

MINUTES
August 7, 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

The Econo-Pak Developers Agreement: The Supervisors discussed the items that need to be attached and incorporated into the Econo-Pak Developers Agreement. The Zoning Hearing Board's decision, in excerpt as related to facade conditions, is already included in the Google Drive of the documents to be attached. However, it addresses only one issue. The approval letters from the fire department have also been included. There is a gas line located between two buildings. The gas emergency information is missing from the evacuation plan and obtaining it should not pose significant difficulty. The conditional use transcript needs to be referenced or incorporated, as it is not included in any of the exhibits. This transcript holds importance as it contains the hours of operation that must be adhered to as well as the applicant's testimony as to group transit, etc. The Solicitor covered all 40 conditions in his letter, which was obtained from the Conditional Use Hearing. However, the conditions are derived from the testimony provided. Instead of attaching the printout, the transcript could be referenced by specifying the date and the stenographer's information. This way, it could be accessed at a later time. Including a note on how to obtain the transcript could be helpful.

Dangerous Tree: Correspondence has been received from a Borough Councilperson regarding a reportedly dangerous tree. This tree is located at the corner of Elderberry Alley and Ann Street. Elderberry Alley marks the boundary between Milford Township and the Borough, and this road might not fall within the jurisdiction of the Township. However, it is being discussed due to its hazardous condition. The property owner still needs to be informed via a letter, which should address the hazardous situation, as the tree poses a threat to the power lines. It is believed the property belongs to Barbara Langdon, residing at 431 Ann St., and she appears to have two dead trees on her property.

Supervisors recessed the meeting for an executive session to discuss a matter pertaining to personnel.

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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 July 17th Meeting. Mr. Di Lorenzo seconded the motion, and it passed unanimously. Gary made a motion to approve the minutes of the July 25th Meeting. Rachel seconded the motion, and it passed unanimously.

Treasurer's Report:

Shahana reported that since the last meeting she had received \$134.39 from Code Inspections, \$400 from Zoning, \$1,150 from a conditional use application, and 9,016.00 from R.E Transfer taxes.

Roadmaster:

Mr. Williams, the Roadmaster, stated that Wayco had paved 1,600 feet on Schocopee Rd; it had been completed and turned out well. The shoulders were also being worked on by themselves because Wayco's cost is about \$10,000, and the stone price is quite high. About 80 tons of millings were put down there. The shoulder machine had not been used for the last two or three years, resulting in total breakdowns. The new equipment was being used for brush cutting in different locations. Additionally, Mr. Williams added that Mark Gates would be leaving soon for a full-time job, so he will probably be looking for somebody else in the next couple of weeks.

Zoning:

Shahana said that she had received three zoning permits since the last meeting, and she also mentioned receiving a conditional use application for Milford Animal Hospital.

Public Participation #1:

None

Secretary's Report:

Shahana presented various correspondences received, including from Brian Snyder, Diana Blume, PSECU, UGI, One Stop Electronics, Vito DiBiasi, Collier Construction, Pennsylvania Broadband Development Authority, Woodland Design Associates, Moon Valley Homeowners Association, County Tax Administrator, Delaware Water Gap News Release, DEP, and liability insurances. She added that the violation letter from UGI was forwarded to the Building Officer.

Old Business:

- a. **National Land Developers – Venue for August 30 Hearing:** Delaware Valley informed us that the auditorium will still be under construction on August 30 and will not be available for this hearing. Best Western, however, informed us that it will be available. Mr. Di Lorenzo will bring some additional microphone equipment. Rachel made a motion to approve Best Western as the venue for this hearing and to advertise it. Gary seconded the motion, and it passed unanimously.
- b. **Watershed and Wellhead Ordinance – Addition of a well on the map – County comments:** It has been realized that the map is still missing a community well that should be included. This well serves the apartment complex on Forest Drive, just off of Schocopee Road. The County has indicated that they do not have the capacity to include the circle for the upgradient portion only. They have advised instead to change the language in the document to specify that the upgradient portion will be the focus. According to the source water protection plan, the downgradient area does not affect water quality. This change will not significantly impact the majority of the area, as it is already owned by the Water Authority, Grey Towers, or developed as residences that will be grandfathered. Placing the wellhead protection zone on the downgradient side is not beneficial, as it would impose unnecessary restrictions on the neighboring properties that will not

actually serve for the protection of the wellhead. Rachel made a motion to amend the language of the ordinance to only cover the upgradient area for Zone B of the springs and to include the well for the Forest Drive Apartment Complex. Mr. Di Lorenzo seconded the motion, and it passed unanimously.

c. Econo-Pak – Developers agreement: Mr. John D. Fuller, the Engineer, and Eric from Collier Construction were present. The Solicitor stated that the maintenance continuation of the landscaping plan is not included in this Agreement and must be added. The hours of operation and the arrangement of parking through the cooperative agreement, as discussed during the Conditional Use Hearing, are not referenced in the developer's agreement. The Supervisors would like to see the Conditional Use transcript incorporated by reference in the agreement, because there's a paragraph later that says that if it's not in the agreement, then it's excluded. The agreement states that the developers shall provide a certificate of insurance, without specifying when. This insurance must be provided before the commencement of construction and annually thereafter until all bonds have been released. The gas emergency evacuation plan needs to be added. The same language regarding continued maintenance responsibility will need to be included for stormwater maintenance and landscaping as well. He added that he had confirmed with the Engineer that the amounts in this document were correct. Furthermore, he will send a formal letter to the applicant outlining these points.

Rachel mentioned that changes are being made in the Google Drive, and permission will be required to modify the contents. Mr. Fuller suggested that the document could be extracted, and the updated version could then be provided to the Solicitor. This way, everyone will work from the same copy. She made a motion to approve the execution of the developers' agreement, subject to the changes described this evening and the Solicitor's approval the same were all made. Gary seconded the motion, and it passed unanimously.

c. **Hearing of Amendment to the Zoning Ordinance Section # 407.2 – reschedule the Hearing:** The advertisement for this Hearing didn't go through, and therefore, it needs to be rescheduled. Rachel made a motion to reschedule it to the September 18 meeting at 7:15 P.M. Gary seconded the motion, and it passed unanimously.

New Business:

a. **Business Continuity Plan:** The proposed agreement from One Stop Computer Services was presented as well as Carbonite auto backup which will cost an additional \$600 per year. The One Stop service to physically check that the backups are happening every month and to be available for IT services will cost \$3,000. So, the total cost would be \$3,600 for the year. The year would start upon the execution of the contract, and a quarter of that amount will be advanced for now. Rachel made a motion to execute this contract. Mr. Di Lorenzo seconded the motion, and it passed unanimously.

b. **Dangerous Tree – corner of Elderberry Alley and Ann Street:** Rachel stated that the Township has been notified of a dangerous tree by the Borough, typically does not remove trees from private properties and is not interested in assuming responsibility for this dangerous tree. She continued that the hazard mitigation goal of developing a plan for the removal of trees that have a likelihood of causing power outages is aligned with the County's goal. The idea is to follow the plan devised by the County to determine the prioritization of trees and secure funding.

During the convention, she had engaged with Penn State Extension and learned that experienced foresters from other communities could serve as a third party to assist with the implementation of this hazard mitigation goal. She mentioned a previous incident where the Township had been informed about a safety issue on private property. In response, the protocol of sending a letter to the property owner to address the situation was implemented. It was also discussed that attempts to communicate with the power company often do not yield satisfactory results. The resulting power loss affects water usage, sanitation facilities, and even food preservation. Rachel made a motion to send a letter to the property owner, notifying them that the Township had received information about a dangerous tree on their property that could potentially cause a power outage. The letter would kindly request their attention to this matter. Gary seconded the motion, which was subsequently passed unanimously.

c. **Agreement – Service from One Stop Computers:** The operating system of the office computer dates back to 2005. While some upgrades have been performed, this issue remains separate. The proposal is to upgrade the desktop in the office; however, it does not specify whether it is for refurbishment, replacement, or even which brand. The proposal states that a cloning of the hard drive will be conducted, which should ideally involve transferring everything from the current computer to the new one. Rachel made a motion to include this item on the agenda of the next meeting. Mr. Di Lorenzo seconded the motion, and it passed unanimously. He also added that he will gather more details about it.

d. **Request from Moon Valley Homeowners Association on Sunday, August 27 at 3:00 P.M.:** Gary made a motion to approve this request. Rachel seconded the motion, and it passed unanimously.

Public Participation #2

Mr. Stroyan stated that a conditional use hearing is upcoming for the Milford Veterinary Hospital, which constitutes a pre-existing non-conforming use, and he is uncertain whether a certificate has been issued for that purpose. Currently, the basement is not utilized for the business; however, it is intended to serve as an expansion of the pre-existing use. This business is located at the literal center of a residential district, having originally been a house at one point. Due to the timing of the application submission, nearly 30 days will transpire before the upcoming Planning Commission meeting. Rachel suggested requesting an extension from the applicant. The Solicitor added that the Hearing might need to be scheduled before the conclusion of September. He further mentioned that he had conversed with the Zoning Officer, and the basement would be used for animals that cannot be sent home, requiring them to stay for a period of two to three days. Shahana mentioned that the certificate of nonconforming use would be distributed to the Planning Commission members.

The solicitor stated that the NPDES public notice from DEP is for the K&N Holdings, and this is the gentleman who is filling in 17 acres. The public notice is dated July 24th, so they have until August 24th to provide public comments. Mr. Stroyan mentioned that it needs to be included on the agenda of the upcoming Planning Commission meeting.

Rachel said that the legal fee has been significantly over budget due to the addition of special counsel and the goal is to keep it as close to budget as possible. She made a motion to cancel the August 21st meeting in favor of having the August 30th Hearing. Mr. Di Lorenzo seconded the motion, and it passed unanimously.

Respectfully,

Shahana Shamim
Secretary/Treasurer