

Moore Township Board of Supervisors
2491 Community Drive
Bath, PA 18014
April 4, 2023

The Regular Monthly Meeting for the Moore Township Board of Supervisors (BOS) was called to order on Tuesday, April 4, 2023 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).

WAIVERS & DEFERALS

#23-04 Larry Kemmerer Lot Line Adjustment Plan – Waivers from Sections 5.05.4a & 5.05.4.b

Mr. Dick Gable reported a motion to grant the waiver request from sections 5.05.4a & 5.05.4.b for the Larry Kemmerer Lot Line Adjustment was passed by the Planning Commission (PC). These waivers pertain to lot 2 only. The sections deal with natural and manmade features within 100 feet of the property. Mr. Horvath explained the subdivision involves a large piece of preserved property. They're subdividing out an excluded area, a very small portion of the larger property. The applicant feels it would be onerous to provide existing conditions around the entire property. There is no new development on either lot.

Mr. Shaffer made a motion to approve #23-04 Larry Kemmerer Lot Line Adjustment Plan – Waivers from Sections 5.05.4a & 5.05.4.b

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

SUB-DIVISIONS AND LAND DEVELOPMENT

#23-04 Larry Kemmerer Lot Line Adjustment Plan

The PC passed a motion to grant conditional approval for #23-04 Larry Kemmerer Lot Line Adjustment with conditions set forth in Keystone review letter dated March 21, 2023.

Mr. Tirrell made a motion to approve #23-04 Larry Kemmerer Lot Line Adjustment Plan subject to conditions set forth in Keystone's review letter of March 21, 2023

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

The PC approved moving the ordinance concerning agritainment and agritourism to the Board of Supervisors for approval. The PC also discussed the animal ordinance. Mr. Harhart checked the ordinances of surrounding townships. Mr. Gable said Moore's ordinance is the least restrictive and described differences between some of the townships. The PC passed a motion to keep the animal ordinance as is with no changes. The Board thanked the PC for their input. The PC meeting for next month is canceled.

REGULAR BUSINESS

Mr. Piorkowski announced the Board had an executive session on March 27 to discuss personnel.

MINUTES

Mr. Shaffer made a motion to approve one set of minutes from March 7, 2023

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FINANCIAL REPORT

Mr. Tirrell 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. Steiner noted bills for the month from General Checking are \$170,613.64. This includes a \$42,801.30 payment to Professional Construction Contractors for the Church Road culvert. The Liquid Fuels bills are \$17,543.63.

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

APPROVE PAYROLL

Mr. Tirrell 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 January 2023 report.

Employee Resignation

Chief West read a resignation letter from Police Secretary Stephanie Heckman effective March 17.

Mr. Shaffer made a motion to accept Stephanie Heckman's resignation letter effective March 17

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FIRE & AMBULANCE

Mr. Harhart read the March 2023 report.

PUBLIC WORKS DEPARTMENT

Mr. Craig Hoffman reported this past Friday was Gene Mackes's last day of work before he retires. He had been with the Township about eight and a half years.

Public Works Hires

Mr. Hoffman reported he conducted interviews with Mr. Steiner for Public Works employees. The first candidate is Spencer Tacker, and the second is Jonathan Good. He asked the Board for their approval to hire pending background checks.

Mr. Tirrell made a motion to approve the hire of Spencer Tacker and Jonathan Good

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

2023 Seal Coat Projects

Mr. Hoffman clarified the roads for the 2023 seal coat projects. They include Derhammer, N. Oaks, Bigley between Glase and W. Scenic, Alpine, Vista, S. Mink between SR 946 and W. Scenic, Hillcrest, Applebutter, Crest Vue, and Horseshoe Dr. Mr. Steiner explained Horseshoe was left out in the prior meeting.

Mr. Shaffer asked about street sweeping. Mr. Hoffman said Martin's is two days into it and will be sweeping the rest of this week. They will be back in two weeks to finish the Township.

FIRST REGIONAL COMPOST AUTHORITY (FRCA)

Mr. Gable reported they had two fires in the mulch piles at the Authority that were put out by the fire department without a problem. Mulch Madness went very well despite the rain and bad weather. They had approximately 26 people pay and take 750 cubic yards of mulch. The next mulch giveaway is April 21 and 22, Earth Day. Otherwise, everything is running good and the yard is getting cleaned up.

NAZARETH COUNCIL OF GOVERNMENTS (COG)

Mr. Harhart reported they are looking to finalize the comprehensive plan agreement. Once they have the final language, they will be able to approve it.

RECREATION COMMISSION

Field Usage Approval

Ms. Jodi Hartzell reported the commission approved the Lehigh Valley Baseball League use of the fields around schedules of the men's baseball league and MTAA. She thinks it was eight Sundays, but they're not going to allow all of them so there will be conflicts. She will send the permits to Mr. Steiner. One of the pending permits pushed out the schedule yesterday, so they should have a good idea of the field usage. Mr. Tirrell asked Mr. Steiner if they can add to the permit equipment to maintain and usage required by the renter including bases, drags, etc. Mr. Steiner said sure. Mr. Tirrell said the Township doesn't own equipment aside from the tractors. Mr. Shaffer asked confirmation he wants it stated on the application. Mr. Tirrell wants it stated because they had an issue last year, that was worked through, where a group expected everything to be set up including the bases added. Ms. Hartzell said they told the Lehigh Valley Men's League equipment is not available, so they know to bring their own. She thinks the other group uses the MTAA stuff. Mr. Piorkowski said they're not part of the MTAA. Ms. Hartzell said they're not, but the Township can't do anything with MTAA and their agreement to let outside groups use their stuff. Anyone else will be told nothing there is part of the equipment for use. There's another group for softball who brings everything themselves. A softball high school came a couple years ago, and they brought everything. The commission will let them know, but they will look at the application to add the information. Mr. Piorkowski asked how much equipment they have for maintenance for the big field. Mr. Tirrell said each field has a hand a drag which is available and can be used. The bases and field liner are locked up. He's sure it's something that can be worked out with MTAA, but the outside groups need to know to make arrangements. Mr. Piorkowski said when Mr. Laubach was still there, he had all the

fields prepared. He thinks if they're going to rent to other groups, maybe they should buy another set that is locked up and include it with the rental. Based on Ms. Hartzell's experience with softball tournaments, she reported they do everything for the fields. They bring their own line and bases. To have equipment, the Township would need somebody at the fields on a Saturday or Sunday when they're playing assigned to open things for the renters as they would want to have that locked up. It is something the commission can consider and coordinate if needed, but they do let the groups know they need their own stuff. Mr. Tirrell said the bigger ones brought their own equipment. Last year, they had a new person running a different softball league Saturday morning, and they expected everything to be set.

Pickleball (short-term solution)

The commission has had groups coming to the Rec meetings to discuss pickleball since it is becoming very popular in the area. The group wanted them to think of a short-term solution. They'd like a full court, but it's not something that can quickly be created. The solution from the commission was to have the basketball court lined after it's resurfaced so they have another place to go. Right now, just one tennis court is lined for pickleball. Mr. Piorkowski asked if they talked about resurfacing. Mr. Steiner said they budgeted to resurface the basketball courts this year. They are also talking about getting new basketball hoops as they're currently adjustable and have some problems because of that. Mr. Piorkowski said it would be recreational basketball nets rather than the home use nets. Mr. Steiner said they don't have a plan yet, but they're looking into it. Ms. Hartzell said they have some ideas for the outdoor basketball hoops because they are bad. There are a couple ideas for lines. There's an option that's more like taped, temporary lines. They could consider that if they don't want permanent lines since it's being newly resurfaced. Mr. Piorkowski asked if they were putting temporary lines on the tennis court before they painted lines. Ms. Hartzell said they were, and there are painted lines on one court now. Someone put taped lines on the other court, but it was removed. Mr. Piorkowski said the first group told them they take it off every night and asked if that's not true. Ms. Hartzell said the group she knows of uses the painted lines and might use chalk for the other court, not tape. Mr. Piorkowski asked if they can put temporary lines on the basketball court now, or is it in that much disrepair. Mr. Steiner said they could, but he thinks they're proposing, when the basketball court is resurfaced, the Township tape or paint lines on that court for pickleball. He assumes they would also need to provide a net. Attorney Backenstoe asked if there would be a solid post to hold the net. Ms. Hartzell said there are temporary nets that can be used. Attorney Backenstoe asked if the net is the same type as tennis. Ms. Hartzell said it's shorter than tennis. Mr. Hoffman said they can't put permanent posts next to the basketball courts as it would be a safety issue for those playing basketball. Mr. Steiner said they could probably chain the net on one side of the fence, have it locked on side and run it across when they're playing. Mr. Shaffer asked where the net is kept, who puts it away and brings it out. Mr. Steiner said it would be kept out and chained with a lock on one side. Mr. Shaffer doesn't think it's a big deal, but he also isn't sure how soon they're going to resurface the basketball court. Mr. Piorkowski asked if it's high on their priority list. Mr. Hoffman said they've talked about it and need to get quotes. He and Ms. Hartzell said it will happen sooner rather than later, hopefully this year. Mr. Tirrell said that will only give them one other court. Mr. Shaffer asked which court. Mr. Hoffman thinks it would be the one further from the road, the smaller basketball court. Mr. Shaffer doesn't think it will hurt noting tape is better than painting. The net doesn't sound like it would be too intrusive. Ms. Hartzell said the basketball court gets highly used as does the tennis court for both tennis and pickleball. Mr. Tirrell is ok with temporary lines to see how it goes.

Mr. Tirrell made a motion to move forward with temporary lines for pickleball on one of the basketball courts when it's resurfaced

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

DCED Grant Request to Pursue

Ms. Hartzell asked if they can pursue a grant to install a pickleball court. It is from DCED, and she thinks the Township has pursued this once before. It's the Greenway, Trails and Recreation. It closes May 31 of every year. They would get the information together for the 2024 submission. She would like to know if it's something they can pursue and start putting things together for 2024 noting she thinks planning and engineering will take some time. Mr. Shaffer asked if they are able to make it multi-use. She said no, but they can submit multiple projects. They would make decisions in fall of 2024 for the 2024 submission, so this is a long-term plan. They wanted to start planning as funding wouldn't be made available until 2025. Mr. Piorkowski thinks it's good to start pursuing these grants as long as it doesn't burden Mr. Steiner. Mr. Steiner thinks the Greenways grant is through DCNR and was presented at the same time as the county grant. It has the same requirements as the county when it comes to having a plan. They can apply for the funding, but they need a plan before they can apply for it. Ms. Hartzell confirmed noting she has the checklist which is why they can't do it by May 31 of this year. Mr. Steiner said he and Mr. Harhart got an overview of the program at the Livable Landscapes seminar. Ms. Hartzell asked if it would impact any other grants, and they said no. The Rec Commission could take on the project, and they'd like to start planning now. Mr. Piorkowski said they are also looking into the other grant for the master plan.

Mr. Shaffer made a motion to approve the Rec Commission look at the Greenways grant

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Recreation Commission Overview

Ms. Hartzell asked if the Board had questions or comments on the Rec Commission overview previously provided. The Board did not.

Fitness Equipment Locations

Ms. Hartzell showed the Board where they are planning to place the fitness equipment around the Recreation Center.

Ms. Hartzell also reported they were approached by a tennis group, individuals from the Township, who are trying to promote tennis. They asked if signs could be placed by the tennis court. It explains how to play tennis and includes a QR code that provides additional resources. The commission approved putting it at the tennis court. Mr. Piorkowski asked if they're metal signs, and she confirmed. The brick program is underway. They should have it out in the next couple weeks. The company will create a website for people to sign up and do payment through them. At the end of the program, a check would be sent to the Township. The cost for a brick is \$50. She thinks they will charge \$55. The more people purchase, the less expensive it will be for them. They will try to open it before May and place in the newsletter. It will be open until at least fall. Mr. Piorkowski asked if they will be where they currently are. She said yes, they will replace the blank bricks. Mr. Steiner should be receiving another sample. They also discussed signage around the tennis courts or different places at the Rec Center with different rules.

HISTORICAL COMMISSION

Schoolhouse Renovations

Ms. Charmaine Bartholomew reported the commission had several discussions and requests were made by the Supervisors that they submit items that need to be done at the Edelman School for its completion. She brought a copy to the Township the other day. This is being done for the possibility of bids coming in, if necessary, for the school's completion.

The commission also discussed participating more at Community Days and other events to bring more awareness to the public. A celebration will hopefully be sometime this year or next year at the schoolhouse for the public to view what the Township and Historical Commission has done in the way of Moore Township having a place in the historical registry at the state. It is the only building that holds that distinction in the state historical registry.

The commission also discussed the schoolhouse signs. The signs were currently on hold. They're to be in the public view for all the remaining fifteen schoolhouses as close to where they were originally when they opened and closed.

Mr. Tirrell asked Mr. Steiner if he would get together with Mr. Hoffman and Mr. Horvath at the schoolhouse to put the bid together. Mr. Steiner explained Mr. Ryan Christman of KCE has been bringing in a couple contractors to get rough estimates to complete the work and determine whether it has to go through the bid process. He received the list yesterday and sent it to Mr. Christman. Mr. Horvath spoke with Mr. Christman and forwarded it along to the two contractors. There haven't been any responses in terms of estimates. Mr. Steiner explained the commission did provide some language in the event they need to put out a RFP or bid. He asked that KCE make the contractors aware of the different standards. At some point, Mr. Christman should meet with Ms. Bartholomew and Mr. Bob Fedio to discuss the work. From what Mr. Steiner understands, this is the first time Keystone is working on a historical building like this. Ms. Bartholomew said it's important they have historical knowledge, and it isn't just a normal contractor. It's a different perspective. Mr. Steiner said one contractor they met with knew of some old schoolhouses that have been torn down, and he was already thinking of different places he could get material from in the event they win the contract. Much of the work they've done is converting the old schoolhouses to livable spaces, but Mr. Steiner said he seemed very knowledgeable of the historical timeframes. Mr. Horvath explained the two contractors are restoration specialists. They've done grist mills and specialize in period repointing and masonry work. They were chosen specifically for this type of project. Ms. Bartholomew said they have also been looking for materials to keep down the costs and help wherever the commission can help. They received information from other places where buildings are being torn down. They are also trying to get this completed at the best cost and best restoration possible for the school.

LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)

Appoint Member

Mr. Shaffer said they received two letters of interest. His recommendation is Mr. Hoffman. He has attended the meetings, knows the properties, is a township resident, and thinks he would be a great member for the LEPB. Mr. Tirrell asked if the LEPB made a recommendation. Mr. Shaffer said they didn't review, but they could.

Mr. Tirrell made a motion to approve Craig Hoffman for the Land & Environmental Protection Board

Mr. Piorkowski seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

COMMUNITY DAYS COMMITTEE

Mr. Tirrell said the purse bingo is April 23, and the Community Yard Sale is May 20.

ZONING AND BUILDING OFFICER

Mr. Harhart submitted his March report.

TOWNSHIP ENGINEER

Church Rd Culvert Project

Mr. Horvath reiterated they received the second payment for the Church Road culvert project. At this point it is substantially complete and will schedule a final closeout inspection. Following this payment, the remaining retainage of 5% of the contract price or \$9,626.20 to complete any remaining items. They recommended the payment in the amount of \$42,801.30 (included in bill payment above). Keystone is happy with the way it came out noting the restoration and armoring of the stream banks to reduce chances of further erosion and sedimentation issues.

Schiavone Farm Sediment Erosion Project

Today, Keystone received the affidavits of payment from the contractor for the final subcontractor. Next meeting will be a recommendation for final payment for the project, although the project is still in maintenance. The Township's obligations for payment should be completed at that point.

MS4

Over the past month, through conversations between Attorney Backenstoe and homeowners and Mr. Horvath's modifications of exhibits, they are within sight of sign offs from two of the three remaining property owners. Attorney Backenstoe thinks they have some understanding of the revised language and some modified easement drafts, maps, or plats showing the modification of the easement. There will be one more to come to terms with the resident. Mr. Horvath said a handful of the surveys are completed, and they still have these two surveys. If they need advanced sign offs, they will get them this month before next meeting. Attorney Backenstoe said the majority of the agreements are done and recorded.

Trach Rd

Mr. Horvath explained the Board, at the last meeting, asked Keystone to prepare cost estimates for alternative plans for restoring, remediating, or vacating Trach Road. In a memo, he outlined the cost estimates for two alternatives. One would be removal of the roadway which would include regrading and scarification of the existing aggregate material, import and placement of fill and top soil to return the surface grade to preexisting conditions to allow for property drainage across what was formerly the road bed, and vegetated stabilization of the entire disturbed area. That would cost approximately \$89,000 noting these are prevailing wage rates. If this were done in-house or by a private party, those rates could be reduced appreciably.

A second alternative would be remediation of the roadway involving regrading of existing aggregate, importing additional aggregate to bring the road up to grade to facilitate drainage, installation of eight to ten water bars throughout the road to divert runoff off the road into the fields at incremental points to not create a significant point of concentration that might lead to erosion. In addition, they anticipate a need for an infiltration channel or bed at a point on the roadway. This is not a fully designed plan but reasonable estimate of expectations for what needs to be done if the Township decides to retain this road and restore it to workable or more reasonable condition. For that type of work, they estimate a cost of \$125,000. In addition to upfront costs, it would be about \$2,700 annually for Public Works time; top dressing, bringing in stone, regrading, and touching up the surface; plowing; salting; and other annual maintenance of the Township's gravel roads. He and Mr. Steiner met with Ms. Maria Bentzoni and several other members of the farmland and conservation district as well as someone from NRCS regarding possible grant opportunities. They had a long discussion about the history of the project, and he has a good understanding of the project at this point as well as possible opportunities for funding whether the road remains in Township hands or reverts back to ownership of the adjacent property owners. They

were unable to guarantee any funding sources but noted there were a lot of programs and how the projects compare to the current projects in terms of ranking will determine whether funding is available, matching or assistance. It's difficult to estimate what or if money is available, but there are programs designed for this type of work whether public or private. He thinks this is a reasonable estimate without going into full on design. Mr. Jeffrey Henderson asked if Austin Drager or Jim Lawrence took part in the engineering effort. Mr. Horvath said they attended this meeting, but the engineering effort has not been undertaken. Mr. Henderson asked if they were involved in the cost estimates. Mr. Horvath said no and explained they are based reasonably on what they would expect to see if the project were to apply for dirt and gravel road funding and what they would expect in terms of improvements. Mr. Henderson asked if they concurred with his recommendations on how to retain or vacate the road. Mr. Horvath said they spoke generally about remediating the road or getting rid of the road. Mr. Henderson asked if they were involved in that. Mr. Horvath said yes, they were involved in the discussion had today where they discussed the various options. Mr. Rudy Klein asked if Ms. Bentzoni attended the meeting. Mr. Horvath said she did. Mr. Klein had a thorough meeting with her for about an hour and a half, two hours after the last Supervisors meeting. He got totally different feedback from her. There was a lot of discussion and concern with the erosion issues and how to redirect the water. He thinks if they move forward, no matter what way is decided, there has to be a plan or sketch to see how this is going to unravel before they make a decision. He's concerned about the water run off going into the fields on his side. It is going to cause a major problem with Ms. Bentzoni from the impression he got from her. Mr. Piorkowski asked him for her impression. Mr. Klein said they must have some type of conservation and soil and water plan in effect. Mr. Piorkowski asked if she said that or if Mr. Klein said that. Mr. Klein said they discussed it with each other noting her associate was there the whole time. He would like to have a conversation with Mr. Henderson after the meeting and wanted to know his impression. Mr. Henderson spoke to her after Mr. Klein and suggested they have an offsite meeting with Keystone, NRCS, and Jim Lawrence with Mr. Henderson and Mr. Klein so they can go into detail of what the suggestions for remediation or vacation or both. She was hesitant to do that until a decision was made by the Board as to whether they vacate or retain it. Mr. Klein doesn't want any remediation because he would have a hard time getting crops out of the field noting he has no access whatsoever. His only outlet then would be SR 946 which would be very hazardous. If it's closed, there's going to be gate issues and where do they put the gates. Mr. Henderson said those are all pertinent concerns. Mr. Klein wants no part of remediation whatsoever. Mr. Steiner asked if he meant vacation. Mr. Klein doesn't want it reclaimed and taken back to its original form as if there's no road there. Mr. Henderson agrees with that. Mr. Klein is not going to tolerate that one iota. Mr. Henderson said the road isn't going to be good for growing anything whether they put topsoil or not. Mr. Klein agreed there's no way noting he has too much ag experience to know it won't. Mr. Horvath can't speak to the viability of the roadway in terms of crop productivity, but he doesn't think that's the point. Removal of the roadway would be for purposes of alleviating the stormwater runoff and erosion condition. Whether it's completely unproductive now or once it's top soiled, it's no net loss or no net gain. It would resolve the erosion issue. Mr. Klein said this is why it's critical to see a plan to adopt. He talks about run off lines sending water into the field. He asked about catch basins. Mr. Horvath said the diversion plan was consistent with what was suggested in the sketches throughout the years. The soil conservation specialists were basically in agreement. They didn't speak fine details, but they spoke generalities in terms of management methods. There were consistencies between their approach and his vision. Although they don't have a detailed design at this point, he thinks they have a good understanding of what needs to be done in theory. Mr. Henderson said if he puts diversion rails in as he described at various areas of the road, where would the water be diverted into. Mr. Horvath said it would allow the water to flow across the road as it wants to as opposed to channelizing in the road and causing the erosion. The water bars would prevent the water from channelizing and creating a highly erosive condition. Mr. Henderson asked confirmation he would divert the water off the road. Mr. Horvath said that's correct, it would divert it across the road. Mr. Henderson asked if it would be diverted into catch

basins or a swale. Mr. Horvath said no, at points it would dissipate into the fields. Mr. Klein said that's where he has problems. Mr. Henderson said they would put salt from the roads into the field. Mr. Klein said they're going to have a major problem. Mr. Horvath believes it can be done in a way that would be sensitive to creating other erosive issues, they certainly don't want to do that. Mr. Henderson thinks if they divert water off the road, they are going to push salt and different contaminants into the fields, and he isn't going to agree to that. Mr. Shaffer asked if the water is currently running down the side of the road and crossing under Summit into a wetland. Mr. Henderson said it is. Mr. Shaffer asked what's the difference with the chemicals, aside from obviously effecting the farmland practices. Looking at from an environmental standpoint they're sending it into a wetland which is actually more sensitive than a farmland area. Mr. Henderson said they do it now. Mr. Shaffer is explaining that's what they're currently doing now. If they vacated the road and didn't do remediation, it would remain the way it is right now. Mr. Klein said it would get worse. Mr. Shaffer said that is correct. Mr. Klein said some of this is compounded by trying to change the direction of the water by building the road up. Mr. Henderson agreed. Mr. Klein asked if that was one of the theories, building the road up and sending it to the sides and it never happened. It gouged, and now it's a big issue. Mr. Shaffer asked where the water would go if they don't raise the road. Mr. Steiner said it would shoot down the road. Mr. Henderson said the road has been raised over the years. Mr. Klein has been there since 1991, and the problem got worse since it was raised. Mr. Henderson said according to farmland preservation, the easement is 10 ft from the center line on the north/south side. On the south side, they're retaining that, but on the north side it's 15 ft. The Township is 5 ft into the field. Mr. Shaffer asked if that's the roadway. Mr. Henderson said it's the erosion. He wants the 5 ft back. Mr. Klein and Mr. Henderson said it's only going to get worse. Mr. Shaffer thinks they should vacate it with Mr. Tirrell thinking they don't have a choice. If they don't want the water flowing differently, they need to get rid of the road. Mr. Horvath said there were concerns about farm access raised at the last meeting. They discussed those with Mr. Drager. They raised concerns of the landowners that if it were to be vacated or eliminated, would this cause access issues or other hardships. He had the conservation plan and felt there were other opportunities for access to the westerly parcels from Summit Rd as well as access to the easterly parcels from the upper end of Trach Rd near the existing buildings if they were to be accessed privately by the property owners, and different opportunities for planting the field to lessen erosion issues that are experienced right now. Mr. Klein said it sounds well and fine hypothetically, but when they have crop rotation, they can't always use Trach Rd to get to his driveway. For example, if he has corn in the field, he would need to cut the corn down to drive the distance from the driveway that leads the farm to Trach Rd. That's next to impossible. That's why he's trying to make the point of how key it is the road stays open. If they vacate it, that's one thing, but it has to stay open. Mr. Henderson said whether they vacate it or retain it, the Township still needs to fix the erosion problem. Mr. Piorkowski asked when they preserve the farm if Ms. Bentzoni gives a conservation plan and reviews to see if it's actually happening on the farm. Mr. Klein said they were there today to see if they were operating in accordance with the easement. Mr. Piorkowski said they got the Township at Schiavone. Mr. Klein said that's probably DEP. Mr. Steiner confirmed that was a soil conservation violation and had nothing to do with the farmland preservation program. Mr. Henderson and Mr. Horvath has the data to support this has been a problem for Farmland Preservation on Trach Rd for years. Mr. Piorkowski asked if they have data the road was bad or that the conservation plan wasn't working. Mr. Horvath said that there's been a condition of erosion and sedimentation for years. Mr. Henderson said they have data going back to 2006 supporting that. Mr. Klein thinks it might be longer than that noting there's always been issues with erosion there. Mr. Steiner thinks the first plan they had went back to 2002 when they first had funding available, but it sounded like the Supervisors were nervous about working with the program whether they could meet the requirements at the time. He wasn't here at the time, but that's what it sounds like. Mr. Henderson said there were political issues. Mr. Steiner said he isn't an engineer or a farmer. Sitting in the meeting, he can attest to what Mr. Horvath has spoken about as far as the drawing and working with the contours. It was consistent with what everyone in the

meeting room said noting everyone was on the same page and Farmland Preservation will do whatever needs to be done. Mr. Klein and Mr. Henderson thought it would have been nice to be included in the meeting. Mr. Henderson encouraged a meeting, and Ms. Bentzoni said they should hold off on a meeting until the Township decides whether to vacate or retain the road. Mr. Steiner said that's what she told them. They wouldn't be committed to any funding issues until a decision was made by the Township whereas the Township is trying to get answers from them to help make the decision. Mr. Klein said they want the Township to fix the mess more than anything. Mr. Steiner said their fix is consistent with what Mr. Horvath presented but not necessarily what either Mr. Henderson or Mr. Klein wants. Mr. Klein said it's not going to work. If they put catch basins at the end of the water crossings and send it to the ground where it belongs, maybe they have a prayer. There's no other way. He asked they take his advice as he works with the soil every day and knows how it acts. Mr. Horvath doesn't disagree. Mr. Piorkowski isn't ready to make a decision until he talks to Ms. Bentzoni. Mr. Shaffer said Ms. Bentzoni isn't going to say one way or another until a decision is made. Mr. Tirrell asked if Ms. Bentzoni supported one way or another, or if she was neutral. Mr. Horvath said she cares about the farms on either side. This is an issue of the road in the middle. She's there in an effort to facilitate and coordinate the moving parts. Mr. Tirrell isn't sure a meeting between them and Ms. Bentzoni would help because she's not making a decision. Mr. Horvath thinks that's a fair statement. He doesn't think it would hurt noting she's probably at her limit in terms of this project as it's been bombarding her for quite some time. He's not saying she wouldn't be helpful in terms of discussing with them, but he doesn't think she will hand a solution. Mr. Henderson said she's waiting for the Board to make a decision. If the Board voted to retain it, she would help with the funding issues whether through Jim Lawrence, Austin Drager, or both. Mr. Ayers asked if it would be possible, on the basis of the cost factor, to vacate the road moving forward as it seems everybody is waiting for them to make a decision. They can choose to vacate the road, have a meeting with all the parties involved, and if these two gentlemen find the solution is not to their liking, they can reverse their decision and try a different avenue to remediate the road and bring it up to grade. He understands what Mr. Klein is saying and maybe catch basins need to be installed. Mr. Henderson said Mr. Horvath's solution to vacating the road is removal of the road, and that isn't going to work for him or Mr. Klein. Mr. Klein said he will not agree to that. Mr. Steiner said the vacation of the roadway means the Township doesn't own it anymore. They can keep it a road, that's up to them. Mr. Klein doesn't want grass or top soil. Mr. Steiner said he can keep it a road. Mr. Klein said if they want to vacate it, then let nature take its course on it. He needs to look out for his neighbor too. Mr. Steiner understands and explained this is why they're putting all this effort into finding different solutions. Mr. Piorkowski said vacation is one option, road removal is two, and remediation is the third leaving the road intact.

Mr. Shaffer made a motion to start the vacation process for Trach Rd

Mr. Tirrell seconded the motion

Public comment

Mr. Henderson wants a clear definition of what they mean by vacate. Mr. Klein said they need to advertise this several times. Attorney Backenstoe explained the motion to vacate doesn't mean they are vacating it tonight. There's a formal process. He has to put together a draft ordinance with help from Mr. Horvath with a meets and bounds description, look at the draft ordinance to see if it's acceptable to the Board, and once the Board finds it acceptable the Board would advertise to have a hearing like they did with Trapper Rd. There is testimony as to why they want to vacate it. Property owners are given written notice as to when and where it's going to be as they have a right to be there and object to it. Mr. Piorkowski asked if they make the motion and it's successful, would that lead to a meeting with Ms. Bentzoni. Mr. Klein said they spoke with Ms. Bentzoni already. Mr. Piorkowski asked Mr. Horvath if she didn't want to come anywhere until they make a decision on what they are going to do with the road. Mr. Horvath said she basically said that, but, in response to Mr. Ayers's suggestion, he would caution against that because Jim Lawrence is responsible for the Dirt and Gravel Road Program and making recommendations to the board regarding funding under the program. He already heard of the potential

vacation of the road. Dirt and Gravel Road is only for public roads. If the Board were to opt to keep the road, noting he doesn't know if that's where the Board will go, and they have a feeling this may not be a public road for very long, this will weigh into their decision. To decide to go one way could hurt them if they switch directions. If they are planning to make a decision just to get a read on Ms. Bentzoni, that may not be their best play. Attorney Backenstoe said it may not be fruitful. He asked Mr. Henderson if he didn't object to vacating the road, he just didn't want it vacated and removed. Mr. Henderson wants it retained and fixed. He asked Mr. Klein if he's not objecting to the road being vacated, he just doesn't want it vacated and removed. Mr. Klein said his dream would be some kind of plan to keep it open and take care of the water drainage because he thinks it can be conquered. Mr. Henderson agreed. Attorney Backenstoe asked Mr. Klein if the Board were inclined to vacate the road, he wouldn't want it removed. Mr. Klein said for obvious reasons described earlier specifically getting crops out of the field because he would need to deal with gates on both ends. Attorney Backenstoe thanked him for his thoughts. He explained the motion would be to authorize Attorney Backenstoe to work with Mr. Horvath to draft an ordinance to vacate the road because he will need a plan with a meets and bounds description. He can probably have something at next month's meeting. If they want to proceed with the vacation, they would make a motion to advertise adoption of the ordinance and to hold a public hearing. They would then send out the ordinances. Mr. Henderson asked when the decision would be made to advertise. Attorney Backenstoe is suggesting at the next meeting. The Board could receive the draft ordinance at the next meeting and decide not to go forward with it, or they could review the ordinance and decide they've considered all the information they need to consider and decide to hold a hearing to determine whether or not to vacate it. There would then be a public hearing and vote whether to vacate or not. That is the only time a final decision will be made. Mr. Klein asked if he would advertise between now and the next meeting. Attorney Backenstoe said no. He will work with Mr. Horvath to draft an ordinance. Mr. Henderson asked what the Township's responsibilities would be in order to vacate. He wants to see a definition of what needs to be done in order to vacate. Attorney Backenstoe explained in its basic, truest form vacate means to give up any interest. If they adopted an ordinance to vacate the road, it would be done. They would have no more public interest in the road. Mr. Henderson asked about the erosion issue. Attorney Backenstoe said that would be another concept to discuss. Mr. Klein said it would be his and Mr. Henderson's headache. Mr. Henderson said then he wouldn't agree with the vacation.

Mr. Bill Leiner asked if this would be a six-month process. Attorney Backenstoe thinks if at the next meeting the Board decides to hold a public meeting, it would be a two-to-three-month process. The property owners have a right to challenge it in court which could take six months to a year. The Commonwealth Court would be another two years if that were taken to its logical conclusion. To have the ordinance, hold a public hearing, and get a formal vote, he thinks it would be inside of three months. Mr. Henderson said if they decide to retain it, they wouldn't have to go through all of that. Attorney Backenstoe said if they decide to retain it, they would go through a different avenue and wouldn't go through the vacation of the roadway. Mr. Klein said it would cost \$2,700 to maintain, roughly. Mr. Henderson said it makes sense to retain it then. Mr. Tirrell and Mr. Shaffer said that would be after the initial cost of \$125,000.

Motion carried with all Supervisors present voting aye

TOWNSHIP SOLICITOR

When cable companies come into the Township and provide cable services to residents, Attorney Backenstoe explained the Township has a right to enter into a cable franchise agreement. The Township currently has an agreement with Service Electric and RCN and collects a 5% fee on their gross revenues every month or every year, however the payments are made, under the federal telecommunications act. Those cable franchise agreements usually last ten years. The cable company will then contact the Township, update it, and re-approve and re-adopt the cable agreement. They have a new cable agreement

for Blue Ridge Cable following Blue Ridge reaching out to the Township. Attorney Backenstoe drafted a cable franchise agreement that he's done for the Township and other townships before. He spoke about it with Blue Ridge for months and thinks they have a final draft agreement. It defines revenues, when to do certain things, and they are to provide certain services. They can talk about it at next month's meeting. If the Board finds it acceptable, he can be authorized to draft an ordinance for adoption at the subsequent meeting. Mr. Piorkowski asked if it tells the area they're coming into. Attorney Backenstoe said it's for the entire Township. It's up to them to decide where to put the lines and in how many areas of the Township. Once they do provide the service, the Township gets a fee. Mr. Piorkowski said they would be taking it from the other companies, so it's a wash. Mr. Tirrell said if they didn't have the agreement, they would lose it. Mr. Piorkowski said they couldn't come in without an agreement. Attorney Backenstoe said they're supposed to have an agreement to come into the Township. Mr. Piorkowski said they won't go to a place if it's underground like a lot of new subdivisions.

Ordinance 2023-2 Agritourism/Agritainment

Attorney Backenstoe reported the ordinance has been reviewed and discussed for months. The PC reviewed, drafted, and redrafted the ordinance. It defines agritainment and agritourism, includes listed criteria for each use, and both are allowed in every zoning district as a special exception use. If someone wants to undertake one of these uses, they present to the Zoning Hearing Board (ZHB) showing they comply with basic standards and are able to operate with that use. The ordinance has been advertised and sent to the Lehigh Valley Planning Commission (LVPC), the PC, and placed at the local law library.

Mr. Tirrell made a motion to adopt Ordinance 2023-2 Agritourism/Agritainment

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

TOWNSHIP MANAGER

Mr. Steiner reported BBD was at the Township on March 22 and 23 to conduct the annual audit. He is still awaiting the final, completed audit. An auditor from the Auditor General was at the Township yesterday to audit the Liquid Fuels account for 2020-22. The auditor still needs a couple items to finalize. He received the General Code draft for the consolidation of their ordinances. Attorney Backenstoe needs to review the draft, and they'll then provide the next steps. Mr. Horvath and Mr. Harhart should probably review as they'll be enforcing it. The review is due June 6.

Resolution 2023-11 Northampton County Livable Landscapes Grant Application

This resolution is related to the Livable Landscapes Grant applied for to update the Open Space Plan to incorporate other areas of parks and recreation. They had a final estimate of \$95,000 to do the work. The grant is a 50/50 split. The county would provide \$47,500 if the grant is approved in that amount. They applied for it on the 30th and were given time to then pass a resolution approving the official submission.

Mr. Shaffer made a motion to approve Resolution 2023-11 Northampton County Livable Landscapes Grant Application

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Township Secretary

Mr. Steiner and Chief West discussed the idea of creating a Township Secretary position with the police secretary role vacant. The Board expressed they may be interested in having someone to work on the

police and administration side as well as doing minutes for the meetings. This person would also be in charge of record keeping. Mr. Steiner prepared a job description and advertisement. He asked if the Board wanted to advertise and provide feedback on the job description. He also plans to provide the job description to Attorney Backenstoe for review before advertising the position. Before he came to the Township, they had a Treasurer/Secretary. When they created the Township Manager position, he also took on those roles. He prepared what they think is a detailed description of responsibilities. They appreciate the Board's feedback.

Mr. Shaffer made a motion that once the Township Secretary job description is finalized to have it advertised

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Steiner received two complaints, one on Orchard Ct and one on N. Penn Dixie, that are being addressed by Mr. Hoffman. They received an email regarding S. Mink requesting traffic calming measures suggesting speed bumps. He asked Chief West and Mr. Horvath be prepared to discuss feasibility of that if they'd like to discuss. Mr. Tirrell asked the speed limit. Chief West said it is 35 mph. However, he found the road is 8.5/10 of a mile long. There's only two 35 mph signs: one going north and one coming south. They're near the beginning of the road. State law mandates that for a speed limit to be lawfully posted, they have to be posted every half mile. Currently, it is not. He is going to work with Mr. Hoffman to show where additional speed limit signs need to be placed. Once it's lawfully posted, they can then enforce it. Mr. Horvath has options as far as speed humps if they'd like to discuss or pursue at a later date.

OLD BUSINESS

Schiavone Farm Sale

The Township received two bids to purchase the Schiavone farm property. The first is for \$200,000 from Red Edge Farm. The second is from Phil Ronca for \$351,000. Red Edge has right of first refusal per the agreement of sale when the Township acquired the property. Mr. Shaffer said this is the third time they received the bid, and it's the highest they've received. Mr. Piorkowski asked how much they put into it, and Mr. Tirrell asked how much the appraisal was. Mr. Shaffer thinks the appraisal was \$400,000. Mr. Steiner said it's difficult to determine the total amount put into the property because they subdivided the property. He tried putting together a breakdown last fall and had a difficult time coming up with the difference. Mr. Klein asked for the property's acreage. Mr. Shaffer thinks it's 63 acres. Mr. Klein said how much total. Mr. Shaffer said majority of it is farmland. Mr. Klein said some of it was excavated. Mr. Tirrell asked how much over that other bid Red Edge had to go. Attorney Backenstoe said it just has to be matched. Mr. Steiner said it's a little over 50 acres of farmable land. Mr. Piorkowski asked how much they put into it. Mr. Tirrell said it's going to be hard to come up with a number with the park coming out of it. Mr. Steiner said this project was about \$150,000 for the grass waterways. Mr. Shaffer said it was about 72 acres before they subdivided it, and there's a piece on the other side of the street that's a separate parcel. There's the amount they got from conservation and the amount they paid to put in the swale. Mr. Klein asked if there's an easement on it. The Board said yes. Attorney Backenstoe said it can't be a housing development, it can only be farmed. Mr. Shaffer said one home can be placed in an excluded area. The Township paid \$825,000 when they first purchased the property. They received about \$400,000 from the county, then they'd have to take out the acreage for the park. Mr. Piorkowski said they're close to even. Mr. Klein asked how many times they bid it. Mr. Shaffer said this is the third with Mr. Steiner noting they bid it twice in the fall, and this is the first time in the spring. Mr. Shaffer said if they add in what they paid in the swale, they're not close to breaking even. That was due to

unforeseen circumstances. If it's taken out, they're about breaking even. They've only broken even once. Mr. Tirrell said they're close to breaking even and preserved 40 acres and created a park.

Mr. Tirrell made a motion to approve the Ronca bid for \$351,000 subject to the first right of refusal from Red Edge Farm

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Piorkowski asked how much time Red Edge has to decide on whether to match the bid. Attorney Backenstoe needs to check the agreement of sale, but he thinks a reasonable time is 20 days. He will send a letter indicating they have the right of first refusal by such and such a date. He will confirm if Red Edge will purchase the property at that exact price. If they don't exercise that right, they will execute an agreement of sale with Ronca. If he does exercise it, they will execute an agreement of Sale with Red Edge. Mr. Piorkowski asked how long this will take. Attorney Backenstoe said it all depends on financing, how fast they get the financing. They might not be able to farm it this year. Mr. Shaffer said they might be able to put in a crop at the end, but it might not be a bean or corn crop. Mr. Klein said a decent crop can be planted now. Mr. Tirrell asked if after 20 days Red Edge decides not to match it, can the Township allow the Ronca to farm it before it's closed. Attorney Backenstoe said no in case the deal falls through. Mr. Tirrell doesn't want the land to sit. Attorney Backenstoe said they can do a lease agreement contingent on the purchase or a license agreement. Mr. Shaffer said they do have time until June. Attorney Backenstoe said it is up to them depending on how fast they obtain a loan or mortgage. They may need 90 days.

Schiavone Farm Lease

The Board chose to not open the farm lease bids.

NEW BUSINESS

CORRESPONDENCE/MEMOS

Mr. Steiner included information from PSATS that will be voted on at the conference.

OPEN TO THE FLOOR

Mr. Henderson asked when the rough draft for Trach Road will be prepared. Attorney Backenstoe said it will be available for next meeting. Mr. Henderson asked if they'll get to see it. Attorney Backenstoe said ordinarily when there's a draft ordinance, until it's advertised, the public doesn't view it. In light of the circumstances, he will need to discuss with the Board. Certainly when it's advertised, they will have it in their hands and the Board will have to make decisions as to whether they want to vacate it or vacate it and restore it.

Mr. Lilly lives on Smith Gap Road. They have 25 mph signs. The sign heading north to go up the mountain is about halfway up their property line. He asked if it could be moved down to the parking lot by the state game lands or put another one down there. Chief West said they can check the spacing and see if it's possible. Mr. Lilly said it isn't going to help, but it might. Mr. Klein asked the condition of the 5-ton weight limit signs noting those are critical as well.

ADJOURNMENT

Mr. Shaffer made a motion adjourn the meeting at 7:45 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.