

**MINUTES**  
**January 3, 2023**  
**Hybrid Reorganization 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 reorganization meeting of Milford Township Supervisors was called to order at 7:00 P.M. by Vice Chairperson Rachel Hendricks. Also present were Supervisor Gary M. Williams, Solicitor Anthony Magnotta, and Secretary/Treasurer Shahana Shamim.

Gary made a motion to appoint Rachel Hendricks as the Chairman of the Board of Supervisors, Rachel seconded, and it passed. Rachel made a motion to appoint Gary M. Williams as the Vice chairman of this Board, Gary seconded, and it passed. The Solicitor explained that the reorganization meeting happens only once each year, Members of this Board can vote for themselves without violating the state ethics act, as it's a three Member Board, and only two Members are present. He added that it only applies for the reorganization meeting. Supervisor Penney Luhrs participated by telephone long enough to indicate she was in favor of Mrs. Hendricks as Chairperson and Mr. Williams as Vice Chairperson, and then she exited the meeting. The following positions were also voted:

Gary M. Williams (Supervisor): Road-master

Penney Luhrs (Supervisor)

**Tax Collector:** Lorelei Davis (it's an elected position, and not by appointment)

**Secretary/Treasurer:** Shahana Shamim; Rate: \$15.50/hour

**SOLICITOR:** Anthony Magnotta; Rate \$200/hour

**Alternate Solicitors:** John Klemeyer (Rate: \$200/hour) and Tom Farley (Rate: \$175/hour)

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

**Sewage Enforcement Officer & Emergency Management Director:** Robert DiLorenzo; Rate: \$15.95/hour and 75% commission for permits;

**Zoning Officer:** Shawn Bolles; Rate: \$15.50/hour and 50% commission for permits;

**Township Engineer:** John Fuller

**Alternate Engineer:** MHE, Kiley Associates, and James Farr

**COG Representative:** Shahana Shamim (alternate: Rachel Hendricks)

**Planning Commission:**

**Members:** Robert DiLorenzo (Chairman), Kevin Stroyan (Vice-Chairman), Ray Willis, Patrick McCarthy, and Michael Williams

**Planning Commission Secretary:** Shahana Shamim

**Planning Commission Solicitor:** Tom Farley

**Zoning Hearing Board Members:** Bill Pitman, Phyllis Simpson, and Ed Ryman

**Zoning Hearing Board Solicitor:** John Klemeyer

**Zoning Hearing Board Conflict Solicitor:** Andrew Bellwoar; Rate: \$225/hour

**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 Mondays and 3rd Mondays of the month at 7 P.M. Workshop at 6:30 P.M. (if a legal holiday, the Supervisors will meet at 7pm (Workshop at 6:30pm) Tuesday of the same week. Because of the 2023 election schedule, the second meeting of May will be held on May 17, and the first meeting of November will be held on November 8)

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

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

**Depositories:** Wayne Bank, NBT Bank, and PLGIT

**Treasurer's Bond:** \$500,000

Mr. Magnotta confirmed that he would be available on the Wednesdays of the Election weeks. Rachel made a motion to meet on May 17 instead of May 15 and on November 8 instead of November 6, as those two meetings fell on the night before the elections, Gary seconded, and it passed.

Rachel made a motion to adjourn the reorganization meeting and to start the Board of Supervisors' meeting, Gary seconded, and it passed.

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

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

Shahana reported that since the last meeting she had received a \$36.93 of dividend check from PSATS unemployment compensation group trust, \$250 from Sewage, and \$1,562.50 from Pike County Commissioners on behalf of the Scenic Rural Character Preservation Board.

### **Roadmaster:**

Mr. Williams, the Roadmaster, said that it had rained heavily during Christmas week, there was a freeze up at some point, there were some ice spots, which were cleared, and there were no problems. The new truck was supposed to be delivered by December 31<sup>st</sup>, but the Outfitters had received a lot of breakdowns, and they asked for another 2-4 weeks. He added that the 750 Truck was having some problems.

### **Zoning:**

In reply to Rachel's inquiry, the Solicitor said that he did not receive any correspondences from National Land Developers since the Zoning Hearing Board had declared their decision for the variance hearing.

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

None

### **Old Business:**

**a. Act 537 Plan – An update from HRG and a bill from Milford Borough:**  
Rachel said that it was in the agenda because HRG had sent correspondence. It stated that there will be more correspondence in the coming week, and there would be a resolution for the new

revised plan including the draft Intermunicipal Agreement (IMA). She added that the correspondence also stated that the issues discussed at the Hearing would be incorporated, and then it would be sent to DEP. She further added that there was a bill from the borough to share the cost of the Hearing, which was held at Delaware Valley in November. She made a motion to pay for the quarter amount of that expense, and to send back a strongly worded letter indicating that future expenses that are not approved in advance won't be paid, since this Township does not anticipate the same benefit that the other Municipalities will get. Gary seconded the motion, and it passed.

Mr. Stroyan said that the resolution should include that the Township's question and comments about the Intermunicipal Agreement were not answered. He added that those questions were appropriate and should at least be answered. Rachel said that according to their latest correspondence, they would be sending the updated plan with the public comments, and it would be interesting to see which questions are answered, as last time their answers were on paper, but those were not actually responses. She added that this township would have to customize the resolution so that it is clear that this Municipality won't accept the IMA as written so that they don't come back and say that it was approved.

Mr. DiLorenzo said that one of the concerns was that according to DRBC, the plant is under the flood plain, the IMA states that all the Municipalities would be billed for any improvements, and they have the ability to do that. He added that the Municipalities might have to pay for this improvement, which was supposed to be done prior. Mr. Stroyan added that the DRBC docket states that the plant is a foot under the flood plain, that issue needs to be addressed in the planning phase, and it's not addressed in the plan. Rachel added that the IMA does not address the amount of reserve dollars that the Westfall Sewer Authority would put onto that project at the start either. She further added that the water authority has to pay for those expenses, and they said that they would make changes to the IMA after it is submitted to DEP. Mr. DiLorenzo added that there's no evaluation of that plant so far, and he asked how we would know where it starts and where it ends. Rachel added that the water authority should be more concerned about this issue, and it's surprising that they haven't addressed that. She further added that she hopes that the comments of the Planning Board, Supervisors, and public from the Hearing would be entertained.

**b. Planning Board Recommendation: Amendment to the Zoning Ordinance 407.2:**

Rachel said that no feedback from the Solicitor was received yet, and she made a motion to table this item at the next meeting. Gary seconded the motion, and it passed.

**c. 2023 Meeting Reschedule – From May 15 to May 17 and from November 6 to November 8– May 16 and November 7 are Election Days:** Rachel said that the reason for these date changes is that the Board of Elections had asked to reschedule meetings of the nights before the elections so that there's no public when they have the election equipment in this room.

**d. National Land Developers Conditional Use Application – Schedule a Hearing:**

Rachel said that the Solicitor had indicated that there were no follow up correspondences from the applicant, and hence setting a date for their Hearing cannot be avoided. The Solicitor explained that because of the advertising requirement of the Hearing, the Hearing cannot be held at the January 17 meeting, the Hearing could be set to January 31, and thus it could be advertised for two successive weeks (January 18 and 24 in the Pocono Record). The decision of the Zoning Hearing Board was mailed to the applicant on December 16, and they probably hadn't digested it yet. The Zoning Officer had received an alternate plan from their Engineer to review for the Zoning compliance, he would review it after the Holidays, and that would be on January 9<sup>th</sup>. He

would call the applicant to check if they would extend it. Mr. DiLorenzo asked if that alternate plan meant a new start, and the Solicitor replied that the original application is still in front of the Board of Supervisors, and it is pending. Rachel made a motion to approve and advertise for January 31 for the next segment of the conditional use hearing of their original conditional use application as may be appropriate, for the Solicitor to ascertain with the applicant that they desire to move forward in this manner, and to report back at the next meeting. Gary seconded the motion, and it passed.

**New Business:**

**a. Plate and Shea Minor Subdivision – Recommendation from the Planning Board:**

Rachel said that the applicant had asked for a 90 day extension. Lara Ann Dodsworth, the attorney for the applicant, said that this extension is needed to complete the process. She continued that the Planning Board had approved the application with conditions, and the existing nonconformance certificate is not approved yet. She had submitted the revised map, she had added language to the nonconformance certificate so that it accurately reflects on the buildings and their uses on the property, and The Zoning Officer had asked for the map that would have been part of the original application permit for the pole barn, which the Township had approved. This document is prior to 1986, she was unable to provide such an old document, and she had asked the Secretary to look for that map in the Township records. The pole barn was put up, it was assessed by the County, and she was able to find that information.

The Solicitor said that the certificate of nonconformance was for a 10-horse stable. Mr. Stroyan added that the consensus from the Planning Commission was that every building in that lot was nonconforming, those should be on the nonconforming use certificate, and asking for documents, which are prior to 1986, is over burdensome for the applicant. Ms. Dodsworth added that she had gone to the County, they do have the permit for that pole barn and for another substructure, and the Zoning Officer was asking for a map that was a part of that permit. The Solicitor added that that was approved by the Board of Supervisors, and that was pre-zoning. Ms. Dodsworth added that the other structures were three-sided animal shelters, and probably no permits were required. Mr. DiLorenzo added that these are all agricultural buildings, they don't have any foundations, and hence, those may not have required building permits. The Solicitor asked if the applicant had any pictures of those structures with dates in the seventies, and that could be provided to the Zoning Officer. He added that he had received the correspondence from the Zoning Officer regarding this matter, and he would communicate with him the next day.

Ms. Dodsworth said that the Plates were adding some land from Shea so that the shed would no longer go over the boundary line. Ms. Dodsworth said that the legal description in the deeds was approved a long time ago. Rebecca Shea, the neighbor, put the property in to her Living trust, and that is added onto the revised map. She continued that the language "formerly Shea" is included in the revised map also, and she had shown it to Mr. Snyder in Pike County Planning. There are five deeds, and there are legal descriptions. The deeds are legally correct, and they match the map. It also shows that it's owned by the Repecki Living Trust. The Solicitor said that he would take a look at it, as he had received those documents that day. He added that more than a 90-day extension would be required to solve the nonconforming issue. Rachel made a motion to approve a 120-day extension, Gary seconded, and it passed.

**b. Reorganization and Workshop for Planning Board –January 12, 2023:** Mr. DiLorenzo, the Chairman of the Planning Board, said that they wanted to do their reorganization

right before their workshop on January 12. Rachel made a motion to approve this request and advertise accordingly. Gary seconded the motion, and it passed.

**c. Econo-Pak Developers Agreement:** Mr. John Fuller said that the lot improvement for this project was approved back in October, it was already recorded, and Mr. Magnotta had forwarded a list of 40 items for the conditional use approval. He further added that Mr. Stephen Coon, the authorized agent of Econo-Pak, was spearheading a lot of the administrative work to prepare for the construction of this project, and he is working with Mr. Ursin, the solicitor for the project. Mr. Magnotta said that he had reviewed the developers agreement, which Mr. Coon had sent, the Zoning Hearing Board (ZHB) had granted a variance at the May 4, 2022 Hearing, and the pages from 61 through 67 of the transcript needed to be referenced in this agreement. He further added that Mr. Paderson's testimony of changing the doors on the facade is written in those pages, and Mr. Coon said that he would include it as the Exhibit I. Mr. Magnotta added that the construction cost estimate, which should be done by the Engineer, also would have to be included in this agreement.

Mr. Fuller said that this item was an agenda item in October, and they were waiting for feedback. The Solicitor indicated that feedback had been previously provided and a revised document was yet to be received, adding that there were some changes in the landscaping, and that needed to be reviewed by Kiley Associates. Mr. Coon asked if a drawing would need to be included along with the pages 61-67 of the transcript, and the Solicitor replied that the drawing was not presented to the ZHB, and the Supervisors would like to see what it's going to look like. He added that a letter from the Conservation District confirming that the Stormwater Erosion and Sedimentation is approved would be needed. In reply to his inquiry, Mr. Fuller said that PennDOT had accepted the design, and they are satisfied with the stormwater control plan, but the NPDES permit would have to be issued by DEP. He added that a line of credit or security for the improvement will be needed also.

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

Shahana presented various correspondences received, including from Milford Borough, John D. Fuller, Lara Ann Dodsworth, HRG, Pike County Commissioners, Pike County Scenic Rural Character Preservation Program, Hailstone Economic, Pike County Conservation District, Pennsylvania Liquor Control Board, Kiley Associates, Milford Water Authority, and Municipal Pension Reporting Program.

### **Public Participation #2:**

Mr. Stroyan said that the Planning Commission did not forward the SALDO, as it has the language about the Source Water Protection ordinance, and that needs to be done first. He added that the official zoning map with the overlay zones would probably be ready by February. He further added that the Planning Board had also discussed the need for the short-term rental/AirBnB, and they had received a couple of drafts, but the Planning Board needed to know if the Supervisors wanted them to consider it. Rachel said that it's a hot topic. The Solicitor said that he has some ordinances for it, and those prohibit in the dense residential areas, such as in subdivisions, which have quarter acre lots. Mr. DiLorenzo said that one of the ordinances that the Planning Board had received was from Tom Shepstone and the other one from Mr. Farley for Delaware Township. He added that these two ordinances did not restrict it in the residential area, but there are rules and regulations that have to be followed if those are in the residential area. He

further added that he had received multiple complaints about AirBnBs when he started working as the Zoning Officer, but he couldn't do anything about it, as there were no ordinances to address this matter, and he keeps getting questions about what the ordinance for an AirBnB is .

Rachel asked to also look at regulating dispensaries and solar farms, two additional hot topics in zoning. She made a motion to request the Planning Board to consider short term rentals/AirBnB ordinance, dispensaries, and solar farms, and she added that that could be addressed through the Comprehensive Plan process. Gary seconded the motion, and it passed unanimously. The Solicitor added that "family" is defined in the ordinance, it's a housekeeping unit, and in Smithfield Township, there was a case, which stated that if a house is rented to somebody new every week, then that's not a single housekeeping unit. He added that Townships are ill-equipped to enforce additional rules and regulations, some Townships have come up with licensing fees, and there are 57 short term rentals in the village of Gouldboro. Ms. Dodsworth suggested using the noise ordinance, and the Solicitor said that somebody has to measure the decibels for that. Mr. DiLorenzo added that the decibel measurement has to be done for a 72-hour period, it's for businesses, and not for parties.

Mr. Stroyan said that he had received questions about the size of the buildings, and his answer to them was that ordinances cannot be changed when there's a pending application. The Solicitor added that if it's more than 60,000 square feet, then it's considered a major building, and that would need to jump through more hoops. Mr. Stroyan said that there's a Hearing on January 18 regarding an electric line, which would start at the transfer station by Walker Road, it would go down Route 6, through the Quinn property, and Birchwood Lakes. He thanked the Board of Supervisors and their employees. Rachel thanked the Planning Board and all that were appointed that day for their service.

### **Executive Session**

Rachel made a motion to recess the Supervisors' meeting and to go to executive session to discuss an issue of potential litigation, Gary seconded, and it passed. After the Executive session she made a motion to authorize the Solicitor to conduct a title search, and it would be discussed at the next workshop meeting. Gary seconded the motion and it passed unanimously.

There was no other business to discuss. Rachel made a motion to pay the bills and adjourn, Gary seconded, and it passed unanimously. Adjournment was at 8:30 P.M.

Respectfully submitted,

Shahana Shamim

Secretary/Treasurer