



SHOHOLA TOWNSHIP

Board of Supervisors

George C. Fluhr, Gregory P. Hoyer, Keith W. Raser
Municipal Building
159 Twin Lakes Road
Shohola PA 18458

April 9, 2026

ATTENDANCE:

- Supervisors; Chairman Keith Raser, Vice-Chair George C. Fluhr, Supervisor Gregory P. Hoyer, Solicitor, Jason Ohliger and Secretary, Diana Blume, and all others on the attached list.

MEETING CALLED TO ORDER at 6:30pm

APPROVAL OF MINUTES:

- Motion** to approve Minutes from the Special Meeting and the Regular Meeting of the Board on March 12, 2026, made by Supervisor Hoyer, second by Vice-Chair Fluhr, motion carried.

APPROVAL OF EXPENDITURES:

- Motion** to approve the list of expenditures for March 2026, made by Vice-Chair Fluhr, second by Supervisor Hoyer, motion carried.

APPROVAL OF TREASURERS REPORT:

- Motion** to approve Treasurers' Report for March 2026, made by Supervisor Hoyer, second by Chairman Raser, motion carried

PLANNING COMMISSION:

- Cohen Lot Consolidation: **Motion** to approve the lot consolidation made by Chairman Raser, second by Supervisor Hoyer, motion carried.
- Barbieri Lot Consolidation: **Motion** to approve the lot consolidation made by Supervisor Hoyer, second by Chairman Raser, motion carried.

SOLICITORS REPORT

- None

ANNOUNCEMENTS:

- None

OLD BUSINESS:

- Well Setback:

PUBLIC COMMENTS:

- Mario Aieta – Asked the Board about the procedure of who has the burden of proof when they want to participate in a hearing for a Well Waiver. Solicitor Ohliger advised that the process

showing in the new ordinance that it states specifically who bears the burden of proof. Mr. Aieta stated that he understood that the applicant needed to show hardship when it comes to their hardship and asked the Solicitor that if the Association opposing the variance with burden of proof to show that there is harm to the Association or the watershed as well as surrounding property owners. Solicitor Ohliger stated that other participants in a waiver hearing would have the ability to present evidence to rebut the hardship of the applicant, or potentially show that the hardship created to the Association or water shed is greater than that hardship endured by the applicant. Mr. Aieta asked if the Board approaches these questions with the assumption that it is reasonable and good for the community. Solicitor Ohliger stated that this is what the ordinance does by requesting proof of hardship, and this new ordinance requires a higher standard to ensure that they actually have substantial hardship and its not just a claim hardship.

- Brian Bozan: Asked the Board how this new Ordinance benefits anyone in Shohola. Solicitor Ohliger stated it was a policy question. The way the ordinance is set up it has individual pollution sources listed the and 10-foot set back around property is not a pollution source, there is no inherent pollution from an imaginary line.
- Mario Aieta – Stated that the Planning Committee explained that taking the property line out of the list because the list was pollution sources, so why not take the phrase “pollution source” out of the regulations, so you just have a list of things that you have to set your well back from. Solicitor Ohliger explained that it would give less of a basis and the other things on the list are justifiable as a pollution source. Mr. Aieta stated that he thinks Solicitor Ohliger is conflating two ideas and there are plenty of reasons to justify the 10-foot setback that is why everybody came to the meeting. He further stated that they are all deeply concerned about it and the Walker Lake area divided up into 1/10 of an acre properties were never intended to be a place where each owner of each 1/10 of an acre property could build a house. Solicitor Ohliger advised that is not happening. Mr. Aieta stated instead, they are building on less than ¼ of an acre and the 10-foot set back is serving a purpose and most of the people feel that is a very powerful justification for having that setback. So to say there is not justification for it is completely wrong and to say it is not a pollution source in the same way like the other 30 things listed may or may not be correct, but if that is your issue then change the regulation to delete the “pollution sources” just state that these are the reasons that you need to set a well back from. Solicitor Ohliger used an example of farm silos and stated that if we are not justifying that on an environmental pollutant basis than what are we justifying it on? There has to be a reason behind the setbacks. Mr. Aieta stated that there is a reason. Solicitor Ohliger responded that the reason revolves completely around Walker Lake, that is the reason you are giving. He continued by advising Mr. Aieta that there are many properties that are not located in Walker Lake that this regulation, as written, applies to that you are not considering because you are focused on Walker Lake. Mr. Aieta stated that is why you have a variance process which you have now refined to make it better than it was because someone who owns 17 acres surrounded by other 17 acre properties could request a waiver from the 10-foot setback and have a hearing where property owners can come and oppose me, but in Walker Lake, instead you are changing, what has been a fairly workable rule for a very long time, and saying now it’s go ahead and do whatever you want and then other people have to come in and prove something is wrong with it. Mr. Aieta asked the Board “what’s the hurry”. When they were at the last meeting they were talking about trying to put together evidence. They have spoken to water engineers; they are in the process of obtaining hydrologists and they should have a report in less than 2 months. At the same time, they are trying to do an analysis 100’s of properties to determine whether or not this change in the well setback will increase density. Chairman Raser mentioned that the process to this well ordinance revision started back in December 2024.
- Jim Walters: stated to the Board that individual compliance on each lot does not equal protection of the water systems for individuals and for wells. He further stated that septic density has a

plume and when you have increased density of septic systems you have overlapping plumes and Walker Lake is more sensitive than other areas. The impacts of the change of the ordinance may not be realized until 20 years from now. Mr. Walters further requested that this change be put on hold on until they can study this. Solicitor Ohliger stated that there was no rush, and asked what study moves the target away from whether a property line as a pollution source. Mr. Walters responded by stating “there you go again, you are focusing on the pollution issue and we are bringing the bigger picture for the entire environment”. Solicitor Ohliger advised that as a planned community they have a way to address this issue which is through a community policy decision act. Or some other regulation which is not based on a property line as a pollution source, such as zoning.

- Mario Aieta – Asked Solicitor Ohliger is anyone has ever challenged the Ordinance. Solicitor Ohliger responded saying no one has challenged the Ordinance in court. Mr. Aieta reiterated “what’s the rush”. He further stated “you want to push this through to make it a little more logical, so that this thing that you think is not a pollution source and we are suggesting to you that it may well be a pollution source, is removed from your list of pollution sources and so that we can fix it another way and you know we can fix it another way”. Solicitor Ohliger responded by saying there is no other way that a property line is a pollution source. Mr. Aieta asked “can you site to me a Pennsylvania case”. Solicitor Ohliger reiterates a property line is an abstract legal concept.
- (unidentified resident) asked if the neighbors well breaks and causes damage to her property, who is responsible. Solicitor Ohliger responded that it would be the neighbors since it is a private tort issue.
- Mark Gantner – stated that a 10-foot setback from a roadway doesn’t make sense since they have vehicles and trucks that can spill and contaminate a well. To clean up the language can we drill down on the Ordinance, make it more defensible in court and talk about property lines adjacent to the roadway. Also talk about two competing wells on a property line that’s not a good way to do this. Solicitor Ohliger did mention that there are setback requirements for roadways private and roadways that are public and that is mentioned because a roadway is considered a pollution source. Mr. Gantner further stated that at the last meeting it was mentioned that one neighbor gets there ahead of the other neighbor as far as who puts the steak in first as far as well acquisition goes and it didn’t seem that there was a very good response which seemed like first come first serve, and he felt that this should be tightened up. Solicitor Ohliger responded by saying it is not a race to the table, it’s more of a concern about regulating that particular land owner.
- Jim Walters: stated that he requests that the Board give Walker Lake some time to put their studies together before the Board makes their decision.
- Aaron Robinson: the Planning Committee was tasked with looking over the ordinance and they looked at it as a well ordinance not zoning. Zoning is important in setbacks far more than this standalone well ordinance. Planning Committee is not trying to diminish any environmental issue but when we looked it over, we did what we were tasked to do and had to look at how a setback of a well causes pollution. A property boundary is not arbitrary it is a man-made issue and is subject to change. It is impossible to corollate a boundary line as a pollution source.
- (unidentified resident) stated “you didn’t do a study on it and these guys are working on one.” Aaron Robinson asked what would be the name of the study that would correlate a boundary line as a pollution source? Solicitor Ohliger further stated that there is no study that would confirm that a property line is a pollution source.
- Mario Aieta – stated that if they were asking to adopt a new zoning regulation then he felt that their arguments would be right, but they are asking them not the change what is in the ordinance and what has been there for a very long time, until such time that they can understand what the change means. Solicitor Ohliger response is what they are asking the Board is not to change

something but it is instead to maintain something that we know is not legally justifiable. It has now been identified as not legally justifiable. Mr. Aieta response was “by you and not by anybody else.”

- Rober Saumura: stated that the direction of the conversation regarding plumes is more of a zoning issue that deals with housing density but using a well ordinance to try to limit the housing density is not the right way to go about it. Mr. Saumura stated it is a zoning or a community covenant issue.
- (unidentified resident) asked what is driving this decision and where did it start? Secretary Blume advised that this discussion started with the Official who regulates the well ordinance.
- (unidentified resident) stated that they are moving the setbacks because of the 10 setbacks then that was already in place before they bought the property.
- (unidentified resident) stated that we are trying to change something that has worked and also talking about property lines being a pollution source, but over populating is a pollution source.
- Jim Walters: stated that the Board should carefully consider that should the setbacks be removed, eventually all septic systems are destined to fail and when they do, and they can't be rehabilitated on spot and has to be relocated, this setback could be a potential problem for those properties. Solicitor Ohliger stated that to this point removing the setbacks can be to the advantage of those property owners because if your well is less than 10 feet of your property line and you have a failing septic, now you have more purchase to put a new septic system because your well doesn't have to be 10 feet from the property line. So that cuts both ways.

Motion to adopt Well Ordinance No. 87 made by Supervisor Hoepfer, second by Chairman Raser, motion carried.

NEW BUSINESS:

- Ambulance repairs: **Motion** to approve repairs made by Chairman Raser, second by Supervisor Hoepfer, motion carried.
- Shohola Township Historical Society made a \$250.00 donation to the Township for the use of their building monthly.

CORRESPONDENCE

- Letter from Tax Collector regarding coding errors: Juli Fuhse informed the public regarding the coding error that occurred by a 3rd party company had an issue with the envelope codes which caused a problem with mailing Township and County Taxes. Advised the public to contact her directly if your bill has not been received.
- Thank you letter for the donation from UDC.
- Letters in opposition of Zero Setback decision by Twin and Walker Creeks Watershed Conservancy, Joyce Laudise, Barbara and Michael Silver

REPORTS TO THE BOARD

- Building Permits 2 Residential Permits for February, 2026.
- Zoning and Sewage No Report
- Road Department Filling potholes.
- Park Committee No Report from new Committee
- Fire Department 11 Calls for Service in February, 2026
- Ambulance 27 calls for service; responded to 24; and 4 transports

SUPERVISORS COMMENTS:

- Supervisor Fluhr: advised the public that Shohola seems to be a hot spot for spotted fever now that the ticks are out. He further stated that he does support the well ordinance change but he would like to see the issue of housing density reviewed by the Planning Committee. **Motion** to send the topic of housing density to Planning made by Vice-Chair Fluhr, second by Chairman Raser, motion carried.
- **Motion** to adjourn at 8:16pm, made by, Supervisor Hoeper, second by Vice-Chair Fluhr, motion carried.

Respectfully Submitted by:

Diana Blume
Township Secretary