

WAVERLY TOWNSHIP SUPERVISORS

Minutes of the December 8, 2025 Meeting

Attending Supervisors:	Drew Christian, Chairman
	Eric Parry, Vice Chairman
	Cheryl Murnin
Solicitor	Malcolm MacGregor
Twp. Manager/Secretary	Christine Capozzi
Dir. of Public Works	Thomas James
Township Engineer	Ned Slocum - Not in attendance
Police Chief	Kenneth James
Planning Commission Solicitor	William Jones – Not in attendance

Guests: Kim Barrows, Lisa Wells, Yvonne Cronkey, Margaret Neville, Mary Lynn Morgan, Joe Regan, Jane Skeels, Erika Christian

SUPERVISOR MEETING

The Waverly Township Supervisors held their meeting in person at the Waverly Township Building on December 8, 2025, at 6:00 PM. The monthly meeting of the Waverly Township Supervisors was called to order at 6:00 PM by Chair Drew Christian.

On a motion by Eric Parry, seconded by Cheryl Murnin, the minutes of the November 10, 2025, meeting were approved as circulated, and all items recorded in the township records, all voting yes.

On a motion by Eric Parry, seconded by Drew Christian, the treasurer's report, police report, and all bills were reviewed, approved, and recorded in the township records, all voting yes.

POLICE CHIEF REPORT

- On a motion by Eric Parry, seconded by Drew Christian, supervisors approved hiring full-time Waverly Township Police Officer David Whipple effective December 15, 2025, all voting yes.

ITEMS OF CONCERN FROM THE PUBLIC

- Residents raised questions regarding the issuance of the Chabad's zoning use permit. The Waverly Township Board of Supervisors responded to the public by explaining that the Chabad previously submitted a land development plan to the Waverly Township Planning Commission. It was further explained at the Waverly Township Board meeting that the planning commission could not discern how the proposed land development would be used for religious purposes and sent a letter to the Chabad requesting clarification. Thereafter, following correspondence from the Waverly Township Zoning Officer outlining the process to proceed, the Chabad filed an application with the Waverly Township Zoning Hearing Board regarding the proposed use of the land.

At the second zoning hearing board meeting, Rabbi Benny Rappaport provided lengthy and detailed sworn testimony that the property would be used solely for religious purposes. The township then granted the usage permit based on this testimony. The board also explained to the public that the permitted-use standard was applied to the applicant rather than the special-exception standard in accordance with RLUIPA and *U.S. v. Bensalem*, 609 F.Supp. 1343 (E.D. Pa. 1985), and other similar laws and cases. The Waverly Township Board of Supervisors further explained that the application would remain subject to all other applicable land development laws and ordinances.

SOLICITORS REPORT

DEVELOPMENT SEWER OWNERSHIP – PINE GROVE FARMS

- No update/discussion

EASEMENT ISSUE AND RESIDENT

- No update/discussion

NLMS/THE ORCHARDS LAND USE APPEAL

- No update/discussion

MAINTENANCE SUPERINTENDENT

LEAF MACHINE

- Director of Public Works Tom James reported that he and the DPW team identified the necessary parts and completed the repairs required to return the leaf machine to full operation.

CARBONDALE ROAD AND PPL

- Director of Public Works Tom James reported to supervisors that the contractor completed the work to fix the issue with PPL inserting a light post into our sewer pipe. Following a brief discussion regarding PPL's failure to reimburse the Township for the work, Township Solicitor Malcolm MacGregor will review this issue and prepare a letter to PPL.

MANAGERS REPORT

ZONING ISSUES

- Township Manager Christine Capozzi reported that she had filed a report with the Magistrate's office for non-compliance with a zoning violation in the Historic District. Since

the work was not completed, Christine needs to file another citation with the Magistrate's office requesting a hearing.

OUTSTANDING SEWER BALANCES

- Township Manager Christine Capozzi reported that Attorney Malcolm MacGregor sent out sewer lien letters to residents with past outstanding sewer balances.

CLEAN UP DAY

- On a motion by Eric Parry, seconded by Drew Christian, supervisors approved the \$25 fee for participating residents for Clean-up Day to be completed by Prestige Disposal NEPA in May 2026, all voting yes.

SUPERVISOR STIPEND ORDINANCE

- Township Manager Christine Capozzi reported that Attorney Malcolm MacGregor is working on a final ordinance to increase the annual supervisors' stipend effective in January 2026.
- On a motion by Drew Christian, seconded by Cheryl Murnin, supervisors approved the Supervisor Stipend Increase Ordinance to be advertised to be adopted at the January 5, 2026, meeting, all voting yes.

PLANNING COMMISSION & HARB NEW COMMITTEE MEMBERS

- Township Manager Christine Capozzi reported that several residents have expressed interest in serving on the Township's Planning Commission. Appointments will be made by the Board of Supervisors at the 2026 Reorganization Meeting. Potential candidates for the HARB Committee, and Planning Commission were identified. It was also noted that there is a current vacancy on the Municipal Authority. Christine will review the current terms of members serving on both boards.

CS FIRE SERVICES AGREEMENT

- Supervisor Eric Parry reported that he is coordinating with the Clarks Summit Fire Department to develop a fire services agreement. Attorney Malcolm MacGregor will consult with Tim Rowlands regarding this matter.

NEW TOWNSHIP TAX MILLAGE

- Township Manager Christine Capozzi reported she received information from the Lackawanna County Tax Assessor's office, and she contacted the Waverly Tax Collector to review the new millage amounts effective in 2026.

SAPA & COMPREHENSIVE PLAN RESOLUTIONS

- Township Manager Christine Capozzi reviewed the SAPA Comprehensive Resolutions to be adopted before March 2026. Attorney Malcolm MacGregor is reviewing the documents.

2026 TOWNSHIP BUDGET

- On a motion by Eric Parry, seconded by Drew Christian, supervisors approved the 2026 Township budget as presented, all voting yes.

MACMAIN LEINHAUSER/ATTORNEY RHOADS ENGAGEMENT LETTER

- On a motion by Eric Parry, seconded by Drew Christian, supervisors approved hiring Attorney Stephen Rhoads from MacMain Leinhauser as special counsel for zoning issues/land use, all voting yes.

EMPLOYEE XMAS BONUS

- On a motion by Drew Christian, seconded by Eric Parry, supervisors approved the employee Christmas bonus for the same amount as 2024, all voting yes.

PART-TIME EMPLOYEE

- On a motion by Eric Parry, seconded by Drew Christian, supervisors approved Enzo Capozzi working part-time to organize all the Township plans, all voting yes.

There being no other business to come before the Supervisors, the supervisors' meeting was again adjourned. There was an executive session held between meetings, and before this meeting regarding a discussion about legal issues with Attorney Stephen Rhoads from MacMain Leinhauser law firm. The next meeting will be held on January 5, 2026, at 6:00 P.M. in the Waverly Township Municipal building, Lake Henry Drive, Waverly, PA. Christine Capozzi, Township Manager/Secretary, transcribed the minutes of this meeting.