

Westfall Township, Matamoras, PA
July 12, 2022

The Regular meeting of the Westfall Township Board of Supervisors was held on Tuesday, July 12, 2022 at 7:00 pm. The meeting was held at the Township Building on Delaware Drive and LaBarr Lane, Westfall Township.

Those present were Chairman, Jerry Dotey; Vice Chairman, Paul Schaldonat; Supervisors; Paul Fischer; Richard Roa; Robert Llewellyn; Secretary, Kaitlin Hildebrandt and Solicitor Robert F. Bernathy. Also present were Road Master, Keith Rodriguez; EPRPD; Westfall Township Fire Department 2nd Assistant Chief, Kyle Innella; Emergency Management Coordinator, Mike Fischetta (who was tardy); Treasurer, Scott Myer; Raymond Banach; and Rollin Cook. There were approximately 8 members of the general public present.

EXECUTIVE SESSION: The last executive session was held just prior to the meeting on Tuesday, July 12, 2022 at 6:45 p.m. for matters of personnel.

APPROVAL OF AGENDA:

Vice Chairman Schaldonat stated that two agenda items needed to be added to this evenings agenda, number twelve, approval of the use of temporary agency and number thirteen approval to extend the time frame during which applications will be accepted for the open highway department positions.

A motion was made by Supervisor Twiss to approve the agenda with the above-mentioned changes. The motion was seconded by Supervisor Llewellyn and carries with all in favor.

PUBLIC COMMENT: No Public Comment was heard.

MINUTES:

June 6, 2022 – Regular Supervisor Meeting Minuets: This matter was tabled to the August Supervisors Meeting as the minuets are still being prepared by Solicitor Bernathy who acted as the Secretary at this meeting.

June 13, 2022 – Special Supervisors Meeting Minuets: A motion was made by Chairman Dotey to approve the June 13, 2022 Special Supervisors Meeting Minuets. The motion was seconded by Supervisor Fischer and carries with all in favor.

June 22, 2022 Special Supervisors Meeting Minuets: A motion was made by Supervisor Llewelyn to approve the June 22, 2022 Special Supervisors Meeting Minuets. The motion was seconded by Chairman Dotey and carries with all in favor.

TREASURER’S REPORT: Mr. Myer gave the report through the month of June, 2022 and stated the following:

1. The township is ahead fifty percent in all income year to date.
2. The income and expenses are in line year to date.
3. In the month of June the Township made the second of the Katz payment.

A motion was made by Supervisor Fischer to approve the Treasurer’s Report through the month of June, 2022. The motion was seconded by Chairman Dotey and carries with all in favor.

POLICE REPORT: A representative from Eastern Pike Regional Police Department gave the report for the month of June, 2022.

A motion was made by Supervisor Llewellyn to approve the Eastern Pike Regional Police Department Report for the month of June, 2022. The motion was seconded by Supervisor Fischer and carries with all in favor.

WESTFALL FIRE DEPARTMENT: Assistant Chief Innella gave the report for the Westfall Fire Department month of June, 2022.

A motion was made by Supervisor Fischer to approve the Westfall Fire Department report for the month of June, 2022. The motion was seconded by Supervisor Twiss and carries with all in favor.

HIGHWAY DEPARTMENT: Mr. Rodriguez gave the highway department report for June, 2022.

A motion was made by Supervisor Llewellyn to approve the Highway Department Report for June, 2022. The motion was seconded by Supervisor Fischer and carries with all in favor.

BUILDING/ZONING REPORT: The Building/Zoning report was read by Vice Chairman Schaldonat for June, 2022 in the absence of the building and zoning office.

A motion was made by Supervisor Llewellyn to approve the Building/Zoning Report for June, 2022. The motion was seconded by Supervisor Fischer and carries with all in favor.

EMERGENCY MANAGEMENT: The Emergency Management report was read by Vice Chairman Schaldonat for the June, 2022 in the absence of Mr. Fischetta.

A motion was made by Vice Chairman Schaldonat to approve the report for June, 2022. The motion was seconded by Supervisor Fischer and carries with all in favor.

CORRESPONDENCE: On desk for review.

OLD BUSINESS:

1. **Status of Mill Rift Fire Department Dissolution** – Solicitor Bernathy states that this matter was resolved in June and requested that it be removed from the agenda.
2. **Correspondence from Chris Morgan/Pat Cordova -Property at end of Willow Drive** – Solicitor Bernathy states that this matter was resolved in June and requested that it be removed from agenda. Additionally, he requested that Secretary Hildebrandt send follow-up correspondence to these parties to confirm their receipt of Attorney Bernathy's correspondence.
3. **Correspondence from Blue Ridge Communications/Franchise Agreement-** This matter was tabled to August for further review of the franchise agreement.
4. **Re-Zoning Hearing-Riverview Properties, LLC – Letter dated May 17, 2022 from Attorney Ohliger, Hearing scheduled for August 15, 2022 at 5:30 p.m.** – Per Solicitor Bernathy, Attorney Ohliger has requested that this matter be rescheduled. The hearing was rescheduled to September 26, 2022 at 6:30 p.m.

A motion was made by Chairman Dotey to approve the rescheduling of the re-zoning hearing for Riverview Properties, LLC to September 26, 2022 at 6:30 p.m. The motion was seconded by Supervisor Fischer and carries with all in favor.

NEW BUSINESS:

- 1.) **Clarification on the Juneteenth Holiday, which is observed June 19th** -This matter was tabled to August for further legal research by Solicitor Bernathy.
- 2.) **Accept Proposal from Morgan Site Contractor for Malibu Dude Ranch Storm Water Replacement** – The scope of work includes Morgan Site Contractors to supply, labor, equipment, and material for the Malibu Dude Ranch Storm Water Replacement Project. Per Solicitor Bernathy, this proposal of the cost of the project being \$11,208.00, is under the bidding requirements and that this be approved pending the standard contract that he would prepare.

A motion was made by Chairman Dotey to approve the proposal from Morgan Site Contractor for the Malibu Dude Ranch Storm Water Replacement pending the standard contract prepared by Attorney Bernathy. The motion was seconded by Vice Chairman Schaldonat and carries with all in favor.

- 3.) **Letter of Interest from Adriane L. Wendell for the Planning Board Vacancy** – This matter was tabled to August to allow further applications or letters of interest to be received.
- 4.) **Letter of Interest from Rollin Cook, Jr. for the Planning Board Vacancy** – This matter was tabled to August to allow further applications or letters of interest to be received.
- 5.) **Correspondence from Cynthia Gehris regarding property owned by Li, Puhai & Hu, Hong Tax Issue** -Per Solicitor Bernathy the Township is not obligated to refund the 2019 Township Taxes on the Fuhai Li Property in the amount of \$584.95 due to the Sheriff's Sale being reversed. This is an error through Pike County.

A motion was made by Supervisor Llewellyn to approve the 2019 Township Taxes on the Fuhai Li property in the amount of \$584.95. The motion was seconded by Chairman Dotey and carries with all in favor.

- 6.) **Correspondence from Linda Husson regarding tax exempt property for Veteran Steven Kubie** – Correspondence was received from Linda Husson at Pike County Tax Administration requesting that Mr. Steven Kubie receive a veteran's tax exemption status.

A motion was made by Chairman Dotey to approve the veterans tax exemption status of Mr. Steven Kubie (map number 066.00-01-47.013). The motion was seconded by Supervisor Fischer and carries with all in favor.

- 7.) **Petition Under the PA labor Relations Act or Act 11 of 1968 for EPRPD** – The secretary for EPRPD should not be included in the police union. A petition needs to be sent from Westfall Township and the Matamoras Borough requesting that the secretary be removed from the union.

A motion was made by Chairman Dotey to send a petition requesting that the secretary be removed from the police union. The motion was seconded by Supervisor Fischer and carries with all in favor.

- 8.) **LAS Monroe Grant Approval for the DVSD Central Sewage Connection Project-** The LSA Monroe grant in the amount of \$100,000.00 for the DVSD Central Sewer Connection Project needs to be e-signed by Vice Chairman Schaldonat and Supervisor Llewellyn.

A motion was made by Supervisors Fischer to sign the DVSD Central Sewage Connection Project. The motion was seconded by Chairman Dotey and carries with all in favor.

10.)Westfall Senior Center Bond Reduction Request No. 13 Final – Kiley Associates have inspected the project and the work is completed, and the final bond reduction in the amount \$32,809.73 which included retainage, in order to close out the project.

A motion was made by Supervisor Llewellyn to approve the return of the bond amount of \$32,809.73. The motion was seconded by Vice Chairman Schaldonat and carries with all in favor.

11.)Advertise for full-time or part-time EMT’s – Vice Chairman Schaldonat stated that this matter has been advertised in local news papers and online and should be removed from the agenda.

12.) Reschedule Conditional Use Hearing for 1005 PA Ave. LLC for a self-storage facility- The hearing needed to be rescheduled from the original hearing date of July 12, 2022 at 6:00 p.m. due to a clerical issue. The hearing has been rescheduled per the Board to August 15, 2022 at 5:30 p.m.

A motion was made by Supervisor Llewellyn to approve the rescheduling the conditional use hearing to August 15, 2022 at 5:30 p.m. The motion was seconded by Supervisor Twiss and carries with all in favor.

13.)Approve the use of a Staffing Agency for the Temporary Secretary Position – An employment agency needs to be used in order to obtain a temporary secretary while Secretary Hildebrandt is on maternity leave.

A motion was made by Supervisor Llewellyn to approve the use of staffing agency for the time during which Secretary Hildebrandt is on maternity leave. The motion was seconded by Supervisor Twiss and carries with all in favor.

14.)Highway Department Vacancies and request to extend application time -The board would like to extend the time period to accept applications for the full and part time positions in the highway department in order obtain a larger pool of applicants.

A motion was made by Chairman Dotey to extend the application period for the highway department job vacancies. The motion was seconded by Supervisor Llewellyn and carries with all in favor.

SUBDIVISION/ LAND DEVELOPMENT/CONDITIONAL USE – REVIEW AND ACTION:

1. 1005 Pennsylvania Avenue, LLC-Major Land Development-1005 Pennsylvania Avenue (Tax Map 083.13-01-31)-Storage Units : Representative: John D. Fuller, P.E., P.C.

Mr. Fuller presented and explained the plan to the Supervisors. The plan consists of developing a previous bus parking area into an eighty-three (83) unit storage facility with outdoor storage as well. The Board is in receipt of recommendation letter dated July 7, 2022 from the Planning Commission.

A motion was made by Chairman Dotey to approve the 1005 Pennsylvania Avenue, LLC-Major Land Development Plan with the following conditions:

- 1.) A waiver of the performance/guarantee/financial security and developers’ agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.
- 3.) The installation of a fire hydrant on 10th Street, on the side of the project location, with flow testing to be completed following the installation.
- 4.) Providing afterhours emergency access through a Knox Box or keypad.
- 5.) The Bulk table designation shall be revised accordingly to reflect the C-1 Neighborhood Commercial District on all plan sheets.

- 6.) The preparation and submission of an Erosion and Sediment Control Plan for the project to the Pike County Conservation District for Review and that no earth disturbance shall be permitted until a Letter of Adequacy has been issued by the Conservation District.
- 7.) A copy of the required permits and correspondence with PennDOT with regard to PennDOT Low Volume Highway Occupancy Permit for the existing driveways onto Pennsylvania Avenue.
- 8.) The applicant shall provide the necessary easements for use by Wells Fargo Bank for review by the Township Solicitor.

The motion was seconded by Supervisor Twiss and carries with all in favor.

2. Lands of MIC Realty, LLC-Minor Land Development-115 Mountain Avenue East (Tax Map 083.17-01-01.004); Representative: John D. Fuller, P.E., P.C.

Mr. Fuller presented and explained the plan to the Supervisors. The plan consists of renovating a preexisting structure into a house of worship namely a mosque. During this presentation Mr. Fuller assured the Board that the renovations will meet all of the handicap codes, egress from the second floor will be added in the form of a fire escape, the second floor will be used strictly for office space and there will be no living quarters or residential area within the building. The Board is in receipt of recommendation letter dated July 7, 2022 from the Planning Commission.

A motion was made by Supervisor Llewellyn to approve the Lands of MIC Realty, LLC-Minor Land Development-115 Mountain Avenue East with the following conditions:

- 1.) A waiver of the performance/guarantee/financial security and developers' agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) A copy of the required permits and correspondence with PennDOT with regard to PennDOT Low Volume Highway Occupancy Permit for the existing driveways onto Mountain Avenue
- 3.) Fire hydrant flow testing
- 4.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.
- 5.) The addition of a light fixture located in the parking lot.
- 6.) That no audible alerts be used to signify worship.
- 7.) That the mosque be used for individual worship, with no congregational events, services, etc. occur as the plans indicate a maximum occupancy of twenty (20) people.

The motion was seconded by Supervisor Fischer and carries with all in favor.

3. Community Self Storage, Inc.-Major Land Development Plan & Minor Land Improvement Plan, Bell Drive LLC -151 Reuben Bell Drive (Tax Map 099.00-01-34 & 38)-Storage Units; Representative: John D. Fuller, P.E., P.C.

Mr. Fuller presented and explained the plan to the Supervisors. The plan consists of combining four parcels of land and constructing six (6) buildings that will contain storage lockers. The Board is in receipt of recommendation letter dated July 7, 2022 from the Planning Commission.

A motion was made by Supervisor Fischer to approve the Community Self Storage, Inc.-Major Land Development Plan & Minor Land Improvement Plan, Bell Drive LLC -151 Reuben Bell Drive with the following conditions:

- 1.) The motion was seconded A waiver of the performance/guarantee/financial security and developers' agreement for the required improvements, to verify the adequacy of the financial security for the project.
- 2.) The project signage shall comply with this section of the Zoning Ordinance and receive a permit from the Westfall Township Zoning Officer prior to construction.
- 3.) The preparation and submission of an Erosion and Sediment Control Plan and NPDES permit application for the project to the Pike County Conservation District for Review and that no earth disturbance shall be permitted until a Letter of Adequacy and an NPDES Permit have been issued by the Conservation District.

- 4.) The completion of a flow test on the adjacent fire hydrant.
- 5.) An access easement through the adjacent property to the west, (Lands of M. A. Land, LLC) shall be indicated on Sheet S-3 and a legal description of the easement shall be provided to the Westfall Solicitor for review.
- 6.) Elevations of the proposed stormwater outlet structure and bio-retention basin as shown on plan sheet S-11 do not match the elevations indicated within the stormwater calculations. The applicant shall correct the provided elevations accordingly.

The motion was seconded by Vice Chairman Schaldonat and carries with all in favor.

4. Thien Pham Floodplain Development Review #1 – 140 Mountain Avenue; Representative John D. Fuller, P.E., P.C.

Mr. Fuller presented and explained the plan to the Supervisors. The plan consists of constructing a new 1,200 square foot garage located within Zone AE, the 100-year floodplain of the Delaware River. During his presentation to the Board, Mr. Fuller indicated that the structure will be use for parking and or storage, will not be a principal structure, there will be bonus room above the garage, that it will not be used as a residence and will have no water or sewer. The Board is in receipt of the recommendation letter dated June 22, 2022 from Kiley Associates, Surveyors & Engineers, LLC.

A motion was made by Supervisor Llewellyn to approve the Thien Pham Floodplain Development Review #1 – 140 Mountain Avenue: with the following conditions:

- 1.) The applicant shall add an additional general note to the plan that states that a building permit will be required for the garage construction.
- 2.) The applicant shall indicate all existing and proposed contours at intervals of two (2) feet or less on the plan.
- 3.) The applicant shall provide a document in accordance with this section indicating that the proposed structure has been adequately designed wo withstand the pressures, velocities, impact, and uplift forces associated with 100-year flood. This requirement shall also be reflected in the building permit application.
- 4.) The applicant shall provide an Erosion and Sedimentation Control Plan for the proposed garage.
- 5.) The applicant shall add a note to the plan indicated that the new structure will not be designed or use for human habitation, but shall bc limited to the parking of vchicles, or the storage of tools, material, and equipment related to the principal use or activity.
- 6.) Accessory structure located with a floodplain shall have a maximum floor area of 600 SF. The proposed garaged is indicated a 1200SF. The applicant may apply for a variance in accordance with Section VII of the Westfall Township Floodplain Development Ordinance.

The motion was seconded by Supervisor Fischer and carries with all in favor.

Upon completion of the subdivision/land development/conditional use portion of the meeting a member of the public/Westfall Township resident Jan requested an opportunity to address the board with regard to a few comments, questions and or concerns. Attorney Bernathy asked Jan if she was present at the beginning of the meeting when public comment was allowed to be heard. Jan confirmed she was but missed the opportunity to make public comment. She then requested that Attorney Bernathy allow her to speak. Attorney Bernathy asked her if the questions, concerns and or comments related to the agenda items, because should they not relate, an answer may not be able to be provided. Jan questioned as to whether or not the Supervisors took a position on the National Delaware Park along Route 209. Attorney Bernathy states that he does not believe the Township has taken a position on the National Delaware Park. Jan also had a question for Keith Rodriguez the Road Master as to whether or not Cummins Hill Road was going to be paved this year. Keith stated that he did not believe that the road would be paved this year by Penn Dot. Jan then stated that this was all the questions that she had for the Board.

EXECUTIVE SESSION: NONE HELD

ADJOURNMENT: Meeting was adjourned at 8:14 p.m. on a motion by Supervisor Fischer. Motion seconded by Vice Chairman Schaldonat and carries with all in favor.

Respectfully Submitted,

Kaitlin L. Hildebrandt
Secretary