

## **MINUTES**

**July 17, 2023**

**6:30 P.M.**

### **Hybrid Workshop of the Board of Supervisors (Zoom meeting ID was advertised in advance in the Pike County Dispatch) 560 Route 6 & 209**

Econo-Pak: The developers' agreement is close to being finalized; some minor clarifications and additions need to be made, and those will be completed before the first meeting in August. It will be on the agenda, and the applicant will be present. 40 points on the list of conditional approval items are done, and the applicant is working on setting up a Google Drive with all the current information related to the project. Any new additions to the Google Drive will require the applicant to notify the Township of the same. A landscaping agency was hired to design the landscaping for the project during the plan review process. The lot consolidation of all the parcels is approved and recorded. The HOP, E & S, and NPDES permits are approved. The gas company's encroachment agreement is nearing completion. Damaged panels of siding will be replaced, and new dock seals with matching colors of the old edition will be installed for the façade improvement. Pages 61 through 67 from the zoning hearing transcript will be attached as an exhibit to the Developers Agreement. Mr. Di Lorenzo, the SEO, has reviewed the septic and issued a letter. The fire company has sent their letter of acceptance. A copy of the evacuation plan has to be provided, as it's still not attached to the business continuity plan.

The plan is to start the project this year, and it will take about 18 months. The Solicitor asked to update the maintenance bond and the performance bond with exact dollar amounts.

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A scheduled meeting of Milford Township Supervisors was called to order at 7:00 P.M. by Chairperson Rachel Hendricks. Also present were Supervisors Gary M. Williams (Vice Chairman) and Robert Di Lorenzo, Solicitor Anthony Magnotta, and Secretary/Treasurer Shahana Shamim.

Gary made a motion to approve the minutes of the May 22nd Hearing, Mr. Di Lorenzo seconded, and it passed unanimously. Gary made a motion to approve the minutes of the June 20th Meeting, Rachel seconded, and it passed unanimously.

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

Shahana reported that since the last meeting she had received \$25 of rent, \$9,841.63 from R.E. Transfer tax, \$3,712.65 from delinquent taxes, \$450 from Zoning, \$400 cash from sewage, \$15,000 ambulance match from Pike County Commissioners. She added that the DCED grant of \$100,000 was directly deposited into the Wayne General account. She also reported the financial account balances as \$35,334.14, \$109,181.89, \$17,572.89, \$25,183.39, \$250,061.64, \$16,071.03, and \$129,818.27 in the accounts of Wayne Bank (Investment), Wayne bank (General), Wayne Bank (Payroll), NBT Bank Checking, NBT Bank Money Market, PLGIT (General), and PLGIT (Liquid Fuels) respectively.

Roadmaster:

Mr. Williams, the Roadmaster, provided an update on recent activities and storms affecting the area. Over the past few weeks, the roadcrew has been engaged in brush cutting and patching potholes on both paved and dirt roads, particularly on Schocopee Road. During the weekend there were some severe storms, and the rain totaled 6 inches within a 72-hour period. Fortunately, there was not much damage, though some roads experienced washouts at various locations. One such washout occurred at the end of Fire Tower Rd., which will be addressed during the current week. Although the road is currently drivable after being cleaned up, some digging work is required to fill the ditches. Using #4 stone in the ditch should help mitigate potential storm-related problems on Fire Tower Rd.

Mr. Williams sought permission from the other supervisors to advertise the sale of their 1996 Kodiak. There was a discussion about the vehicle's condition, with concerns raised about its age, availability of parts, and transmission issues. The decision was deferred for further consideration.

Ms. Hendricks inquired about the start of construction for the awarded bids. Mr. Williams replied that Wayco, the contractor, didn't contact him, but they have until September 15 to finish the work. He added that they may currently be busy with other significant contracts in the area, and might be prioritizing larger projects at the moment.

Public Participation #1:

Mr. Stroyan respectfully asked the Supervisors to make the public aware that there won't be any Planning Commission meeting next week because the National Land Developers' Conditional Use Hearing was scheduled at that time. The Supervisors asked Shahana to post this awareness on the website.

Bill Pitman said that he had researched the duties of the Supervisors. There are seven line items, and the first one is probably the most important. The Supervisors are charged with the general governance of the Township and the execution of legislative, executive, and administrative powers to ensure sound physical management and to secure the health, safety, and welfare of the citizens of the Township.

Secretary's Report:

Shahana presented various correspondences received, including from Pike County Planning, Pike County Conservation District, Department of Environmental Protection, Pike County Tax Administrator, Pennsylvania Broadband Development Authority, and Pennsylvania Municipal Retirement System.

Old Business:

a. Hearing – Adoption of the Watershed & Wellhead ordinance: Ms. Hendricks made a motion to recess the meeting to open this Hearing, Mr. Williams seconded, and it passed unanimously. The Solicitor said that public comment will be received for this proposed amendment, and it's for the Section# 426 of the Milford Township Zoning Ordinance. This amendment has been available for public inspection and this amendment was discussed at many

of the meetings over the past 14 or 15 months. The public notice for this Hearing was published in the Pike County Dispatch and a court reporter is present to takedown everything that is said for public comment.

The Solicitor said that the Amendment was reviewed by the Planning Board, which had recommended it to the Board of Supervisors. He added that the proposed Amendment was also reviewed by the Pike County Planning Commission. In reply to Attorney John Klemeyer's inquiry, he said that the last draft of this proposed Amendment is actually dated 3/20, but some updates were incorporated. On page four of six, as per Mr. Klemeyer's request as the Attorney for Milford Water Authority (MWA), the following language is added: "For purposes of review, comment, and recommendation, the Milford Water Authority may utilize, in addition to state law, regulations, and Milford Township ordinances, the Source Water Protection Plan for the Milford Springs, The Municipal Authority of the Borough of Milford, and T. Giddings, 2004, which is incorporated herein by reference." On page one, the words "overlay district" are removed, and the word "zone" is used for the wellhead protection. On page two of six, the Zone C references to the map from Pike County, and a subparagraph D is added, indicating that the applicants shall use a Professional Engineer or Registered Land Surveyor to locate the precise boundaries of these zones as applied to any particular parcel that is not clearly within the zones described and mapped above. He added that Mr. Shepstone, the townships consultant and planner, had addressed the comments of the Planning Commission and had indicated that his opinion was that no further amendments were necessary.

Rachel said that the Planning Commission had sent a letter, which was dated July 17, 2023. According to this letter, Planning Board discussed the proposed wellhead protection map, which includes five wells. There is a public well in Crawford Trailer Park, located in Dingman Township, but a portion of its 1000-foot radius lies within Milford Township. and the Planning Board is making the Supervisors aware of this well so that it can be considered for addition to the map.

Attorney Klemeyer said that he represented the municipal authority in the Borough of Milford, and he was asked to be here tonight by the board to address the issue of the watershed and Wellhead head ordinance. He continued that the water authority appreciates the changes that have been made to the ordinance relative to the authority's ability to comment on plans. It's very important and the Authority already has with other municipalities the ability to look at plans to make sure that it doesn't interfere in some way with the ability of the Water Authority to deliver the quantity and quality of water that it needs to be delivered to its consumers. The Authority appreciates the ability to consult on that and to provide proposed amendments which were ability to consult on that and to provide proposed amendments which were ~~good~~ considered beneficial enough to at least tentatively adopt.

Mr. Klemeyer continued, stating that while the ongoing warehouse issue is difficult for this Township and everybody else involved, it serves as a lesson to assess the existing protections and determine what actions are necessary to enhance future safeguards. This project may be approved or denied, but preparing for the possibility of another project after this one is not a wasted effort. It is essential to examine the current measures in place and identify what

needs to be done to address potential future projects in this location or any other location near the interchange of Interstate 84. The Authority has concerns about that possibility, and it has looked into it extensively. It would be happy to partner with the Township and other interested parties to make the ordinances in Milford Township as good as they can be. The goal is to protect the environment while recognizing the legitimate interests and concerns of property owners within the Township. Rachel said that the Board had actually started this process of developing this ordinance before that application was received. She added that the Board was also working on updating the SALDO ordinance, and Mr. Klemeyer asked to send correspondences to the Authority regarding this update.

Dr. Robert Ollar, an adviser to the Friends of the Milford Aquifer and Pike County Tickborne Disease Task Force, said that he resides in Dingman Township. He continued that water is the lifeblood of humanity, and the aquifer is the sole water source for Pike County. He emphasized the need to protect the aquifer and consider any potential harm to human health, such as cancer and birth defects. He stressed the importance of preserving Milford's existing economy, which relies on pristine water. The aquifers of New Windsor, NY, Newburgh NY, and Camp Lejeune were contaminated, leading to costly consequences and the need to find alternative water sources. He added that once water is contaminated, the irreversible ramifications would be disastrous.

Mr. Vito DiBiasi raised concerns about the proposed ordinance. He said that the Shepstone ordinance has only the watershed map and that the aquifer overlay map is absent. It fails to identify Zone 2 of the aquifer, and it's a flaw, as Zone 2 is included in the Source Water Protection Plan (SWPP). He argued that the ordinance does not comply with the Wellhead Protection Program guidelines, as it lacks appropriate base maps.

Mr. DiBiasi also critiqued the ordinance for not including technical language, adequate definitions, and proper provisions to protect water sources, wetlands, and aquifers. He questioned the inclusion of clean manufacturing and mining within Zone 1 and cited past incidents where similar activities had detrimental effects on water sources. Such activities in Zone 1 may cause contamination of the groundwater source unless they are directly related to the production of drinking water. Dingman Township has a superior ordinance that includes an overlay map for the Milford Aquifer's zones, technical language, and proper definitions. The proposed ordinance does not address groundwater sources; it focuses solely on surface water. Section 105 of the municipal planning code of Pennsylvania states the need to protect and promote safety, health, and general welfare, as well as to protect Commonwealth natural resources. The current comprehensive plan also includes a 10-page source water protection plan, emphasizing the importance of conserving and safeguarding resources from destruction. Zoning section #604 states that the provisions of the zoning ordinance should be designed to promote, protect, and facilitate public health, safety, and the availability of reliable and adequate water supply for domestic, commercial, agricultural, and industrial use, while also preserving natural scenic wetlands and aquifers.

Mr. DiBiasi also stated that the letter from the Milford Water Authority states that the presence of the Milford Springs and the wellhead protection zone should not be the basis for variances or waivers under any township ordinances. The current ordinance places the burden of protection on applicants rather than the township itself, which is not in line with typical

ordinance practices. Ordinances are supposed to spell out protections. The applicant shouldn't have to find out where the aquifer is because we already know its location. Zone 2 should be superimposed on the map. He added that he will appeal to the court if this ordinance is passed.

Rachel explained the Board's intention behind certain decisions, like naming zones differently to avoid confusion and the Water Authority's ownership of the property near the springs. She also explained that the ordinance focuses on a broader area that drains into the aquifer, rather than the specific aquifer itself.

The transcript of the hearing can be obtained from P.A.B. Reporting Services at 123 New street Hughestown, Pa 18640. For contact, please call (570) 655-2729. After receiving all public comment, the Hearing was adjourned and the Supervisors' meeting was reconvened.

After a five-minute-long recess, Rachel made a motion to go into an executive session to discuss the potential adoption of this ordinance due to the threat of litigation. Gary seconded the motion, and it passed unanimously. After reconvening the meeting, Rachel said that some changes to be incorporated into this ordinance were discussed during the executive session. She made a motion for the following changes to be made: The Crawford Park well Radius red Circle would be added as the Planning Commission had recommended. The legend on the map will show the designation of the blue area zone C as the watershed zone. A red designation for the Milford Springs, but only for the upgradient direction, will be added because the source water protection plan indicates that downgradient activity from the springs doesn't affect the springs as the flow of the water isn't in that direction. The assistance of the Water Authority will be needed to determine that. Prohibitions against land applications of herbicides, pesticides, and fertilizers containing any substances that present hazards to the groundwater quality will be added as #10 under section C on Page three. The designation everywhere in this document where it says zones such as at 426.7.A will be changed to wellhead protection zones. The language "or EAC (Environmental Advisory Council), which may at any time be formed by the Township or the County of Pike" will be added on page five to number five. On the schedule of uses, where it says the SIC codes under manufacturing, the language will be removed and instead include the language added of not utilizing the chemicals listed in section 426.7.

There will be a new hearing, a revised map, and county comments will have to be received again. The Secretary will send this redraft, along with the revised map, to both the DEP and the Conservation District for comments before the next hearing. The County usually takes 30 days to send their comments. In the interim, the Board will check if the DEP has any issue with the A-B-C designation, as opposed to the initial designation of 1-2-3, or the other language. The Solicitor added that it's still considered a pending ordinance, even though it's not adopted yet, and so if someone comes with an application, they can be made subject to the requirements of the ordinance. Rachel made a motion to approve the aforementioned updates and actions. Gary seconded the motion, and it passed unanimously.

b. Econo-Pak – Update: Rachel said that the representatives of Econo-Pak were present at the workshop, they've almost finished the developer's agreement, and they will attend the next meeting. The Solicitor added that the updated documents will be submitted prior to the next meeting, and he will make his comments.

c. Amended SALDO – Recommendation from the Planning Board: Rachel made a motion to send this amendment to the County for their comments. Gary seconded the motion, and it passed unanimously.

d. Amendment to the Zoning Ordinance Section # 407.2 – County Comments: County comments were received, and they don't have any comments at this point. Mr. Di Lorenzo made a motion to schedule the Hearing for August 7, 2023, at 7:15 P.M. Gary seconded the motion, and it passed unanimously.

New Business:

None

Public Participation #2

Mr. Di Lorenzo brought up the need to have all passwords for computers in a central location in case something happened to someone, citing previous incidents where passwords were unavailable. Rachel agreed to address business continuity planning in the future, and she asked the Secretary to add this item to the next meeting's agenda.

There was no other business to discuss. At 8:50 P.M., Rachel made a motion to pay the bills and adjourn. Gary seconded the motion, and it passed unanimously.

Respectfully,

Shahana Shamim  
Secretary/Treasurer