

## **MINUTES**

**September 19, 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.**

Econo-Pak Developers Agreement: With regard to the draft Econopak/Red Dot LLC Developer's Agreement, Rachel said that Gary pointed out that paragraph #4, which said "install utilities", doesn't state natural gas, which they currently have, and she noted it also states "sewer" and we are not obligating the developer to hook into any future sewer line. The Solicitor added that the phrase "if applicable" could be added, and that would cover all the utilities. Rachel said that the bonding company should be required to have a high quality rating, to protect against one on the brink of bankruptcy, as one of the performance bonds was not able to be used by a neighboring municipality for that reason. The Solicitor replied that the performance bond and the maintenance bond were provided to him, the language on the bonds is usually up to the satisfaction of the Supervisors, and this issue would have to be discussed. Rachel asked if the language "to ensure the operation, functioning, and structural integrity of the required improvements" in paragraph #19 (maintenance security) covered adequately for the landscaping, and the Solicitor replied that that point was addressing the requirement of the Stormwater and parking areas. He added that the landscaping is mentioned in the Section # 408.4 of the ordinance, and the conditional use letter would have to be included in this agreement. Rachel said that the Section 410.7 stated that "a performance guarantee in the amount of 125% of the cost of materials and installation may be required for the landscaping", and the Solicitor replied that this section requires the bond to ensure maintenance for only one year, and that one year starts upon the completion of the construction. Rachel added that last time they didn't comply with the landscaping requirement, so it remains a concern, and that condition needs to be imposed. She further added that the truck facility yard policy and truck traffic policy in the condition #36 is important, and the transcript of the Hearing, and the variance documentation should be incorporated. The Solicitor replied that the transcript cannot be incorporated, as it is 600 pages long but it can be incorporated by reference. Rachel said that the applicant might say that this is the list of everything, as the agreement states it is, but the façade improvement issue is not addressed in the agreement. The Solicitor said that their land development plan should show the façade improvement.

Supervisors discussed the National Land Developer's request for a continuance of the October 3 Conditional Use Hearing and were advised by counsel that the denial of the request would be automatic grounds for appeal of the final decision on this matter.

There was limited discussion regarding the draft budget document and the year to date financial figures that accompany it. Mrs. Hendricks noted that the handling of the Vandermark stormwater issue without an engineer's drawing has removed the project from funding by ARP and Mr. Williams confirmed that it was not able to be funded by liquid fuels funds. Mrs. Hendricks noted that this project has resulted in year-to-date expenditures for road department labor being significantly past where they should be YTD, to remain within the budget for the year. She indicated that a thorough review of the ARP

project eligibility will have to be done to determine what other projects might be completed before the deadline with these funds.

The Supervisors discussed the request by the Board of Elections for the Supervisors to reschedule their meetings so as not to expose the election equipment to unnecessary public traffic. Alternate dates were discussed for the upcoming November meeting.

## **MINUTES**

**September 19, 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 made a motion to approve the revised minutes of the previous meeting, Rachel seconded, and it passed unanimously.

Rachel made a motion to amend the agenda to include a discussion about the application that was just received for the Member position of the Planning Board. She added that the reason was that the application had come right before the meeting started. Penney seconded the motion, it passed, and Gary abstained from voting, as the applicant was Michael Williams, who he disclosed is his son.

### **Treasurer's Report:**

Shahana reported that since the last meeting she had received \$400 from Sewage, \$910 from Zoning, \$443.81 from Code Inspections, \$5,187.28 in lieu of taxes, and \$78,172.61 of ARP money was directly deposited by the Community and Economic Development. She also reported the financial institution account balances as \$337,152.86, 72,200.45, \$13,058.32, \$44,601.55, \$8,775.10, and \$125,042.32 in Wayne Bank (Investment), Wayne Bank (General), Wayne Bank (Payroll), NBT Bank, PLGIT (General), and PLGIT (Liquid Fuels) accounts respectively. She added that the ARP money was deposited into the Investment account, but she would move this fund to the General account, with the first installment, as it would help with the future audits.

### **Roadmaster:**

Mr. Williams, the Roadmaster, reported that the road crews had been working on some patching and the repair of the retention pond, which still had been working well, was being monitored. There were five inches of rain the previous week, but it was not torrential rain, which usually causes washouts. It would take some time to make sure that it was working properly. There was two and a half feet of water in the retention pond after the 24-hour rain, water wasn't going into the brook, and that would help from

the flooding. The retention pond can hold five feet of water before it starts to go into the brook. Gary added that the roadcrews were getting the trucks ready for the winter.

### **Public Participation #1:**

Bill Pitman said that he had heard that the applicant of the proposed warehouse had asked for a continuance for their October 3rd Hearing. Ms. Luhrs replied that that item was on the agenda, and it would be discussed.

### **Secretary's Report:**

Shahana presented various correspondences received, including from the Solicitor, Pike County Community Planning, HRG, Milford Theater, Pike County Courier, Pocono Mountains Visitors Bureau, and Pike County Board of Elections.

### **Old Business:**

**a. Act 537 Plan:** Rachel said that HRG had sent another link for the Act 537 Plan. She asked the Secretary to check if that link actually worked, and then to send it to the Planning Board. She also asked her to inform HRG if the link doesn't work. The Secretary said that Mr. Roberts did not specify how much it would cost to provide the printed copies of this plan, providing the printed copies was not in the scope, and the Township would be billed for it. Rachel said that it would be cheaper to outsource the printing directly, assuming the link works. The Solicitor added that a letter needed to be sent to HRG asking for an extension of the Planning Board review period, as the Planning Members hadn't received this draft yet. Rachel asked Penney if there were any updates about the confusion of the two DEP letters of August 2nd and August 31st, and Penney replied that there was none. Rachel made a motion to send a letter to HRG advising them that the Planning Board comment period shall not begin until the Members are provided with this document. She added that HRG should provide an explanation about whether the August 31st letter was about the new document or the previous version of the Act 537 Plan. Gary seconded the motion, and it passed unanimously. In reply to Mr. Stroyan's inquiry, Rachel said that the differences between these two documents are listed in the summary description of the changes, according to what HRG said in their correspondence submitting the same.

**b. Agreement for the Milford Theater Use for October 3 – Signing the final draft:** Penney asked Shahana to call Milford Theater to tell that this scheduled Hearing would have to be continued. She continued that the Township had received a letter from Mr. VanLuvanee requesting a continuance. They want to have their variance Hearing before this continued Hearing and denying this request for the continuance would lead to an appeal, according to the advice of the Township's attorney. She made a motion to postpone the continued Hearing until after a decision of the variance Hearing is made, Gary seconded, and it passed unanimously. Mr. Stroyan said that he was concerned about granting this request, as allowing this extension could make the Hearing fall during the Holiday time. Rachel replied that this matter was discussed during the workshop. She continued that it has been a practice of this Board to not hold controversial Hearings in close proximity to the December Holidays, as the public wants to participate, and it becomes difficult for them. Hopefully the variance Hearing would be held at the end of October, thus this Board might be able to hold the Hearing at the first meeting of December, and otherwise an extension would be requested of the developer. The Solicitor added that the Zoning

Hearing Board will have 45 days to make a decision, and Rachel added that the legal opinion of the Solicitor is that denying this request would be grounds for an appeal.

Rachel confirmed that there won't be any Hearing on October 3rd at the theater and there would be a regular meeting on that day at the Township building. She made a motion to advertise the cancellation of this Hearing at the theater, and to have a regular Board of Supervisors' meeting at the current location. Gary seconded the motion, and it passed unanimously. The Solicitor said that the Township would have to inform all the parties of the hearing about this cancellation and these parties would have to be notified about a future date.

Regarding the contract for the use of the theatre, Rachel suggested the proposed contract should be looked at again before being signed for any future date. She noted there was no provision in it for any cancellation procedures or costs, it has a hold harmless that she is concerned about and other provisions. Penney indicated her surprise over the changes between the initial contact and the terms of the contract but indicated that she was satisfied with her final discussion and the revisions to the contract. This will be discussed further when a new date is proposed.

Rachel said that it was 7:15pm, and it was time for the Hearing of Inter-municipal Liquor License Transfer for Milford Farmhouse Liquor, LLC. She made a motion to recess the Board of Supervisors' meeting and to open the Hearing. Gary seconded the motion, and it passed unanimously.

**Hearing for Inter-municipal Liquor License Transfer – Milford Farmhouse Liquor, LLC.:** The Solicitor said that this Hearing is required by the Liquor Control Board by the Liquor Code Section 461, which states that liquor licenses can be transferred from one Municipality to another in a County, and the receiving Municipality in this case is Milford Township. Rachel confirmed that the Court Reporter was present, and Steve Rosado said that he was present on behalf of the applicant. The Solicitor said that the applicant had filed an application with the Liquor Control Board, and the number was R-16922. In reply to his inquiry, Mr. Rosado said that the business would be operated in Milford Farmhouse Liquor at 550 Route 6 & 209, and it's right next to the Dollar General building. He also confirmed that the business will be operated within all local ordinances and state regulations, and it won't be burdensome on the health, safety, and welfare of the residents of the Township.

The Solicitor said that the business the license is transferring from is listed as being in Shohola, but Mr. Williams had said that it was located in Lackawaxen Township, and the Liquor control board had listed it as being in TVM, Inc. at 231 Route 590 in Greeley. He added that the approval of the Board of Supervisors won't include any zoning or land development approvals. Gary confirmed that the Hearing was advertised on August 25th and September 1st in the Pike County Dispatch. There were no comments from the public on this application. Rachel made a motion to close this public Hearing and to reconvene the Board of Supervisors' meeting. Gary seconded the motion, and it passed unanimously. Rachel made a motion to approve this intermunicipal transfer of a liquor license to Milford Farmhouse Liquor, LLC. at 550 Rt. 6 & 209 in Milford Township. Gary seconded the motion, and it passed unanimously.

**c. Econo-Pak Developers Agreement:** Rachel made a motion to table this agreement, as it needed to be amended as was discussed during the workshop, Gary seconded, and it passed unanimously.

**d. National Land Developers – Request to continue the October 3rd Hearing:** discussed under "Agreement for the Milford Theater Use for October 3 – Signing the final draft".

**New Business:**

**a. Request for room rental – September 22, 2022 – Hickory Hills Estates:** Rachel said that the insurance certificate from this association was already received. She made a motion to approve this request, Gary seconded, and it passed unanimously.

**b. Pike County Elections Office – consider rescheduling monthly meetings nights before elections:** Rachel said that the Pike County Elections Office had requested not to hold meetings the nights before the days of elections due to their concerns for security, and hence the meeting would be moved to early November. She made a motion to change the first meeting of November to November 1st at the regular time and location, and to advertise accordingly. Penney seconded the motion, and it passed unanimously.

**d. Budget for 2023:** Rachel said that the first draft of this budget was created, there would be questions and changes in the future workshops/meetings, and it would be on the agenda of all the meetings and workshops until it is ready to be advertised for public review.

**e. Appointment of Michael Williams as a Member of the Planning Board (This item was added to the agenda, as the application was received right before the meeting):** Rachel read out this application, which stated that this applicant was a lifelong resident of the Township, and he would like to be a Member of the Planning Board. Mr. Gary Williams said that Michael had spoken with Mr. DiLorenzo, and he understood the duties of a Member. Rachel added that it would fulfill the vacancy from the resignation of Peggy Emanuel, and hence, the term would be the end of Peggy's term. Penney made a motion to appoint Michael Williams as a Member of the Planning Board, Rachel seconded, and it passed. Gary said that Michael is his son, and he abstained from voting.

## **Public Participation #2:**

The Solicitor explained that the Act 57 was passed in the middle of July, and it is for the tax year of 2023. If the Township passes this resolution, then it would allow the Tax Collector to waive some additional fees and penalties for someone who falls in the classification of this Act. For example, if somebody buys a mobile home in January, and the tax bill is sent to the previous owner, then the owner wouldn't know that the tax is owed, and it would become delinquent in November and December. The tax collector would be permitted, if adopted, to waive those additional fees. This resolution would have to be adopted at the second meeting of November.

Bill Pitman stated that he was concerned about the rising electricity rates in the area and that he and others plan to attend an upcoming event with Pike County Light and Power and bring up their concerns. He asked that the Supervisors do anything they can to advocate for the people in this regard. Mrs. Hendricks indicated that she sent an email to the Office of the Consumer Advocate but had not received a response.

There was no other business or executive session needed. Gary made a motion to pay the bills and adjourn, Rachel seconded, and it passed unanimously. Adjournment was at 7:50 P.M.

Respectfully submitted,

Shahana Shamim  
Secretary/Treasurer