according to the Nuisance Ordinance, it is a violation if the smoke leaves the owner's property. He added that he would let the property owner know that if the smoke leaves his property, then it will be considered a violation under the Nuisance Ordinance. The Solicitor advised to ask the complainant to contact the DEP and EPA to check whether any obnoxious materials were being burnt. Penney made a motion for the Solicitor to send a letter to the complainant informing the Board's action regarding this matter, and to contact the DEP and EPA. Gary Williams seconded to this motion, and it was passed unanimously.

Flea Market/Tent Sale of Habitat for Humanity: Shawn reported that the Zoning Ordinance does not define this application by Habitat for Humanity to hold a yard sale, as a Yard Sale, which is supposed to be held on the homeowner's property. He continued that the Zoning Ordinance outlined this application as a flea market, which could be held in the exterior of buildings, and it's only good for ten days (three times a year). Although the application applied only for a one single day, the fee would be \$100 instead of \$10. He added that the fee could be waived, as Habitat for Humanity was non-profit, and Penney commented that she felt the same way about waiving this fee. Gary M. Williams made a motion to waive this fee, Rachel Hendricks seconded, and it was passed unanimously.

Public Participation #1

None

Correspondence:

Shahana presented correspondences including PLGIT, Pike County Office of Community Planning, Solicitor, Milford Fire Department, Sewage, HRG, Delaware Water Gap NRA, and Pike County Conservation District.

Old Business:

a. Act 537 Letter of Authorization

Mr. Magnotta reported that this letter was sent to all other signatories of the Intermunicipal Agreement. He added that HRG would send this letter of Authorization to DEP to show that they were authorized to complete the Act 537 Plan. Rachel commented that she did not feel comfortable with what was being asked in this correspondence, and added that HRG was asking for an authorization to complete the plan while the Board of Supervisors and the Planning Commission of this Township had not even seen any drafts of this plan. The Solicitor suggested authorizing the Secretary to contact Mark Spatz of HRG with these concerns. Rachel Hendricks made a motion to send a letter back to HRG stating that the Board of Supervisors will not abdicate its authority to review and revise the Plan and will require its Planning Commission and the Board of Supervisors to review a draft of Act 537 Plan before considering signing such an Authorization, Penney Luhrs seconded, and it was passed unanimously.

New Business:

a. Extension of Emergency Declaration for COVID-19:

Rachel Hendricks made a motion to extend the Disaster Declaration through the next meeting on May 4, 2020, Gary M. Williams seconded, and it was passed unanimously.

b. Continuation of Conference Call Meetings until further Notice:

Penney Luhrs made a motion to continue using Conference Calls for conducting meetings until further notice, Gary M. Williams seconded, and it was passed unanimously.

- c. Reaffirmation of using waiver forms in applications:** The Solicitor commented that the UGI Conditional Use Land Development was the only application, which was still pending. He added that waiver forms did not need to be reaffirmed, as a Statute, which would support any pending applications from March 6, 2020, was passed, and this Statute would support this waiver.
- d. Pension Plan Update:** The Solicitor informed that he had reviewed both the old and updated Pension Plan documents and affirmed that the changes were merely to comply with updates to the law. Rachel Hendricks made a motion for the appropriate individual to execute the Pension Plan documents, which were forwarded to Supervisors and the Solicitor, Gary M. Williams seconded, and it was passed unanimously.
- e. Tax Relief Resolution:** Penney Luhrs commented that this tax relief was a great thing that the State and the County had done, as this Resolution would provide a lot of relief to the residents. Rachel Hendricks made a motion to adopt the Resolution extending the discount period to August 31st and the no penalty period to December 31st for Township

property taxes, with a minor Amendment, which would add “property owners” along with the residents, Penney Luhrs seconded, and it was passed unanimously.

Other Public Participation:

Kevin Stroyan suggested considering the financial implications, as tax collection deadlines were pushed to later dates. Mrs. Luhrs affirmed that the tax anticipation note was in place should it be needed.

Mr. Stroyan said that allowing HRG to write the Act 537 Plan for this Township would be very costly. He asked for a permission to bring Mr. Shepstone to the Planning Board meeting for discussing the update of this Plan. He added that he could talk to Mr. Shepstone about this matter. Penney Luhrs commented that HRG’s approach was least expensive. Mr. Stroyan stated that Mr. Spatz was not sure if the pump stations, which he was proposing not to use, would cost \$250,000 or \$500,000 each. If 600 customers had to put in \$4,000 grinder pumps, the cost would total to about \$2 million, which the pump stations would cost. Mr. DiLorenzo added that the grinder pumps would not function during power outages and that they would fill up too quickly from his experience to rotate generators throughout the system effectively. Mr. Stroyan also wondered about Mr. Spatz’s comment about never hearing about other alternatives, such as the drip irrigation system. Mr. Robert DiLorenzo, the Sewage Enforcement Officer, commented that the provided cost estimate showed an estimate of loans only, not the wholesale prices. He added that the average gallons given by HRG was 200 per EDU, whereas 230 per EDU from his recollection is the DEP standard. Rachel commented that HRG had heard that Milford Township was not really in need of Central Sewage, and that residents in this community would not be mandated to hookup to this Central Sewage. She added that HRG did not have any information about residents being interested in the hookup. Mr. Stroyan commented that this project should not be mandatory at this point.

Penney Luhrs commented that she would like to have Mr. Spatz come back to answer these questions. Mr. DiLorenzo added that if the Township proceeds with this project then the bill would come to the Township and the Borough. Rachel inquired about how much loan versus grant funding would be secured for the project. The Solicitor replied that there were two primary funding agencies for sewages, and those were USDA and PennVEST. USDA required participating Municipalities to repay the loan in 40 years, and revenues would be the collateral for this loan. In this case Milford Township, Milford Borough, Westfall Township, and Matamoras Borough would be responsible for paying off their own shares. PennVEST, on the other hand, would give a \$10 million loan with Municipal guarantees, and this loan would need to be paid in 20 years. He said the percentage of grant funding is based on a formula that considers the average income in the area. Mr. DiLorenzo commented that if the Water Authority does not pay for this loan, then it would fall on Milford Township and Borough. He added that residents, who fall within 150’ of this Central Sewage would have to hookup as part of the loan agreements. He added that he had asked Mr. Spatz if acquiring the funding would be difficult in case Milford Township did not mandate the hookup to the Central Sewage, and Mr. Spatz had replied ‘yes’. Supervisors said that they were not willing to mandate this hookup.

Rachel added that some programs, such as the Redevelopment Capital Assistance Program (RCAP), might be available and had been previously discussed as possible funding sources. There were some other programs, such as Monroe County Gaming, out there however with the casinos closed funding through this program would be seriously reduced this year. The presented cost estimate demonstrated either USDA or PennVEST at different shares of loan amount. They were expecting a grant, which would amount to more than normal, for some reason. The Solicitor commented that the loan to grant ratio is usually 75% and 25%. Rachel commented that getting grants from EDA is very competitive. Mrs. Luhrs stated that HRG had suggested infrastructure funding would be part of the pandemic recovery programs but only for shovel ready projects, which necessitates expedient completion of the Plan and design. The Solicitor commented that the NPDES and PennDOT permits, which are difficult to get, and full project design would have to be ready for the project to be considered "shovel ready", likely a minimum of 18 months away. Rachel added that the queue of projects ahead of this one for the traditional funding sources might be swept clean by such infrastructure funding from the federal level. Mr. DiLorenzo commented that a letter from Delaware River Basin Commission with information about where they stand was needed.

Rachel asked Mr. DiLorenzo to formally send information about the Peet Moss system to HRG. Mr. DiLorenzo said that he would work on it. Kevin Stroyan commented that the 537 Plan, which is very much like the Comprehensive Plan, was a wish list. The Solicitor added that according to the Intergovernmental Agreement, the only authorization that HRG had was the Act 537 feasibility study for the Central Sewage. Mr. Stroyan commented that it was time to update the Act 537 Plan, and Milford Township, rather than an Engineering firm, should update this Plan. Fred Weber commented that HRG had gotten 837,000 gallons of waste a day into the Delaware River from DRBC, but it went down to 325,000 gallons per day. He added that capacity would be increased when Matamoras Borough, Milford Borough, and Milford Township joins. Mr. DiLorenzo commented that businesses expansion on the three-lane were supposed to be a major point of doing this project but if the capacity is maximized the expansion will have to happen for new development to hook up. He added that HRG was able to find only one failure in Milford Township on the three lane. He further added that if Milford Township did not join in this project then this project would be even costlier for Milford Borough.

Mr. Magnotta commented that HRG was told upfront that Milford Township may not opt for mandatory hookups. Rachel added that Mark Spatz in the first Sewage Zoom meeting with Milford Township had said that HRG was required by DEP to explore all Sewage alternatives. Mr. Magnotta added that he was representing a Sewage Authority, which gave options for hookups depending on the age of the existing sewage, which might malfunction. He further added that HRG should explore those alternatives also.

Fred Weber commented that somebody was paying the HRG a lot of money to generate a report on the Central Sewage. Penney Luhrs commented that a Central Sewage might be needed to bring hospitals into this County. The Solicitor suggested having another meeting with HRG so that they could answer these questions. Rachel Hendricks commented that there were no large interested audiences in these teleconference meetings, and hence she would like to engage Mr. Shepstone for discussion when the Township would start having meetings with physical attendances. Mr. Stroyan added that the Central Sewage project was not urgent in this unusual

situation. Penney commented that Mr. Spatz could still give an overview, where Milford Township would be excluded in the revenue and usage estimates, of the Central Sewage.

Mr. DiLorenzo commented that the wholesale charge was \$51 per EDU for the loan, and Milford Water Authority was increasing this charge by \$5.00. The Solicitor commented that this fee should be applicable to residential EDUs only. The Westfall ~~and the~~ Sewer Authority meters were for only non-residential customers. Mr. DiLorenzo added that this fee was being applied to commercial EDUs also. Rachel commented that the Milford Water Authority would handle everything from Milford Township and Borough, whereas the wholesale operational cost portion would be for Westfall. Penney agreed that Milford Water Authority, not Westfall was the billing Authority. Mr. DiLorenzo commented that the charge for a gallon of waste was 4-9 cents.

Mr. DiLorenzo said that the state regulation included the average income, which is \$45,000 for Milford Township, for calculating the monthly charge, and this would lead to a charge of \$70/month. Mr. Stroyan commented that HRG was calculating the number of customers as about 500 with \$3,000 for each pump, and this would lead to a total cost of one and a half million dollars, which would be pushed onto the public. He inquired why HRG can't put in pumping stations for this amount of cost. Mr. DiLorenzo replied that HRG had come up with nine pumping stations, and each piece would cost \$500,000. Mr. Stroyan commented that Mr. Spatz did not even know if each piece would cost \$200,000 or \$500,000. Penney inquired if the Planning Commission wanted to have a meeting with Mr. Spatz and Mr. Shepstone in the same room. Mr. Stroyan replied that he wanted the people of Milford Township and the Planning Board to get educated by Mr. Shepstone about the process of updating Act 537 so that everybody could be on the same page. He added that he had a discussion with Mr. Shepstone, and he was willing to work for Milford Township. The Solicitor suggested asking an Engineer, who could send approvals to DEP, for updating Act 537 Plan. He added that hiring Mr. Shepstone, who was a Planner, was an option too. Mr. DiLorenzo commented that he had attended a Supervisors' meeting for asking to hire a Planner. The Solicitor replied that Supervisors had approved \$5,000 for hiring a Planner of their choosing.

Penney inquired when they wanted to have this meeting. Mr. Stroyan replied that the emergency declaration resolution had cancelled all meetings except Supervisors' meetings. Rachel commented that the next Planning Board meeting would probably happen at the end of May, 2020. Mr. Stroyan added that he doubted if they would be able to have the May, 2020 meeting either. He further added that he would work with Mr. Shepstone to set up an educational meeting. Penney said that she would be ready to approve such a meeting. The Solicitor added that Supervisors had already approved hiring a Planner in earlier meetings, and \$5,000 was approved for this hire.

Mr. Stroyan asked that a letter should be sent to Mr. Mrozinski stating that Sewage Extension was not urgent for the time, when public participation was difficult because of the COVID-19 Emergency Situation. He added that this Sewage Project should not go forward until the Township is capable of having regular public meetings with physical attendances. Rachel commented that the County did not conduct their April, 2020 meeting, and their May, 2020 meeting won't happen either if the lockdown is still in place. She added that Milford Township had questions about this Sewage Project, and these questions were sent to the County. HRG was willing to answer to these questions. Rachel asked the Secretary to carbon copy this letter for Mr. Mrozinski to HRG.

Mr. DiLorenzo commented that in the Zoom meeting with Mr. Spatz, he had commented that people would have grinder pumps, and there would be no pump stations. Mr. DiLorenzo added that it would be too much for the grinder pumps to push many miles to Westfall, it would be a lot of pressure on 6" lines, and there should at least be a main at some point. Penney added that there would be stations pumps along with grinder pumps. Mr. Stroyan added that they would be charging with the grinder pumps. He continued that the pumping stations should be there to regulate the pumping pressure. If there are too many grinder pumps, then it would cost the same, and power outages would be another problem. Mr. DiLorenzo added that pumping stations would have to run on generators when power outages happen.

Rachel Hendricks thanked Mr. DiLorenzo for working on Emergency Management and Gary M. Williams for updating construction information. Fred Weber expressed appreciation by commenting that every issue was being addressed in Township meetings. Mr. Stroyan commented that the Pike County Emergency Management team was doing an excellent job by providing and rationing personal protective equipment for the personnel who need it. He added that these people deserve to be thanked for keeping people safe.

There were no other businesses or executive sessions needed, so a motion was made by Penney Luhrs to adjourn. Gary M. Williams seconded to it, and it was passed unanimously. Adjournment was at 8:30 P.M.

Respectfully submitted,

Shahana Shamim

Secretary/Treasurer


Milford Township Resolution No. 4-20-2020

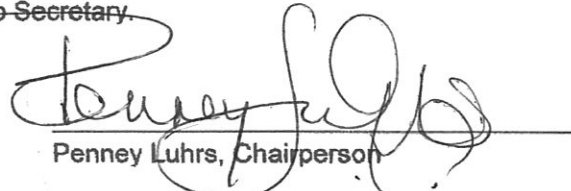
Whereas, the Milford Township Board of Supervisors in response to the financial distress caused to its residents and property owners by the Covid 19 Public Health Emergency and in accordance with the authority provided in Section 5713 of the Real Property Tax Relief Act does hereby adopt the following resolution:

Resolved that the Tax Collector of Milford Township is hereby authorized to collect calendar year 2020 real property taxes owed to the Township at the discount rate up to August 31, 2020. Any real property township tax not paid in full by August 31, 2020 shall be collected at the face amount.

Further resolved that the Tax Collector of Milford Township is hereby authorized to waive any fee, late charge or penalty for any late payment of the real property tax owed to the Township for calendar year 2020, provided that the tax owed is paid in full by December 31, 2020.

This Resolution shall take effect on the 20th day of April 2020. A copy of this Resolution shall be delivered to the Tax Collector of Milford Township, the Pike County Commissioners and the Delaware Valley School Board by the Township Secretary.


Shahana Shamim, Secretary


Penney Luhrs, Chairperson


Gary M. Williams, Vice-Chairman


Rachel Hendricks, Supervisor

