

MINUTES

December 6, 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.

Wellhead / Water Protection Ordinance – mapping:

The Solicitor inquired how the central sewage could be run without any pumpstations. Mr. Shepstone said that he would talk to Mr. Magnotta about it. The Solicitor added that Michele Long from Pike County Conservation District had mentioned the same points that he himself had said at the previous meeting. Rachel added that according to Mr. DiLorenzo, only a couple of changes needed to be made on the Zoning Map, which was almost ready, and then they would start working on the overlay map. Penney said that if a landowner says that he wants to have a gasoline service station, then they would have to be given some financial status. She added that landowners buy their properties with plans, the use of their land is being taken away, and the Township might be in trouble. Rachel added that she won't be in favor of compensating landowners because those landowners did not apply already and there are plenty of other uses available to them. The Solicitor added that that would have to be dealt on a case-by-case basis and the public hearing notice for this proposed ordinance may generate a flurry of applications.

Mr. DiBiasi said that when landowners purchase the property, the deed should tell them if it's in the aquifer zone. The Solicitor replied that deeds and even title searches don't show any maps of the aquifer zone. He continued that the map that is included in the proposed ordinance does not show which properties lie in the aquifer zone, and that information would be required from the enforcement standpoint. When the Zoning Officer receives an application, he will need to know if the property lies in the overlay zone or not. Rachel added that the proposed ordinance had been revised several times by the Planning Commission.

Mr. DiBiasi said that manufacturing, golf courses, printing, finish stripping, gravel, mining activities should be taken out of Zone C, as chemicals to do these things are stored onsite. He added that the restriction of 35 gallons restricts them in a sense, and mining is the most important one. Rachel said that according to the proposed ordinance, Zone C is much larger than the aquifer, and Supervisors would have the ability to not approve an application for mining conditional use if it is directly on top of the aquifer. The Solicitor added that the application could be disapproved if Supervisors can show that it is detrimental to public health. He further added that if the use is much further out in the watershed, and there are appropriate conditions, then it could be approved in that part of the zone.

Ms. Maria Farrell inquired who would determine if the conditions were appropriate. The Solicitor replied that all conditional use hearings go in front of the Supervisors. Ms. Farrell commented that that implies that a group of Supervisors would be able to overturn the conditional use list even if the properties are right below the Spring. She added that that would also imply that applications could be denied only under specific circumstances, and any use in the watershed area could be approved by the Supervisors. Rachel replied that that approval would be with appropriate conditions. Mr. Shepstone said that Supervisors make decisions, and that's the law. He added that the conditional use is a permitted use with the presumption that strong conditions could be attached to the use, and that's how the aquifer could be protected. The

Solicitor added that public hearings are conducted, neighbors are notified, and testimony is taken by the Supervisors. Testimony is also taken from the parties that oppose the application.

MINUTES

December 6, 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, Zoning Officer Shawn Bolles, and Secretary/Treasurer Shahana Shamim.

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

Treasurer's Report:

Shahana reported that since the last meeting she had received a refund of \$1,757 from AmTrust North America, \$17.50 from Code Inspections, \$250 from the Plates' minor subdivision application, \$8,932.70 from Real Estate Transfer taxes, and \$412.49 from State Police Fines and Penalties. She also reported the financial institution account balances as \$189,559.71, \$77,854.88, \$23,524.76, \$18,326.67, \$8,386.93, and \$70,269.63 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 both trucks had broken down the past week with hydraulic line issues, and there were some snow buildups. He added that luckily it was a small storm, both trucks were ready again, and leaves were cleaned up also.

Rachel said that Pike County Light & Power had put a social media post that there would be a supply cost increase, she had responded to their post by asking for the price for changing street light bulbs to LEDs, and they had not responded as of then. Gary added that he would contact Pike County Light & Power again.

Zoning:

The Zoning Officer said that he had issued permits for a retaining wall, a fence, a seasonal vending business, and a temporary sign. He continued that he was instructed to do a final inspection of a warehouse/office building on Route 6, and it might have to go back to the land development, as the approved site plan could not be found in the Township. He had contacted the County, he learned that the plan was never recorded there either, and the final inspection cannot be done without it. The Solicitor said that it was a conditional use, and there was an amendment to it in the year 2012. Ms. Hendricks added that the approval and conditions probably were recorded in the minute book, but it would be very time-consuming to sift through the minutes. The Solicitor said that the applicant could be asked to provide a copy of the approved land development plan.

Public Participation #1:

None

Correspondence:

Shahana presented various correspondences received, including from the Tax Collector, Pennsylvania Municipal League, Kiley Associates, Econo-Pak, PSATS, Pike County Tax Administration, Lara Ann Dodsworth, Brian Snyder, TRUGREEN, Code Inspections, Solicitor, Delaware Water Gap NRA, NEPA Newslines, and HRG.

Old Business:

a. **Conditional Use Hearing - 510 Rt. 6 & 209 – Natasha Ferousis:** Tara Wilson, the Stenographer, was present for the hearing. Ms. Luhrs made a motion to temporarily close the meeting and to start the conditional use hearing, Mr. Williams seconded, and it passed unanimously. The Solicitor said that Natasha Ferousis was present for her conditional use of Jovani's Way Never Leave Anyone Behind, Inc., and the advertisement was placed in the Pike County Dispatch in two successive weeks on November 11 and 18, 2021. Ms. Ferousis said that she was the owner of Light Up the Spectrum also, and her son was the inspiration for this proposed business, which would be for the people of all ages with special needs in the community. In reply to the Solicitor's inquiry, she said that there would be social clubs, where life skills, such as, cooking, food preparations, kitchen safety, and social skills, would be taught. She continued that there would be adult supervision for outdoor activities, which would be held only on weekends or on national holidays, and those activities would follow the Township's noise ordinance. There were other tenants in the building, and those tenants had informed in their letters that they were okay with those activities. The hours of operation would be from 9:00 A.M. till 9:00 P.M., seven days a week.

Rachel pointed out that the submitted materials stated that there would be overnight indoor camping events, and that would not fit in this nine-to-nine schedule. Ms. Ferousis replied that sometimes parents go out, and they cannot bring the child, and there would be adult supervision. Rachel added that it was more like an adult daycare facility. Ms. Ferousis indicated she originally wanted to have a few overnight campouts a year but was recently asked about this additional service. It was confirmed that this was not in her application. She was informed that she would have to obtain the required permits from the state to operate such a facility and apply again to the Township in the future if she wanted to add this service. Rachel suggested modifying the conditions suggested by the Planning Commission by allowing four overnight camping events per calendar year. The Solicitor added that the Planning Commission had stated the use as medical.

Mr. Bolles said that he would be the enforcement person, who would knock at the door if something is not in compliance. He added that at the beginning, the application had looked like it was for the kids with autism, but Ms. Ferousis had mentioned that it would be open to the public. Ms. Ferousis replied that it will be open to the families that don't have any members with special needs, they would be able to socialize with children of special needs, and thus the environment would be more inclusive. The individuals who don't have special needs, would have to be mindful that there are individuals with special needs, and they would have to be compassionate

and kind to these individuals with special needs. Rachel commented that individuals with special needs would be helped by allowing them to integrate into a larger community.

The Solicitor commented that there would be date nights, which were likely for older kids. He added that the applicant had submitted the diagram of the parking and movie nights, that would be a part of the conditional use, and the activities would have to comply with all ordinances and regulations. Penney commented that it's wonderful program. The Solicitor added that it was a public hearing, and he welcomed any public comments. There were no comments from the public, and Penney made a motion to close the Hearing. Ms. Hendricks seconded the motion, and it passed unanimously. Penney made another motion to reopen the meeting, Rachel seconded, and it passed unanimously. The Solicitor read out the conditions as follows:

1. All accessory activities outside of the building must have adult supervision.
2. Any outdoor activities must abide by the Township noise ordinance and any other regulations that may apply.
3. The owner and tenants are responsible for any traffic control.
4. The outdoor activities can only occur on the weekends or national holidays.
5. The tenant will abide by the plan, which was provided to the Township and was attached to the application as Exhibit "A".
6. The hours of operation will be from 9:00 A.M. through 9:00 P.M., seven days a week.
7. Overnight indoor camping events will be allowed four times per year, and a parent or a guardian would have to be present with each camper.

Rachel made a motion to approve the application with the stated conditions, Mr. Williams seconded, and it passed unanimously.

b. Second Amendment Request – Pike County Second Amendment Sanctuary – Patty Coombs & Bob Roche: Mr. Roche said that Porter Township had passed this resolution at 4:00 P.M. in the afternoon, and to date, already eight municipalities of Pike County had passed this resolution. Rachel made a motion to decline this proposed resolution and to give no further consideration, on the basis that it's not within the purview of this Board to determine what laws and policies are constitutional; it's not within the purview of this Board to direct the law enforcement agencies about what laws to enforce; this Board would not subject its residents to potential liabilities or expenses regarding litigation, and citizens would be able and encouraged to communicate with legislators about their personal views on this issue and specific legislation proposed or passed in this regard on this subject, which is currently controversial. Mr. Williams seconded the motion, and it passed. Mr. Weber said that he fully supported the Second Amendment, which is constitutional, but the amount of liability that this resolution poses on the Township is significant, and it's not addressed. He continued that if the Federal Government decides to pass a law that this Township decides not to enforce, then there would be litigation and fines, and if mass shootings happen, then there would be consequences with the local law enforcement. The Township would become open to the litigation, which is not in the budget, by passing this resolution.

The Solicitor said that this resolution is not binding, some other Townships had passed smaller resolutions, and it does not have a legal significance. He added that it could lead to potential liabilities. Patti said that there are no penalties, and there's no local police department to enforce. Rachel said that this Township does not determine which laws passed by the State or US Legislature are constitutional or unconstitutional. She added that currently two laws are pending, and every citizen of Milford Township has their own views, which can be

followed up with the legislators. Mr. Roche said that they were just looking for everyone to stand together, and Rachel said that it's a controversial issue, and everyone does not stand together on it. She continued that this Board was not suggesting taking away anybody's guns, and the Board was not saying that somebody should go and hand guns to everybody either. This Board is just not going to get involved in this, and it will give its residents freedom to express their own personal views on this controversial subject. Penney voted 'nay' to the motion, and the motion passed with 2-1 votes.

c. HRG Correspondence – DEP Administratively Incomplete Letter: Penney said that Mr. Mrozinski was trying to put a meeting together. The Solicitor added that the HRG correspondence stated that DEP did not reject the Act 537 Plan, and it was administratively incomplete. He added that according to this correspondence, DEP comments were received 141 days after the submission, whereas according to the state code, DEP gets 120 days to provide comments, and HRG wanted to meet with the stakeholders. Mr. Fred Weber commented that that 120-day period was for single structures or commercial buildings, and not for the Act 537 Plan. He added that HRG was asking for one representative to be present at the meeting, which implies that quorums won't be present at the meeting, and hence there would be no public participation. The Solicitor added that HRG was probably asking Municipalities to designate a representative to attend this meeting.

Rachel said that this Township was not in need of driving this bus, and Penney added that instead of putting it on DEP, HRG should have contacted DEP to ask if the submission was complete or not. Rachel added that the Township doesn't know how much of the grant funds had been used, and who would pay to move ahead if the fund is used already. Mr. Stroyan added that according to the agreement, the four Municipalities would split the difference when the money is done. He added that HRG is obligated to provide a complete document. Mr. Weber added that HRG should have had a meeting with DEP to discuss about how to file an Act 537 Plan. He further added that the submitted plan was administratively incomplete, and they didn't even get to the technical review. Rachel added that the Borough might take the initiative move this forward, as they were actually intending to move forward with sewer service.

New Business:

- a. Approval form for the new Tax Collector and the new Deputy:** Mr. Williams made a motion to accept Lorelei Davis' appointment of Daniel G. Davis as her Deputy Tax Collector from January 1, 2022 through December 31, 2025, Ms. Hendricks seconded, and it passed unanimously.
- b. Kiley Associates – Consideration as Municipal Engineer:** Penney said that the Municipal Engineer would be set on the first meeting of 2022. Rachel commented that the Solicitor had informed the Supervisors that he won't be able to attend this first meeting of 2022 if held at 7 pm, as he is scheduled to have other meetings during that time, since all Townships must reorganize that day. She added that the Solicitor could attend via Zoom, likely late. Penney added that there won't be any workshops before this first meeting of 2022. Rachel made a motion to set the time for this meeting to be at 7:00 P.M., Mr. Williams seconded, and it passed unanimously.

Public Participation #2:

Mr. Stroyan said that the carbon neutral policy would have a serious impact on the local governments. He continued that using diesel fuel from a home heating fuel in motor vehicles can be a violation of the law, as the road use tax is not paid. The road use tax is not paid also when electric cars are charged at home, that also can be a violation of the law, and the Township could be very deficient in Liquid Fuels money going forward. He urged the Supervisors to contact local representatives to discuss how it could be resolved. Rachel added that at the County convention, PSATS spoke about PennDOT doing a study, where an annual mileage tax is being considered as opposed to the gasoline tax. She continued that she had mentioned to Holley that local residents often buy their gas in other states, and these residents would end up paying both taxes. Holley's reply was that PennDOT was aware of it; it might move towards being national; and how that could be done was still up for discussion. Mr. Stroyan said that this is how roads survive in rural communities, and that money may not come down to rural America. Rachel added that there won't be any federal takeover of the roads, there would be political formulas, and the smallest areas might end up with the least amount of money. Gary added that the formula for Liquid Fuels money is based on population and roads, whereas in some Townships, 90% of the residents don't use their Township roads, and those Townships still receive hundreds of thousands of dollars.

Mr. DiBiasi commented that the workshop conversation looked like things were going backwards. He continued that the public would be concerned, as the top two things in the 2020 strategic plan of Pike County Conservation District were surface water quality and ground water quality for the drinking water. One of the major concerns of the recent hazard mitigation plan that the County just had put forward was the water resource protection, as those resources would be under harsher circumstances when the climate gets warmer. Going to stricter concerns and language in the ordinance would provide a solid legal ground, and it would not be a taking. He inquired who would be in charge of telling the landowner, who bought the 44-acre land in 2018, that the aquifer is 100% underneath the property. Rachel replied that it would be the property owners' due diligence to find that out. Mr. DiBiasi said that those property owners should have been told in some way, and Rachel replied that court would ultimately determine that matter if it comes up. She added that if the words in the ordinance are too strict then it would be a taking, and that determination would be done by the court. Mr. DiBiasi said that Golf courses use a lot of chemicals, and hence are not appropriate to be on top of the aquifer. The Solicitor said that those uses would be conditional uses, which are permitted uses with reasonable conditions, and if it is prohibited instead, then the property owners can claim it to be an inverse condemnation. Mr. DiBiasi said that the infrastructure bill has approved \$50 Billion federal money to protect the water, and these property owners could be compensated with that money. The Solicitor replied that that money is not for the conservation easement.

There was no other business or executive session needed. Ms. Luhrs made a motion to pay the bills and adjourn, Mr. Williams seconded, and it passed unanimously. Adjournment was at 8:25 P.M.

Respectfully submitted,

Shahana Shamim

Secretary/Treasurer