

MINUTES

November 15, 2021

Hybrid Workshop of the Board of Supervisors (Zoom ID was advertised in advance in the Pike County Dispatch)

560 Route 6 & 209

6:30 p.m.

- a. **IDA Storm Damage:** Rachel said that the levels of flood zones include not just high risk, but also 100-year, and 1000-year. She continued that at the County Convention, Jill from Representative. Peifer's office had told her that she was looking for funds for this damage that would be potentially applicable to the high cost repairs at Sawkill Power, but she didn't find anything, and she was not the driving force behind it. According to Tim Knapp, there won't be any money from FEMA or PEMA for what this Township is looking for, and USDA was not doing anything for this Township either. A stream erosion program was mentioned in PSATS. Mr. Williams added that according to the newspaper, the application had to be in by December 4th. The Solicitor added that the storm water issues would keep coming up, and the whole picture needs to be looked at. He continued that sometimes stormwater authorities take care of these issues, and it had often been successful, but taxes might have to be increased to do that. An engineering study would be required for going ahead, as USDA is more interested in shovel ready projects. Rachel added that it could be added into the Comprehensive Plan.
- b. **Building Maintenance and Improvements:** Rachel said that the election staff had suggested changing the light bulbs of the building to LEDs and remodeling the bathroom. Mr. Williams said that Gary Clark had changed those lights two years ago when he was still a supervisor and recently a brand-new toilet was added to the restroom. Penney suggested adding some light stands if the lights were not enough for the voters to see while casting their ballots. Rachel also suggested upgrading the bulletin board.
- c. **Policies regarding over budget and unbudgeted expenditures and 2022 Budget:** Mr. Gary Williams said that according to Mr. Nick May, the current water bill was quite high because of the gardening. Rachel said that a good control system would be required to control the over budget and unbudgeted expenditures, and accidental overspendings needed to be controlled. The Secretary said that budget updates are provided every month, and those updates show the percentages of expenditures of every line item. Mr. Williams added that the "Repairs of Machinery/Tools" had the biggest over expenditure, and that was from repairing the truck. Rachel added that she had taken a close look at all the expenditures, and she had cut the amount that Shahana had set for the "Repairs of Machinery/Tools" line item somewhat. She had also added the expenditure of Vandermark Drive repair, and hence the current suggested budget does not have a big surplus which was being generated by the grant income in the initial drafts.

The Solicitor said that the budget needed to be finalized. Mr. Williams said that the budget for "highway supplies" line item was cut down to \$3,800, it needed to be higher, and the fuel line item was cut down also. Rachel replied that the expenditure to date was about \$5,700 but in 2020, this expenditure was only \$2,700. Mr. Williams said that the fuel price might become even higher, as next year he would be running two

trucks instead of only one. Rachel said that she would set this budget to \$8,000. She added that she had clipped the donation of \$2,500 previously for Westfall Ambulance, which the Board had previously agreed to recategorize merely as ‘donation’ to \$1,000, and she had changed the line item to “other donations”.

Penney said that the Solicitor line item needed to be updated, as the Planning Board Solicitor was attending the workshops. Rachel said that the Solicitor would attend regular meetings only after the Econo-Pak addition, which is a big project, is done. She continued that the Planning Commission realizes that two hearings would be required because of the size and the scope of this project. The hearing would be held in January, as they don’t want to have any hearings during the holiday time. Econo-Pak is involving a landscape architect, and originally, they were not planning to do that. The timing of their shift change and the traffic study would be looked at the upcoming Planning Board meeting, as their shift changes are very close to the release time of Delaware Valley School. The parking lot is also being focused on, trucking the spoil would cost a million dollars, and hence they were overbuilding the parking lot so that the spoil didn’t have to be trucked off the property. At the recent workshop the representatives had asked for a traffic access through the rear gate of the property, probably because PennDOT doesn’t want the car traffic and the truck traffic to use the same driveway. The Planning Board had told them that neither them nor the Supervisors would be happy about that.

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November 15, 2021

Hybrid Meeting of the Board of Supervisors (Zoom meeting ID was advertised in advance in the Pike County Dispatch)

560 Route 6 & 209

7:00 p.m.

A scheduled meeting of Milford Township Supervisors was called to order at 7 P.M. by Chairperson Penney Luhrs. Also present were Vice Chairperson Rachel Hendricks, Supervisor Gary M. Williams, Solicitor Anthony Magnotta, and Secretary/Treasurer Shahana Shamim.

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

Treasurer’s Report:

Shahana reported that since the last meeting she had received \$70.55 from County of Pike, \$4,272.80 from Real Estate Transfer Tax, \$200 from Zoning, \$600 from Magisterial District Court, \$5,882.52 for winter agreement, and \$125 from Pike County Commissioners. She also reported the financial institution account balances as \$209,541.29, \$77,854.88, \$8,741.73, \$13,749.55, \$8,045.67 and \$70,268.67 in Wayne Bank (Investment), Wayne Bank (General), Wayne Bank (Payroll), NBT Bank, PLGIT (General), and PLGIT (Liquid Fuels) accounts respectively.

Roadmaster:

Gary M. Williams, the Roadmaster, reported that the Township was ready with antiskid and 150 Tons of salt for the snow season, and all trucks were ready too. The holes of Schocopee Road were patched so that it’s not bad for plowing.

Public Participation #1:

Mr. Vito DiBiasi, the representative of Friends of Milford Aquifer (FMA), said that Milford Borough had sent a letter to this Township supporting Milford Water Authority's (MWA) request to have the Source Water Protection Plan (SWPP) appended legally to the Shepstone Ordinance. Mr. Stroyan commented that that letter from Milford Borough did not reference who had written it, and there were no signatures either. Mr. DiBiasi replied that it was written by Maria Farrell, and it was understood that it was signed by all Borough Council Members. Mr. Williams commented that that letter was neither signed by any Borough Council Members nor by their secretary. Mr. DiBiasi continued that MWA had requested for over seven months to have the SWPP legally appended to the Shepstone Ordinance. Milford Township Planning Committee had recommended the SWPP be attached to a developer's application as a teaching document, and FMA finds that unacceptable because a teaching document cannot be enforced. Only the law can be enforced, and hence it needed to be attached to the ordinance in a legal way. Mr. Magnotta had looked at the map of the Shepstone Ordinance at the previous meeting, he had said that he could not see where the aquifer is, and Rachel had said that the map needed to be updated. President Biden has signed the infrastructure bill, and there is a \$50 Billion fund for improving the nation's water system. Conservation easements needed to be put on those targeted acres, as the money is available, and that would protect the drinking water of 2,400 constituents. Dingman Township had added the SWPP to their ordinance, and this Township should be able to do that too. He inquired what kind of a neighbor this Township was intending to be to the nearby Municipalities.

Mr. Fred Weber inquired what the next step would be, as PADEP had reviewed the Act 537 Plan. He added that a lot of those comments were regarding this Township. Ms. Luhrs said that this Board won't act until Milford Borough gets in touch with this Township. The Solicitor said that the DEP letter was not timely, and he had sent a letter to HRG and to all five Municipalities that are involved asking for a meeting with the stakeholders, and no one had responded. Penney added that the Borough meeting was scheduled for the next day.

Correspondence:

Shahana presented various correspondences received, including from Rachel Hendricks, Pike County Tax Administration, Milford Fire Department, Jessica Dreistadt, PSATS, Robert Ruiz, Vito DiBiasi, Patti Coomb, Pike County Commissioners Office, Pike County Assessment Office, Pike County Board of Elections, Brian Snyder, Tetra Tech, Solicitor, and NEPA Newlines. The Solicitor explained that the Act 523 will take effect in December, and according to this act, if there is no private maintenance agreement between the parties that use a private road, then they are responsible for the roadway, and it would be based on their front footage. Any one of them can bring a civil action to enforce the contribution of maintaining the private road against the other owners. This Act exempts the private roads that are covered by the Uniform Planned Community Act or Deeded Restrictions, and gives the right to a landowner to sue other landowners. Rachel inquired how those landowners would be able to enforce that. The Solicitor replied that this Act should have added some standards, such as, the road being dust free or the condition of the road to be to a point where two vehicles should be able to traverse. Rachel added that some lands might be vacant. Travis, the reporter of Pike County Dispatch, inquired if somebody would assess the condition of the road. Mr. Stroyan said that according to

the MPC, road conditions have to be assessed every after 12 years. Rachel added that this Act would be very effective for new developments.

Mr. Stroyan commented that the deadline of the firefighter's funding that was mentioned in Mr. Cartwright's correspondence was December 17. Rachel said that she had already sent it to the Fire Department, the Fire Department has to apply for that, and they can let this Township know if they need a support letter.

Old Business:

- a. Water Protection Ordinance - Wellhead/watershed zoning amendment:** Rachel said that which properties are in the overlay zone, and which are not, needed to be figured out, as people won't be able to tell if their properties are in the overlay zone or not to even so much as offer comments at the public hearing. The Solicitor agreed that enforcement cannot be done if it's not delineated. He continued that he had contacted Mr. Shepstone, who is agreeable with that assessment. Mr. Shepstone believed that the Pike County GIS might have a program, which would show which properties are in it, and which properties are not. He also discussed including the Source Water Protection Program study as the part of the ordinance with Mr. Shepstone, who is not in favor of that. The Dingman Township ordinance is more restrictive, and it follows Milford Water Authority's original request. The last page of Mr. Shepstone's ordinance shows the uses, Mr. DiBiasi had pointed out that some of those activities that should not be included in the protection zone, and he (Solicitor) did not disagree with Mr. DiBiasi. Mr. Shepstone was trying to make a happy balance between the light manufacturing and service-oriented businesses, which can be included as conditional uses, but some of those uses store contaminants. Wellhead/Waterhead/Aquifer protection is being considered here, and hence, when people submit development plans, they have to appropriately deal with stormwater that gets into the ground, and also, they have to appropriately contain the contaminants. Safe Drinking Water Act requires Municipalities and States to protect against contaminants in the water system. This act is for community water systems, but they equally apply to individual wells, which need as much protection.

The Solicitor continued that the area of the map that is included in the proposed ordinance is about six or seven miles, and a good portion of this map is outside of Milford Township. Interstate 84 and Route 6 are visible in this map, but the Township boundaries are not. Rachel added that that map was taken from the Source Water Protection Plan, and it's not a map that contains Milford Township only. Penney added that a map that bases on Milford Township is needed. The Solicitor added that who's in this zone, who's outside this zone, and the beginning and the end of this zone needed to be delineated, as the legislation about ordinances states that a vehicle to enforce the ordinance should be there. The map in this proposed ordinance doesn't show which properties would be governed by this ordinance and which wouldn't, and the Zoning Officer and the Building Code Officials would be asked to make that determination. Penney added that a lot of uses already existed in that zone, and she inquired if those property owners would have to be monetarily compensated. The Solicitor replied that certain developments could still be done, but some activities, bulk fuel storage for example, would be off limits, and golf courses as they use fertilizers and pesticides. The proposed ordinance allows to have Sewer lines with double-sleeved connections, it also

states that there cannot be any pumping stations in Zones A and B, and that needed to be clarified.

Mr. Stroyan, the Vice-Chairman of the Planning Commission, said that Mr. DiLorenzo was working with the County for the map, and the County had asked for more information, as the Zoning map and the overlay map had been confusing each other. The Solicitor added that some points of this proposed ordinance needed to be tweaked. He continued that property owners might approach the Township with the information about when they bought their properties, and the Township would have to deal with that. The Subdivision and Land Development ordinance deals with the storm water management plan. Mr. Stroyan added that the language in the proposed ordinance stated that the applicant would have to prove that the storm water is adequately taken care of, and the applicant instead of the Township would have to spend for that. The Solicitor added that according to the safe drinking water act, contaminants cannot be allowed in the 100' – 400' radius of an existing well. The next zone is usually half a mile, where absorptions happen, and contaminants should not be absorbed in that area either. The map in the proposed ordinance does not show where this “next” zone is, and only the 1,000' is mentioned. Mr. DiBiasi added that the aquifer is about 1,400' wide and two and a half miles from the springs. Rachel added that Mr. Sullivan had stated at one of his presentations that steep slopes and waterways are listed as commercial areas but those landforms are not conducive to that kind of development, and that can be looked at through the Comprehensive Plan to make the appropriate zoning.

The Solicitor said that this ordinance does allow for slight manufacturing in all three zones, the legitimate argument here is that the commercial uses of the property are not being taken away, and just storing 5,000 gallons of gasoline is being prohibited. He continued that animals are being prohibited, and some animal farms might already exist. Stormwater retention facilities may not be desirable in the protection area, but some uses could be conditional at the farthest points. He added that a work session would be needed to discuss some of his language issues and that assistance from County would be needed to make the overlay map. Rachel made a motion to request assistance from the County GIS office/mapping office/County Planning Department to develop a map that would go along with this ordinance, that includes parcel delineations and Milford Township area only, at the direction of Mr. Shepstone, Mr. Williams seconded, and it passed unanimously.

Mr. Stroyan said that Members had spent a lot of time with Milford Water Authority (MWA), and the Source Water Protection Plan (SWPP) was discussed. He continued that it was agreed with the representatives of MWA that the SWPP was a teaching document, and it cannot be placed in the ordinance. After that, some requests were made to include the SWPP in this ordinance, and that is confusing. The Solicitor said that it's referenced in the ordinance that the source water would be protected based on that plan, and attaching it to applications would confuse the applicants. Mr. Stroyan said that the Dingman Township ordinance is way too big to be consumed by an average person, and the goal of the Planning Board was to make an ordinance that an average person could understand. He added that the proposed ordinance places protection on the applicant and not on the Township, whereas the Dingman Township ordinance spells out what the protection should be. Spelling out the protection does not allow the Township to ask the applicant to do another study.

- b. Remittance of the balance of Ambulance tax funding to the MFD:** Penney said that to date the Township had collected \$57,279.90 from ambulance tax. Rachel added that the Township had anticipated \$56,000 of ambulance taxes, as 100% collections don't usually happen, and to date \$48,000 was forwarded to Milford Ambulance. She made a motion to remit the remainder of the collected Ambulance tax money to Milford Ambulance, Mr. Williams seconded, and it passed unanimously.

New Business:

- a. 2022 Budget:** Ms. Luhrs said that the proposed budget was ready for public advertisement. Mr. Williams made a motion to advertise the proposed budget for inspection, Ms. Hendricks seconded, and it passed unanimously. Ms. Hendricks explained that the anticipated revenue, expense, and operating reserve for the year 2022 are \$798,594.59, \$798,446.11, and \$148.48 respectively. This proposed budget included the American Rescue Plan grant and the expense of the Vandermark Drive Stormwater management project. It also included the matching of the County ambulance tax money, which would be \$60,000, which will be forwarded to Milford Ambulance for more man-hours.
- b. Ratification of participation in the 11/10 Hazard Mitigation Meeting hosted by the County of Pike:** Ms. Luhrs said that she had attended this meeting. She made a motion for this ratification, Mr. Williams seconded, and it passed unanimously. Rachel said that Ms. Emanuel bot also participated and were working on the worksheets, which would have to be completed by the end of the month.

Public Participation #2:

Mr. DiBiasi said that he had disagreed with Mr. Stroyan in a number of points. He continued that the map in the ordinance was a watershed map, it is 22 square miles, and it is not Milford Township. Only a portion of that map is Milford Township, and it is not possible to figure out where the aquifer, which is two and a half mile long and 1,400 feet wide, is from that map. The SWPP delineates the aquifer, and Mr. Doug Manion had requested to attach this document to the proposed ordinance on May 14. Mr. Klemeyer had also requested on behalf of the Authority to attach this document on August 23. Dingman Township, which is only 40' away from this Township, had put 20 pages of stormwater management in their wellhead ordinance. The overlay map cannot be constructed without the SWPP. Ms. Luhrs said that the next step is to define the overlay map, and nothing else would be done before this map is done. Rachel added that the map that is included in the proposed wellhead ordinance was in fact taken from the SWPP, and that map does not satisfy the needs of this Township. Mr. Stroyan thanked the Supervisors for "putting up with Mr. DiBiasi and himself." The Board thanked both of them for their participation.

There was no other business or executive session needed. Mr. Williams made a motion to pay the bills and adjourn, Ms. Hendricks seconded, and it passed unanimously. Adjournment was at 8:08 P.M.

Respectfully submitted,

Shahana Shamim

Secretary/Treasurer