

### **Wednesday, September 6, 2023**

The first regular meeting of September, 2023 of the Pike County Commissioners was called to order by Commissioner Schmalzle at 11:00 a.m. at the Pike County Administration Building, followed by the “Pledge of Allegiance” to the flag.

**PRESENT:** Commissioners Schmalzle and Waldron; Chief Clerk Gromalski; Assistant Solicitor Stacey Beecher; and Commissioner Osterberg via ZOOM.

#### ***Public Comments/Questions concerning today’s agenda-none.***

Commissioner Schmalzle announced that Commissioner Osterberg is on ZOOM today. Welcome to the meeting. Commissioner Schmalzle announced he will change the Agenda just a little bit because we have a hard-working worker from Pike County, and he comes here a couple of times a year. It’s one of our favorite times when Mike Donlon comes here. We’re here to support your efforts again and we would love to hear your latest update.

Mike Donlon from Habitat for Humanity said we had our final inspection on the 35<sup>th</sup> house this morning and we passed. This morning was the final inspection and we have permits for our 36<sup>th</sup> house, our first venture in Shohola at Walker Lake. The excavator is there right now working on that. In the meantime, we have a ramp to build next week in Dingmans Ferry and it’s the fifth ramp we’ve built this year. We build ramps for people in need with the same financial situation as people who need a house if they can’t afford a contractor who will build it. They cannot afford to hire a local contractor, so we will, and they pay us for the materials \$10, \$20 a month over a few years, whatever it takes. That’s where we stand right now.

Commissioner Schmalzle thanked Mr. Donlon and all the volunteers for continuing their efforts here in Pike County. It is our pleasure to show our support from the County by presenting you with a check for \$75K.

Mr. Donlon thanked the Commissioners.

Commissioner Waldron said it is money well used. You have done a great job through the years and I’m really glad you’re heading for your 36<sup>th</sup> (house). Mr. Donlon added we are looking for land for 37. If you know of any land, this lot was donated in Walker Lake, but it did cost us a few dollars. We had to put a road in, and we have to merge lots, it’s still cheaper than buying a lot. Most of our lots have been donated to the County in the last years through tax sales. Mr. Donlon thanked the Commissioners.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to approve the September 6, 2023, Agenda as amended.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted ‘aye’. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Schmalzle, to approve the August 16, 2023, Commissioners’ Meeting Minutes. (Commissioner Osterberg abstained due to his absence.)

**VOTE:** Commissioners Schmalzle and Waldron voted ‘aye’. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to approve the August 23 and 30, 2023, Commissioners’ Conference Minutes.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted ‘aye’. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to approve payment from **GENERAL FUNDS (County Bills)**, in the amount of **\$330,802.00**, subject to further review.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted ‘aye’. Motion carried.

#### **OLD BUSINESS**

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to open bids for the purchase of Fortified Flavored Beverage Bases for the period of October 1, 2023, to September 30, 2024, on behalf of the Correctional Facility.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted ‘aye’. Motion carried.

Assistant Solicitor Beecher opened the bid from Bernard Food Industries in the amount of \$9,377.23.

Commissioner Schmalzle announced that we will table this until the September 20<sup>th</sup> meeting to review it.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to table the awarding of bid for the purchase of Fortified Flavored Beverage Bases for the period of October 1, 2023, to September 30, 2024, on behalf of the Correctional Facility until September 20, 2023, Commissioners’ meeting.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted ‘aye’. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to award bids for Carlton Hill Road Bridge Maintenance to Morgan Site Contracting in the amount of \$19,662.78.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted ‘aye’. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to award bids for the addition of Speed Limit Signage on Owego Turnpike to Morgan Site Contracting.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted ‘aye’. Motion carried.

## **NEW BUSINESS**

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to adopt Resolution No. 23-34, Ritz Company Playhouse 50 Year Anniversary.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

Commissioner Waldron read Resolution No. 23-34 aloud.

Commissioner Schmalzle announced there are representatives from the Ritz here today and said if you're from the area of the County where I am from, this is our neighborhood and this is a part of all of our childhood and adulthood now. Thank you for all of your hard work in bringing good quality family entertainment to Pike County and surrounding regions.

Commissioner Waldron added that his family has been involved in the Ritz Theater for over 30 years, 33 years this year, and it has been a great opportunity for the community at large to come together. We oftentimes have actors who come from Wallenpaupack schools and Delaware Valley and become part of the Ritz community. Sometimes they learn at the Ritz Bitz and go on to do shows in the high school and middle school. My wife has been very involved in it, and I have treaded the waters a few times. At one point there were four lawyers on the stage at the Ritz Theater! Of course, they hogged the stage, and I was one of them. It's been a great source of pleasure, but we do have two of the Board of Directors here today. Sarah Clauss who is the President of the company was not able to be here, but we have Molly Rodgers and Caroline Lehman, both have been involved with the Ritz over many, many years. We've been on stage together and we're going to have them come to the podium.

Molly Rodgers thanked the Commissioners for recognition of 50 years as volunteers. We do it out of sheer love, but it is also a pleasure to be recognized for the efforts that we have seen and the work that we've done. The joy that we've brought to the community, is one of the best examples of bringing multiple generations together. When I first moved to the area it was a way of meeting everyone without regard for age or background or employment or professional interests. Everybody came to the Ritz to be on stage. It's just one of those experiences that I treasure, and it's been 45 years for me that I've been involved as a volunteer and it's just been an extraordinary time. A lot of love, frustration sometimes, disagreements, but we manage to get through it all.

Caroline Lehman said she's been there 23 years, not 45, but my time in theater really started in Delaware Valley School District, where I taught for 33 years as a speech therapist. I retired in November of 2020 from Delaware Valley School District. For 29 of those years, I served as a choreographer and assistant to the director at Delaware Valley High School. Theater has always been a part of my life as is children and teaching children. I am also the Children's Director at the Ritz. It's very rewarding. What Molly said about the multi-generational aspect of the theater is so good for someone who is old and someone who is young – they can learn from each other. The youngsters catapult us to continue to be more energetic and positive and creative. That's what they do for me and there's nothing more rewarding than working with a kid in the Ritz Bitz whose six and then twelve years later they're in a musical with me and we're singing together. That's really rewarding. I don't know how much longer I'll be there, but I don't feel my age, I'll just continue doing what I'm doing as long as it's fun. Thank you.

Commissioner Schmalzle added it is also gratifying for us to see some of your graduates in the Dingman's Theater production of The Fantasticks. It looks like it's going to be a really good performance and it's a great show. Thank you for all of your work.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to advertise bids for 2023-24 Winter Maintenance of County Roads.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to advertise bids for George Street Parking Lot Project.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to approve the following Human Services Payment Vouchers, on behalf of the Office of Human Services: Emergency Rental Assistance Program 2.0 in the amount of \$68,645.39; PHARE in the amount of \$10,579.85; and State Food Purchase Program in the amount of \$3,820.12.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to approve the Affordable Housing Fund Payment Voucher in the amount of \$2,923.00, payable to Delaware Run Associates, on behalf of the Office of Human Services.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to approve the Affordable Housing Fund Payment Voucher in the amount of \$1,885.00, payable to Delaware Run Associates, on behalf of the Office of Human Services.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to authorize the Chairman to execute the Final Fiscal Status Reports for Community Development Block Grants, on behalf of the Office of Human Services.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to authorize the Chairman to execute the Chapter 105 Water Obstruction and Encroachment General Permit Registration for Creek Road Bridge Underpinning Project.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

**MOTION:** by Commissioner Waldron and seconded by Commissioner Osterberg, to execute the Child Welfare Information Solution Data Sharing Agreement for the period of October 1, 2023, to September 30, 2024, on behalf of Children and Youth Services.

**VOTE:** Commissioners Osterberg, Schmalzle and Waldron voted 'aye'. Motion carried.

#### **MISCELLANEOUS:**

- PennState Extension September Calendar of Events
- Habitat for Humanity Check Presentation

#### **PRESS & PUBLIC COMMENTS/QUESTIONS/ADJOURNMENT**

Reporter Chris Jones asked Commissioner Waldron about the Ritz Theater and said it is old, what kind of renovations and infrastructure stuff has gone on? Who took care of all that? Commissioner Waldron answered it was built in the '30's when movie companies were actually building theaters and so it was built to serve the whole area there and it was, as mentioned, a vaudeville theater as well as a movie theater and then in the '70's the movie business stopped there and a group that had been doing plays up at Bethany and Honesdale area ended up saying we should try to see if we can get that building. One of those people was Peggy Murphy and Dick (Murphy) was also there and the two of them ended up initially putting up the money to buy the building. It needed renovation and they scoured the area. At one point they found out the theater was closing, and they went and took chairs literally from that theater and placed them into the Ritz Theater. Because it was a movie house, most community theaters in our area, if they have 100 seats that's quite a bit, this has 400 plus seats. Then there was the whole process of changing the movie theater where the movie was projected, that's where the spotlight is in the structure. Over the years, some work had to be done, but being all volunteered, we relied pretty much on communities or an occasional grant here and there, which is helpful, the work was done as needed. If water is coming through the roof, they'd figure out a way to patch it up. They have an antiquated air condition system which is a swamp cooler on the roof. I've been up there, it's amazing – we were able to get some grants and refurbish the heating system in the building, but it's not economical to run it year-round quite frankly. We had some volunteers do an amazing paint job and restoration job of all the sides. Caroline (Lehman) being one of them, she was very involved. My wife of 42 years was very involved too. It's been all volunteer work; nobody is ever paid for it other than when we got some grant money. Occasionally we did use some donation money to do patch up things, but that's mostly it.

Meeting attendee Craig Kellstrom asked about the grants for affordable housing - how many units will there be and where will they be? Commissioner Schmalzle referred the question to Director of Human Services, Robb Ruiz. Director Ruiz asked what affordable housing grants Mr. Kellstrom is asking about? Mr. Kellstrom said they (the Commissioners) just approved funding from grants to affordable housing, correct? Director Ruiz answered affordable housing **account**. Are you talking about the Affordable Housing Account? Chief Clerk Gromalski said to Director Ruiz I think he's talking about motions 5 and 6 'Affordable Housing Fund Payment Vouchers to Delaware Run. Director Ruiz answered so Delaware Run, that's already established, an established building that the Commissioners have a policy to subsidize their rent. Mr. Kellstrom asked how many units will it be and where? Director Ruiz answered there is no plans for affordable units anywhere. Mr. Kellstrom asked what the grant is for then? Director Ruiz answered it is not a grant. Commissioner Schmalzle added I think both of these grants are for improvements to existing buildings. Director Ruiz said the deposit to the account is Act 137, that is an established account that is from real estate transactions.

Meeting attendee Craig Kellstrom asked if it's true that on or about Friday, September 1<sup>st</sup> there was a busload of illegal migrants dropped off in Milford Beach – can you verify that? Commissioner Schmalzle answered I cannot verify it, I was on vacation, but we have not heard that.

Meeting attendee Fred Weber of Milford Borough asked about Item 3 under OLD BUSINESS, motion to award bids for speed limit signage on Owego Turnpike. What's the hope for result by adding speed limit signage to Owego Turnpike? Commissioner Schmalzle answered there are very few roads that the County owns, that's one of them. I think you're probably aware that that road was just paved, and I think when you have a newly paved road it invites people to travel faster than they should. It was really just installing speed limit signs on that newly paved road. Meeting attendee Fred Weber said my point being that there are very few summonses issued for speeding, even in the Borough. I don't know how much this is going to cost, but it does seem like money better spent elsewhere. If you're putting up a sign hoping someone is going to slow down, good luck with that. If we happen to have some officer sitting there on Owego Turnpike, I doubt it, their time is better spent somewhere else. Commissioner Waldron said the actual speed limit sign, we spoke with the engineer, is going to be 25 miles an hour. The engineer recommends that it be posted because if you don't post them, then the full speed is 35 miles an hour. Given the nature of the road, it was felt that that should be at a lower speed. Based on the engineer's recommendation we're putting up just a couple of signs, but there's not likely to be much in the way of enforcement because the County doesn't have a police force, but if somebody is repeatedly

doing it and that's brought to our attention, we can get the State Police involved. They will go across our road, they won't necessarily stay there, but the main reason is to let people know you shouldn't be going 35 miles an hour. Whether they actually do that, we all know that people speed from time to time. Mr. Weber asked if it is also an issue, maybe a liability, if you haven't posted and they see the speed limit, there's no way they could sue you? Commissioner Waldron answered it is and it came up quite frankly in the context of a driveway occupancy permit, driveway permit, and what's the speed limit to determine, for example, what the proper sight distance is? When that question came up it made sense and I agreed with the engineer. It's going to cost us under \$2K, it's not free, but it is going to cost us a few dollars, yes.

Reporter Chris Jones asked if those are permanent signs, not electronic? Commissioner Waldron answered yes, they are permanent signs. Once they're done, they shouldn't require any maintenance unless somebody knocks them down.

Meeting attendee Nancy Pinchot from Milford Township asked about the warehouse. Is it possible that if the Water Authority declares imminent domain on that property that the County could help purchase that property through the Scenic Rural Character Preservation Fund? Commissioner Waldron answered I have been involved with the Scenic Rural Character Preservation Board for many years, I was one of the founding members. I stepped down when I became Commissioner, although I am a liaison. There are some funds available, I don't think the amount of funds that are in that account is under \$500K, I believe it was in the high \$300K's, that will almost not be sufficient funds in order to do this. However, the Board of the Scenic Rural Character Preservation program makes recommendations to the Commissioners and then the Commissioners approve expenditures. Could they recommend that that money be used for that purpose? They certainly could, but sometimes they recommend that a smaller amount be put into a project where someone is donating an easement, for example, they're not actually getting paid, they're just agreeing to donate it. Even donating it costs money and so reimbursement money is available that's a much smaller amount than I mentioned. I don't want to prejudge this in terms of the County, but if an imminent domain situation arose, would the County want to see if that could be worked through? I have to believe they would. Not taking into account what is currently in the legal process now, but if something like that happened, I heard it mentioned a while back and I haven't heard anything about it lately, that's something we would have to consider and see if we might be able to help find resources for that kind of thing.

Commissioner Schmalzle said go ahead Christa. Meeting attendee Christa Caceres of Lehman Township asked about the proposed warehouse in Milford Township. I'm hearing concerns from residents that one, their thoughts are not being taken into consideration with respect to this proposed site for many reasons. Number one, the most important, is the potential for damage to the aquifer that lies below the land. That's of primary importance for not just the residents, but any resident of Pike County. It shows a disregard for their safety and well-being. Water is primary, just like us, you have to have clean water – you must have it. The quality of life, this is not going to be a warehouse where boxes are stored, this would essentially be something akin to a fulfillment center, where there will be 24/7 trucks coming in and out. The people who live close to that facility will not be able to get a moment's peace, not to mention the pollution, the potential for more accidents between cars. There's just a lot to consider. My question to the Chair, Vice-Chair and Commissioners is this – are you in favor of this initiative or are you opposed. If you're opposed, how would you or are you using your office to help mitigate this situation? Commissioner Waldron responded we certainly have been monitoring this situation, but one of things that happened is I've been involved in doing land use, dealing with zoning, subdivision, and other types of procedures for the use and development of land for forty plus years in Pike County as an attorney. Right now, there is a pending application before the Board of Supervisors in Milford Township – a Conditional Use Application. The State law mandates that there has to be a process filed for doing that. One of the things that happens is there must be a hearing process and the Commonwealth Court, which is the one that normally hears appeals involving land use decisions, has laid out what the procedure has to be. The applicant has to present a case, objectors who are recognized as parties and the Milford Water Authority is one of them as I understand it, have a right to both cross examine and present their own evidence and then anybody who is not considered a party, will be given an opportunity to provide information and/or comments. Unfortunately, that doesn't happen until after the entire presentation of the applicant's case. We're still mid-way through that process.

Commissioner Waldron continued, as far as the County's involvement, it's a concern when health and safety is going to be involved. There's a possibility that an aquifer could be contaminated is absolutely a concern. However, in terms of a legal process, right now Milford Township, for better or for worse, has zoned that property for warehouses. I do understand, having been in that business why that might happen, particularly in other locations where you didn't have an aquifer, because the intersection of a State highway and an Interstate is where commercial development normally does occur. Given the fact that there has been some prior projects there that were turned down because there were concerns about the aquifer, could that have been possibly looked at again by the Township? It could've in the past, but it can't be one while there's an application pending. The other problem is that when the decision is rendered by the Supervisors of Milford Township, the ultimate decision there, if either party is not happy with that decision, the appeal has to go to our Pike County Court. That is the legal procedure. It then could be appealed from there to the Pennsylvania Commonwealth Court. I've been involved in numerous types of those appeals. In order for that to happen, the Pike County

Court has to be an objective determinate of whether or not the procedure at the Township level was properly conducted. That's what the job of the Court of Commons Pleas, which is our Judges, would have to render a decision on it. If the County Commissioners were to take a position on this, it would sully that process because we pay everybody whose part of the Court system, with the exception of the Judges, who are paid by the State, and so we've been cautioned by both our Solicitor and informally by many as an attorney who has been involved in this process that we can't take a position in this matter because it would just give an opportunity to the developer particularly if their project is turned down to say I can't get a fair hearing in Pike County – I have to go to the Commonwealth Court. We don't want to taint this process. While we are certainly monitoring it, we can't get actively involved in it. I know people feel that's frustrating, why don't you take a position? We should absolutely not take a position that we're in favor of it, but we also can't take a position that we're against it because we have to stay neutral.

Commissioner Schmalzle said he will make a comment and certainly take a position. I am against anything that will or potentially hurt the water quality – anything. I further am against anything that would reduce, damage, or lessen the quality of life in Pike County. Also, I have respect for the elected officials in the Municipalities and respect the process and will adamantly voice my concerns as I just stated at the proper time when the process has gone through its' course. I applaud the people that are involved in this in protecting our water and protecting our quality of life and I urge you to stay involved. That's a pretty clear position and I think we need to be careful about how we conduct ourselves during the process.

Meeting attendee, Mayor of Milford Borough, Sean Strub, said the County is not a party to any of the potential litigation, I don't see an issue with your position being made clear about whether they support or oppose this. Tony, you're saying you're being advised by your Solicitor not to express an opinion, yet when speaking at a meeting at the Pike County General Democratic Committee you said you were against this warehouse project. I don't understand, there are lots of things the County can do, even without expressing opinions about the given project. You have the County Planning Department or the Rural Character Scenic Preservation Funds. I think the community is really confused as to where the Commissioners stand on this. They're hearing different things. Your unwillingness to state publicly your position on this project, Ron, I appreciate what you just said, you said that something that has the potential to damage the water supply, and no one argues this doesn't have the potential to damage the water supply. Is it fair to take your statement as saying you are against this project? Commissioner Schmalzle answered no, I'm going to stay by what I said. I think anything and everything has the potential to harm our water supply, it doesn't mean I am against anything. I think we have to let the process go forward and, please understand, I will make my voice heard loudly as that process develops. I don't think it's an appropriate time right now to voice that concern. Commissioner Waldron said he wants to jump in because a quote was made that was not a full quote – what I said at that Committee meeting, which was a closed meeting, I did indicate that personally I had a problem with that project, I did state this, but as a Commissioner, I could not publicly take a position. That's exactly what I said earlier Sean – you're selectively truncating my comment without giving the full content.

Meeting attendee, Mayor of Milford Borough, Sean Strub, said one thing the Commissioners do is Commissioner Osterberg chairs the Economic Development Authority. You could direct the Economic Development Authority to suspend marketing of the sites in Milford, Lords Valley, and Greentown for warehouses until a Review Board meets so we can get a grip on this as a County. All over Northeast Pennsylvania, communities are dealing with these warehouses with disastrous effects in the community. Yet, our Pike County Economic Development Authority seems like their biggest priority in the world is to bring warehouses to Pike County. Commissioner Ron Schmalzle interrupted and said that is an unfair and inaccurate statement and it's grandstanding that position. That is not true one way or another. Yes, I think we can do more, and we will do more, but to make a statement like that and your statements on television the other night are absurd and out of touch. Sean Strub concluded with everybody needs to read the minutes to the EDA meetings to understand what kind of priority the warehouses are.

Meeting attendee Fred Weber said he wanted to add to Sean Strub's comments. Both Vito Dibiasi and I attended the Pike County Economic Development Authority meetings. I flat out asked, and Matt Osterberg was present at this, can you stop actively marketing these parcels for warehouses? I was flatly rejected – oh no, we can't do that. I said at least don't put it in print, don't make this the focus and I was totally denied, totally written off.

Meeting attendee Christa Caceres said I'm going to have to piggyback his point because there is an image floating around by the National Land Developers with a quote from one of the Commissioners saying there could be warehouses all over Pike County and this is what I believe is fueling a lot of concern and a lot of uncertainty in how this office really feels about this initiative and that's why I wanted to bring this forward and that's why I have also proposed suggestions that I think could be taken.

Reporter Chris Jones said speakers should identify themselves and asked if Christa Caceres said she was a candidate for Commissioner?

Meeting attendee Christa Caceres answered I am speaking here as a resident today, but I can speak as a candidate for Commissioner as well, that's fine, then identified herself. Commissioner Schmalzle said very good input, and I do think there is more we can do in that regard and in Fred's regard, we hear you. Commissioner Waldron added we have, by the way, had some opportunity to talk with the Planning Department Director, Mike Mrozinski, about communicating with the Municipalities because, as you know, Municipalities have the say on whether something can be zoned a certain way or not or whether something even if it is zoned can be approved or denied. That process has to happen. I do understand why there is mixed feelings about it, one of the sites you mentioned, Greene Township. Greene Township is the only Municipality in the County that doesn't have zoning. They've talked about why and whether they can and they certainly can regulate land development, which is an important component because that determines how a building gets built and if it's going to be built. Nonetheless, we've tried to urge them to look at the Ordinances and see what they can do. If you say no warehouses are allowed, that's challengeable too. Christa Caceres responded I don't think anyone is saying that. Commissioner Waldron said there are ways to regulate it. Christa Caceres said there are ways to regulate it and I think there are ways this office could certainly, as the adults in the room, to make sure that a lot of these competing Ordinances in neighboring Townships and just around the County, should be reconciled to really make sure we're protecting the water. I was hoping for a commitment, but that's something for you to think about. Commissioner Waldron said we can make a suggestion, we can't enact it, but we can make a suggestion. Christa Caceres said thank you.

Reporter Chris Jones asked if the Commissioners could address a question about the tax base? Any kind of development, commercial, whatever, the site in the town, do you get more tax revenue from that? Commissioner Schmalzle answered I think you're hitting on something, but if we were to base a decision on something... Chris Jones interrupted – the Township's base? Commissioner Schmalzle continued but it's more than that, it's the School District, the County, it's the Township, it's everything. There's financial impact on something like that, but our decision to be for or against this is not based on financial impact. Reporter Chris Jones said I am asking a simple question, a simple objective question; you're an expert on land. Commissioner Waldron said I represented Municipalities over the years. Reporter Chris Jones repeated that the question is very simple – if a warehouse or whatever goes into a particular Municipality vis a vis the County revenue from it for the Township, who gets more? Commissioner Waldron replied whenever a building permit is issued, whether it be for a house or for a huge warehouse, it gets put into the system of the Assessment office. They make an assessment of what the value of that improvement is and that then becomes a taxable item for all the taxing agencies, which would be: the Township or Borough, the County, and the School District. If there's an improvement made on a property. Reporter Chris Jones interrupted so how does that break down between the Township/Municipality and the County? Commissioner Waldron answered it's based on millage. Each Municipality has a different millage rate, okay? There's thirteen Municipalities, they all have a different millage rate. The County has a certain millage rate, and the School District has a certain millage rate. When they adopt their budgets they determine whether or not there's going to be an increase or not. Reporter Chris Jones said so roughly speaking, is the County on the high end of this? Do they get less? Commissioner Waldron responded I don't want to get into too much detail about assessment procedures, but the reality is that the School Districts are always going to have far and above the highest millage rate of the three Municipalities. Normally, the County would come in a low second and the Municipality would be third, it depends.

Meeting attendee Nancy Pinchot asked about zoning on the municipal level and the role the County could play in helping deal with losing. Brand new situation, where the zoning really was meant for what used to be the old-style warehouse basically comes something quite different and Townships all across Pike County are caught unaware on this and their zoning is not adequately reflecting what the danger is. I was wondering if the Planning Commission or anyone within the County could address this with Municipalities in order to forestall future ones and maybe even to bolster the case against this current one which is way beyond what anybody considered a warehouse to be used for, it's a different economic era. Commissioner Waldron said I mentioned about talking to the Planning Department, as a matter of fact Ronald (Commissioner Schmalzle) sits on the Planning Board, it's certainly something they could suggest, it's also not like you have to rewrite the entire Ordinance in order to put an amendment in. They might say, for example, that buildings over a certain square footage, let's just say 25K or 50K square feet, might have to go through a different process or might have to be evaluated differently. In the old days, you used to be required to have to do an impact study, right, but because of the various regulations that the DEP and the State Legislature enact to require you to go through different processes, that kind of faded away because in the 70's the DEP really didn't have much of a role at all. They were just getting started. Now they do regulate stormwater and water infiltration issues and sewer and things like that, but that doesn't mean to say that the Municipality just relies on the State. They can have more of a role and the Courts have upheld the idea that you can require additional requirements for certain types of developments and projects than from a much smaller version.

Commissioner Schmalzle excused Assistant Solicitor Stacy Beecher from the meeting.

Meeting attendee Sylvia Weir, a Milford resident, asked if warehouses and parking lots considered the same under this mixed-use or land use? Commissioner Waldron answered this is a Municipal question but having done it I'm going to try to answer. Parking lots for non-residential use are regulated, but they are evaluated mostly by engineering, much differently than if you're putting a huge building up on a property. Partly because

sometimes parking lots are easier to try and control stormwater run-off or infiltration. When you have big building, then that water has to be directed off rain spouts or whatever to somewhere and then it has to be captured, sometimes it can be captured and treated, I won't go into details, but a warehouse is definitely looked at differently than a parking lot, even if it was a big parking lot, but they are regulated. Sylvia Weir asked if you can have a small warehouse but a huge parking lot full of trucks? Commissioner Waldron answered you can also have an issue if you disturb more than one acre of land, you have to go through called an NPDES (National Pollutant Discharge Elimination System) permit process, which involves DEP approval, a type of Federal regulation, but it's administered by the Department of Environmental Protection and that gets submitted to the Township, but then goes to Wilkes Barre which is the regional headquarters for DEP. They evaluate that to make sure that it's going to work and if it's not, they say no, that's not acceptable. They do monitor those things, but the Municipality is the gatekeeper through all the private components.

Meeting attendee Vito Dibiasi of Friends of Milford Aquifer said Tony (Commissioner Waldron) you sit on the EDA Board? Commissioner Waldron answered I have for the last year, yes. Vito Dibiasi asked if he was there when all of this was going on in 2022, January, February, March, April? Commissioner Waldron answered no, I got on the Board in August of September of 2022, it's been about a year. Vito Dibiasi asked you weren't there when they were creating these warehouses in at contests that's in the minutes of the EDA? Commissioner Waldron replied I heard that referred to, I was never at a meeting where the concept of a contest was brought up. Vito Dibiasi asked, so you weren't there? Commissioner Waldron answered no, not for that part, no. Vito Dibiasi asked when Mike Sullivan said he's not going to stop marketing the warehouses at four corners of 84 (Interstate 84), do you ever say to him at that meeting 'I don't think we should be doing this'? Commissioner Waldron answered I talk to Mike about how he handles situations, and by the way, what he has done is if he gets a request from somebody who wants to do something he looks to see whether there's a property available. His real communication is with the realtors. To the best of my knowledge, the EDA has never conducted a contest, but I do know that realtors have had multiple bidders on a property. What he does do is tell them whether or not it's feasible to do it and primarily that's done by looking into Municipal Ordinances, whether it be in Milford Township or Blooming Grove Township or Palmyra Township for example.

Vito Dibiasi said this aquifer thing has been in the news for fifty-five years. How could he say an incoming request comes in and why doesn't he say even though there is a development district there, it shouldn't go there because there's also an aquifer. I am trying to understand how that happens. Commissioner Waldron replied I do hope and expect that if he's saying there is a property available, that he cautions potential buyers if they're communicating with him or the realtors involved, because that's usually who he is dealing with. That there may be problems with being able to develop that property. I was involved with a Home Depot project that tried to go in there, I represented Milford Township, and, in fact, that got denied. I helped write the decision to deny that project. Some might say well maybe after that point in time it might have made sense to reevaluate the Ordinance, but you also have changes of Supervisors and people on the Planning Commission on that level and sometimes that gets followed through and sometimes it doesn't. I will also say that most planners will tell Municipalities since the law requires you to have to cite something, if it's commercial you don't put it in the middle of a residential development, but if it's commercial and it happens to be near the intersection of a State and Federal highway, that's not an inappropriate place for a commercial development. If you have some other reason to protect an area, you try to include that as a criteria for whether or not that property could be developed, for example an aquifer. Back in 2000 and again in 2010 there's been at least two projects that I'm familiar with when they tried to get on that property and never got there.

Vito Dibiasi said I'm proposing a solution, a mediation. The PA DEP (Pennsylvania Department of Environmental Protection) and at the DCED (Department of Community and Economic Development), both of those agencies have what is called a government liaison and I have been trying to get a government liaison from PA DEP and DCED. Commissioner Waldron said they are the local government division. Vito Dibiasi said I know we have one, I have to try to pursue that. What I'm trying to get at is when you have a unique situation like this, where you have two Municipalities on the same aquifer. Dingman has a well written Ordinance and Milford Township is right now writing an Ordinance that is very bad and you have a road that's all that separates them, so one of the ways to deal with that is to get a government liaison from PA DEP to come in and get all the parties around a table and they are supposed to then explain the law, the code of the Wellhead Protection Program, Code 25, Section 101-109. In that Code it says the Commissioners have a role in helping mediate between an Ordinance on one side and an Ordinance on the other side and try to make them mesh, that's part of your job. It's also in your Comprehensive Plan. In your Comprehensive Plan, that is an old one, this should never have happened because that's strongly worded. We have these government liaisons to come and try to explain the situation to all the parties, Dingman Township, Milford Township, Milford Borough, the Commissioners, all the parties involved should sit a table and try to figure out what is going on, what is the law and what are the Codes. The other would be the PA Municipal Code, which comes under DCED. Commissioner Waldron said the Pennsylvania Municipalities Planning Code is what it's called. Vito Dibiasi continued in that Planning Code it also says a role for the Commissioners. The Commissioners are supposed to have a role that I just said – you're supposed to help mediate disagreements between, especially if it's an aquifer, one Ordinance that's good and another Ordinance that's prose is horrible because Milford Township is going headlong and will not stop. I tried to stop them last night, they will not listen. They're going to have a hearing on this Ordinance and this Ordinance that they've put up doesn't even recognize the boundaries of the



aquifer. That should never happen. Commissioner Waldron said the Municipality's Planning Code does allow for two municipalities to have a joined zoning section without necessarily regulating the whole township. There is a process where they can do that, but they both have to make that determination, the County can't bring that to the table. Vito Dibiasi answered no, you have a leadership role, you can encourage. Commissioner Waldron answered absolutely. Vito Dibiasi said you can encourage them, I know you can't force something, but you are leaders and you're supposed to lead the County and make sure that our aquifers and drinking water are safe.

Meeting attendee Fred Weber said the Wellhead Amendment Agreement will not help us with this warehouse. An application has been made and it all comes back to after Home Depot was stopped. I think we had two cycles of Township Supervisors that did not amend the Code to not allow a warehouse to be built there. Pike County Economic Development Authority hides behind that fact. The Township doesn't talk to us, it's the Township marketing it, which is very upsetting, but we are where we are. In my opinion, from the statements that have been made, this heads to Court. Don Quick (Milford resident) has said if it goes in favor of the warehouse, he's going to sue. The developer's Solicitor, his fifth sentence in the first meeting was 'we are ready to litigate', word for word. That kind of sets the tone. We need to stay strong in our opposition to this, that's all we can do - show up, be vocal and make sure the Wellhead Amendment thing is separate and apart - it has nothing to do with the warehouse. We can address that afterwards. The primary goal is to stop this thing because we all know that LVL, the engineering firm on this, they had a project which called for overseeing two guardrails being put in on a two-lane highway in Blooming Grove and it was supposed to be twenty-one feet apart and they never showed up on sight. They went over there and when the project was finished it was only eighteen feet apart and cars were just missing each other, flying down the road. Now, do I think that that engineering firm is capable of designing a filtration system for a 450K square feet warehouse that is not going to contaminate our aquifer? That is a joke! Do I really believe their traffic study where they state that 100% of the truck traffic will leave there and go back to I-84 and that there's no secondary truck traffic coming through to New Jersey? This is all nonsense! That's what we have to pin our hopes up to. Having looked at 608 and 407 in the Zoning Codes for Conditional Use, I think there are enough things in there that will help us and will get to the right decision. I don't want to mix this up with the Wellhead Amendment Agreement and the warehouse - two separate things!

Vito Dibiasi asked if he could offer, in this new Milford Township Ordinance, they take the warehouse definition that they have which is just warehouse and they're elevating it to Truck Terminal - understand? This is the future, they're actually taking what's in the salvo that they have right now, which is just a warehouse, which doesn't really cover terminals, it's not really the definition of a terminal truck thing, where there are trucks coming in and out 24/7/365. In this new Ordinance they're actually elevating that definition to Truck Terminal and they're allowing the Truck Terminal to be four hundred feet away from the Springs. It's worse, not better, so that they're meshed together the two things are meshed. They are united. This is now and that's the future and, actually, it could be worse because if they're elevating the definition of truck terminal, now they have the definition and now they can bring in more warehouses to fit that definition. We're going backwards and I think, even though you say you have no say, you have a leadership role as to where the goals of this County are going.

Christa Caceres concluded with I would ask again of the three of you, will you commit to calling in State agencies like the DEP liaison or other people who can come in and make sure? Once this goes forward and, hopefully it will not, it will be to the detriment of every resident not just those affected in Milford Township. We cannot un-ring this bell. Will you commit to calling in some State agencies or related agencies that can take a holistic look, a comprehensive, helicopter view at this initiative to make sure we are not missing a thing? That there is nothing that happens after the fact, after thousands of dollars are spent in Court, that we could have avoided had we been proactive? Is there anything that you all think that you could call on in terms of State agencies? To come in and sit down with everyone involved, to make sure that number one, we're looking at everything to make sure it is legal and lawful; number two, to make sure all of the residents' interests are protected; and most importantly, number three, that all three of you are showing leadership which I think we're all calling for. Not to say that you don't, I'm saying in this particular instance, at this dire hour, that's what we're looking for. Meeting attendee Craig Kellstrom said I have supported everything you said, until just now. I have a bad taste about calling or going to the government for any solutions. Christa Caceres said well they're the government, with all respect. Craig Kellstrom added what I'm emphasizing here is that we can settle it on a local level, it's much better than going to bigger government. Christa Caceres said I don't disagree with that, but I also think that when it comes to being in a situation so often from day to day sometimes you just miss the dust bunny in the corner. I'm simply saying sometimes a fresh set of eyes coming in can see something and say you missed this right here, right? That may end the entire argument, discussion/concern. Commissioner Waldron replied I'll acknowledge both points because I think we do have to get, in this case anyway, two Municipalities maybe more, on board with the idea of working with somebody rather than calling in the State and saying you've got to do this. As long as those Municipalities are willing to sit down, they could be helpful, why not try it? Quite honestly and Fred made a good point, this is already in the process. There could be another one, there's other properties up that intersection, it could be a way of trying to at least prevent further complications and at least to evaluate them. I don't like to pre-judge things, but it absolutely does not hurt to talk. To have somebody who is in a position to advise them of what they could legally do or not do, opposed to hearing it from us and I'm not acting as their Solicitor, that makes good sense. This is an opportunity to say this



is what the State would suggest you do. After all, we're not trying to force litigation either. That's not the role of the DEP or DCED. Christa Caceres said I don't think litigation is the way to go, that is my point. We need to make sure that we look at everything and have a full understanding of what the loopholes are and what needs to be fixed and patched. Also, is this really proper moving forward with the existing Ordinances and laws and laws that go above and beyond the Township.

Meeting attendee Vito Dibiasi added there are laws on the book already, the Safe Drinking Water Act. That Act gives the Wellhead Protection Program its' legal basis. That's what this foundation of the Wellhead Protection Program comes from the Safe Drinking Water Act. Anything that's either proposed as a new Ordinance or whatever is coming in that they follow the codes and the laws of Pennsylvania that already on the books, not that they're coming in to tell what to do or not, they're there to inform all parties what the actual laws of Pennsylvania and the codes of Pennsylvania are. This Ordinance they are trying to put through violates Code 25 of DEP and it violates the PA Municipal Code. These are the reasons to bring in these mediators, not to tell anyone what to do, but to inform them what the laws in the books are and why aren't you following them. This is what the issue is. That's the reason to call in these mediators, it's not to force anything down anyone's throat. Let me remind you, in the PA Constitution, Article 27, it says the Commonwealth citizens have the right to pure air and pure water. It's in our Constitution now, are they following our Constitution? We're guaranteed the right to clean air and clean water. How are they getting away with this? We have codes that say you should not be doing this and that. We have the PA Municipal Code that heavily protects drinking water sources in the Code and in the writing. Why aren't we following it?

**THE NEXT REGULAR MEETING OF THE PIKE COUNTY COMMISSIONERS WILL BE HELD ON WEDNESDAY, SEPTEMBER 20, 2023, AT 11:00 A.M. IN THE PIKE COUNTY ADMINISTRATION BUILDING.**