

The Regular Monthly Meeting for the Moore Township Board of Supervisors (BOS) was called to order on Tuesday, June 1, 2021, by Chairman Daniel Piorkowski at 6:00 PM. The meeting was conducted at the Moore Township Recreation Center pavilion. Members present were Chairman Daniel Piorkowski, Vice Chairman David Shaffer, Supervisor Richard Gable, Township Solicitor David Backenstoe, and Township Engineer Kevin Horvath from Keystone Consulting Engineers (KCE). Township Manager Nicholas Steiner was not present.

The next Regular BOS meeting will be Tuesday, July 6, 2021 at 6:00 PM at the municipal building.

**SUB-DIVISIONS AND LAND DEVELOPMENT**

**WAIVERS & DEFERALS**

**REGULAR BUSINESS**

**MINUTES**

**Mr. Shaffer made a motion to approve the minutes from May 4, 2021**

**Mr. Gable seconded the motion**

**Public comment**

None

**Motion carried with all Supervisors present voting aye**

**FINANCIAL REPORT**

**Mr. Gable made a motion to approve the Financial Report**

**Mr. Shaffer seconded the motion**

**Public comment**

None

**Motion carried with all Supervisors present voting aye**

**PAYMENT OF THE BILLS**

**Mr. Shaffer made a motion to pay the bills**

Mr. Piorkowski noted bills for the month from General Checking are \$111,477.74. The Liquid Fuels bills are \$16,420.63.

**Mr. Gable seconded the motion**

**Public comment**

None

**Motion carried with all Supervisors present voting aye**

**APPROVE PAYROLL**

**Mr. Gable made a motion to approve the payroll**

**Mr. Shaffer seconded the motion**

**Public comment**

None

**Motion carried with all Supervisors present voting aye**

**POLICE DEPARTMENT**

Chief Gary West read the report for the month of May 2021.

## **Police Vehicle**

Chief West received two quotes for a 2021 Ford Explorer police vehicle. Both are COSTARS dealers and fully equipped. The first from Kovatch in Lehighton was for \$48,619.45. The second quote is from Koch 33 at \$47,212. Kovatch has one left in stock, and they'd have the vehicle within a month and a half. He is unsure of Koch 33's inventory. When they ordered the Ford Expedition last year from Koch 33, they were told they'd receive a 2021 model. They received a 2020 model, and it took eight months to receive the vehicle. They haven't had issues with Kovatch in the past. Mr. Piorkowski asked if all the equipment was the same and if it was the same car. Chief West said correct. Mr. Shaffer asked how much of a dire need is the vehicle. Chief West said it isn't an immediate need. Mr. Gable asked if Kovatch was a 2021, and Chief West confirmed. Mr. Piorkowski asked if the difference was \$1,400, and if they could get the Kovatch vehicle within a month and a half. Chief West said yes. Mr. Piorkowski asked if he wouldn't have to worry about it being a 2019. Chief West said correct. Mr. Gable asked if Koch 33 quoted him a 2021 as well. Chief West said yes. Chief West was told the last vehicle purchased from Koch 33, the Ford Expedition, that if they ordered by a certain date it would have been a 2021. They ordered it before to get it quicker. It ended up being the later year 2020, and they still waited eight to nine months for the vehicle to be delivered. Mr. Shaffer doesn't see a problem with \$1,400 more. He also doesn't want to get an older model. Attorney Backenstoe asked if both of these were through COSTARS. Chief West said correct. Mr. Piorkowski thinks Kovatch does more police vehicles than Koch 33. Mr. Gable confirmed noting the Township purchased a few from there already. Mr. Piorkowski doesn't have a problem going through Kovatch in case the price increased.

## **Mr. Piorkowski made a motion to purchase a 2021 Ford Explorer from Kovatch**

Mr. Gable asked if Chief West wasn't in dire need of a new vehicle. Chief West said correct. Mr. Gable said it's \$1,400 of taxpayers' money noting he also doesn't have a problem going through Kovatch. Mr. Piorkowski said they can table it and ask Kovatch to match the price. The item was tabled.

## **FIRE & AMBULANCE**

Mr. Jason Harhart read the fire and ambulance reports for May 2021.

## **PUBLIC WORKS DEPARTMENT**

Mr. Craig Hoffman said they finished grading the stone roads, touching them up from winter and pulling in the shoulders. They did work at S. Shadow Oaks including surface treatments and base repair. They're out primarily patching holes in the roadways.

## **FIRST REGIONAL COMPOST AUTHORITY (FRCA)**

Mr. Gable said everything is running and busy. They were closed Memorial Day, so he wasn't sure what came in Saturday. The Township site was open Memorial Day. He asked Mr. Hoffman how the site looked. He said it was fine, not too crazy. Mr. Gable said they received \$350,000 902 recycling grant. This is for a grinder that costs \$890,000. They received \$350,000 this year, and in another two years they can apply for another \$350,000 which would get them to \$700,000. They would get a loan for the rest.

## **NAZARETH COUNCIL OF GOVERNMENTS (COG)**

Mr. Piorkowski said the monthly meeting was canceled. Mr. Harhart attended the last comprehensive plan meeting, and they're working off the draft report.

## **RECREATION COMMISSION**

### **Recreation Center Field Treatment**

Mr. Hoffman said treatment for the four baseball fields and the football field per treatment is \$1,058.94 through TruGreen. Joshua Tree is at \$1,588. Moyer Outdoor has different prices per the type of treatment. The average is about \$1,500 per treatment. Joshua Tree thinks two treatments are needed since they're approaching summer. They could get one this month and the other early fall. Trugreen will do any number of treatments the Township wants. Mr. Shaffer said TruGreen is the cheapest by almost \$450 per treatment. There's an early summer, late summer, early fall, and grub treatment. He said they should still do four treatments. Mr. Hoffman said that's what they're recommending but are willing to work with whatever the Township wants. Mr. Piorkowski compared Moyer's grub treatment of \$882 to TruGreen's \$1,058.94. He asked if all of TruGreen's treatments are the same regardless of what they do, and Mr. Hoffman confirmed that's the case.

**Mr. Shaffer made a motion to go with TruGreen at \$1,058.94 per treatment for four treatments including early summer, late summer, early fall, and grub**

**Mr. Gable seconded the motion**

**Public comment**

None

**Motion carried with all Supervisors present voting aye**

Mr. Mike Tirrell said they came up with a volleyball site. They would like to put the net at the non-playable corner of Garcia by the tennis courts. It will be grass to see what the usage is. He is looking to purchase the net which is about \$2,500. He wanted approval to move forward noting this was promised when the old volleyball court was ripped down. Mr. Shaffer asked if he needs approval to get quotes. Mr. Tirrell is looking for approval to purchase up to \$2,500 for volleyball net. Mr. Shaffer asked if it's the opposite corner of the tennis courts. He said it's the non-playable corner of Garcia and described where it is in relation to the tennis courts. Mr. Piorkowski said little kids played soccer on that field in the past and asked if it will be an issue. Mr. Tirrell doesn't think it will be an issue. Mr. Piorkowski asked if the area gets really wet as well. Mr. Tirrell said not that anybody on the commission is aware of. Nobody said anything including Mr. Brandon Biery.

**Mr. Shaffer made a motion to grant up to \$2,500 for the volleyball set**

**Mr. Gable seconded the motion**

**Public comment**

None

**Motion carried with all Supervisors present voting aye**

Mr. Tirrell said the volunteer group who installed the disc golf course is looking for a message board sign and drop box at their cost providing to the BOS pictures from an Eagle Scout project in Bath. He tried finding Eagle Scouts but had no luck. The volunteers will pick up the cost and install. The second request is tee pad expansions. On the longer holes, players need a running start. They have to run through the grass or mud to the concrete, so they're looking for an extension to the tee pads. This would be for eight and all through the volunteers. It would be no cost, but they're looking for approval to install. Mr. Shaffer asked if they would be installing the pads and the sign. Mr. Tirrell said they would be installing everything. Mr. Shaffer asked if this would be a problem with insurance. Attorney Backenstoe doesn't think so. Mr. Tirrell said it's the same group that installed the concrete pads. Attorney Backenstoe said they can verify with the insurance company. Mr. Piorkowski asked if there was any request for additional baskets. Mr. Tirrell said it was preliminary and nothing to bring back to the Board of Supervisors yet. Finally, Mr. Tirrell said there was a request to plant a memorial pine tree where they lost other pine trees. Mr. Shaffer asked if the pine tree is part of this voluntary group. Mr. Tirrell said yes. Mr. Shaffer asked confirmation they want to do the message board, the eight extended concrete

pads, plant a tree, and they're going to pay for it and install themselves. Mr. Tirrell said yes. Mr. Piorkowski asked if the tree will have a memorial sign. Mr. Tirrell assumes there would be a little brass plaque. Mr. Piorkowski asked if it has to be a pine tree. Mr. Tirrell thinks the tree itself has a special meaning to whoever they're planting in honor of.

**Mr. Shaffer made a motion to allow the disc golf volunteer group to install eight pads, a message board, and a memorial tree at their cost and installation at the Recreation Center**

**Mr. Gable seconded the motion**

**Public comment**

Mr. Piorkowski asked where the message board would be placed. Mr. Tirrell said by tee one. Mr. Gable asked if extending the pads would mean tournaments noting they couldn't have them because the pads were too small. Mr. Tirrell said that wasn't the reason but knows they're trying to do a tournament in conjunction with Community Days. Mr. Gable asked if the commission will start charging a fee. Mr. Tirrell said if it's a tournament, absolutely. Mr. Gable said they should be charging the league that's playing now. Mr. Tirrell said that group is paying for all the improvements. Mr. Piorkowski spoke to Joe, a member of this volunteer group, who is willing to figure something out if they can come up with a plan. They're more than willing to participate in the conversation. Mr. Piorkowski also talked to Joe about beverages. Joe assured Mr. Piorkowski it wasn't anybody from their group and is trying to manage that as well. Mr. Piorkowski told him if they see pictures on the internet of people with beer, they'll have chief send police to stop it. He was very nice and engaging about working with the Township. Mr. Tirrell thought the same when speaking with him. Mr. Piorkowski said they should think of something that would be fair. Ms. Charmain Bartholomew asked, given they too at times have volunteers to help their commission, if the Township is responsible. Attorney Backenstoe said they're volunteers, not agents acting out of their professional capacity. He thinks the Township insurance company needs to be put on notice the activity is being conducted.

**Motion carried with all Supervisors present voting aye**

Mr. Tirrell said Ms. Julie Poniktera is looking to run Playground in the Park with restrictions being lifted. She is requesting up to \$1,000 for Playground in the Park. The last two were about \$900. She is requesting \$1,000 for supplies for Playground in the Park.

**Mr. Shaffer made a motion to grant \$1,000 for Playground in the Park this year**

**Mr. Gable seconded the motion**

**Public Comment**

None

**Motion carried with all Supervisors present voting aye**

Mr. Hoffman said they painted the pickleball court on the tennis court. Mr. Tirrell mentioned it to the gentleman who asked for pickleball, and he was excited. Mr. Hoffman continued, SealMaster also looked at the basketball court while at the Rec Center. The basketball courts are in very good shape for the age, but they recommend repainting them. He is getting a quote for next year. Mr. Piorkowski said that's good because they're expensive to replace. He also noted he saw people playing basketball today.

**HISTORICAL COMMISSION**

Mr. Gable said they met this past Wednesday but didn't have a quorum. Projects with the school are going well. They painted the fascia and soffits. They're having problems with carpenter bees, and they're going to add a second coat of paint to deter the bees from drilling holes. The ceiling was painted, and Mr. Fedio has been working on the grout and mortar outside. He power washed most of the building as well. Mr. Gable asked Mr. Hoffman if he heard anything from PPL. Mr. Hoffman is still waiting to hear back

from the PPL team that would meet him at the school. He asked confirmation there was electric at the school previously, and Mr. Gable confirmed. Mr. Hoffman needs to know where it came in. Mr. Gable said it came in through the side of the building. The box is on the left wall, closest to Longley Road. They'd like to bring it in toward the back of the building by the main door to put the box in the vestibule/coat room. He said Mr. Fenstermaker told him once the electricity is run to the building, he could help put in the wiring.

Ms. Bartholomew contacted a pest control service, Rid-Et, to spray as they're having issues with carpenter ants. Mr. Gable said they're going to spray around the building. Ms. Bartholomew said they would need to stay on a maintenance plan every year to protect the woodwork. Rid-Et quoted her approximately \$300 and for maintenance every year thereafter would be about half the cost.

**Mr. Shaffer made a motion to approve the \$300 cost for Rid-Et to spray insecticide around Edelman schoolhouse**

**Mr. Gable seconded the motion**

**Public Comment**

None

**Motion carried with all Supervisors present voting aye**

#### **LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)**

Mr. Bob Romano said the board finished the revised open space evaluation sheet. A copy will be sent to the Board for review. The open space plan requires an evaluation sheet but doesn't get into specifics.

Mr. Shaffer will send a copy to Attorney Backenstoe and the Board to review. Attorney Backenstoe said the BOS would need to approve it, and the LEPB would need to adopt it. Mr. Romano said they're open to suggestions on changes noting this has been worked on over a couple months.

At their next meeting, the LEPB will have a guest speaker, Mr. Kerry Reider, Bushkill Township's Open Space Coordinator. Mr. Reider has helped the LEPB with contact information. The Bushkill Township open space program is excellent. Where Moore Township has excelled in the farmland preservation program, Bushkill Township has excelled in open space. Mr. Reider will talk about what he does in his position. Their program is moving forward quickly and doing good things. Everybody is welcome to attend.

If anybody hasn't been to Schiavone Park lately, Mr. Romano said it looks great. Mr. Biery and Mr. Brandon Clawson are doing a spectacular job, and it looks beautiful. The fencing has been repaired and looks great. The ponds need work, so he's hoping the pond experts can provide guidance. He asked the compliment be passed along to Mr. Biery and Mr. Clawson.

Mr. Piorkowski asked about the four applications for the board's vacancy. Mr. Romano said they have one open spot and received four applications. They're still reviewing noting all four are excellent based on the letters. All of them would be an asset. They should have a recommendation next meeting.

#### **COMMUNITY DAYS COMMITTEE**

Ms. Rebecca Miklas said the Community Yard Sale was a success. They had 76 cars registered and made \$760 with the registration fee. They received \$52.75 in donations. The snack stand brought in about \$1,282, but they're still working on the receipts and don't know the exact profit yet. They're also moving forward with sponsorships for band nights with the first occurring June 11. She asked if the Police Department could provide coverage June 11 from 6pm to 10pm. Chief West said Ms. Lois Kerbacher already asked, and they'll have officers present.

## **ZONING AND BUILDING OFFICER**

Mr. Harhart submitted his report for the month of May.

## **TOWNSHIP ENGINEER**

### **Schiavone Farm Sediment Erosion Project**

Mr. Kevin Horvath said Keystone is finalizing plans and specifications. They expect to complete them within the next week or two, and it can go out to bid shortly thereafter. He's not sure if that coincides with the next BOS meeting, but they're going to try to make it work out that way. Mr. Horvath asked if the Board would need to authorize the project go out to bid. Mr. Shaffer and Mr. Piorkowski said they can make another motion with Mr. Gable agreeing.

**Mr. Gable made a motion to put the Schiavone soil erosion project out to bid once the specs are put together**

**Mr. Shaffer seconded the motion**

### **Public Comment**

None

**Motion carried with all Supervisors present voting aye**

### **Dell Road Traffic Study**

The study would be for a truck prohibition on the road. The study would cost between \$3,000 and \$4,000. It would involve field visits, completion of an engineering study in accordance with PennDOT standards, and a recommendation as far of number and placement of signs. This would be presented to the Board, and the Board would be required to pass a resolution or motion accepting the study and authorizing the postage of the signage assuming the study calls for a truck prohibition. Mr. Horvath thinks it will. Mr. Piorkowski asked if it has to be approved by PennDOT. Mr. Horvath said no. Since it's a Township road, they can do the speed study and post the road. They need to follow PennDOT prescribed standards for the study and process. Mr. Piorkowski asked confirmation they can't post signs on their own and that they need to do a study first. Mr. Horvath said not necessarily, but it opens them up to someone contesting the signage requesting the study that led to the posting of the road for no trucks. If they don't have a study, the enforcement action could be overturned. The same would happen with a speed limit. He asked if they anticipate resistance to posting the road for no trucks. Mr. Piorkowski thinks the neighbors would appreciate it. Mr. Horvath said to the extent the study scope can grow if there's a party that can be aggrieved by it, they'd want to have a more robust study. If this is a case where a reasonable person can conclude trucks aren't supposed to be on this road, and the Board doesn't anticipate resistance, the \$3,000 to \$4,000 would be sufficient to complete the study and make recommendations to the Board. Mr. Gable said they have a landscaper at the end. Can they stop at the area his driveway comes out? Mr. Hoffman said the driveway is very wide, and he doesn't think there will be an issue. It's more so for the other trucks that cut the light. Mr. Piorkowski asked Mr. Horvath if the property owner could be grandfathered and prohibiting other trucks from using the road. Mr. Gable said he can turn right onto SR 512 instead of left onto Dell. Mr. Piorkowski said trucks may have to come off SR 512 to make deliveries to the business. Mr. Horvath said typically there would be an exclusion for a local delivery. He will make sure there is a consideration for it.

**Mr. Gable made a motion to authorize Keystone to do a study for a truck prohibition on Dell Road**

**Mr. Shaffer seconded the motion**

### **Public Comments**

None

**Motion carried with all Supervisors present voting aye**

Mr. Piorkowski asked if any progress has been made with PennDOT regarding the Schiavone farm driveway. Mr. Horvath said there was limited progress. PennDOT left the meeting of the same position other than to say they were going to check with maintenance to see what was done on the side of the road. Mr. Horvath got a better understanding of what they might accept in terms of Township effort in making improvements that would help with the drainage. PennDOT wasn't really at liberty to say they could close out the driveway because the issue went up to their central office in Harrisburg. Lawyers became involved and any change from the position they currently hold would have to be discussed between attorneys. They offered to put Attorney Backenstoe in contact with the department's attorney, but Mr. Horvath thinks they're checking with maintenance first before taking that route. Nothing was resolved or settled, but there's an open dialogue to resolving the issue. Mr. Piorkowski asked if they're holding them hostage on the permit they should have approved months ago. Mr. Horvath said yes.

## **TOWNSHIP SOLICITOR**

### **Bamboo Ordinance**

Attorney Backenstoe said the bamboo ordinance has been tricky, and there's a couple concepts he's been discussing with Mr. Harhart. He wanted to know if the Board wants a standalone ordinance or part of a larger noxious weed ordinance. Townships have done it both ways, and he's working with Mr. Harhart to figure out the best option for Moore Township. The second issue is whether the Board wants to prohibit bamboo or allow it with some restrictions. It's easier to prohibit. If they want to allow restrictions, they need to come up with reasonable restrictions that will be helpful. If that's the direction they choose, the Township will have to work with a horticulturist who can tell us what will work as a buffer. He gave an example of a landscaping company who said other than a four-foot solid brick wall, they're not going to stop it. He isn't sure if the Board has any immediate thoughts. If not, he will keep working on it and present a draft next month. There's one resident who complained about it, and the resident doesn't want to prohibit it. The resident would like to limit it with safeguards. It sounds good, but it's a lot tougher to draft an ordinance with safeguards.

### **Livestock Ordinance**

Chief West asked Attorney Backenstoe to prepare a livestock ordinance. He prepared an initial, more comprehensive draft, and everybody agreed it should be simplified. They changed the definition of livestock at the chief's request noting he wanted it more comprehensive. The definition of livestock will now include horses, cattle, jacks, burrows, sheep, goats, mules, bulls, steer, cows, calves, poultry, emus and swine. People are concerned the Township is going to interfere with their right to farm, but that is the opposite of what the Township wants to do. The Township wants to ask residents, noting the problem is goats, to keep livestock on their property. The Township isn't violating the right to farm act. They're helping to enforce the right to farm act. There may be a question of why the Township and chief is concerned about this. Attorney Backenstoe said for a very serious reason. For example, there could be a family driving down the street and a goat is in the street. The driver could swerve and have a horrible automobile accident, maybe a fatality. The animal could also be killed. He thinks that is why the chief and Board is looking at this ordinance. He thinks the ordinance is in its final form and circulated it last week. He thinks the chief and Mr. Harhart has approved it. If the Board finds it acceptable, they can advertise then adopt it. It's very simple, doesn't modify zoning, and doesn't say whether or not a resident can own livestock. Those items are covered under the zoning ordinance. The ordinance says don't allow livestock to wander on public Township roads, highways, and thoroughfares. He can advertise for next month's meeting if the Board is so inclined. Mr. Piorkowski thinks they were good with the corrections. A member of the audience said they mentioned emu listed under livestock. She asked if ostriches are viewed as livestock. Attorney Backenstoe said they're not included, but if chief wants ostriches, he can include it. Chief West doesn't think it is a bad idea, so Attorney Backenstoe will add ostriches. Mr. Matt

Flower previously spoke to Attorney Backenstoe about the ordinance, agreeing they have a great police department, that they wouldn't be enforcing this against legitimate farmers. He used a dairy farmer as an example noting every few years a cow might get out. He spoke to Chief West a couple years back where they had a pig lose, it was resolved, and they didn't have any issues. He wants to know how they're going to differentiate between the one offs and a problem like the goat problem. Attorney Backenstoe said it has to be uniformly enforced. Mr. Flower recollects him saying legitimate farmers. Attorney Backenstoe said it will be enforced against everyone in the Township. Everyone in the Township who has livestock must keep livestock on their property. Mr. Flower said it sounds like the one offs of escaped animals from legitimate farm operations is not a normal part of farm operations and that's an occurrence that should never happen. Attorney Backenstoe said the farm agricultural act talks about reasonable farming practices. For example, where there's a large farm with corn being husked, the machine is digging up the corn, and corn husks and shafts are blowing onto someone's yard, the Township is taking the position that's reasonable farming practice. If it blows across the street, that is a nuisance the Township is not going to enforce. This is different. The Township is asking they keep animals and livestock on the property to preserve the safety of both the livestock and Township residents. If there's a one off, which is a good example, of one animal getting out in ten years, he asked the chief if that's the kind of person who will be cited or will they get a notice and ask them to keep the goat on the property. Chief West said that would be the case. Attorney Backenstoe asked if there's a repeat offender, would they take action at that point. Chief West said yes. Mr. Flower said that is not in the ordinance as written asking for confirmation. Attorney Backenstoe said no, police have the option to give a warning just like they do when pulling someone over for blowing through a stop sign or speeding. They might not give a ticket right away, they might give a warning. That is up to the chief. Mr. Flower asked if they're still looking at \$1,000 fine and an incarceration period. Attorney Backenstoe said it's a normal summary offense. Like all summary offenses, the fine could be up to \$1,000. It could be \$10 or \$20. Mr. Flower asked if that's the maximum, and Attorney Backenstoe confirmed. Under the code of which the chief enforces for summary offenses, if a person was given a fine and don't pay it after so many days, the person could be imprisoned. Attorney Backenstoe has never seen anybody in Northampton County in prison for a summary offense violation. Likewise, he's never seen Magistrate Hawke fine \$1,000 for a first-time offense if somebody let their goat run out. Again, that's after the chief files the citation with the magistrate and explains this is the third, fourth time this has happened and needs to stop for the safety of the goats and Township residents. Mr. Flower's last concern is they're writing an ordinance that empowers somebody to give a summary violation for a duck, chicken, cow, or pig and relying solely on police discretion to determine who and who should not be charged. Attorney Backenstoe said that is correct. Mr. Flower said that concerns him. Attorney Backenstoe said that's a legitimate concern and asked Chief West to comment on his concern. Before letting the chief respond, Attorney Backenstoe said that's true of any crime in the Pennsylvania Crimes Code. They're all up to the police to determine whether they prosecute. Some they do, some they don't noting domestic violence, a very serious issue, as an example of the police deciding a citation is not warranted after arriving on scene. Other times they do. Like the hundreds of other crime violations in the Pennsylvania Crimes Code left up to the police department to prosecute, this would be one of those hundreds. Mr. Flower said they're talking about apples and oranges because the Township doesn't have the authority to add to the Pennsylvania Crimes Code. They can create ordinances within the Township, but the Township cannot add to the body of the Crimes Code in the state of Pennsylvania. Attorney Backenstoe said it's still under the auspices of police power, and the Board of Supervisors is authorizing the police to take this action. Mr. Flower said they're talking about crimes versus a non-traffic summary offense so it's not the same thing. They're not talking about something that falls under the Crimes Code, they're talking about something completely different. Attorney Backenstoe appreciates his opinion, respectfully disagrees with him. It's a summary offense which all townships have the authority to regulate in the Commonwealth of Pennsylvania. The police department regulate both summary offenses and ordinances drafted, prepared, advertised and adopted by

Townships as well as the Crime Code. Mr. Flower appreciates him answering the question. Attorney Backenstoe understands his point, and it's a good one. He asked Chief West if anything was missed. Chief West thinks he covered it. He's not sure what else to say about use of discretion noting there's a state law that says a dog has to be under a person's control at all times. There are plenty of dog violations they investigate. Maybe four or five total they cited someone for last year simply because it wasn't the first time they captured the dog. Mr. Flower believes him and has faith in what chief is telling him, he's not arguing with him. He's worried in principle that they empower the police to do this, and they're relying solely on that discretion. Chief West said a similar ordinance that was controversial in the past was adoption of an open burning ordinance. He thinks it's been well over two years since they cited someone for that violation. Mr. Flower thanked him for the input. With the addition of ostriches to the definition of livestock, Attorney Backenstoe asked for a motion to advertise the livestock ordinance.

**Mr. Shaffer made a motion to advertise the livestock ordinance**

**Mr. Gable seconded the motion**

**Public Comments**

None

**Motion carried with all Supervisors present voting aye**

**Silfies Open Space Easement**

The Township, through the land preservation program, actively works through covenants to preserve farmland and open space. They are working on the Silfies open space easement in conjunction with Wildlands Conservancy's Dawn Gorham. Wildlands is in the process of reviewing a parcel to determine if it's proper for an easement. One of the issues is this parcel is encumbered by a significant mortgage. The Township cannot take a second position with an easement and a mortgage. If the property owner were to default, the priority lien would divest any lien after it. The Township could divest a lot of time and money thinking the property is preserved to find out if there's a mortgage foreclosure, the Township's interest would be divested. It can be cured by getting a subordination agreement. A subordination agreement is a method by which to secure the lien. Wildlands Conservancy would contact the bank holding the mortgage and confirm with them they would subordinate their mortgage to the Township's easement. If the bank would do that, which happens a lot with refinancing, Wildlands Conservancy can then move forward. Their question to the Board was whether they'd be interested in exploring that possibility and if so, they would work with the bank to determine whether or not they would subordinate the first mortgage to any type of open space easement the Township would acquire. Mr. Shaffer asked if Attorney Backenstoe would suggest they do. Attorney Backenstoe said yes, if the Township along with Wildlands Conservancy is really interested in pursuing this easement. There's nothing inappropriate or unusual. As long as they subordinate, the Township has the first lien, which is the easement that would run in perpetuity on the property. Mr. Piorkowski referenced the letter and asked if they'd need to do a new appraisal. Attorney Backenstoe said Ms. Gorham thinks a second appraisal would be necessary before they move forward and fully negotiate with the bank regarding a second lien. Mr. Piorkowski asked if that would be the Township's cost. Mr. Shaffer confirmed noting the Township pays all soft costs when it comes to open space properties. He doesn't know if they ever had this situation, but he and Mr. Gable don't think so. Mr. Piorkowski said the property is not owned by the people who want to put it into an easement, they have a mortgage. Attorney Backenstoe explained in this case, the property owner owes on a mortgage as opposed to the property being owned outright. Mr. Piorkowski said they've never had this situation before. Mr. Romano said with farms, they might have dealt with that. They preserved 47 farm parcels and he doesn't think every single farm was owned outright. Mr. Gable is confident they were all owned outright because Ms. Maria Bentzoni of Northampton County Farmland Preservation checks to see if there are any encumbrances, and title has to be free and clear. Mr. Shaffer said with Northampton County Farmland Preservation, the owner pays for

the appraisal. Mr. Gable said correct. Mr. Shaffer said the Township isn't involved in paying for the appraisal. The property owner first pays for it, and if the property gets preserved, they get the money back. Mr. Romano has spoken to the county farmland preservation director who handles this issue and it's common. He's surprised this is the first time the Township has run into this. Mr. Gable said the only time he recalls is the first preserved open space property who paid off the mortgage right before the closing. Attorney Backenstoe corrected they used some of the money at the closing to pay their mortgage off. Mr. Romano said it's been discussed at the open space open houses. Mr. Piorkowski asked if LEPB's first question for those applying in the future would be to see if they still have a mortgage to pay off. Wouldn't they then be able to inform the appraiser before spending another \$1,500 for a second appraisal noting the second one would likely come back the same. He continued, they're spending an additional \$1,500 when they should have known. Mr. Romano said they would probably need a second appraisal. Mr. Piorkowski said they don't need second appraisals on most properties. If they would have told the appraiser there's subordination that has to be done, they wouldn't have been stuck with the second appraisal. Mr. Shaffer said they can put a question on the application asking if there is a mortgage or lien. Mr. Piorkowski said this way they'll know upfront if they need one or two appraisals. Mr. Shaffer said they'd know upfront if there's a mortgage or lien, they'll need two appraisals and can adjust for it. Mr. Piorkowski isn't sure they'd need two appraisals if they knew upfront the property needed to be subordinated. Mr. Gable said if they don't do a second appraisal, they can't preserve the property. Attorney Backenstoe said Wildlands Conservancy took the lead and this is the process they followed. They could do a contingency noting they could go through the subordination process, but the Township doesn't want to underwrite the cost for the second appraisal. Either Wildlands or the property owner can pay for it. It wouldn't be unreasonable. Attorney Backenstoe said assuming it is tabled, he can speak to Ms. Gorham noting the concerns regarding the second appraisal.

## **TOWNSHIP MANAGER**

Mr. Shaffer asked Mr. Hoffman about the security cameras. Chief West said Mr. Steiner working on a second quote. Mr. Hoffman said the first vendor showed us a few options and discussed our current system. They're waiting for a quote from another vendor. Mr. Piorkowski said AAC provided a quote for a camera at the yard waste site, the kennel, and police interrogation room. With the maintenance agreement, the quote came to about \$5,000. They'd probably have to get a warranty plan after.

Mr. Piorkowski said Mr. Steiner provided ideas for the American Rescue Plan including updates to the computer system. Because our system is so antiquated, a lot of people complained they couldn't view the meeting changes. He and Mr. Harhart were working with Dude Solutions on a permit system, and the cost seems to be too much. Finally, the American Rescue Plan will allow them to use some of the money for the MS4 plan. He thinks the MS4 plan was \$250,000 over five years, minimum, due to federal government requirements. It's an unfunded mandate, and they could use this money for it. Mr. Shaffer said PSATS and the Treasury Department are giving Townships more information each month. As they continue to do that, Mr. Steiner will provide more updates.

## **RESOLUTIONS & ORDINANCES**

### **Resolution 2021-11 COVID-19 Policy Update**

Attorney Backenstoe said the Township adopted a COVID leave policy for its employees in accordance with CDC regulations and dictates of the state. This confirms Moore Township will continue to follow the leave policy in accordance with the dictate of the state.

**Mr. Gable made a motion to adopt Resolution 2021-11 COVID-19 Policy Update**

**Mr. Shaffer seconded the motion**

**Public Comments**

None

**Motion carried with all Supervisors present voting aye**

## **OLD BUSINESS**

### **Traffic Impact Study on Route 512**

Mr. Piorkowski said they previously discussed the cost to do an impact study and setting up a committee as compared to the benefits that could be obtained. Mr. Horvath previously provided the Transportation Impact handbook for Pennsylvania municipalities from PennDOT. Mr. Piorkowski thinks municipalities would still be able to impose fees to make adjustments or corrections for issues on the property based on current zoning laws. Mr. Horvath said the subdivision ordinance allows the Township to require frontage improvements along the property. However, that would be limited on properties along state roads. Attorney Backenstoe said not off site improvements. Mr. Piorkowski said the impact fee study could cost them almost \$80,000. Mr. Horvath said it could be reasonably expensive noting each traffic impact fee study varies. Mr. Piorkowski said based on the traffic already traveling there, they might be throwing good money after bad money. Mr. Horvath thinks that would be the case, but he wouldn't know for sure without looking at it more closely. Mr. Gable said if the golf course gets developed, that's basically the only thing along that corridor. It's too late to do anything across the street. If they spend \$80,000 to \$100,000, he thinks they're never going to recuperate the money. Mr. Piorkowski thinks a developer who really wanted a project like that and needs a new traffic signal would probably throw it in, and PennDOT would probably require it. Mr. Gable said traffic studies will necessitate what happens there.

### **Schiavone Park Pond Improvements**

Mr. Hoffman has been working with Met-Ed. Getting electric to Schiavone Park is no problem. The question is what the plans are for the future at Schiavone whether they're just installing aerators or more will be done to grow the park. Met-Ed needs to know how much load, so they know how much power to provide at the park. Does the Board want as much power as they think will be needed in the future or just enough power for aerators? Mr. Shaffer thinks enough power for the aerators and maybe a pavilion. Mr. Hoffman said Met-Ed doesn't want to provide a straight answer because they don't want to be held liable. They told him to talk to an electrician. He's trying to get a rough idea of how much power they get from the current pavilion. He can speak with someone to see what kind of power they have at the pavilion to get a price for Schiavone Park. Mr. Piorkowski said if they talk to Mr. Steiner, they can probably get a lot of the information from the bill. There are four or five different zones. Mr. Gable said the pavilion comes off of McCandless. They get roughly four bills including Borek, baseball stand, McCandless, and football areas. If they do put up a pavilion, they'll need lights. He isn't sure if a 100- or 200-watt amp service carries or not. Mr. Hoffman was thinking 200-amp service should be plenty with Mr. Gable thinking that should be more than enough. Mr. Gable thinks Mr. Shaffer is right in looking ahead instead of what's there now. Mr. Shaffer said based on how this process has gone, they don't want to go back to them later. Mr. Piorkowski agrees a 200-amp service should be fine.

### **Trapper Road**

Attorney Backenstoe described the location of the seldom used Trapper Road and stated the Board asked him to look into vacating it. At one point, an agreement made in 1981 was brought to the Township's attention in which the Township acknowledged it's an ordained road. However, what was being used as Trapper Road wasn't the actual location of the road. The agreement is between the Township and two contiguous property owners that although Trapper Road is in one location, nobody has used that location, and it is located about ten feet to the south. The agreement tries to locate Trapper Road. The road foreman couldn't tell you where it is located because the Township hasn't maintained it, and it hasn't been a road. If the Township wants to vacate it, they have a right to do so. An ordinance needs to be prepared, advertised, and a public meeting held. Residents contiguous have a right to object and raise

their points. The Board can then choose to vacate or not vacate. It is a dirt road between Becker Road and Allen Drive only used by one or two families. The Township's vacation of the road does not wipe away private rights. Furthermore, the road would be owned by the contiguous portion to the north and contiguous portion from the south of the center line. He doesn't see any legal reason to not proceed. If they would like him to prepare an ordinance and advertise, he can do that. It may not be ready next meeting but will be ready at an upcoming meeting.

**Mr. Piorkowski made a motion to have Attorney Backenstoe draft an ordinance vacating Trapper Road**

**Mr. Gable seconded the motion**

**Public Comments**

None

**Motion carried with all Supervisors present voting aye**

### **Gum Property**

Mr. Piorkowski explained Mr. Steiner advertised an invitation to bid for the Gum Property. It is one of the farms owned by the Township. It's tax parcel G6-16-29A, 44.7 acres on Copella Road. There's an agricultural conservation easement held by the Commonwealth of Pennsylvania. Bids were due at 3pm Friday, May 28. The Township received one sealed bid. The bid is from David and Kelly Shaffer of Donna Drive, Bath, PA in the amount of \$225,000. The Township purchased the property for \$488,608.65. The easement from the county and state was \$217,090.68. Total cost to preserve for the Township was \$271,517.97. Mr. Gable said they will preserve over 44 acres for roughly \$40,000 which is not bad at all. Mr. Piorkowski said they've done this in the past and doesn't have a problem accepting it today.

**Mr. Gable made a motion they accept the bid of \$225,000 for the purchase of the Gum property on Copella Road**

**Mr. Piorkowski seconded the motion**

None

**Motion carried with Mr. Piorkowski and Mr. Gable voting aye, Mr. Shaffer abstained**

### **NEW BUSINESS**

#### **New Vehicle – Replace Ford Ranger**

Mr. Piorkowski said Mr. Steiner received two quotes. The first quote is from Koch Ford for a Ford Explorer at \$30,303. Mr. Harhart and Mr. Hoffman took the Ranger for a trade in quote, but it wasn't included. He also received a bid for a GMC Acadia with Star GMC. It's a demo model with a few thousand miles. The quote is for \$33,335. The two are similar vehicles. He asked if they saw both vehicles. Mr. Harhart and Mr. Hoffman said they saw the Explorer. Mr. Hoffman said it's better than the Ranger for multiple reasons. They didn't see the Acadia, just received the pricing. He said Mr. Steiner asked for what was comparable to the Ford Explorer from GMC, and that's what they quoted him. Mr. Gable said the Acadia is a seven-passenger vehicle, and the Explorer is a five-passenger vehicle. Mr. Hoffman said the Explorer has a third row of seats. Mr. Gable said then they're compatible. Mr. Harhart uses it daily. Mr. Gable asked if they had specs comparing the two. Mr. Piorkowski said they do. Attorney Backenstoe said they could table this and look for the next meeting. Mr. Piorkowski said it's difficult to review because they're two different companies. Attorney Backenstoe asked if they are COSTARS bid, and Mr. Piorkowski said they both are. Attorney Backenstoe explained the Township has to bid when it purchases any item in excess of \$1500. However, there is an exception in state law that if the state bids, called the COSTARS program, the Township, borough, or city can purchase off the

COSTARS list from the state. Mr. Piorkowski said the Explorer is a V6 with a 10 speed and the other is a four cylinder with a 9 speed. Both are automatic transmission. He tabled it to look at specs more closely.

### **Certificates of Deposit**

Mr. Piorkowski said they have two C/Ds set to renew in June. One is for over \$1 million with a current term of 24 months. That will renew on 6/8/2021. The rate is .25%. The second is for over \$1 million. The term is 12 months and sets to auto renew at .15%. They're both at Embassy Bank.

**Mr. Gable made a motion to renew both Certificates of Deposit at Embassy bank**

**Mr. Shaffer seconded the motion**

**Public Comments**

None

**Motion carried with all Supervisors present voting aye**

### **CORRESPONDENCE/MEMOS**

The Township received a single correspondence from Attorney Backenstoe about the First Energy substation. Attorney Backenstoe said Mr. Harhart received communication from First Energy that they intend to put a substation in Klecknersville. The Township hasn't received any information on the substation. This is a Public Utility Commission (PUC) regulated entity, and the Township does not have a right to impose its zoning ordinance or Subdivision and Land Development Ordinance (SALDO) on a PUC regulated entity. The Township has very limited ability to regulate it at all. However, there is a provision in the Municipalities Planning Code which indicates if the facility erected by the PUC entity has a building, not a structure, they may have to apply for a certificate of convenience from the PUC at which time the Township and neighbors would have a right to appear. The PUC is limited to determine whether or not the project would be better for the community as a whole not just that property. He wrote a letter to First Energy indicating the Township hasn't received a plan but if it has a building, they expect to either produce a certificate of convenience or petition to PUC to have a hearing and the Township be put on notice and given an opportunity to appear and have its voices heard. The only other entity having regulatory authority over it is Department of Environmental Protection (DEP). The nature of the letter sent to First Energy is they're putting them on notice that if there is a building, the Township believes case law says the Township has the authority to be involved, and First Energy needs to go to PUC.

### **New Vehicle – Replace Ford Ranger**

Mr. Shaffer asked to revisit the new vehicle. There is one left of the GMC Arcadia, and it's a service vehicle. The dealer can't get any more due to the chip shortage. If they don't vote on this, whether it's the Arcadia or Explorer, the Arcadia is probably not going to be available next month, and the Explorer is cheaper. Mr. Piorkowski thinks the specs on the Explorer is more than adequate for what they need. Mr. Shaffer asked if Mr. Harhart drove the Explorer. He said no, they just looked at the vehicle. Mr. Harhart said the Ranger runs great even though it's a 2003. He's not sure if it'll be inspected next year because the box is rusting out. The inspection runs out in November, and they were warned of the issue last year. Mr. Piorkowski wasn't sure the Explorer was four-wheel drive, and Mr. Shaffer said it is.

**Mr. Shaffer made a motion to purchase the 2021 Ford Explorer at \$30,303**

**Mr. Gable seconded the motion**

**Public Comments**

None

**Motion carried with all Supervisors present voting aye**

### **OPEN TO THE FLOOR**

### **Burning Outdoors in Mobile Home Parks**

Mr. Piorkowski said Mr. Steiner received a call from Kermit Serfass at Hickory Hills. He doesn't think fire pits should be allowed at the trailer park. Management once restricted the use of outdoor fires, but he noticed it hasn't been enforced. He wants to know if the Township, if able, was interested in restricting outdoor fire pits at the mobile home parks. Mr. Serfass lived there for forty years, and Hickory Hills as management is no longer enforcing it at the park. The resident feels it's a safety hazard and wanted the Board to look into the possibility of amending its current burning ordinance that the police enforce at Hickory Hills as well, which is a private community. Mr. Shaffer asked if any outdoor fire would already be enforced by the burning ordinance regardless of where it is in the Township. Chief West said they have rules inside the park. If they roll through and see a 5-foot blaze next to one of the trailers they can do something. If they are doing a recreational fire at night 20 feet from a trailer, they're not going to enforce. Mr. Piorkowski asked, when they have a private community within a larger community like Hickory Hills, whose laws supersede. Attorney Backenstoe said you have a standalone ordinance that applies to the entire Township. However, if a mobile home park wants to be more restrictive than the Township regulation with its burning regulations it certainly can be. If the chief would get a call, and the fire completely complies with the Township ordinance, the chief can't cite or warn him. If the mobile home park has a different set of criteria which is more restrictive, the mobile home park manager would enforce it. The Board decided not to take any action.

Ms. Sherry Eyre asked to revisit the livestock ordinance. She suggested defining it as poultry, water fowl, and ratites. Ratites will cover emus, ostriches, rheas or any large birds recognized by the state of Pennsylvania. It will also include turkeys and geese. This way Attorney Backenstoe doesn't have to spell it out piece by piece. Attorney Backenstoe asked the Board if they want to regulate all of these. Mr. Michael Eyre said they spelled it out specifically in the ordinance. If he uses a generalized word, it will cover more of it for them. It makes sense to Mr. Shaffer. Ms. Eyre said if somebody comes back and says ostriches and emus are listed, but they have a rhea, now those will be covered. Attorney Backenstoe said if the Board is so inclined, he'll add the language.

### **Mr. Shaffer amended his motion to include ratites in the livestock ordinance definition**

#### **Mr. Gable seconded the motion**

#### **Public Comments**

None

#### **Motion carried with all Supervisors present voting aye**

Mr. Flower had a question concerning the bamboo ordinance. If a property owner has an existing band of bamboo, what duty would that impose on the landowner to remove or curtail existing bamboo. Attorney Backenstoe said it's a good question and something he's been wrestling with. For instance, in Williams Township, if they have bamboo on the property regardless of when or how it got there, the property owner must remove it. In the City of Bethlehem, if a person can prove the bamboo was there prior to enactment of the ordinance, they can keep it. He asked the resident what he thought. The resident thinks it's a difficult question. Bamboo is difficult to curtail or stop. He's done bamboo removals, and it's almost impossible. If they leave one little bit in the ground, a year later they'll have a whole new stand of bamboo. Attorney Backenstoe is involved in litigation with bamboo elsewhere, and it's amazing how difficult the plant is. Mr. Piorkowski asked Mr. Flower if his opinion is to get rid of the plant totally. Mr. Flower's opinion is the Township shouldn't touch it. He thinks they want to be the least restrictive they possibly can.

Ms. Kory Kalavoda had a comment on the resolution for horses being restricted from the Recreation Center. She is speaking on behalf of some people from the horse community. In the Township

newsletter last year, it said there were horse trails and horses were allowed at the Recreation Center, but there was no signage saying they needed to clean up after the horses. Most of the people she knows were cleaning up and cleaning up after other people. She knows they can't make rules forcing people to clean up. They could put up signage asking people to clean up after their horses like other state parks including Jacobsburg. She also brought up horse specific trails, bridges, or areas for people to ride. It's \$150 million industry. Most horse owners in this community own a bit of land and pay quite a bit for taxes. They would like to enjoy trails as well or have areas they can enjoy trails whether shared or separate areas. A separate concern is the horse drawn vehicles. When they put in verbiage no horses for the Rec Center, cities with ordinances that say no horses is more definitive than saying horses are not allowed on public roads. They are allowed in every city unless there's an ordinance that says they're not allowed there. Her question is if that law says horse drawn vehicles are not allowed to park in the parking lot whether diapered or not. People may choose to enjoy a picnic and take a horse instead of a vehicle. A lot of people came to the Township because it's horse friendly. She said there was a mention with liability to bridges. She said the liability is on roads as she doesn't know of any horse injured on any bridges, but she does know of horses in the Township hit on the roadsides from people riding along the side of the roads because there's not enough safe places to ride on the side of the road. Her parents moved here because there were many dirt roads to ride, and with all the roads being paved over the years it's been harder to find places to ride. Given the horse industry and number of people who own horses, what is the Township doing to encourage knowing they are paying taxes. Given this is their taxpayer dollars, she asked if it was voted and put before that the horse community can put a vote on this because their taxpayer dollars is going to this as well. Just like anybody would like a place to take their dog or kid on a walk, is there a safe place they can take the horses that the Township has put aside or to share trails. Mr. Shaffer asked Attorney Backenstoe if he can speak to her liability question. Mr. Shaffer continued, one of the prime reasons they voted on this last month is the trails aren't meant for the weight of the horses. If the Township is worried about that liability here, what about public roadways where horses are being hurt. Ms. Kalavoda corrected if it's a liability with the bridges, let's talk about fixing them instead of restricting horses. Put up a sign and let everybody share a bridge system. The liability was related to the bridges not being built right. She's saying there's just as much liability by taking horses off the trails and putting them on the roads. The bridges that aren't built right is less liability on the Township than people getting hit on the side of the road because there's not enough places to ride. Attorney Backenstoe said it was purely a policy decision based on complaints that led them to prohibit horses on the Township park, which they own. They didn't prohibit horses anywhere else in the Township. If the Township wants to take the input from Ms. Kalavoda and change it, they can. It's a Township owned park, and they create the rules. Ms. Kalavoda also asked if they could specify horse drawn vehicles versus riding horses. Attorney Backenstoe said it was just horses. There was no distinction between horse drawn vehicles. Ms. Kalavoda said by national standard, horse drawn vehicles are considered farm equipment under a different category unless there's a specific law or ordinance within city limits that allows them to get special permission to be a horse drawn vehicle. In other words, they're allowed to drive their horse on the road as much as a car. A car is allowed, a tractor is allowed, and a horse should be allowed as well. Attorney Backenstoe said it's up to the Board to reconsider its resolution. Mr. Flower said the issue is the road that goes through the park, noting he previously raised the question, is owned by the Township in its entirety. It's not a public road. Therefore the Township can say no horse drawn vehicles. He also did ask the question to look for specific areas for horses since there are a lot of horses in the Township. He would be in favor of that if it's something the Board would want to look at. Mr. Shaffer said if there's a specific area for horses, they could look at it. He asked if Mr. Flower meant the Rec Center or another area in the Township. Mr. Flower said any of the properties the Township owns. As a horse owner, he agrees there aren't a lot of places to safely ride a horse. He rides his on the street regularly. There are times it gets sketchy and it would be nice to have a place to ride. Mr. Piorkowski said they'd take everything under advisement and see what they can do. Mr. Gable said his reasoning for no horses in the

Recreation Center is not only the bridges on the trails can't take the weight, but it's a safety factor. All summer they have fields with kids and people walking their dogs. A 2,000 lbs horse comes down the trail and if it gets spooked, somebody could get hurt. The Township would be liable, and he doesn't think they need the liability. He said they also have park employees cleaning horse poop almost daily taking hours out of their day when they should be cleaning something else instead of cleaning something that shouldn't be there in the first place. The state says they don't have to clean it up because it's not like dog poop. It still needs to be cleaned up, and the Township ends up cleaning it up. Safety and cleaning after those who don't clean up. Ms. Kalavoda asked about setting up separate trails. Mr. Gable asked where noting he doesn't think the Township should pay to have separate trails somewhere else to ride horses. He wouldn't want to pay taxes to have horses ride somewhere else. Ms. Kalavoda said they can have share trails and pedestrian only trails. Mr. Gable said they can look at it. Mr. Shaffer said yes, but they're not prepared to discuss it. Mr. Piorkowski said this park was developed for recreation and a few of them created walking trails when they were laid off. There was never any thought of horses. They did it without any funds, completed while most of them were laid off, and built it for pedestrians. With all these questions, they'll look at it, but he doesn't know if there's enough room within the current park to make the current trails dual purpose. They're less than three feet in most places. Mr. Hoffman confirmed noting they have a difficult time maintaining them with their tractor because they're tight. Mr. Gable also received calls from horse people who think they shouldn't be allowed as well.

Mr. Blaine Berry brought a concern about the proposed warehouse on Southmoore Golf Course. He's talked to a lot of people in the Township. Nobody is really in favor of a warehouse in the Township. Mr. Piorkowski made it clear he doesn't know of anybody in favor of a warehouse either. By state and federal law, every Township has to have an area for different types of zoning. They belong to the Nazareth COG, so they don't need as many areas. Moore Township and Bushkill Township are set up to be the agricultural areas for farms. In 1980, they declared that area an industrial zone. People need to realize when they bought their house, the golf course was put there by special exception with Attorney Backenstoe confirming. Mr. Berry was there before the golf course when it was a farm. Mr. Piorkowski said he may have been there, but everything happened in the 1980s, and the golf course needed a special exception to be there. In the broadest sense of the terms, the golf course probably shouldn't have been there. As a Board member, I would have rather had a golf course than a warehouse. The fact is the law only allows the Township to do so many things. They have to go through Planning and Zoning to build this. Unless things have changed, all they provided was a sketch plan. A sketch plan is nothing more than having a property, submitting a drawing with the location of where you want to build, and seeing if it would fall within the regulations. They haven't been back to Planning or Zoning since that time. The Board, due to recommendations by Zoning and Planning, added height restrictions which he thinks doesn't allow a building above 44 ft to be built. He isn't sure how they determined the height value, but they apparently want to do a 50 ft building. That's one variance they would need. There are so many hoops they have to jump through that he isn't going to say it will never happen, but it will be very costly based on the knowledge he has from his engineers, etc. on what they have to go through. Mr. Berry is looking at everybody's property value that's attached to it. The other issue is they cause problems. For example, everybody knows about the spotted lanternfly problem in the county. The warehouses bring in products from China which is where the lanternflies came from. He voiced his concern to Mr. Harhart about an individual who was bit by a bug at a warehouse and died from it. It was from China, and now they have the coronavirus from China. A warehouse isn't to the Township's advantage. Attorney Backenstoe explained that by state law, unless you talk to the state legislature and have them change state law, must allow for the use somewhere in the Township. If they took warehouses out of the Zoning, somebody can file an exclusionary zoning challenge because the Township doesn't allow it anywhere. The relief is then site specific. If a person lives in the middle of a residential neighborhood, and the Township doesn't allow warehouses anywhere in the Township, the relief would be to put a warehouse in

the middle of a residential district if that's where they want it. In the 1980s, the BOS knew warehouses weren't liked, but they need to be put somewhere. They put it in the area defined as industrial use. Mr. Berry said in other words, the best way to stop the warehouse is cost prohibited. Attorney Backenstoe reminded they can only regulate the land development element and zoning. This BOS had the foresight to adopt a stringent warehouse ordinance which had not been in place when they first allowed warehouses. A warehouse could be put up, and it was unregulated. This Board took the foresight to adopt a comprehensive warehouse ordinance which includes height limitations, frontage limitations, buffering, and screening. It's unfortunate people built houses in the industrial district, but the Township can't do anything about that. He continued, Mr. Piorkowski's point is it was great to have a golf course, but the golf course wasn't a permitted use. They needed to get zoning relief to put the golf course in. Mr. Berry remembers when they went through that. Attorney Backenstoe understands Mr. Berry doesn't like the warehouse noting he doesn't know anybody who does except the person building it. He repeated, if they don't allow warehouses somewhere in the Township, they would rue the day when people ask why a warehouse is in the middle of a farm that's supposed to be zoned agriculture. Mr. Berry asked about an ordinance that says what can be stored in the warehouse. Attorney Backenstoe said it's unconstitutional to regulate this. They could file a 1983 lawsuit and sue the Township. Mr. Berry said most of the warehouses are empty. Attorney Backenstoe said yes, and maybe that can help the Township if the developer realizes many of the warehouses in the Lehigh Valley are vacant. They're going to spend a lot of money to put a warehouse in, have it vacant, and they'll have a huge loss. Mr. Piorkowski said the land preservation board is active in preserving land, and that's why they've been able to fight a lot of these warehouses off. There are a lot of townships, including Allen and East Allen, that are paying the price for not having the program. The current BOS members are not in favor of the development. He also said, the ZHB is independent from the BOS. If they make a decision unfavorable to the Board, they have to sue them. The BOS is doing the best they can. If they hear of a Planning or Zoning meeting in which they're discussing warehouses, Mr. Piorkowski encouraged them to get their neighbors to attend and have their voices heard. Mr. Berry assumes they would have to do a traffic study on SR 512. Mr. Piorkowski said absolutely, they'd have to do studies on traffic, water runoff, etc.

Mr. Zachary Zeitner thanked the Board for the flexibility with the improvements at the disc golf. He started playing right before COVID hit. He and his wife probably would have lost their minds if not for having the course. He knows the group is volunteering, but the improvements are great. The tree is for someone in the community who passed away which is special. Discs are expensive and can get lost in the tree, so having a drop off is great. He thanked the Board.

#### **ADJOURNMENT**

**Mr. Shaffer made a motion adjourn the meeting at 8:08 PM**

**Mr. Gable seconded the motion**

#### **Public Comments**

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.**