

MINUTES
January 3, 2022
Reorganization Meeting (Hybrid) of the Board of Supervisors
560 Route 6 & 209
7:00 p.m.

The reorganization meeting of Milford Township Supervisors was called to order at 7 P.M. by Penney Luhrs through a Zoom call, the meeting ID for which had been advertised in advance in the Pike County Dispatch. Also present were Supervisors Rachel Hendricks, Gary M. Williams, Solicitor Anthony Magnotta, and Secretary/Treasurer Shahana Shamim.

Mr. Williams made a motion to nominate Penney Luhrs as the Chairman of the Board of Supervisors, Rachel Hendricks seconded, and it passed unanimously. Mr. Williams made a motion to nominate Rachel Hendricks as the Vice-Chairman of the Board of Supervisors, Ms. Luhrs seconded, and it passed unanimously.

The following were also unanimously voted:

Gary M. Williams (Supervisor): Roadmaster

Tax Collector: Lorelei Davis

Secretary/Treasurer: Shahana Shamim

SOLICITOR: Anthony Magnotta

Alternate Solicitors: John Klemeyer and Tom Farley

Building Code Official: (commercial & residential) Code Inspection, Inc.

Sewage Officer & Emergency Management Director: Robert DiLorenzo

Zoning Officer: Shawn Bolles

Township Engineer: Kiley Associates

Alternate Engineer: MHE, John Fuller and James Farr

COG Representative: Shahana Shamim

Alternate COG Representative: Rachel Hendricks

Planning Commission:

Members: Kevin Stroyan (term expires on December 31, 2027), Robert DiLorenzo (term expires on December 31, 2024), Ray Willis (term expires on December 31, 2022), Patrick

McCarthy (term expires on December 31, 2023), and Peggy Emanuel (term expires on December 31, 2025)

Planning Commission Secretary: Shahana Shamim

Planning Commission Solicitor: Tom Farley

Zoning Hearing Board Members: Phyllis Simpson, Bill Pitman, and Ed Ryman; Solicitor: John Klemeyer;

Vacancy Board Member: Emil Moglia

Open Records Officer: Shahana Shamim

AUDITING FIRM: Kirk, Summa, & Company

HOLIDAY CALENDER: Follow Pike County's schedule of holiday closings

OFFICIAL NEWSPAPERS: Pike County Dispatch, Pocono Record, Pike County Courier, and Tri-county Independent

TOWNSHIP OFFICE HOURS: 9am to 1pm, Monday – Friday

Building Code Enforcement officers: 9:30am to 11am on Mondays

Zoning Officer: 9:30 A.M. to 1:00 P.M. on Mondays

SUPERVISORS' MEETING SCHEDULE: 1st Monday and 3rd Monday of the month at 7 P.M. Workshop at 6:30 P.M. (if a legal holiday, the Supervisors will meet at 7pm Tuesday (workshops at 6:30 P.M.) of the same week)

PLANNING COMMISSION MEETINGS: 4th Tuesday 7 P.M. as needed

PLANNING COMMISSION WORKSHOPS: 2nd Thursday 7 P.M. as needed

Depositories: Wayne Bank, PLGIT, and NBT Bank

Treasurer's Bond Amount: \$500,000

Rachel said that Planning Commission Reorganization meeting was scheduled for January 13, 2022, and she made a motion to approve it. Mr. Williams seconded the motion and it passed unanimously. Rachel made a motion to adjourn the reorganization meeting and to open the regular meeting, Mr. Williams seconded, and it passed unanimously.

Rachel made a motion to amend the agenda, as a mask mandate needed to be considered for the inside of the Township building for January and February of that year. She added that this late change in the agenda was because of the recent spike in COVID-19 cases, especially because

the Planning Board was scheduled have a Hearing for Econo-Pak on the 13th of that month, and probably that would fill-up the meeting room very easily. The motion to amend the agenda was seconded and passed.

Ms. Hendricks made a motion to approve the minutes of the previous meeting, Mr. Williams seconded, and it passed unanimously.

Treasurer's Report:

Shahana reported that since the last meeting she had received \$25 from UGI and \$3,362.42 from the Tax Collector. She also reported the financial institution account balances as \$178,307.14, \$77,854.88, \$14,425.87, \$19,432.83, \$8,387.03, and \$70,270.44 in Wayne Bank (Investment), Wayne Bank (General), Wayne Bank (Payroll), NBT Bank, PLGIT (General), and PLGIT (Liquid Fuels) accounts respectively.

Roadmaster:

Mr. Williams, the Roadmaster, reported that since the last meeting there had been some vehicle breakdowns again. There was a predicted ice storm the previous week, and it kept the road crews pretty busy. The roads were treated before the ice storm had started, and hence there were no problems on the roads. Another ice storm happened in the morning of Christmas day, the road crews were working again, and there were no problems.

Gary said that he had spent 45 minutes the previous week with Ms. Nicole Herman from PCLP to gather information regarding changing Township's streetlights to LED. All lights will be changed to LEDs, and there would be no cost to the Township. Contract with Direct Energy will have to be ended, and that is where the Township is getting the power now. Direct Energy is charging 13.2 cent/Kilowatt, whereas PCLP would charge only 7.49/Kilowatt, and the existing contract is about to expire. The Solicitor added that it would have to be added to the next meeting's agenda, and whether there is a termination fee should be checked. He added that if it's a contract for multiple years then the fee would be for the remaining months of the contract.

Gary said that the Township was putting a lot of money out for truck repairs, and he asked for permission from the other Supervisors to get the price of a new truck. Rachel added that the Township still would have to pay \$16,000 for the other equipment loan, and another truck was not budgeted for 2022. She suggested buying from auctions, Gary said that he didn't want to buy used ones, and Penney suggested budgeting for a new truck for the year 2023. Gary indicated that truck orders are frequently taking upwards of a year to be delivered. Penney made a motion to look for the price of a new truck for the following year, Rachel seconded, and it passed unanimously.

Public Participation #1:

None

Correspondence:

Shahana presented various correspondences received, including from Anthony Waldron, Planning Board, Pike County Humane Society, Pike County Tax Administration, Milford Fire Department, PSATS, MHE Engineering, John D. Fuller, Solicitor, Brian Snyder, Pike County Conservation District, Mr. J. Spina, and PCLP. Ms. Hendricks commented that Mr. Fuller had sent a link for the drop box, which contains information about Econo-Pak's Hearing, and he

would keep adding information to that drop box. She added that those contents could be changed at any moment, and what was in that dropbox at any given time cannot be tracked. She further added that information can be put into the dropbox any moment without informing the Board, which can be randomly expected to know about these changes. The Solicitor added that that link should not be relied on. Mr. Stroyan added that the basic intent of posting that link on the website was to make information available to the general public, and Members had told Mr. Fuller to submit all documents in print a week before the Hearing. The Solicitor added that any documents pertaining to the conditional use and land development Hearing that Econo-Pak submits to the township have to be delivered to the Secretary, or those documents would have to be admitted at the Hearing, and that is the proper way for the documents to be placed before the Board. Mr. Stroyan added that that procedure was never eliminated. The Solicitor said that the Secretary should write a letter to Mr. Fuller advising him that all the information in the dropbox is just to keep the general public informed, but all the documents will have to be formally submitted to the Township through the mail, through the office, or at the time of the public Hearing. Mr. Stroyan suggested putting a disclaimer in the webpage that the information link is from a third party, it's for information purpose only, and it's subject to changes. He added that the Engineer had been bringing documents at the meetings, instead of sending ahead of time, and that's not desirable for an advertised Hearing with a stenographer. Ms. Luhrs added that she is currently working with Delaware Township, where documents are required to be submitted three weeks prior to any Hearings. Supervisors asked the Secretary to send an email and a letter to Mr. Fuller asking to submit printed documents well before the Hearing.

Mr. Stroyan asked the Solicitor at what point of time the Planning Board was obligated to make a decision for this Hearing. Ms. Hendricks said that Mr. Fuller had sent a letter for extension on December 9th, and the Solicitor added that it was for a 60-day extension. He further added that February 9th would be the expiration date of the current extension, and another extension could be requested. Mr. DiLorenzo added that if the Planning Board is unable to render its decision on the 13th, then it could be rolled to January 25th, which would be the regular meeting of the Planning Board. Rachel added that Supervisors would need another extension in any case. The Solicitor added that he had looked at the link that Mr. Fuller had provided, and he saw some misspellings in the bill of lading. Mr. Stroyan added that he was also concerned about that, he thought that it was done by the Engineer, and not by the shipping department.

Rachel said that Holger and Nadine Plates' subdivision information was in the correspondence, but it was not on the agenda. Mr. Stroyan said that that application was still incomplete.

Old Business:

- a. **Act 537 –Inquiry from the Planning Board:** Ms. Luhrs said that she wasn't planning to put any money out for the Sewer line, as it is supposed to just be a transmission line for this Township, but the well testing was being proposed. Mr. DiLorenzo said that he had attended HRG's January 13th meeting, HRG was trying to get this Township to make its property owners approve testing their wells, and he had told them that it would be on the property owners. Mr. Stroyan inquired why the wells that are not in the service area would be tested. Mr. DiLorenzo added that DEP had requested to test the wells in its reply letter, and these wells were in the study area as opposed to along the line. Mr. Magnotta added that the transmission line would

belong to Westfall Authority in conjunction with Milford Municipal Authority, and then why this Township would have to maintain the line is unclear. Rachel said that it could be the USDA or Economic Development Authority rules.

Mr. Stroyan added that the Milford Water Authority and Westfall Authority were not added in the Intermunicipal Agreement, they were saying that they didn't have anything to do with it, and DEP probably saw that. He further added that the minutes of HRG's meeting of January 13 clearly indicated that they were asking for money. Mr. DiLorenzo added that at that meeting, HRG had said that testing the wells was not in their scope of work, they spoke about having a meeting at the library with all four Municipalities, and that was not included in their scope of work either. He continued that HRG also had commented that DEP's letter was not very professional, Municipality's solicitors should straighten it out, and that implies that there would be a fee to the Municipalities. At the meeting, Frank Tarquinio gave everybody a list of what needed to be fixed. Mr. Stroyan commented that HRG was trying to make others responsible for what they didn't finish. He added that HRG would go to the residents, who don't have to give permission to test their wells. Mr. DiLorenzo added that HRG is not taking any responsibility for what they had done, they said that this plan was not theirs, and it's the stakeholders that had asked them to submit the Plan.

The Solicitor said that the stakeholders had to choose different alternatives, but all the alternatives were developed by HRG. He added that there should have been a joint Authority for the maintenance of this line. Mr. DiLorenzo added that none of the Authorities were present at the meeting, and there were no answers to the question of the price. The Solicitor added that while HRG had said that the Solicitors needed to straighten it out, none of the Solicitors were invited to the meeting. Rachel added that it was hard to determine whose meeting it actually was, the Borough's or HRG's. She further added that the group didn't welcome Mr. DiLorenzo, the SEO of Milford Township and Chair of the Planning Commission, to this meeting, and HRG did not even collaborate with the Supervisors before scheduling that meeting. The Solicitor added that it's easy to blame somebody else for one's own mistakes. He continued that this Township did not make the Plan, HRG did, and they were making Solicitors fix the intermunicipal agreement to deal with DEP's comments. The only thing that the Municipalities got was a finished product to review, and there's no need to put money out until the 18-page letter from DEP is addressed.

Rachel said that according to the Intermunicipal Agreement, the Municipalities are supposed to pay for the balance of the cost if the cost is higher than the grant amount, and it has to be each Municipalities' fair share. She added that the agreement doesn't provide a description of that fair share, and at one of the meetings, the Solicitor had said that it would be easy for the Township to maneuver with this loose language. She further added that she was concerned that this Township would be dragged by the other Municipalities, who will be able to hand bills to this Township. The Solicitor said that HRG wants the Municipalities to make more agreements to spell out these points. He added that this Township can opt out of the agreement, and in that case the transmission line would be put in the public right of way. Mr. DiLorenzo inquired if this Township had adopted the Act 537 Plan. He added that at HRG's meeting, they had said that this Township already did. The Solicitor said that the resolution was about submitting the

Plan to DEP for approval. Rachel asked the Secretary to send this resolution to all Planning Commission Members, Supervisors, and both Solicitors.

Mr. Stroyan said that there are 400 new apartments in Westfall Township, those are sucking up the available sewage gallons, and those were pending when this Plan was being made. Penney added that the school wants to be added to the Sewer line also, and they have money for it. The Solicitor added that the DEP response came after 120 days of the Act 537 Plan submission, and that's why HRG doesn't want to address DEP's comments. He added that if this Township allows the Sewer Line to be just a transmission line with a voluntary hookup ordinance, then the Authorities might tell this Township that Milford Borough and Westfall had reserved their capacities, whereas Milford Township didn't.

- b. Donation to Milford Fire Department: \$17,000 – voted for \$19,000 at the December 20 meeting by mistake:** Ms. Luhrs made a motion for this amendment to the motion approved at the previous meeting, Mr. Williams seconded, and it passed unanimously.

New Business:

- c. Meeting room request – Pike County Humane Society (PCHS):** Supervisors told Ms. Kathleen Moran, the Trustee of PCHS, that an insurance bond and the number of participants would be required. They added that the number of participants would have to be limited because of the size of the room. Ms. Moran said that there were six Members in the Board, they would abide by the rule, and she would provide the certificate of insurance. She added that they would bring their own laptops and use the Wi-Fi service of the building. Rachel pointed out that the primary would fall on their requested date of May 17th, and she made a motion to approve the meeting room usage for the dates provided, except the May 17th, Penney seconded, and it passed unanimously. Rachel asked Ms. Moran to provide another date for their May meeting.
- d. Pike County Hazard Mitigation Plan Meeting–January 19, 6:00 P.M. – Supervisors' Participation:** Rachel made a motion to approve the Supervisors' and Mr. DiLorenzo's participation at this meeting, Penney seconded, and it passed unanimously.
- e.**
- f.** Rachel asked the Secretary if she had seen a \$60,000 check from the County for the Ambulance funding, and the Secretary replied 'no'. Rachel asked her to follow up with the County Commissioners if the Township needed to do anything to receive this funding. She added that this fund was supposed to be automatically available.
- g. Mask mandate in the Township building for January and February of 2022:** Rachel said that there was a recent spike in COVID-19 cases, and wearing masks needed to be mandated for anyone visiting the building, meeting attendees, and employees who engage with anybody within the six feet distance. The Solicitor added that he had made an inquiry to PSATS about meetings, and the response that he had received was that as long as one Supervisor is present at the meeting room, the rest of the meeting could be done virtually, and that would be considered to be a hybrid

meeting. Rachel added that the Planning Board had scheduled a Hearing for the following week, and there might be a lot of attendees. She continued that it would be difficult for Planning Board Member to view the documents via Zoom, and also the public might want to attend that Hearing in person. They should be protected, the Township might even have liability, and Wayne Memorial was asking people not to go to the hospital unless absolutely necessary because they are full. The Solicitor added that some hospitals have restricted visits to only one designated family member. Mr. Stroyan added that he had been handling four people, who are not necessarily elderly, each week, who died from COVID. He continued that surgical and N95 masks can protect other people nearby, and cloth masks do not provide any protection. He requires masks in his facility, and people can't be asked if they are vaccinated or not. Rachel added that people cannot be stopped from entering the building, and the Township is obligated to protect its employees, volunteers, and residents. Rachel made a motion for this mandate, Mr. Williams seconded, and it passed unanimously.

Public Participation #2:

Mr. Ryman inquired what Econo-Pak was doing. Mr. Williams replied that they bought the other two lots next to them, and they were going to build a 125,000 square foot warehouse behind the existing building. He added that signs were posted on that property to make trucks make left turns on Route 6 & 209, and to take the Matamoras exit. Mr. Stroyan added that left turn instruction would be added to the bills of lading also, and the applicant was working on the entire written protocol. Mr. Williams added that the vegetation would have to be 6-8 feet tall to block the glare of the car lights in the night shift. Penney said that she had seen the rendering, the plants look awfully tall, and she inquired how those plants would be so tall. Mr. Stroyan replied that they are following their landscape architect, the ordinance is being followed, and Mr. Shepstone was guiding them also. He added that they are getting rid of the berms, as they get dry, and the vegetation was being moved to the edge from the middle of the property. Mr. Ryman said that he had seen trucks enter Milford Borough, and Mr. Stroyan said that that's why the Township wants people to participate at the Hearing. Rachel added that there are a lot of people in that building, they do need to evacuate people in gas emergencies, and they should have a plan for the evacuation.

Mr. Stroyan said that months ago, Mr. Weibel had discussed improving the exterior of the building and upgrading the portion of Route 6 & 209, Mr. Fuller had actually initiated that conversation, but in November, Mr. Weibel had said that he had no intention to do that. Penney commented that the renderings that they had provided looked very beautiful. Rachel said that Mr. Don Quick had mentioned at one of the meetings of the Planning Board that the new rule for safety distance is 50' from the pipeline, and when the previous building was built, the rule for safety distance was only 25'. She added that these buildings are set up to be one behind the other, following this new safety standard would require the location of the building to be altered, and there might be liability issues if this new safety standard is not followed.

There was no other business or executive session needed. Penney made a motion to pay the bills and adjourn, Gary seconded, and it passed unanimously. Adjournment was at 8:29 P.M.

Respectfully submitted,

Shahana Shamim

Secretary/Treasurer