

MINUTES
April 18, 2022
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.

Approval for temporary trailers – LC Station Properties: The Solicitor said that the narrative was dated April 17, and there are two containers on site now. He added that Mr. Station’s conditional use hearing had happened back in May, and the Zoning Officer had mentioned that temporary permits would have to be issued by the Supervisors. Mr. Williams said that it never came in front of the Board of Supervisors. He added that those are shipping containers, which are not on wheels, and hence cannot be licensed. The Solicitor added that according to the ordinance, no more than two licensed trailers shall be permitted for storage over the course of the construction project, and it cannot exceed two years. He further added that the ordinance also states that storage of materials, supplies or products in motor vehicles, truck trailers or other containers normally used to transport materials shall not be permitted. Rachel added that the Planning Board had been trying to address this issue. The Solicitor added that Milford Farmhouse was having the same issue, they were scheduled to have a hearing, but they would make an application for trailers on site.

Mr. Station added that keeping those containers on site provides construction safety. The Solicitor read out the Section 602.5, which stated “a temporary permit may be issued by the Board of Supervisors for any non-conforming structure or use which it deems necessary to provide for the needs of the community, provided such structure or use is completely removed prior to expiration of the permit and the area is restored to its original condition. All such permits shall be of specified limited duration to be set forth by the Board of Supervisors in granting the permit. This shall not, however, prevent any party from reapplying on a regular basis for permits for recurring activities, provided such uses are neither permanent nor continuing in nature”. He added that this section would allow the Board of Supervisors to issue a temporary permit. He further added that the Zoning Officer had correctly pointed out that those containers were not licensed trailers, which is mentioned in the section 407.2. The Zoning Officer added that back in March, the NAPA store had received permits for their two containers for their construction phase, and this case is the same. He continued that once the construction phase is over, those shipping containers would have to go, or he would have to get those in the licensed trailers. The Section 602.5 does not specify the duration of the permit, and it would be up to the Board of Supervisors.

Act 537 Plan: Penney said that there was a meeting on Thursday, and the Commissioners had denied providing any money. She continued that Milford Borough had forwarded \$10,000 to the Milford Water Authority (MWA) for the attorney fee so that Mr. John Klemeyer could do the Intermunicipal Agreement. MWA will be taking over, and they would be soliciting to the people, who might want to sign up to do the Act 537 at a discounted rate, and the other option would be that this Township would be completely out of it, and none of the constituents/businesses would have the option to sign into it. It might cost \$1,000 for the well testing, as Microbac testing costs \$100-150 per test, and the Solicitor fee would be another \$1,000. Rachel said that the cost was \$3,000 when HRG first started looking at it. Penney replied that Microbac’s result could be used for the community well, and that shouldn’t have to have a charge. Rachel added that that

community had said that they would get the results from Microbac, but they never did. Penney added that the manager of that Community could be contacted for the result. She further added that HRG was able to get a lot of people's consent to have their water tested. Gary added that there were eight wells and Penney said only half of those needed to be tested. She added that HRG would hire Microbac, which would go to the houses to collect samples for the testing, and this Township would have to tell if it would proceed or just become a transmission line.

In reply to the Solicitor's inquiry, Rachel said that the previous month, Milford Borough had requested \$19,800 of the County, and it was on behalf of all Municipalities and the Water Authorities. She added that in the beginning HRG had said that there were no wells to test, and now they are testing a lot of wells in Keystone Park. Gary added that they have listed a lot of wells in Bull Run Road also, and Rachel wondered where the list came from. Penney added that the Resolution had added that the Township could get out of it if it can't afford. Rachel said that the contract and the bills of HRG needed to be reviewed but were never sent to the Township. The Solicitor added that those bills were paid by Pike County. Rachel added that if \$3,000 is the starting point, then they might come back for more. Penney added that a letter could be sent to the County Commissioners. The Solicitor added that the Supervisors could ask the County Commissioners what the money was used for, and what the anticipated cost would be, as the letter stated that Municipalities are legally committed to complete the application.

The Solicitor said that he had asked at the Solicitors' meeting what the status of the application was with DEP. Rachel added that copies of the contract, all the amendments that were proposed or approved for the contract, and all the bills are needed to see where all that money was expended. She further added that the Board had repeatedly said that Township taxpayers' money wouldn't be spent. The Solicitor added that the County Commissioners had asked in their letter to look into the budget so that this remaining cost could be equitably shared. He further added that the plan should be finished, the cost is the question, and this Board should also ask for an assessment of how much more this is going to cost before the plan is submitted. Rachel added that she was sitting on the other side of the table before the intergovernmental agreement was executed, and the Solicitor had said that the unspecific language about the equitable division of the costs in the intergovernmental agreement was helpful. She continued that now the Township is being told that it has to pay the bill, how many more bills would follow is not known, and this "equitable division" would come to light again during the implementation phase. DEP was looking for how the responsibility would be divvied up for the initial submission, and they didn't get the answer.

MINUTES

April 18, 2022

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

560 Route 6 & 209

7:00 p.m.

A scheduled meeting of Milford Township Board of Supervisors was called to order at 7 P.M. by Chairperson Penney Luhrs through a Hybrid call, the meeting ID for which had been advertised in advance in the Pike County Dispatch. Also present were Supervisors Rachel Hendricks (Vice-Chairperson) and Gary M. Williams, Zoning Officer Shawn Bolles, Solicitor Anthony Magnotta, and Secretary/Treasurer Shahana Shamim.

Minutes of March 7, 2022 workshop and meeting reviewed for possible additions or corrections before approval by the Board: Rachel made a motion to approve these minutes, Mr. Williams seconded, and it passed unanimously.

Minutes of April 4, 2022 workshop and meeting reviewed for possible additions or corrections before approval by the Board: Mr. Williams made a motion to approve these minutes, Rachel seconded, and it passed.

Treasurer's Report:

Shahana reported that since the last meeting she had received \$59,403.82 from the Tax Collector, \$25 rent and a \$100 bond from Hickory Hills Estates, \$2,026 from Pike County Tax Claim Bureau, \$1,200 from Sewage, \$25 rent from Greenwood Hills POA, and \$169.38 from Code Inspections. She reported the financial institution account balances as \$170,008.39, \$76,064.20, \$26,332.07, \$22,810.48, \$8,387.43, and \$127,987.26 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 after the last meeting a couple of trucks were inspected, and some tires were purchased for the big truck. The road crew had been patching up the dirt portion of the Schocopee Road. He added that there might be some snow that night, and the crews were ready for that.

Zoning:

The Zoning Officer said that no permits were issued in that month. He continued that a variance was coming up for Econo-Pak, and their conditional use and lot improvement plans had passed the Board of Supervisors. One of the variances that was being sought was waiving the requirement of islands in-between parking spaces when the number of spaces exceed 60, and the other one was waiving the esthetic look at the back of the building. There would be berms and the trees at the back of the property, and hence the back of the building won't be visible from the road anyway. The ordinance requires 12 spots to be interrupted by an island, but they would have to jockey the trailers, and hence it would not be feasible to put in islands, as the length of those trailers are 20 spots or longer. He inquired what the Board's position is in regard to those variances. Gary said that the back of the warehouse was being waived for improving the esthetics at the front of the building. Penney said that the Board would be fine with these variances. Shawn added that waiving the look of the back of the building by trading the front look of the building would have to be added in the developer's agreement, which would be required before the Zoning Permit is issued. Rachel added that one of the conditions was that it would be added in the developer's agreement. The Solicitor added that the developer's agreement would have to be signed and the bonds would have to be in place before the Zoning Permit is issued. He added that he had received the transcript of the Hearing from the Secretary, and he had sent the list of conditions to the applicant.

Public Participation #1:

None

Secretary's Report:

Shahana presented various correspondences received, including from Rachel Hendricks, Brian Snyder, Pike County Commissioners Office, HRG, Woodland Design Associates, Station Steel Services, Hickory Hills Property Owners Association, Mike Mrozinski, Econo-Pak, Pike County Tax Administration, Jessica Yoder, Pennsylvania Emergency Management Agency, Solicitor, Pike County Humane Society, and Pike County Conservation District.

Old Business:

- a. Approval for temporary trailers – LC Station Properties:** Penney said that it was discussed at the workshop. Mr. Williams made a motion to allow Mr. Station to keep two containers for up to two years under Section 602.5, Ms. Luhrs seconded, and it passed unanimously.
- b. RFP for the Comprehensive Plan:** Mr. Stroyan said that Members had received the paperwork at the Planning Commission workshop, Members would review those documents, and it would be discussed at the next meeting of the Planning Board. Rachel added that this item would be added at the Supervisors' meeting agenda also.
- c. Scenic Rural Character Preservation Application:** Penney made a motion to table this item until the next meeting's agenda, Rachel seconded, and it passed unanimously.
- d. LSA Application - Letters of Support and Thanks to Mr. Mrozinski:** Rachel said that Mr. Mrozinski was extremely helpful in getting the application together, a thank you letter needed to be sent to him for helping, and a copy should be sent to the Commissioners. She continued that Mr. Mrozinski was very professional, and thus a good application was submitted. Formal letters need to be sent to the Legislators to request their support, and Kevin Stroyan had personally taken the applications to Senator Baker and to Representative Mike Peifer's office. The Commonwealth Finance Authority contains members from both parties and reviews all the applications, and a DCED staffer sits in the middle. She made a motion to send a formal letter to the State Legislators asking for their support of the application, and to send a letter of thanks to Mr. Mrozinski for helping us in creating the application. Gary seconded the motion, and it passed unanimously. Gary and Penney thanked Rachel for working on this application.
- e. Act 537 Plan:** Penney said that this item was discussed at the workshop. Rachel made a motion to send a letter to the Commissioners asking for the copies of the contract with HRG, any amendments signed or proposed to that contract, all of the bills that had been submitted (paid and unpaid), and an assessment of the cost for the completion of the application. She added that \$3,000 is being asked for now, but more might be needed. She further added that what the equitable division means needs to be discussed at the following meeting. Mr. Williams seconded the motion, and it passed unanimously.

New Business:

a. Request to use the Meeting Room – Hickory Hills Property Owners Association (POA): Shahana confirmed that she had received the certificate of liability insurance from Hickory Hills POA. Mr. Williams made a motion to allow Hickory Hills POA to use the building on April 28, Rachel seconded, and it passed unanimously.

b. Jobsite Application – Workforce Development Agency: Gary said that any employee that comes in contact with a juvenile worker has to have a child abuse criminal history check. He added that Harvey is okay with it, but that juvenile might have to work with the other guys. Penney said that only one person might need that the clearance. Rachel asked Gary to have that conversation with Workforce Development and to interview the student to see if he/she would be a good fit or not. Gary added that he would talk to the other guys also. He made a motion to make application to hire someone from this program for the summer, getting any necessary clearances that would be required for the supervision of that student, conditioned upon the Roadmaster’s level of comfort after his follow up conversation with the Workforce Development staff. Penney seconded the motion and it passed unanimously.

c. DWGNRA - closure of 209 and possible change to National Park: Rachel said that Mr. Stroyan had asked the Supervisors to consider taking a position against the National Recreation Area becoming a National Park for some specific concerns, such as, hunting, fishing, fees, and access to 209. She continued that Supervisors decided to gather more information, and she had reached out to Sierra Club, but she did not get much response to date. Sandy Hall from No National Park had provided several resolutions, Sussex County had taken a position already, and PEEC had not taken any position yet, but they may in future. John Donahue, who is in favor of this change, would let the public know why this change is being proposed, at a program online that would be hosted by Friends of Delaware Water Gap National Recreation Group, and he is kind of “driving this bus.”

Aaron Stark, a resident from Sussex County, said that Ms. Hendricks had already listed all of their concerns. He continued that the four-page long proposal to create a National Park is very vague, it does not have many details, and it doesn’t state how regulations and boundaries would change. There are 423 park units throughout the country, and the most funded are the national recreation areas. The proposal also does not state which recreational opportunities would be affected. It is known that hunting is not allowed in national parks, and there would be more regulations if it becomes a National Park. It’s a massive undertaking, which has no details. It will affect all of the surrounding communities, and details about how it’s going to impact the residents and transparency are needed. Mr. Donahue’s objective is to increase the current 77,000 acres to 200,000 acres, and the proposal is available on the Sierra Club and No National Park websites (www.nonationalpark.org). Delaware Township would vote on their resolution at their next meeting, and theirs is very similar to Sandyston Township’s resolution.

Mr. DiBiasi said that Friends of the Milford Aquifer supported such an idea if it was funded correctly to handle any of the additional services and the road infrastructure, but no decisions should be made until there’s more information. Ms. Faith Zerbe from Delaware Riverkeeper Network said that there’s a meeting on Thursday, Mr. John Donahue would give a presentation, and they were looking forward to attending that information session. She added that the river has a carrying capacity, there are positives and negatives, but they were not ready to say ‘yay’ or ‘nay’ at that point. She added that warehouses around the National Recreation Area are a big concern for them. Jon Kameen suggested that this proposal could move very quickly through the Legislature and time is of the essence in communicating with legislators regarding residents’ concerns. Sandy Hull said that the Sierra Club had posted on their website that after

Congress moves forward, the first people they would be talking to are fishermen and hunters, that means they are planning to move forward, and they are proposing approval with no data or facts. She added that accepting this proposal would be careless and reckless, and she asked the Supervisors to gather enough information before taking a position. Rachel suggested that questions and concerns could be sent to the Federal Legislators, and a resolution would be proposed for the next meeting. She made a motion to write letters to the Federal Legislators with the list of concerns from the Board and residents. She added that the Board will consider a resolution at the next meeting. Mr. Williams seconded the motion, and it passed unanimously. Mr. Stroyan asked to copy the letter to the State Legislators as well.

d. Consultant for reporting the expenditures of ARPA funding: The cost estimates for the ARP consultants were around \$7,000. Rachel said that hopefully this paperwork would not be too difficult, as it was the Board's consensus not to hire a consultant for this reporting at these prices.

Public Participation #2:

Mr. DiBiasi said that a 450,000 square foot warehouse was proposed for the 44 acres at I-84 and Rt. 6, and it's on top of the aquifer. He continued that he had contacted Senator Casey, Senator Toomey, and the House Representative Congressman Cartwright for a meeting to acquire funds to protect the aquifer. He inquired when the overlay map would be ready, as it was delaying negotiations with the Federal Government. Mr. Stroyan said that the regular Zoning Map would be ready soon, and they were waiting for the Metzger map to be recorded in order to incorporate that information in the zoning map. Mr. DiBiasi said that the September 29th version of the Wellhead Protection Ordinance was still posted on the website, and this version does not protect the Milford Aquifer. Mr. Stroyan added that that version was passed by the Planning Board, it was forwarded to the Board of Supervisors, and the wait was for the map. Rachel added that the Ordinance cannot be put up for Hearing without that map, as businesses and the staff of Milford Township won't be able to tell if properties are on top of aquifer or not. The Solicitor added that these maps are about a Zoning Ordinance Amendment, and hence would have to be reviewed by the County and a public hearing would be necessary for it to be passed. Mr. DiBiasi added that representatives from all involved Municipalities and agencies (Milford Township, Milford Borough, Dingman Township, the County, and Milford Water Authority) should attend the conference call with Senator Casey, Senator Toomey, and House Representative Cartwright for the funding to protect the aquifer permanently. He added that he would send information about the schedule of this conference.

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 8:20 P.M.

Respectfully submitted,

Shahana Shamim

Secretary/Treasure