

Moore Township Board of Supervisors
2491 Community Drive
Bath, PA 18014
February 1, 2022

The Regular Monthly Meeting for the Moore Township Board of Supervisors (BOS) was called to order on Tuesday, February 1, 2022 by Chairman Daniel Piorkowski at 6:00 PM. The meeting was conducted at the municipal building. Members present were Chairman Daniel Piorkowski, Vice Chairman David Shaffer, Supervisor Michael Tirrell, Township Manager Nicholas Steiner, Township Solicitor David Backenstoe, and Township Engineer Kevin Horvath from Keystone Consulting Engineers (KCE).

The next meeting is Tuesday, March 1 at 6 pm.

SUB-DIVISIONS AND LAND DEVELOPMENT

#22-01P/F Thomas Delong Lot Line Adjustment Conditional Approval

Mr. John Becker explained this is a lot line adjustment between two lots. Lot two contains 1.9 acres, lot one contains 5.2 acres. .4 acres is being moved from lot one to lot two. The Planning Commission (PC) approved a motion for conditional final approval per Keystone's letter dated December 22, 2021 which includes a couple minor items. The PC didn't see any problems. The property is along Trach Road.

Mr. Shaffer made a motion to grant conditional final approval for 22-01P/F Thomas Delong Lot Line Adjustment per the conditions set forth in Keystone review letter dated December 22, 2021

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Becker said PC held reorganization. Mr. Becker was reappointed chairman, Mr. Dick Gable was appointed vice chairman, and Mr. Jason Harhart was appointed secretary. They are planning to look at the warehouse plans on March 28 at the firehouse. Attorney Backenstoe has a conflict in February. The February meeting will be at the municipal building.

WAIVERS & DEFERALS

REGULAR BUSINESS

MINUTES

Mr. Shaffer made a motion to approve the minutes from January 3, 2022

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FINANCIAL REPORT

Mr. Shaffer made a motion to approve the Financial Report

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

PAYMENT OF THE BILLS

Mr. Tirrell made a motion to pay the bills

Mr. Steiner noted bills for the month from General Checking are \$233,403.81. This includes the \$29,070.25 for mowers approved last year as well as the \$47,212 for the police vehicle approved in July 2021. The Liquid Fuels bills are \$43,260.42.

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

APPROVE PAYROLL

Mr. Shaffer made a motion to approve the payroll

Mr. Tirrell seconded the motion

Public comment

Ms. Jennifer Weidner asked for the month's payroll amount. Mr. Steiner said \$175,149.44.

Motion carried with all Supervisors present voting aye

POLICE DEPARTMENT

Chief Gary West read the report for the month of January 2022.

FIRE & AMBULANCE

Mr. Harhart read the December 2021 and 2021 yearend report.

PUBLIC WORKS DEPARTMENT

Road Salt for Residents

Mr. Craig Hoffman said they're having problems with residents taking salt from the salt bin. He heard from multiple people it was ok for residents to take salt. He's looking for a motion from the Board to address this issue. They are using Liquid Fuels funds for salt. It's difficult to get salt right now. Mr. Piorkowski was not aware of this deal. He doesn't think it's safe, and they should put a stop to it. Mr. Tirrell agreed noting he had no idea until he saw a post on Facebook. He asked Mr. Harhart if he was aware of this. Mr. Harhart said it's been going on for at least ten years with Mr. Becker commenting it has been going on for twenty years or more. He also was surprised. Mr. Hoffman will put signs up to address the situation. Mr. Piorkowski asked if they need a motion or resolution. Attorney Backenstoe said they can make a motion to make it clear residents cannot take Township salt. It is Township property for emergencies including ice, snow, and storms. The Township purchased the products using Liquid Fuels, and there are very limited uses allowed for Liquid Fuels funds. As benevolent as it may seem for residents to take salt, the Township cannot do work on private properties using Township funds under the Ethics Code. They are purchasing salt for roads and as the Public Works Director said, salt is limited.

Mr. Tirrell made a motion to end providing salt to residents

Mr. Shaffer seconded the motion

Public comment

Mr. Jeffrey Ayers suggested they post on the website and advertise it one time in the Home News so residents don't come back claiming they've taken salt for years. Mr. Piorkowski said they'll take it under advisement noting that could open up a bigger can of worms. Ms. Weidner said the people taking it might be the same people complaining the roads aren't being treated. She continued, the Township has been talking about updating the cameras. Maybe they can have a camera focused on the salt bin. She also thought posting online would be helpful to let residents know they cannot take salt, but she agrees it could be opening a can of worms with more people trying to get salt. Mr. Piorkowski asked about the

comment that roads aren't getting salted. Ms. Weidner clarified she didn't hear any complaints but those people taking salt would be the same type of people to complain the roads haven't been salted. Mr. Piorkowski said they usually have a different complaint in that they put down too much material. Ms. Weidner thinks they've been doing a good job. Mr. Brian Silfies heard from the previous tax collector people could get salt. He wasn't sure if people are taking anything else. Mr. Hoffman said mulch and compost can be taken. Everything else is off limits.

Motion carried with all Supervisors present voting aye

FIRST REGIONAL COMPOST AUTHORITY (FRCA)

Appoint Representative

Mr. Shaffer made a motion to appoint Richard Gable as FRCA representative

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Gable said the FRCA reorganized the past Tuesday. He was renamed the chairman and officers remained the same. Meetings will take place at 9:30 am the third Tuesday of every month at the municipal building. He provided to Mr. Steiner a copy of the new rate schedule for commercial. Mr. Zachary Walczar has officially been hired Director and took over operations.

NAZARETH COUNCIL OF GOVERNMENTS (COG)

Mr. Piorkowski said there was a presentation the previous night that lasted about two hours with a meeting that followed. Attorney Backenstoe explained the presentation was about regional zoning pursuant to a joint comprehensive plan. Mr. Piorkowski said they used the Scranton area as an example. It would cost approximately \$20,000 to \$30,000 per community. Attorney Backenstoe said this started because there was a misnomer that if you had a joint regional comprehensive plan between many municipal entities, a single municipality did not have to contain all the uses and wouldn't be subject to exclusionary zoning. The Pennsylvania courts and statutory law pursuant to the municipalities planning code (MPC) states that every township, borough, or city must provide for every legitimate use including warehouses, adult stores, and other things generally abhorred by the residents. The courts upheld these municipalities must have them. The question was posed as to whether something could be done so that every municipality doesn't have to have every use. There is a concept in the MPC that was misunderstood for many years. The comprehensive plan is a dream of how municipalities would like their township including areas of growth, expansion, highways, etc. A lot of people thought if a municipality joins a comprehensive plan, and it allows solid waste disposal in one municipality, the use doesn't need to be in another municipality that doesn't want it. That is not true or what the MPC reads. It reads that if a municipality enters a joint regional comprehensive plan, the municipalities could, within two years, adopt a uniform, joint zoning district comprising all the municipalities in the comprehensive plan. A single, large zoning office would administer, and autonomy would be given up. The other option is all the municipalities within the comprehensive plan could uniformly and simultaneously adopt new zoning ordinances where one Township did take a use that another Township may not have. If all the municipalities under the umbrella agrees to it by contract, they could limit some uses in one area and include in another. The problem is finding a municipality that agrees to all the undesirable uses. There might be municipalities who have these uses, so that would be the way to go. He continued, if a municipality doesn't allow for every use, the municipality will be subject to an exclusionary challenge. The death knell to an exclusionary challenge is it is site specific relief. If the Township doesn't allow a particular use anywhere in the Township, and the Township thinks it is safe, they could end up having

this use in the middle of a residential neighborhood. It would take a tremendous amount of organization and cooperation to pass this ordinance which may happen.

RECREATION COMMISSION

The Recreation Commission held their reorganization. The new chair is Ms. Jodie Hartzell, Vice Chair is Julie Poniktera, and secretary is Karris Pennington.

Disc Golf Message Board – Eagle Scout Project

Mr. Tirrell introduced Elias Miller. Mr. Miller is trying to complete his Eagle Scout project to get his Eagle Scout rank in Boy Scouts. He provided a plan for a kiosk to be built for Moore Disc Golf. His project coach/father said this is not the final plan. He needs to do the final drawing. It's a similar drawing to what he plans and includes his individualized notes. Mr. Tirrell asked where this will be located. Mr. Miller said the Moore Township Recreation Center by the disc golf course. Joe, a representative from Moore Disc Golf, said it will be next to tee one. Mr. Piorkowski asked if it would be exclusive for disc golf information. Joe said the size of the billboard is 5'x3.5' with a map of the course and walking paths detailed. On the right side will be bulletins for Community Days, sports sign ups, etc. Mr. Piorkowski asked how much time he had to do this. Mr. Miller will age out in September. He would like to start in March. His project coach/father said the message board is constructed by 6x6 pressure treated post, and the headers around the top and bottom of the display case are 4x6. It includes asphalt shingles and will have a solar light. It is being fully funded by the Moore Disc Golf. Mr. Piorkowski asked if it has been approved by the Minsi Trail. It first has to be approved by the troop. Mr. Piorkowski asked if the troop has approved it. Mr. Miller has a presentation tonight. Mr. Piorkowski commented it's a busy night. Mr. Miller has a PowerPoint presentation for the Troop Committee. Mr. Tirrell will be the project representative for Moore Township, so they need his signature. In the proposal, it says they need permission from the Township first before starting. Once Mr. Tirrell and the troop signs, it will go to council. They approve projects once a month and hopefully will be approved this month to start March 1. Mr. Tirrell said there will also be a lost and found. Joe said Moore Disc Golf will put a steel case anchored into the ground for lost discs. Moore Disc Golf will collect the discs and all the numbers on the discs. Mr. Steiner said it's a great idea with Mr. Tirrell agreeing and noting it will save Mr. Brandon Biery some time. Mr. Shaffer said the design and project looks good. He thanked the Moore Disc Golf group and thinks it will be a great addition to the Recreation Center

Mr. Shaffer made a motion to approve the Moore disc golf message board for the Eagle Scout Project

Mr. Tirrell seconded the motion

Public comment

Mr. Zachary Zeitner thinks it is great they are doing this. He knows Moore Disc Golf is funding the supplies and appreciates the scout's time doing this. If any info can be shared as far as help needed or making donations to the troop, it would be great. Mr. Piorkowski said the scout needs to get labor for the project, so it sounds like he has a volunteer.

Motion carried with all Supervisors present voting aye

HISTORICAL COMMISSION

Mr. Tirrell said reorganization was held with Ms. Charmaine Bartholomew appointed chair, Mr. Jesse Longley as vice chair, and Mr. Chad Brandon as secretary. There was a lot of discussion on projects they want completed including wood for the step outside and what they'll do going forward to get the outhouse constructed. Mr. Steiner said they also submitted their annual report.

LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)

No meeting in January. February will be the reorganization meeting.

COMMUNITY DAYS COMMITTEE

No meeting in January. The reorganization meeting will be in February.

ZONING AND BUILDING OFFICER

Mr. Harhart submitted his report for the month. Next week, the COG has a regional comprehensive plan meeting with a similar presentation from the COG meeting.

TOWNSHIP ENGINEER

Schiavone Farm Sediment Erosion Project Payment

Mr. Horvath started with a recommendation for payment regarding the grass waterway project from Keystone dated January 28, 2022. Application for payment three was reviewed and approved. They recommend making payment in the amount of \$21,866.17 to Semmel Excavating for work completed to date. The balance for the contract is \$37,483.05 which would be more than sufficient to cover the additional work taking place in the spring. This would include a re-seed, clean up, and make sure there are no erosion issues for final stabilization. Mr. Tirrell asked if this is coming out of Preservation funds. Mr. Steiner and Mr. Shaffer said yes.

Mr. Shaffer made a motion to approve payment three in the amount of \$21,866.17 to Semmel Excavating for the Schiavone Farm Sediment Erosion Project

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Schiavone Farm HOP

Mr. Horvath intends to resubmit design sketches and calculations for the channel along Bushkill Drive that will hopefully get them out of the permit purgatory they've found themselves in. He expects to submit prior to next month's meeting and will have an update then.

Pool Road

Mr. Horvath had a conference call with Mr. Brian Boyer, the regional permit manager for PennDOT, as well as Mr. Chad Sankari, the signage manager. Unfortunately, after checking with their higher ups and doing more research on the Pool Rd intersection with SR 248, they found there was no permit in place for the road. It predated the permitting process and is a grandfathered intersection. In 1983, there was a permit issued for the current signage that provides for the restricted left turns in and out of the intersection. They said that probably shouldn't have been issued for an intersection without a permit, but they will allow for updates to that signage permit. However, they will not permit a reconfiguration of the intersection meaning they will not allow it to be restricted one way out where there currently is an intersection without a permit. To get this changed roadway configuration, the Township would have to get the intersection permitted which would involve a proper alignment of the road which is currently skewed. There would probably be some shoulder improvements, widening, and other things that Mr. Horvath believes would be cost prohibitive to improve the condition. If they would like costs, he thinks they would need to submit a plan and get feedback beforehand. He won't know what they're getting into until they get into it unfortunately. Since they issued the signage permit in 1983, they would allow the Township to submit an amendment to the signage permit that would allow for some enhanced signage. This was discussed several months ago when the issue first came up. They proposed larger signage, advanced signage, something along those lines. If it is people who live on the road making illegal turns

onto the road, these signs may not provide much improvement, but it is an option if they would like to pursue. This coupled with enforcement efforts should result in some improvement. They will not permit a one-way intersection without significant investment by the Township, but they will improve reconfiguring of the existing signage. Mr. Piorkowski asked if he would need to submit the signage for approval. Mr. Horvath said they would prepare an exhibit along with a letter to Mr. Sankari saying the Township understands it would be responsible to furnish, maintain, and install the signage as per the attached exhibit. The Board would need to make a motion to do so and submit a letter to Mr. Sankari. It is somewhat less formal process than a typical HOP process. Mr. Piorkowski asked if he has had intersections in other townships where they had similar issues and put up additional signage or were they all permitted. Mr. Horvath hasn't had an instance where they had an unpermitted intersection where they want to make improvements or changes to configuration. He's had that experience with private driveways where they must go through the process as if it was a new driveway. They don't cut breaks for it being the way it was. Mr. Becker said Pool Road was the state road with Mr. David Frey saying it was horse and buggy before that. Mr. Becker said it goes back to when the state put in the new road and never permitted the intersection. Mr. Horvath said it's similar to the Schiavone HOP issue where legal got involved and told we really needed to do this by the book in case there was an accident. Mr. Shaffer asked Chief West if they found anybody making left turns while they patrolled the road. Chief West said not while they were out there. Mr. Ayers asked Mr. Horvath if vacating the road was brought up in his discussions with PennDOT if the Township thought it was too dangerous. Mr. Horvath thinks it would be an easier hurdle than reconfiguring it. Mr. Ayers isn't sure if Ms. Weidner would even want that noting she would be the most inconvenienced. He didn't know if the benefit outweighed the inconvenience noting the safety factor. He wasn't sure if the Township would even consider vacating the intersection. Mr. Piorkowski asked if that meant they would just cut it off. Mr. Horvath said they'd remove some pavement and make a physical disconnection of the intersection. He did not have the conversation with PennDOT. Mr. Tirrell was thinking the same thing as Mr. Ayers asking how much traffic travels on the road. Ms. Weidner said when the church was active is when a lot of the problem occurred. She knows the Chief hasn't caught anybody, but that's recently. She continued, they can't be sitting there the whole time. She called to warn there's a yard sale coming up, but they can't sit there the whole time, and it's stupid to ask that. Looking forward when something else goes there, and there's lots of traffic, how can they vacate the road noting the new user would say something about it. She's ok with vacating it. Mr. Piorkowski asked if they vacated the road, and someone else bought the property, would they have to make road improvements or would it stay vacated. He asked confirmation if they wanted to make it an exit, they'd have to make improvements. Mr. Horvath said if they discontinue the current intersection, to get it back, they will have to go through the same process PennDOT is suggesting. Mr. Piorkowski asked if that would be the Township or new owner. If they vacate it, that means it's no longer on their books as a road. It goes back to it never being permitted. Mr. Horvath doesn't think they need to vacate the road to discontinue the intersection. They can leave the right of way. They don't have to pass a resolution giving this right of way back to each adjoining property owner. They can physically disconnect the intersection whether it be removing pavement and putting in grass, PennDOT requiring barricades or warnings. He doesn't know what exactly would be required. If they were to disconnect it physically or otherwise, to resume use of the intersection, it would need to go through the permitting process. Whoever would be driving that process would take it on. He doesn't think the Township would take it on itself if a private developer wanted to reinitiate that intersection. His words of caution when initially discussing this is if/when the facility becomes more active again, they're going to have that traffic circulating all down unimproved Pool Road which may not be the ideal situation either. Mr. Becker said the other decision to make is how far down Pool Road they vacate because they're going to make a dead spot for the road crew. There's no place for a truck to turn around without turning on private property. Mr. Hoffman said they'd need to make a cul de sac there. He wanted to know what happens if PennDOT wanted to vacate the intersection and whether they can do that. Mr. Horvath said sure, if they're pesty

enough about it. Mr. Becker's concern is the road isn't wide enough to turn around, and they're not allowed to turn around in private property. They'll have to obtain land to make a cul de sac because the Township doesn't own enough right of way to make a cul de sac. Mr. Frey said even turning on church parking lot wouldn't be wide enough on the bottom. Mr. Ayers remembers when the church tried selling the property. They wanted to turn it into a medical facility at one point and wanted to make sure the limited access was clear. The other was a state police training facility that was approved. He signed in the letter of agreement that all employees and attendees at state police training facility would know they cannot turn left onto SR 248 from Pool Rd. As far as he knows, they're still trying to sell the property. A solution needs to be found before the next owner so they don't argue they're trying to close the road after they purchase the property. He continued, it is a hard piece of property because of the access. Mr. Piorkowski thinks it's a subject they'll need to think about before Mr. Horvath does anything else. He continued, it would be helpful to know the costs and sizes of signage. Mr. Horvath can put together a schematic as to what he thinks PennDOT would like unless they would like him to send it to PennDOT for comment. He could then show the Board what it would look like.

TOWNSHIP SOLICITOR

Agritainment/Agritourism Zoning Laws

Attorney Backenstoe explained Mr. Ayers had asked the Board to look at the concept of Agritainment or Agritourism. It's a zoning scheme which allows farmers to make alternative uses of their farms. Agritainment might be considered allowing a farmer to host weddings in a barn or large, private events. A lot of agritourism he's seen is pick your own farms, wine tasting, mazes, petting zoos, crafts, microbreweries, and distilleries where they still plan to use the farm, but they want to build an additional structure using the size of the property for these additional uses. The Township has very sparse language regarding agricultural entertainment uses. For example, it should facilitate Northampton County Human Services and those kinds of agencies, 10 acres, and lights shouldn't be a problem. If this is something the Board would want to consider, this would be a significant undertaking and would need to consider what types of uses to permit farmers to entertain as opposed to simply farming. Attorney Backenstoe didn't know Mr. Ayers's intent when it was brought up, but he did mention it is an issue that will be coming. He senses Mr. Ayers is bringing this up as chairman of the Zoning Hearing Board (ZHB) for when uses will be coming up as variances. He asked Mr. Ayers if he properly summarized the reasoning. Mr. Ayers is aware it's an issue in other municipalities and townships. It's not that it would come before the ZHB. Some of the farms in neighboring communities are roping up a field, putting up orange cones, and whoever is coming to the corn maze, or whatever it is, is driving off the cornfields and neighbors are complaining. He doesn't have a problem with helping the farmers. He would like more language and let them go before the Planning Commission to tell them what they're proposing. Mr. Becker said it costs the farmers money and asked why he wants to penalize the farmers to make them buy more permits. He thinks this is heading in the wrong direction in their Township. Mr. Ayers doesn't want something like Grims on Delps Road. Fireworks, tractor pulls, live bands. Mr. Becker said it isn't allowed now. Mr. Ayers asked where in zoning. Mr. Becker said it's a dual use of the property. Mr. Ayers said it is very loose language in the ordinance. He's not trying to hinder the farmers. If it's something simple like a corn maze or fruit stand, he's fine. If they start expanding it to other things and neighbors are complaining, he doesn't want to see a fire hall full of people because they didn't address the issue. Mr. Ayers asked Mr. Becker if he'd want something like Grim's. Mr. Becker would rather have that than what's happening in Berlinsville which can only happen because it's a commercial, not agricultural, property. When looking at the agricultural use, he doesn't think it's as big an issue in Moore Township. Ms. Weidner thinks it has the potential to blow up really quick and fast with neighbors complaining about traffic, noise, and bands. She thinks something should be in place. She doesn't think it's so much hindering the farmers from extra income. Mr. Becker has an issue with creating new laws and ordinances all the time. Suddenly, a person could own a piece of property they can't do anything with unless they get

a permit. Everybody will tell you what you can and cannot do with the property. If you want to make a penny, they want to know what that penny is. To him, it's over government. Mr. Shaffer asked Attorney Backenstoe if there's a Township who has done something like this where it's not restrictive to a farmer but pinpoints a location. He thinks the location is the problem not if they're going to be a Grim's. Let it be a Grim's on an appropriate Township location. Attorney Backenstoe thinks in Macungie and North Whitehall Township they recently adopted ordinances. He can review them. Mr. Piorkowski asked Mr. Becker how much the fee was to go to Planning. Mr. Becker said the fees come with the engineering fees. It all depends how many hours the engineer spends reviewing the plans. At Zoning, it's a set number. For Planning, it's however many hours the engineer puts in. Mr. Piorkowski asked why they would need an engineer to tell him where to put the corn maze. Attorney Backenstoe said it depends on the extent of the regulations. It might require a site plan. If you have a corn maze for 60-80 people, you may want to require a site plan to make sure they park in the right place. Mr. Becker said Mr. Ayers has a valid point. His concern is the extent to how far it's going to go because they already don't allow dual use. Mr. Frey asked if he had twenty acres, and he wanted to have a band and charge people to attend, is Mr. Ayers saying there's nothing to stop him. Mr. Piorkowski said that's basically what he's saying. Mr. Frey asked if somebody has a band every weekend, is there nothing to stop them? Attorney Backenstoe said there are noise ordinances, dual use ordinances, etc. Mr. Piorkowski said it depends if you're doing it on your property one time. Attorney Backenstoe said it's different if you have 50, 60 people showing up to your property every weekend. They'll have some neighbors not happy. Mr. Piorkowski said they will wait until Attorney Backenstoe does some research before they look at it. Mr. Silfies said Seiples and Unangst have expanded. He isn't sure if it would be wise to look at those townships' ordinances. Mr. Hoffman asked what they would do about the people who do it already using Christmas tree farms as an example. Mr. Piorkowski mentioned it prior, and Mr. Harhart said that's been going on forever. Mr. Harhart said it's considered an agricultural use to have a tree farm. Mr. Shaffer said it's also different because it's seasonal. Mr. Frey said Becker Farms had strawberry farms years ago, but they also planted other crops. He wants to know if that would be regulated now. Attorney Backenstoe said pick your own farms could be a similar use for what they want to do. Mr. Frey said Christmas trees is what they do, but there are some farms who farm and have pick your own. Mr. Becker doesn't think they'll be able to regulate it. His question is what direction Mr. Ayers is looking to go noting they don't have an issue with the Township's pick your own farms. He wants to know where it's coming from because it's penalizing pick your own farms who are trying to survive. If he wants to go after a bed and breakfast or new winery, he understands because that's more commercial. Mr. Piorkowski said once Attorney Backenstoe takes time to look at it, they can consider what's agricultural and what's entertainment. Mr. Becker said that's where Grim's ran into an issue. It was no longer pick your own but became commercialized toward the entertainment side when they added food stands and entertainment. Mr. Piorkowski said it must distinguish between agricultural and entertainment.

Community Days Committee Ordinance

Mr. Steiner brought to Attorney Backenstoe's attention the Community Days Committee ordinance passed a couple years ago. One of the key provisions is the Moore Township Community Days Committee shall be comprised of five residents, and one member shall be a member of the BOS. Mr. Steiner asked him to pull the ordinance to see if the Board wanted to have this provision or make the Board member a liaison. Mr. Steiner said they were under the impression the Board member was just a liaison. Attorney Backenstoe said the ordinance is quite definitive with the Board in agreement. Mr. Piorkowski thinks they didn't realize it, and they appointed another member. They have five members without a supervisor. He thinks they should make the supervisor a liaison but not a sitting member. Attorney Backenstoe will draft the amendment.

Mr. Harhart contacted Attorney Backenstoe about another issue. There's a parcel that was owned by the Kretzmans at the intersection of Skunk Road and Benders Dr. Attorney Backenstoe explained in 1976, the Township approved a subdivision plan with an odd lot configuration. The tax parcel number is G5 10 1A. It was .72 acres, very small and undersized. That subdivision created a number of other lots. The engineering plan took another chunk of land which didn't have a tax parcel number. It has always been referred to as the subject tract. That tract of land was 1.56 acres. It didn't have direct road access. The plan unequivocally shows the subject tract, the 1.56 acres, was to become part and parcel of the smaller tract. They were to have one tract at 2.28 acres. The testimony at trial was that the people who owned the smaller tract used the bigger tract including running a water line and planting trees. It looked like one tract. Although the subdivision was filed, somebody didn't know about it or catch it, and somebody bought the lot that was supposed to be joined to the smaller lot. They came in for a permit to build the house, and the Township said no. This is clearly an add on lot based on the subdivision, and the Township granted the subdivision based on that condition. Those people sued the Township stating it is clearly a separate lot, the Township doesn't have the right to do this, and demanded a permit. The Township went to trial and won noting there is no question based on their own engineer testifying it was an add on lot that was supposed to be added as one parcel. He doesn't know if they tried to sell it or merge it in accordance with the decision from Judge McFadden in 2000. Mr. Harhart called Attorney Backenstoe stating someone bought the extra lot, and they want to put a house on it. This case is clear unless they have the little lot as well and merged them. Mr. Piorkowski asked who owns the land. Mr. Harhart said Mr. Joe Tavianni. Mr. Becker asked if he owns both. Mr. Harhart said no, he owns the 1.56 acre lot. The county still shows it as a separate lot, and his brother bought it separate back in 2006. He wants to put a home on it. Mr. Piorkowski asked who owned it before to sell it. Attorney Backenstoe said a bunch of people must have sold it. Mr. Piorkowski asked when they owned the two lots who sold them. Attorney Backenstoe said Kretzman. Mr. Piorkowski said they're the ones who put up the trees. Mr. Becker said they owned both lots at the time. Attorney Backenstoe said John and Evelyn Kretzman sold it to John Hyde Kretzman, their son. John Hyde Kretzman then sold to someone else who tried to put a permit up and sued. Mr. Becker asked confirmation the Kretzmans owned both lots. Attorney Backenstoe said they sold the add on lot adjacent to the Kretzmans. Mr. Tirrell asked if it was merged, how could they split it and sell it. Attorney Backenstoe said it was merged by operation of law and subdivision. Apparently, they never did a consolidation deed and sold it. Mr. Piorkowski asked who owns the smaller part. Mr. Harhart said someone has a home and lives there, but he can't remember their name. If someone comes in for the little lot and he denies the building permit, he wanted to know if it could be taken to the ZHB. He would have to deny it based on the court order. Attorney Backenstoe isn't sure what he can do as it's law. Mr. Piorkowski asked if he can get his money back. Attorney Backenstoe said he could sue the person who sold it to him.

Attorney Backenstoe worked on the farm lease for Valkovec with Mr. Steiner. He was also asked by Mr. Shaffer to look at HB 221. HB 221 is an amendment to the EIT open space act. Thankfully, they added a provision to allow the use of EIT money to maintain property bought with the EIT money which makes sense because it's expensive to maintain ponds, erosion plans, etc. This proposed legislation takes out the language regarding the 25% accumulated funds to be used for maintenance and design for the land purchased. This bill takes out the language "pursuant to this act." If the Township owns other land purchased for open space, they could use it the EIT money for maintenance of the open space land. Mr. Tirrell asked if a letter can be sent to express support. Mr. Shaffer asked where it's at in the legislative process. Mr. Steiner said it's in the Senate. He thinks the bill has been introduced the last couple sessions, and this is the furthest along it's gone. He thinks it's been reported from committee which is usually a good sign they're going to pass it. Mr. Steiner said if he were to write a letter, it would be to state representatives Ann Flood and Zach Mako and Senator Scavello. The Board asked Mr. Steiner to write a letter of support.

TOWNSHIP MANAGER

PennDOT is proposing preliminary project plans for a bridge on Scenic Dr. and two bridges on Hoch Road. He placed a link on the website for anybody interested in looking at the plans or providing comment to PennDOT. There is a 30-day window where they take comments on the plans.

Mr. Steiner and Mr. Harhart had a discussion with iWorq again concerning online permitting and payment software. The prices are cheaper but still not great. They are exploring another option where they would integrate permitting with current GIS software being used for MS4 and the road plan. Keystone is developing a driveway permit system with Upper Macungie. They are looking to see if this would be an option for the Township to do something more in house as opposed to an outside vendor.

Mr. Steiner had three ARPA webinars this month. The U.S. Treasury Department submitted the final rule. The biggest surprise is they created a standard deduction revenue loss of up to \$10 million. If there is a municipality who received \$10 million in ARPA funds, up to \$10 million could be categorized under the loss revenue category of the law which is less restrictive. The Township is to get around \$950,000 overall. All of that could be counted as loss revenue, and they were advised to count it as loss revenue due to the greater flexibility. They have a budget for ARP, but if they want to re-think some of those priorities, this opens the door for more projects and ideas. Mr. Tirrell asked if they still need to pay a company to manage those funds. Mr. Steiner said they still must do reporting, and they signed a contract with the consultant. They still are restricted to what those funds can be spent on, and the consultant will make sure the funds aren't spent inappropriately. They will help with filing noting it has been a bit of a mess. The Township only files once a year by April 30, but they still don't have the system up and ready yet. They still would provide a lot of training and guidance on what the Township can and cannot do. They will double check to make sure the Township is in compliance. Mr. Tirrell thinks their job got a lot easier for the amount of money they're paying. Mr. Steiner said yes and no. It may have gotten more complicated because people may expect the Township to do a bunch of different projects. They still may not fall under those categories. He's still sifting through what is allowed and what isn't allowed. For example, he's leaning on them for determining lost revenue for fire departments. If they want to grant anything else, they will help with reviewing it. Mr. Piorkowski asked if they must prove they lost the \$900,000. Mr. Steiner said no, it's a standard deduction. Mr. Piorkowski said it's like a giveaway. Mr. Steiner said the bureaucracy decided, instead of proving there's lost revenue, they made up a standard deduction assuming there's losses up to \$10 million. It now went from being restricted to COVID related items to just about anything. When they first did the webinars last year, there was a webinar with Congresswoman Wild and a staffer from Senator Casey. They seemed to be under the impression funds could be spent on anything. This seems to more align with their original intent noting a lot of officials wanted funds to be spent on road projects. He thinks they opened a can of worms, but it's something to think about regarding general government services. If they have any ideas to run by the consultant or PSATS, please let Mr. Steiner know.

RESOLUTIONS & ORDINANCES

Resolution 2022-8 Agricultural Security Area – Malika Chaib

Mr. Shaffer asked Mr. Harhart where this property is located. Mr. Harhart said across the street from the municipal building.

Mr. Shaffer made a motion to adopt Resolution 2022-8 Ag Security for Malika Chaib

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

OLD BUSINESS
NEW BUSINESS
CORRESPONDENCE/MEMOS
OPEN TO THE FLOOR

Mr. Becker asked Mr. Hoffman if he's monitoring how much salt is being put on the road. Mr. Hoffman said two trucks have systems on them, and everyone knows their route. It depends on the storm. Mr. Becker has been reading articles where the salt is becoming an issue. PennDOT is one of the biggest culprits as they use pure salt. They're having issues in communities where water is contaminated with salt. They're running into places where the salt content in the fresh water is higher than the ocean salt. He wants to know if Moore Township is addressing it. Mr. Hoffman said he's definitely watching it noting there's also a salt shortage, so they don't want to waste it. Moving forward as they receive new trucks, there are new systems monitoring what you can put out and how much you put out. He can go into the computer and see how much material is put on the road per mile. Mr. Becker said he's seeing this on the agricultural side, and it is becoming an issue in fresh water. The issue isn't the farmers. He sees it with some of the smaller landscaping companies where they don't cover the salt bins. It runs through the property into the stream that was one of the best and is now contaminated. Mr. Hoffman said unfortunately, this is why they have MS4. Mr. Becker asked confirmation they're addressing it, and Mr. Hoffman said yes.

Ms. Weidner asked about the emergency management coordinator appointment at the re-organization meeting. One hadn't been appointed. Are they still waiting to appoint an emergency management coordinator? Mr. Steiner said they're still waiting to speak to Mr. John Hofacker, but in the interim, they have an emergency management plan that installs Fire Chief Jon Mann as the acting coordinator. He still needs to meet with the Township. Mr. Steiner has been told he will stop in at some point.

Ms. Veronica LaRoche introduced herself as the new library director at the Northampton Area Public Library. If there's anything the community of Moore Township needs as far as the library is concerned, let her know, and she'll see what they can do. Mr. Bill Leiner of the Northampton Press is from Coplay. He said they're very happy for Ms. LaRoche's elevation from the Coplay Library to Northampton Library but will certainly miss her as she did an excellent job. He said the Township has an excellent library director.

ADJOURNMENT

Mr. Shaffer made a motion adjourn the meeting at 7:30 PM

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Respectfully submitted,

Nicholas C. Steiner
Township Manager

Not intended to be word for word, but a synopsis of the meeting.