

MINUTES

February 6, 2023 Hybrid Workshop 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.

Mr. Davis Chant said that Jim DePetris will attend the next meeting with one or two of his people to suggest a commercial development at the Santos property, which might include restaurants, retail, and professional offices with an attractive architectural structure, along Route 6 & 209, and they will discuss conditions, issues, and concerns. Rachel Hendricks said that the Planning Commission works on the conditions first, they would have to attend the Planning Commission meeting, which is scheduled for the 28th, and they would have to ask the office to be on the agenda to start the process.

Rachel said that a communication from HRG was received that day, the Borough had made some language tweaks to the Act 537 Plan Resolution when they adopted the resolution, and HRG had requested to add those tweaks to this Township's resolution. The Solicitor added that the Borough's tweak was changing the words "along Broad Street", which is in the third line from the bottom, to "Alleys behind Broad Street". Rachel said that this Township was asked to adopt the Borough's language while the Borough is not adopting this Township's language. She added that she had asked them to change the plan to add the word "resident" to "property owner", HRG had said that that would be out of their scope, and they would have to be paid for that. She further added that HRG had said that this change of the language could be done in the resolution instead. Mr. Stroyan added that using the word "resident" would preclude the businesses.

Rachel said that the paragraph 1 of Section 5.9 pertains to Milford Township specifically, and the sentence "Milford Township will not have a mandatory connection ordinance, and as of now, there are no planned connections as part of this plan" is replaced by the sentence "it is anticipated that Milford Township will not require the mandatory connection ordinance along the pipeline that is proposed in Route 6 & 209, however capacity is set aside for those who voluntarily wish to connect in accordance with the DEP and the Authority rules and regulations". She continued that the sentence "Intermunicipal agreement (IMA) has been finalized for this structure" is replaced by the sentence "the IMA has not been finalized at the time of this draft", and these changes reflect to the concerns that this Township had brought up. The other change that is made is acknowledging that the proposed OLDS is a draft, and is not being adopted. The Solicitor added that these changes were made in the body of the plan, but the two paragraphs that were added to the resolution were not included in the one that HRG had sent to the office that day. Rachel added that HRG had asked to add the word "structural" to the first sentence that she had added, and it was agreed that that won't be done. She further added that the last change would be adding "applicable portions" in the last paragraph of the resolution.

Rachel said that Ms. Luhrs would join the meeting via phone to do the "temporary clerical assistance" item, and the agenda will be rearranged accordingly. She also said that she

had received correspondence from Milford Borough, it stated that they were interested in doing a joint shredding day with this Township, and her reply to that was that it could be done if the event could be done without spending the taxpayers' dollars. The Solicitor said that he had received an email from the National Land Developers' counsel, and they were extending the time to March 31 for the conditional use hearing. He continued that they had withdrawn the Zoning Hearing Board Hearing decision appeal, which was filed with the court, the engineer was working on getting some additional survey information and finalizing some studies to make a brand-new conditional use application, which would be submitted to the Planning Commission, and in the meantime, they will withdraw the pending application.

Rachel said that the Planning Commission will start the Comprehensive Plan update process Thursday at 7:00 O' Clock, and she welcomed the general public to join this project. She added that this Township had been looking for volunteers, and she asked to send an email if they were interested in joining the committee. She further added that it's an 18-month long process, and it will be done at the Planning Commission workshops, which happen once a month. Mr. Stroyan added that the focus group will be involved for the first few months.

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560 Route 6 & 209

7:00 p.m.

A scheduled meeting of Milford Township Supervisors was called to order at 7:00 P.M. by Chairperson Rachel Hendricks. Also present were Vice Chairperson Gary M. Williams, Solicitor Anthony Magnotta, Zoning Officer Shawn Bolles, and Secretary/Treasurer Shahana Shamim.

Temporary Clerical Assistance: Rachel called Supervisor Luhrs for participation in addressing this matter. She said that Shahana will be on vacation for two weeks starting on Thursday. She added that Bernice Williams was willing to work as a temporary clerical assistant at the office for those two weeks, and she could start on Tuesday. She further added that the Board had looked for a temporary clerical assistant the previous year when Shahana was on vacation, and was not able to get anyone. She made a motion to approve Bernice as the clerical assistant for the two-week period beginning on Tuesday at a pay rate of \$14, which is less than the experienced Secretary's pay rate, Penney seconded, and it passed. Gary abstained from voting, as Bernice was his wife.

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

Treasurer's Report:

Shahana reported that since the last meeting she had received \$335.42 from Code Inspections, \$870 from sewage, \$348 from Zoning, \$500 from Planet Aid, \$415 reimbursement from overpayment of premium to AmTrust of North America, and \$1,014.30 from R.E. Transfers. She also reported the financial account balances as \$168,642.23, \$208,986.95,

\$11,190.61, \$7,576.26, \$15,431.91, and \$68,155.59 in the accounts of Wayne Bank (Investment), Wayne bank (General), Wayne Bank (Payroll), NBT Bank, PLGIT (General), and PLGIT (Liquid Fuels) respectively.

Roadmaster:

Mr. Williams, the Roadmaster, said that there was an electrical problem with the F750 truck. It was sent to Campbells for repair, and it's working already. He continued that the 2004 Ford pickup truck had a brake problem, which was fixed. A transmission line for the 2017 Dodge Ram 5500 had been ordered, as the transmission fluid was leaking, and according to Milford Chrysler, it is probably on the transit, as they got billed for it. The backhoe was being used to do some patching in Schocopee Road. The new truck hadn't been delivered yet. He had contacted the company, which had informed him that the plow and other parts were done, and the only part that still needed to be added was the power take off pump and then putting the body on.

Zoning:

Mr. Bolles said that two zoning permits were issued in January, one was for a freestanding sign, and the other one was for an addition to a residence. He continued that the enforcement notice about a garage that he had spoken about back in December was already sent out. There might be an appeal, or it will end up in court. A house in Milford Highlands needs a certificate of occupancy (CO), but each individual is supposed to get the CAP permit for the stormwater. He and the building officer had done their inspections, but there are no letters from the Engineer or the DEP stating that that permit had been closed out. The only correspondence that was received from the DEP was that a site inspection was done, it had to be stabilized, and additional paperwork was needed. Mr. Bolles added that permits cannot be issued without the Engineer's or the DEP's approval. The Solicitor added that it's about the same couple that had complained to the Township about getting the CAP permit a few months ago, and it's a violation of the Clean Water Act if that permit is issued before it. He further added that that couple's house is finished, and they can't get into the house because the DEP is not answering.

Public participation #1:

Rachel handed the ambulance tax records to Mike Bello, the chief of Milford Fire Department. He handed the 2022 annual report, and he said that they had the busiest year to date. Eric Passaro, the 2nd Assistant Chief, said that the 1st assistant chief was Jeffrey Christensen, and he himself was the second assistant chief. He continued that 14 members were added to the department, and now there are 43 active members. The by-laws were amended to allow for more expensive comprehensive junior program, that's why the joining age was lowered to 14 years, and 4,000-manhours of training was done in 2022. There were 452 responses, which included 32 structure fires, 10 vehicle fires, six brush fires, 14 gas leaks, 22 power line emergencies, and there was a big one the previous year. The other categories were 40 fire alarms, 108 vehicle accidents, and 184 other emergencies of different types, and there were zero dispatch failures. The responses were provided to Dingman Township, Milford Township, Milford Borough, Delaware Township, Westfall Township, Shohola Township, Blooming Grove Township,

Orange County, Sussex County, Matamoras Borough, Lackawaxen Township, and Lehman Township. There was an average of a little over six members per call, and the average of the response time was six minutes. Milford Fire Department is operating with three battery powered vehicle extrication tools, the UTV was added to the fleet, and it will also be working soon. He added that the Chief of the EMS was responding to a call, and the EMS report would be sent to the office via email.

Secretary's Report:

Shahana presented various correspondences received, including from Rachel Hendricks, Thomas Farley, Lara Ann Dodsworth, Anthony Magnotta, Woodland Design Associates, LLC., Pike County Planning, Zoning Officer, Milford Borough, HRG, Pike County Tax Administrator, and Pike County Conservation District.

Mr. Williams said that the limit of the PIRMA liability insurance that Milford Borough had sent was only \$500,000, that is not enough, and it had been the number for the past couple of years. There's a contract for Grey Towers, which is in Milford Township, Milford Borough operates the Police department in this Township, and Milford Township might get sued also if a false arrest is made. Milford Borough's limit of coverage is probably higher, and usually this amount is around \$10 Million for the Municipalities of Pennsylvania. He made a motion to send a letter to Milford Borough inquiring about why this limit of coverage is so low for Milford Township, Rachel seconded, and it passed.

Old Business:

Econo-Pak Developers' Agreement: Rachel said that there were no updates from Econo-Pak, and she made a motion to table this item to the next meeting. Gary seconded the motion, and it passed.

Act 537 Plan – Adoption Resolution: Rachel said that changes to the resolution were discussed at the workshop, and she made a motion to adopt the resolution with those changes. Gary seconded the motion, and it passed.

National Land Developers' Conditional Use Application – Solicitor's Update: Rachel said that the applicant had withdrawn their appeal for the Zoning Hearing Board's decision, they were anticipating withdrawing their original application and to submit a completely new packet of application with a revised parking plan. She made a motion to approve the applicant's request of extending the deadline to March 31, Gary seconded, and it passed. Mr. Stroyan asked why the applicant was not simply withdrawing their original application. The Solicitor replied that the applicant is not ready with the second application yet, they don't want to lose their right to proceed with the Hearing, and they were working on completing some of the studies that were asked by the Planning Commission. He added that when those studies are completed, Mr. Gable, the Engineer, would submit a new conditional use application with those studies. Mr. Stroyan asked if the Planning Board would have to start the application as a new one or consider it as fulfilling the previous application's requests. The Solicitor replied that it would be a new complete application, and the original application will be withdrawn when the new one is filed.

February 21 Meeting – reschedule or cancel: Rachel said that the office personnel will be on vacation from that Thursday for two weeks, and that would encompass this meeting. She made a motion to cancel this meeting, Gary seconded, and it passed.

Amendment to the Zoning Ordinance 407.2 – County comments: Rachel said that the County's comments only asked to make some minor changes. Mr. Bolles said that in his letter, which he had sent back in October, he had asked to state how long these units can be left on the property, and this proposed Amendment does not state that time limit. He continued that Mr. Shepstone's response to it is six months, but the final draft of this Amendment does not include this time period. The two-year permit is for the licensed trailers, whereas this is just a general storage outside the building. Some stores, such as, Home Depot, sometimes leave these things for a year. His past experience is that those units stay in, and some language about the time limit needs to be there. According to this proposed Amendment, three transport or other similar containers can be issued, and anything more than that will be a conditional use. Rachel asked if it would be a seasonal thing for construction. Mr. Stroyan said that the purpose of this Amendment is to address the job boxes, and he suggested specifying the type of business for those units. In reply to Rachel's inquiry, Mr. Bolles said that job boxes are filled, then it's ready to go to a jobsite, and those units can be brought back to the property again to be left there for a month or even two years. He added that after a year, it would have to be removed, or it can be applied for again. He further added that Home Depot needs storage during the Christmas season, and it's hard to put a general time limit, which can't be left open, as his past experience is that once they bring it, they continue using it. Mr. Stroyan agreed with Mr. Bolles, he added that not every business uses it that way, and that's why Members had tried to stay away from the term storage container. Mr. Bolles added that he had suggested to Mr. Station to get a licensed trailer so that he didn't have to come in front of the Board.

Mr. Bolles also said that the proposed Amendment states that these units have to be installed on impervious surfaces. He added that the parking lot, the access to it, and the loading/unloading zones are the impervious surfaces, three job boxes will take up three parking spaces, which are required, and hence, it would be hard to enforce. That implies that there would have to be an extra impervious surface other than the parking space, access, and loading/unloading surfaces. He suggested using stone pads, which would help with the storm water management.

Rachel said that more work needs to be done on it. Gary added that he never liked storage containers, which people leave on their property wherever they want to, and the Solicitor added that people take advantage of it. Mr. Stroyan suggested making storage containers conditional uses and then putting time limits on those. Rachel made a motion to table this item at the next meeting, and to discuss it at the upcoming Planning Commission workshop. She added that she would be present at this workshop of the Planning Commission. Gary seconded the motion, and it passed.

New Business:

a. Temporary Storage – Joseph Balch: Mr. Bolles said that the building inspector had checked that the applicant was doing some interior work, it was mostly painting and adding some wood to the ceiling area, and they had put a storage unit in that property for two and a half weeks. He continued that he had contacted Mr. Balch, and he had dropped off the application. His work is done, the storage unit is already gone, and that's why the applicant didn't leave a time limit on the application. The time limit on these trailers is up to two years. Rachel confirmed with Mr. Bolles that the applicant would be able to get the storage container back for his subsequent projects if it's approved that way. She made a motion to approve this temporary storage for a period of less than two years, she added that the retroactivity date would be January 10, 2023, and the fee structure for the permit application would be triple, as was consistent with previous late applicants, to caution people about obtaining the permit first instead of paying after getting caught. Gary seconded the motion, and it passed. Rachel added that what Mr. Balch is doing for the community by investing in improvements to his property is appreciated.

b. K&N Holdings, LLC. Fill Site – Thomas Farley's correspondence: Rachel said that the Solicitor for the Planning Commission had sent a letter regarding this matter, and the Solicitor added that it's for an NPDES permit application. Mr. Stroyan said that it's listed as a land development, the concerning part is that a land of 15 acres with a height of 80 feet is being filled, and hence, a huge amount of materials would be brought to that property. He continued that the nature and the type of the material that would be brought in should be of concern, and the filling is already being done. There would be triaxles, and controlling those is concerning too. The Township has to be informed, and that's why the letter was received, but there's no pending land development application. The Solicitor added that notifying Municipalities is a part of their NPDES permit application, anything over an acre requires a permit, and the Section # 430.2 of the Zoning Ordinance states that a zoning permit is required for any disturbance more than half an acre.

Mr. Bolles said that the applicant had applied for the tree cutting a couple of years ago, but they hadn't applied for this project yet, and the Solicitor added that that implied that this project is not in compliance with zoning. Mr. Stroyan said that the Township could weigh in on the quality of the material. The Solicitor said that that would be a part of the permit, they require it to be a certain type of material, and if not then it would be a state issue, not a Township issue. Mr. Bolles added that they hadn't filled half an acre yet, and the Engineer might say that there won't be any land developments. Mr. Stroyan added that the Township should make some inquiry to DEP. Mr. Bolles said that it doesn't need to be sent to DEP as long as the Engineer sends it to us, he added that he would contact the Conservation District regarding this matter, and Mariana is aware of this matter. The Solicitor added that he would contact the Engineering firm regarding the concern of the clean fill. Mr. Stroyan asked if there had been clear title for that property yet, and Gary replied that this owner buys properties and then he shifts it to his sisters, nephews, nieces, and Holding companies. The Solicitor said that the fill was 5.914 acres, but the accompanying letter states that the fill area is 16 acres. Rachel made a motion to authorize the Zoning Officer and the Solicitor to follow up on the concerns that were expressed in the letter of Mr. Farley, Gary seconded, and it passed.

c. **Municipal Shredding Event – Joseph Dooley – Milford Borough Council:** Rachel said that this item will be tabled whenever there's more update from the Borough regarding this matter.

9. Other public participation:

None

10. Executive Session

There was no other business or executive session to discuss. At 8:00 P.M., Mr. Williams made a motion to pay the bills and adjourn, Ms. Hendricks seconded, and it passed.

Thanks,

Shahana Shamim

Secretary/Treasurer