

MINUTES

June 6, 2022

**Hybrid Workshop of the Board of Supervisors (Zoom ID was advertised in advance in the Pike County Dispatch)
560 Route 6 & 209
7:00 p.m.**

Penney said that the Borough gave money to Milford Water Authority, Mr. Klemeyer wrote the draft Intermunicipal agreement, and she liked the Solicitor's draft comments, which would be sent to Mr. Klemeyer.

Penney said that the language in SALDO needed to be simple so that there can be no assumptions. The Solicitor said that he had read Mr. Shepstone's redraft, which was way better. Penney added that Delaware Township gets three weeks to review applications, that gives them enough time, and they are very efficient. The Solicitor added that if the Planning Commission doesn't make a decision in these 21 days, then Supervisors make a decision. Penney added that some applications are too big to review in seven days. The Secretary said that one of the applications stated that applicants could bring their applications right at the meeting. Penney said that that clause needed to be taken out of the application.

Mr. Williams said that Mr. Jake Peters quit, and he needed to hire for the roadwork. He added that one of his relatives was looking for this type of job, and he had worked parttime for some other Municipalities.

Mr. Williams said that there's an outstanding Engineering bill for Econo-Pak. Shahana said that she had communicated with Mr. Fuller's office about this bill twice so far, and the representative had told her that she kept sending the bill to the owner repeatedly. The Solicitor added that Econo-Pak needed to pay the stenographer fee also.

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June 6, 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 Supervisor Gary M. Williams, Solicitor Anthony Magnotta, Zoning Officer Shawn Bolles, and Secretary/Treasurer Shahana Shamim.

Minutes of May 16, 2022 workshop and meeting reviewed for possible additions or corrections before approval by the Board: Mr. Williams made a motion to approve these minutes, Penney seconded, and it passed.

Treasurer's Report:

Shahana reported that since the last meeting she had received \$125 from Sewage, \$125 from Pike County Commissioners, \$8,648.09 from the Tax Collector, and \$353.84 was directly

deposited into the PLGIT general account. She reported the financial institution account balances as \$320,041.26, \$76,064.20, \$21,535.81, \$4,014.45, \$8,745.61, and \$128,053.37 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 a bunch of projects needed to be done, but he didn't have enough manpower, and he had been looking around. He continued that there were a lot of washouts from the recent heavy rains, and it had been hard to keep up with it. There was a major water leak behind Apple Valley, and it was in three different locations, but it was well taken care off. There are three guys for the winter, but currently they are too busy with their regular jobs. He made a motion to advertise for 400 Tons of salt for the following winter, Penney seconded, and it passed. He added that he would post the general labor requirement on the Facebook page and on the official webpage of the Township.

Zoning:

The Zoning Officer said that he had received some applications. Mr. Williams said that Bill Rosado has a couple of storage containers on his property, and he asked if there would be any fines for having those containers without any permits all this time. Mr. Bolles said that they had appealed, they withdrew it, and then they applied for a permit. He added that they had showed up on May 31, and it would be on the next meeting's agenda. He further added that having those containers would be allowed if the Planning Commission changes the law.

Public Participation #1:

Mr. Quick said that there had been a lot of rain recently, he visits the Lily Pond often, and he saw that Harvey was doing a good job. Gary said that three truckloads of millings were put over there. He added that recently water had been coming out of the woods, and that didn't happen before. Mr. Quick added that Shrubs along the sideline of Schocopee Road were quite high, it could be hazardous, and he asked if those shrubs could be trimmed. Gary continued that the previous week there was a 1.7-inch rain, and there was a correspondence with pictures of the washout on Chippy Cole Road. It was taken care of, but then there was another washout. There was another correspondence with pictures of two dead trees at the intersection of Drake Road and Route 6, this Township does not own that property, but the State does. Gary added that he had called and left a message to call PennDOT.

Secretary's Report:

Shahana said that a sewage permit and a construction permit were issued in the month of May. She presented various correspondences received, including from Blooming Grove Fire Department, LVL Engineering Group, Solicitor, Zoning Officer, Upriver Ventures, LLC., Municipal Authority of the Borough of Milford, Pike County Commissioners Office, UGI, Lisa Baker, Brian Snyder, Department of Labor & Industry, Certificates of Insurances, Vito DiBiasi, Delaware Riverkeeper Network, Pike County Conservation District, Tim Knapp, Joseph Hudak, Microbac, Pike County Tax Administration, Woodland Design Associates, LLC., and Pike County Office of Community Planning. The Solicitor said that he had reviewed the Zoning officer's correspondence regarding the Old Sawmill application for conditional use, and a hearing needed to be set to avoid a deemed approval situation. Penney asked the Secretary to add

it to the following meeting's agenda so that a date for a hearing could be set, and the Secretary could be authorized to advertise for it. She made a motion to send the Act 537 letter that Mr. Magnotta had drafted for Attorney John Klemeyer, Gary seconded, and it passed.

Old Business:

None

New Business:

a. **Conditional Use Application for Distribution Facility – LVL Engineering Group:** Mr. Bolles, the Zoning Officer, said that the application was sent in, but the zoning fee was not paid. He continued that he had asked the applicant to pay the fee, but the applicant had said that he didn't know how much the construction was going to be. Investors are supposed to know a rough estimate of the proposed constructions, the minimum fee is \$300, and then it could be adjusted once the construction cost is figured out. He had advised one of the owners of the project that the application stated that the fee had to be included to make a complete application, and it would be deemed as a conditional use as soon as the fee arrives.

Mr. Bolles also said that the application had violated the Zoning Ordinance, as the plan shows that the parking is at the front, and hence this application would be a standoff. When it goes to the Conditional Use Hearing it would be denied, and they would have to start all over again. The applicant had called him back and told him that they won't attend that night's Planning Board meeting, they would revise the plan, and then they would come back.

The Solicitor said that the conditional use application and its fee was received. He added that he had communicated with both counsels of this applicant, and he didn't hear back from any of them. He advised to schedule a hearing and to advertise for it, as miscommunications and lack of cooperation often lead to deemed approvals. Gary made a motion to schedule a conditional use hearing for this application on July 5, 2022 at 7:30 P.M., Penney seconded, and it passed. Penney asked the Secretary to send a letter to the applicant informing them about this scheduling.

Mr. Bolles said that it's the Zoning Officer, and not the Engineer or the Attorney, that decides whether applications are for conditional use or not. He continued that recently Engineers had been downloading the applications off the website, making the determination about whether it's a conditional use or not, and sending in applications. He added that he had asked the Secretary to take the conditional use application off the website, as bypassing the zoning permit starts the problem.

b. **Peggy Emanuel's resignation from the Planning Board - Request from the Planning Board for a letter of thanks:** Penney made a motion to accept Ms. Emanuel's resignation and to send a letter of thanks to her, Gary seconded, and it passed. She asked the Secretary to advertise for this vacant position.

c. **Signage at 139 Route 6 – Donald Quick:** Mr. Quick said that the sign of Milford Hill Learning Center was discussed a few months ago when he wanted to put a larger sale sign. He continued that that sign structure was built in 1982 for the Architectural Iron Company, which later became Milford Hill Learning Center, and his parents owned 139 Route 6. The sign is 50' off the property line, and according to the Zoning Ordinance, it's an off premises advertising sign. In 1987, Architectural Iron Company had moved to Schocopee Road, a new sign was put on there, and then that existing sign was changed to Milford Hill Learning Center. He owns that sign, which has been there as off premises, for the past 40 years. The Supreme Court does not

make any distinction between the on premise and off-premises sign, and they have equal weight. He added that he should be able to rent the sign to whoever he wanted to.

The Solicitor said that there was a case between the City of Austin in Texas and the Reagan advertising of Austin. He continued that the Fifth Circuit did agree that there's no discrimination between the on premises and off premises, but they had applied a wrong standard, and the distinction is still there. Mr. Quick's sign predates the Zoning Ordinance, and it's a preexisting nonconforming sign. The Zoning Officer added that the sign is too close to the property line, as according to the Zoning Ordinance, the distance of the sign from the property line has to be one and half times the height of the sign. Mr. Quick said that this sign had been there for the past 40 years, the Township had never taken any actions against it, and he wanted to make sure that there was no issue with this sign. He added that it would be illuminated as it had always been, it would never be a digital sign, and it will never have any flashing lights.

Solicitor added that a permit for a temporary real estate sign was issued, and there are two other signs in that premise. Mr. Quick said that the permit #297, which is for for 4' X 6' black sign was withdrawn, and it's null and void. He added that the permit #297 was withdrawn when the red roof sign was approved in the year 1997. He further added that he was allowing the black sign for political purposes, and the other sign was in a different lot. The Zoning Officer added that the case of the city of Austin was about the church wanting to put a sign, their Zoning Officer had told them that the size for the church and political sign are different, and that was illegal. He further added that all temporary signs are supposed to have the same size, the ordinance of Milford Township has multiple temporary signs, and that needs to be changed. Mr. Quick appreciated the clarification, and he said that he intended to rent the Milford Hill Learning Center sign, and he wanted to clarify that there would be no issues. He added that he would provide copies of the permit of the red roof sign and the withdrawn permit of the black sign.

Public Participation #2:

Mr. Fred Weber inquired what the letter that Mr. Magnotta had sent to Mr. John Klemeyer addressed. The Solicitor replied that it addressed the proposed inter-governmental agreement, which included five Municipalities. He added that this proposed agreement was circulated among the counsels, there was a request for comments, and he wanted the Supervisors to review his comments before sending it. Mr. Weber inquired if the LVL would have any liability to clean up the water if contamination happened from the proposed 450,000 square foot warehouse. The Solicitor replied that that would have to be discussed during the permitting process. He added that arrangements to ensure that there are no pollutants would have to be addressed, and it would have to be added in the developer's agreement.

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 7:43 P.M.

Respectfully submitted,

Shahana Shamim

Secretary/Treasurer