

Minutes

December 4, 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

There was a discussion regarding the Milford Water Authority's request that the Township pay hydrant maintenance fees. A list of the hydrants was sent by the Milford Water Authority, and Rachel was told there were 22 hydrants. Three at the bottom of the list are in Westfall Township, not Milford Township. This township shouldn't be charged for those three. So, there are 19 in Milford Township. There are three in Dingman Township, and all the rest are in Milford Borough. If the list that was sent is accurate, there are 74 hydrants altogether. The Supervisors felt their customer be billed for this. They have access to who is being served by these hydrants and their customer base. This is much more difficult for the Township because a special taxing district will have to be created for that purpose. It's a huge expense for the township to go through that exercise, whereas they could just assess it on their water bill. Mr. Bill Pitman added that it will add to the budget. In reply to his inquiry, Rachel said that painting, flushing, etc., are part of their maintenance.

In reply to Mr. Pitman's inquiry, Rachel said that the two-mill tax increase will amount to \$60,000, and for a resident, it would be about \$100, depending on the assessed value of your house.

Mr. Di Lorenzo made a motion to go into Executive Session to discuss possible litigation. Rachel seconded the motion, and it passed unanimously.

Rachel gave an explanation as to why the power company wasn't there today but will be on the 18th. Gary called the manager this morning about the power being out, and the manager did not even know the power was out yet.

Minutes

December 4, 2023

7:00 P.M.

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

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, Secretary/Treasurer Shahana Shamim and Assistant Secretary/Treasurer Barbara Schiavone.

Gary made a motion to accept the minutes from the previous meeting. Mr. Di Lorenzo seconded the motion, and it passed unanimously.

Treasurer Report:

Receipts 12-4-2023:

\$300 from Zoning
\$150.00 from Sewage
\$6,120.16 for the winter agreement
\$410.18 from state police fines

Financial Institution Account Balances 12-4-2023:

Wayne Bank Payroll: \$12,389.50
Wayne Bank Investment: \$ 10,539.65; Interest Rate: 0.10%
Wayne Bank General: \$ 59,181.89;

NBT Bank Checking Account: \$ 9,030.57; interest rate 0.02%
NBT Bank Money Market: 16,462.52; interest rate 3%

PLGIT General: \$224,870.79; monthly distribution yield: 5.17%
PLGIT Liquid Fuels: \$56,027.61; monthly distribution yield: 5.17%

Gary stated that there was almost \$60,000 in the Wayne General Account, which is not earning any interest. Rachel said that it is a grant account, and all the grants have been spent. She suggested closing this account and reopening it when a new grant is achieved, so that the fund will be segregated with a new account number. Gary made a motion to close the Wayne General account by transferring the balance of \$59,181.99 to the NBT Checking Account. Mr. Di Lorenzo seconded the motion, and it passed unanimously.

Roadmaster

Gary said he had all the trucks up and ready for winter. Mr. Aaron May treated the new Mack truck for rust prevention and did not provide any bill for it. Aaron had mentioned that he does this for his trucks every year. Gary explained that since the truck cost \$200,000, it was important to save and keep it in good shape.

Gary also mentioned that the school has a bucket truck that they loan out to different municipalities. He will contact the school to inquire about using it to trim some of the lower branches of the trees. He added that the road crew worked last Tuesday on a couple of icy spots, but there were no quick freezes like the ones in the surrounding areas.

Zoning: Shahana reported that after the last meeting, she received permits for a temporary use, a temporary sign, and an accessory structure.

Public Participation

None

Secretary's Report: Shahana presented correspondences, including those from Pike County Light & Power Company, Milford Fire Department, Pike County Tax Administrator, MDM Engineers and Surveyors, Pocono Mountains Visitors Bureau, Milford Water Authority, Pike County Conservation District, Columns, and Pike County Area Agency on Aging.

Old Business

a. **PCLP Update for the coming year – Ed Verbarak:** Rachel made a motion to table until they attend the meeting. Gary seconded the motion, and it passed unanimously.

b. **Review of the Zoning Map:** Mr. Di Lorenzo said that, so far, he has the paperwork for the 1991 map, and it's signed by all the Supervisors. Some changes, including updates to the two properties by the Shohola border and Mr. Quick's property, were made after 1991. He added that documents for other changes still need to be presented, and he made a motion to table this item at the next meeting. Rachel seconded the motion, and it passed unanimously. The Solicitor asked for all the documents of the changes since '91.

c. **Ambulance Services – communication with neighboring community:** Mr. Di Lorenzo left messages for Rich Thomas, Medical Chief-EMS Captain, but received no response. Rachel has not yet filed a right-to-know request with the county, but she will submit one. The Fire Department provided a letter supporting the application, explaining the need to remove the parking lot gravel for landing their helicopter. Rachel made a motion to table this item until the next meeting; Mr. Di Lorenzo seconded the motion, and it passed unanimously.

d. **Hearing Schedule – National Land Developers' Conditional Use Application:** The solicitor said that Lee Stinnett is available on certain dates, and the only ones available for both are the 3rd and the 11th of January. He will check with the other attorneys to see when they are available, and then Shahana will check if the library is available on those dates. This item will have to be on the agenda for the next meeting so that it can be advertised.

e. **K&N Holdings – Correspondence from the Planning Commission:** K&N Holdings was discussed at the last Planning Commission meeting. Kevin Stroyan and Tom Farley had written letters to the Supervisors, which were subsequently forwarded to the Board of Supervisors because the Planning Board was unaware of the correspondence that took place afterward between Mr. Magnotta and DEP. Mr. Di Lorenzo will call to inquire about the possibility of acquiring copies of fill-sight paperwork. Mr. Magnotta added that copies of reports are already in the file.

The Conservation District is aware whenever any dumping occurs, and soil samples must be provided before dumping is allowed. Reports from Pike County Conservation are being sent to the office. At the last Planning Board meeting, Kevin mentioned that there will be land development in the future, and thus, considering the enactment of an earth disturbance permit requirement is necessary. Some counties already have that permit requirement when an area greater than 1 acre is disturbed. It's hard to believe that a 17-acre area of land being filled won't be used later on.

Rachel asked if that was something that could be added to the SALDO, and Mr. Magnotta replied that it would have to be included in the Zoning Ordinance. Mr. Di Lorenzo stated that it doesn't qualify as a land development, but it can be considered a disturbance. Rachel added that it was discussed at the last meeting, and the consensus was that it would have a lot of unintended consequences. It could affect other members of the community in a way that we would not want to pursue.

Mr. Di Lorenzo stated that another issue discussed during the planning meeting was the challenge of proving the correctness of the compaction rate when filling in a significant amount of property. Consequently, the land development process is expected to encounter additional complications. When he was involved in that project himself, the plan was to flatten and refill it so that it would be worth more money. Mr. Magnotta expressed his agreement with Kevin. He emphasized that when dealing with the filling of 18 acres, there should be a clear purpose for the land. Kevin asserted that it inevitably involves land development in some form, and there's no way around that. He added that if the land remains untouched for 5 years, the general rule is that it becomes a fixed condition. However, Mr. Di Lorenzo disagreed, pointing out that while not building for 5 years might be acceptable for a septic system, it's insufficient for a structure. Mr. Magnotta supplemented this by stating that structural tests would still need to be conducted. Mr. Di Lorenzo further illustrated the point by mentioning other properties near the proposed AutoZone location that were filled in but deemed too soft for construction. They will have to excavate down to the natural earth, revealing a depth greater than initially anticipated.

Kevin said he can't believe these 17 acres are not about land development. Mr. Magnotta said that, under the definition of land development, it's not. Kevin suggested looking at a bigger threshold and asking for Mr. Shepstone's opinion. Mr. Magnotta said that if it's tree clearing or disturbing a particular lot of more than 5,000 square feet, then it's Pike County's jurisdiction, the Conservation district, and if it's over an acre, an NPDES permit is needed, even if the stumps are left. Rachel added that she had heard that a lot of departments at the State have hires who don't have a lot of experience.

Mr. Di Lorenzo mentioned that, as Kevin speaks for a larger threshold involving more acres, massive fillings will have to be looked at. If a permit is required, the fee should not be exorbitant. Rachel added that the permit would enable monitoring. Kevin inquired if the Township would be held culpable if substandard materials are discovered after the permit is issued. Mr. Magnotta responded, 'eventually, yes.' Rachel stated that this is likely to be the Planning Commission's next major project that they will need to address. Kevin suggested that it might be as simple as having the Zoning Ordinance specify the required actions.

Gary said that they were still dumping on their driveway, and Mr. Di Lorenzo replied that they know they have to move their driveway.

New Business

a. Lot Improvement Application – Jason & Sarah Dignardi: Kevin said the former Board said that maps weren't required for this kind of improvement, and he asked whether, from

a practical standpoint, it was a wise decision. Mr. Magnotta explained that the idea behind it was that if there was already an approved map on record and you were just eliminating a lot line for a combination, but a lot combination and a lot improvement are not the same. If a lot owned by someone else is joined to your lot, that's a lot improvement subdivision, and then the map will be required. It's a one-acre parcel attached to a 20-acre parcel, all contiguous and under the same ownership.

Mr. Magnotta said that all appropriate language was added to the deed. Mr. and Mrs. Dignardi can sign after they return from vacation, and then the Supervisors will need to sign. Therefore, the approval is contingent upon the Dignardis' signatures. Mr. Stroyan mentioned that they had already placed the wood stove there, which posed a problem as they encroached on their own property. Rachel explained that this was how the whole lot improvement process started. Mr. Stroyan added that the pros and cons of combining these two parcels were discussed with the applicant at the last Planning Board meeting. Rachel made a motion to approve the Dignardis' Lot Improvement pending the final receipt of the executed deed. Mr. Di Lorenzo seconded the motion, and it passed unanimously. Rachel asked Shahana to inform the Supervisors when it's ready so that they could sign it.

b. MWA proposed fire hydrant fees: Rachel indicated her concern with the language in the email from Mr. Scott Sheldon of the Milford Water Authority which linked the request that the Township pay hydrant maintenance fees to the costs the Authority has incurred to date as a result of their party status on the warehouse application. She emphasized that it would be inappropriate for the Township to fund that in any manner. Rachel had informed Mr. Sheldon that she would like the authority to explain why they wouldn't simply pass this fee along to their customers. Special taxing districts will have to be established if this fee has to be paid through the township, and it would be much less complicated to add it to the water bill. However, she didn't receive an answer to that. A letter stating that the fees were waived in 2015 and a newsletter (dated 2013) showing fees for all residents of the town were found. Rachel read the central part of the letter, which stated, "Due to the authority receiving grants and keeping all projects under budget, the Authority was able to replace all fire hydrants and water mains throughout the system. This allowed the Authority to drop the fire hydrant fee. The Authority would appreciate the assistance of your street department if they would keep the fire hydrants free of snow during the winter months in the Township." Gary confirmed that it was still happening, and even if it gets bad enough, the road crew goes out with a backhoe to clean the hydrants. Rachel asked Mr. Magnotta if he was aware of any agreement with the Water Authority. Mr. Magnotta said that their website states a private fire service hydrant has to be installed by agreement. Therefore, he is wondering if any agreement exists with the Milford Fire Department. He suggested checking with both the Fire Department and the Water Authority. Section 9.1 requires a written request submitted by a Municipality or Developer served water by the Authority for the purpose of installing public fire hydrants. It further states that the Authority will determine whether proper service can be furnished under normal, ordinary conditions. The entire cost of the installation shall be paid in accordance with the agreement governing the installation. Section 9.2 states that all fire hydrants will be maintained by the Authority at its own cost and expense, provided that any expenses or repairs caused by the carelessness or negligence

of employees of its own Municipalities or members of the Fire Department shall be paid by the Municipality. These statements are taken from their website and are dated July 13, 2020.

Rachel said that she had asked for their budget, but she was directed to their website. The most recent water and financial statements need to be reviewed if this Township must pay hydrant maintenance fees. Rachel also spoke with Don Quick about this, since he was on the board at that time, and he indicated that, besides the grant, one of the reasons they were not continuing with this anymore was the cooperation agreement. This Township would assist them with our equipment and personnel, which has been ongoing for the last decade.

Rachel made a motion for Mr. Magnotta to send a letter to John Klemeyer, identifying the following points: A.) It would be entirely inappropriate for this Municipality to be requested to reimburse the Authority, either through fees or otherwise, for the costs incurred as a party in ongoing hearings in the Township, and B.) Given that not all of the Township's residents are serviced by the hydrant, we cannot comprehend why the Water Authority would choose to ask us to pay this fee through the Municipality instead of assessing the fee to their actual customers, for whom they have all the contact information and C.) The Authority previously stopped assessing these fees in consideration of receiving substantial grant dollars and cooperative assistance from the Township but is now abruptly terminating that unexpectedly. Mr. Magnotta suggested that the response might be that typically the Municipality pays for its fire hydrants. However, Mr. Di Lorenzo pointed out that this Township did pay years ago, and there was an agreement with the \$800,000. Township made available to the Authority to stop doing so. Now, we have a letter stating no more fees. This letter was created after the fact, not before. Mr. Magnotta added that in the Milford Authority Rate Structure, created in December 2022, there is no rate specified for fire service. The only rate mentioned is for private fire service, defined as sprinkler connections, hoses, and hydrants, with a ready-to-serve charge of \$117.62 per quarter of unlimited usage. Rachel emphasized that this Township does not qualify as a private service either. Mr. Di Lorenzo seconded Rachel's motion, and it passed unanimously.

The Borough, which has 58 hydrants, receives full service, and all its properties are being served by the hydrants. That's not the case in the township. Legitimately, the Township would have to create special taxing districts to differentiate between people who have service and should be paying this fee and people who don't receive service. That is complicated, and the Township doesn't even have the information. Whereas the Authority has that right at their fingertips, and trying to transfer this obligation to the Township makes no sense. The email even mentions that this is entirely about the additional expense they had to pay because of the warehouse, and that is completely and totally inappropriate for them to attempt to put that on the township. There are hydrants along 01 that are on the Milford side of the line but serve both Milford and Dingman Township properties equally. A hydrant was just added on Rt. 6 to service the new warehouse, and if it was known that this was coming, then its cost could have been included and passed onto that private entity using it. It wasn't on the radar. Mr. DiLorenzo suggested this is where impact fees for companies could come into play, and if they want a hydrant, then they will have to pay the impact fee. But this is just a one-time fee.

Rachel had asked Scott Sheldon for an itemized list of all hydrants in the Township they intend to bill for, as well as a list of hydrants in place the last time they were billing. This request

arises because they have drastically expanded their service area, and the Township certainly never agreed to take on the fire hydrant fees for the additional hydrants they added. This expansion was partly done to connect to Westfall property, a process that took place in the last year or two. Gary stated that the Township has worked on repairs to the line going to Westfall about three times. Intermunicipal cooperation was established, which is part of the reason this Township didn't have to pay additional fees. Township equipment and personnel were used, and it should be noted in the letter.

Mr. Magnotta mentioned that Shahana showed him a 2013 newsletter from the Water Authority, indicating a cost of \$22.66 per quarter for public fire service. This is likely what the Township was paying in 2013, and then the 2015 letter suspended all hydrant fees.

a. **Road Task Force – Business vehicles:** Gary mentioned that at the Road Task Force meeting, there was a discussion about sending a letter from the three municipalities—Milford, Shohola, and Dingman townships—to the Pennsylvania State Police regarding truck enforcement on Rt. 6, especially a particular company whose trucks have been involved in numerous accidents before accidents result in more harm. He highlighted four accidents in the last six weeks. Rachel suggested sending separate letters from each of these three municipalities, believing it might have a more significant impact. Mr. Magnotta proposed adding sufficient detail about the accidents in the letter. Mr. Di Lorenzo suggested obtaining reports through Harrisburg or the County. Gary replied that they only specify truck or car accidents without providing information about the involved parties. Rachel proposed sending a general letter advocating for the enforcement of safety regulations. She made a motion to write to the State Police regarding safety concerns, particularly regarding truck traffic on Route 6. Gary seconded the motion, and it passed unanimously. Bill Pitman inquired if they could also request enforcement at the light in Milford. Rachel stated that handling that would be up to the Borough.

LSA Application – Adopt Resolution – Legislative Support: Rachel said that the LSA application has already been submitted, but the resolution needs to be modified with the exact dollar amount. She made a motion to adopt the resolution authorizing the submission of the LSA application. Gary seconded the motion, and it passed unanimously. Rachel mentioned that the next step is to send letters requesting support to legislators, asking for their help with the application. She made a motion to send letters to the legislators along with copies of the application. Gary seconded the motion, and it passed unanimously. Kevin requested confirmation that the authorization code is included in the letters. He also suggested addressing the letters to both the Dallas office and the Harrisburg office for Senator Baker, and one to the Honesdale office for Representative Adams. Rachel added that the letter from the fire department suggesting the parking lot upgrade will also be sent. Gary remarked that it becomes unsettling when the helicopter lands and tosses gravel around. Kevin mentioned that if the Secretary sends those letters, he will follow up with a personal phone call. Rachel mentioned she had initially hoped to be applying for the purchase of chairs also, but they are not eligible.

b. **Request for Girl Scout Cookie Booth – Faith Stead:** Gary made a motion to authorize the Girl Scouts to use our parking lot on March 9, 16, 23, and 30, as well as April 6 and 13, as long as they provide us with an insurance certificate. Rachel seconded the motion, and it passed unanimously.

Other Public Participation

Bill Pitman suggested sending a letter to the Pennsylvania Public Utility Commission for allowing Pike County Light & Power to raise the supply rate by 18%. Also, to send something to the Pennsylvania Department of Public Transportation and thank them for raising the cost to register a vehicle by 14%. Bob said they raised Social Security 3.2%. There was casual conversation about the price for crossings of the old Milford Bridge. Last time the Federal Budget was balanced was 2001. Our deficit today is \$33 trillion. Rachel said the Township is sensitive to the price increases and one of the reasons for the deficit this year in our budget is because we were trying to hold off as long as possible on raising the taxes. It's been 10 years. All cost increases are also hitting the Township. Pike County Light & Power will have prices for us for changing our street lights over to LED. We've been asking them to change them for 2 years. This is the first time they have mentioned a fee to us. But they lose money if we go LED because we pay them about \$16,000 a year to light the street lights and they also lose money when we go LED because it decreases the electric usage, which is one of the reasons they are not exactly motivated to assist us. Rachel indicated she saw a news article that in, she believed Allentown, they spent approx. \$3 million buying back all of their street lights from the power company and changing them all to LED and it was something like \$18 million in savings for them. PCLP, it seems, owns the lights but we pay the electricity. Bill asked if we could get a grant. Rachel said if we did, it would have to be done at prevailing wage rates so it might actually cost more, but we may be able to get a grant for changing the light bulbs to LED. We just don't have a cost yet. So it's hard to go shopping for a grant when we don't have a dollar cost. DEP does have some energy efficiency programs like that and once we know how much it's going to cost, we can pursue grant funding.

At 8:15, Gary made a motion to pay the bills and adjourn. Rachel seconded the motion, and it passed unanimously.