

Moore Township Board of Supervisors
2491 Community Drive
Bath, PA 18014
January 4, 2021

The Re-organization and Regular Monthly Meeting for the Year 2021 of the Moore Township Board of Supervisors (BOS) was called to order on Monday, January 4, 2021, by Chairman Daniel Piorkowski at 7:00 PM. The meeting was conducted via Zoom teleconference. Members present were Chairman Daniel Piorkowski, Vice Chairman David Shaffer, Supervisor Richard Gable, Township Manager Nicholas Steiner, Township Solicitor David Backenstoe, and Township Engineer Kevin Horvath from Keystone Consulting Engineers (KCE).

The next Regular BOS meeting will be Tuesday, February 2, 2021 at 6:00 PM. The Auditors re-organization meeting will be held on Tuesday, January 5, 2021 at 7:00 PM.

RE-ORGANIZATION - Board of Supervisors

Chairman

Temporary Chairman Attorney David Backenstoe requested a motion to appoint a chairman.

Mr. Shaffer made a motion to appoint Dan Piorkowski as Chairman

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Attorney Backenstoe turned the meeting over to Dan Piorkowski

Vice-Chair

Mr. Gable made a motion to appoint David Shaffer as Vice-Chair

Mr. Piorkowski seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Approve Treasurers' Bond

Mr. Shaffer made a motion to approve the treasurers' bond at \$400,000 with Travelers' Insurance

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Roadmasters

Mr. Gable made a motion to appoint the three Supervisors as Roadmasters for 2021

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Sewage Enforcement Officer (1-Year Term)

Mr. Shaffer made a motion to appoint Christopher Noll from KCE as Sewage Enforcement Officer

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Alternate Sewage Enforcement Officer

Mr. Gable made a motion to appoint Eric Erb from KCE as Alternate Sewage Enforcement Officer

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Vacancy Board Chairman (1-Year Term)

Mr. Shaffer made a motion to appoint Glenn Shoemaker as the Vacancy Board Chairman

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Establish Regular and Special Meeting Dates/Establish Deadlines & Payments for Invoices

Mr. Gable made a motion to have our meetings the First Tuesday of the Month at 6:00 PM with invoices due the last Monday of the month

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Designate Depositories

Mr. Shaffer made a motion to make the designated depositories Embassy Bank and PLGIT

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Township Solicitor (1-Year Term)

Mr. Gable made a motion we appoint David Backenstoe, Esq. as Township Solicitor

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Township Engineer (1-Year Term)

Mr. Shaffer made a motion to appoint Kevin Horvath of KCE as Township Engineer

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Earned Income Tax Collector

Mr. Gable made a motion to appoint Keystone Collections as the earned income tax collector per the appointment made by the Northampton County TCC

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Local Services Tax Collector

Mr. Shaffer made a motion to appoint Keystone Collections as Local Service Tax Collector

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Township Manager/Secretary/Treasurer

Mr. Gable made a motion to appoint Nicholas C. Steiner as Township Manager/Secretary/Treasurer

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all supervisors present voting aye

Resolution 2021-01 Township Manager Compensation

Mr. Shaffer made a motion to adopt Resolution 2021-01 Township Manager Compensation setting the salary at \$78,000 for 2021

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all supervisors present voting aye

Appoint Zoning & Building Officer

Mr. Gable made a motion to appoint Jason Harhart as Zoning & Building Officer

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all supervisors present voting aye

Appoint alternate Zoning & Building Officer

Mr. Shaffer made a motion to appoint Christopher Noll from KCE as alternate Zoning and Building Officer

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Resolution 2021-02 Open Records Officer for 2021

Mr. Gable made a motion to adopt Resolution 2021-02 naming Nicholas Steiner as the Open Records Officer for 2021

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Emergency Management Coordinator

Mr. Shaffer made a motion to appoint David Ohl as Emergency Management Coordinator

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

**Establish Subdivision & Land Development Application Review and Fee Schedule
Resolution 2021-03 Fee Schedule for 2021**

Mr. Gable made a motion to adopt Resolution 2021-03 fee schedule for 2021

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Establish Junkyard Permit Rates/Solicitation Permit/Animal Boarding Fee

Mr. Shaffer made a motion to establish the Junk Yard permit rate at \$500, solicitation permits at \$25, and Animal Boarding Fees at \$25

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Zoning Hearing Board Member (5-Year Term)

Mr. Gable made a motion to re-appoint Freddy Lutz to the Zoning Hearing Board

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Planning Commission Members (Three 4-Year Terms)

Mr. Shaffer made a motion to re-appoint Bruce Talipan and Michael Kuchavik, Jr to the Planning Commission

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Recreation Commission Members (Two 5-Year Terms)

Mr. Gable made a motion to re-appoint Julie Poniktera and Jodie Hartzell to the Recreation Commission

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Land & Environmental Protection Board Members (Two 4-Year Terms)

Mr. Shaffer made a motion to re-appoint Larry Bender and Maureen Romano to the Land & Environmental Protection Board

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Historical Commission Members (One 5-Year Terms)

Mr. Gable made a motion to re-appoint Bob Fedio to the Historical Commission

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Community Days Committee Members (Two 3-Year Terms)

Mr. Shaffer made a motion to re-appoint Dennis Martin and Mike Tirrell to the Community Days Committee

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Appoint Americans with Disability Act Committee (Three members 1-Year Term)

If interested, please apply to the Moore Township Board of Supervisors.

Establish Employee Non-Contract Wages, Benefits, Pay Dates, Etc for full-time and part-time

Mr. Gable made a motion they establish non-contractual wages for full-time and part-time at a 3% increase and pension is set at \$3 per hour

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye.

IRS mileage for 2021

Mr. Shaffer made a motion to approve the IRS mileage rate of \$0.56 per mile for 2021

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Mr. Piorkowski said this concludes the re-organization part of the meeting and will continue with the regular monthly meeting.

SUB-DIVISIONS AND LAND DEVELOPMENT

WAIVERS & DEFERALS

REGULAR BUSINESS:

MINUTES

Mr. Shaffer made a motion to approve the minutes from December 1, 2020 and December 29, 2020

Mr. Gable seconded the motion

Public Comments

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 Comments

None

Motion carried with all Supervisors present voting aye

PAYMENT OF THE BILLS

No bills. Paid in December for year end.

APPROVE PAYROLL

Mr. Shaffer made a motion to approve the payroll

Mr. Gable seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

POLICE DEPARTMENT

Chief Gary West read the report for December 2020.

FIRE & AMBULANCE

Mr. Jason Harhart read the report for December 2020.

PUBLIC WORKS DEPARTMENT

Mr. Steiner said the report is available for review. The department finished park projects, and the grant has been submitted to Northampton County for the Appalachian, Schiavone, and Disc Golf Grant. They are finished collecting leaves, but Public Works should be informed if there are any areas missed. Otherwise, the department has been taking care of snow plowing, salting, and preparing for the next storm.

FIRST REGIONAL COMPOST AUTHORITY (FRCA)

Mr. Gable said everything is running well. It has been a little slow, but they keep on moving at the FRCA.

NAZARETH COUNCIL OF GOVERNMENTS (COG)

Mr. Piorkowski said there hasn't been a meeting unless Mr. Harhart attended anything. Mr. Harhart confirmed there wasn't any meetings in the past month.

RECREATION COMMISSION

No meeting in December. Mr. Mike Tirrell said the playground ordered was delivered and is being stored in the barn.

HISTORICAL COMMISSION

Mr. Gable said Historical did not have a meeting, but they will be re-organizing in January.

LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)

Mr. Bob Romano said LEPB held the meeting via Zoom in December, and it went very well. They discussed the past year and plans for the upcoming year. They would like to do an open house noting they didn't have one the past year. They also talked mailings and revising the current rating system to evaluate open space applications. They also discussed a year end report to be sent to Mr. Steiner.

COMMUNITY DAYS COMMITTEE

Ms. Lois Kerbacher said Community Days Committee didn't have a meeting, but they're planning to have the meeting this month. They're hoping restrictions are lifted so they can do something.

ZONING AND BUILDING OFFICER

Mr. Harhart said the December report will be submitted with the January report. He said Attorney Backenstoe will address the issue of short-term rentals otherwise known as AirBnBs. A resident brought up the subject matter, and it was discussed at the Zoning Hearing Board meeting. Attorney Backenstoe will discuss under his report how the issue has been addressed at Lehigh Township. Mr. Gable asked for

any updates on items at magistrate he asked about two or three meetings ago. Mr. Harhart said the owner for one of the hearings no longer resides at the residence due to a divorce, so they resent it to the other address not located in Moore Township. The other one has a notice sent, and the township hasn't heard anything. The time period didn't expire. Mr. Gable asked confirmation that wasn't sent to Magistrate Hawke yet. Mr. Harhart said it has not because the time has not expired on the brand new one asked about last month.

TOWNSHIP ENGINEER

Mr. Horvath thanked the Board for appointing Keystone in various roles with the Township. He does not have anything to report this month. Mr. Piorkowski asked about him checking with PennDOT on the jake brake issue from the prior meeting. Mr. Horvath checked in with PennDOT and decided last meeting Mr. Steiner would send a letter to PennDOT requesting they conduct a study for the subject section of roadway. Mr. Steiner said the letter was sent December 7, and he hasn't heard anything back.

TOWNSHIP SOLICITOR

Attorney Backenstoe thanked the Board for the reappointment noting he likes to work with the Board and loves Moore Township. It's something he never takes for granted. He said Mr. Harhart called him about AirBnBs. The proper name is short-term rentals. AirBnB is a specific product. When talking about short-term rentals, many townships now regulate them. The case law has become extremely complicated and complex because they're much different than what we're accustomed to. They're not a home where a person lives. They're not a bed and breakfast. Bed and Breakfast has a connotation a person lives in the home, people come to live in your home, and they're served bed and breakfast. It's not a hotel, it's a short-term rental. Some places are real hotbeds like Lehigh Township. He's not sure if the Township experienced this. Short-term rentals are when somebody, a person or corporation, buys a house, which could be a single-family residential dwelling in a nice neighborhood next to anybody, and are renting it out. He noted college students as an example. College students can go out and have a good time, but it's not fun when you have up to ten college students in a home next to you getting drunk on a ski trip who really don't care what's going on around them. This has suddenly become a problem in Lehigh Township. Lehigh Township had a couple people with Bed and Breakfasts who had no problem, and the township didn't know they were there. There were also a couple short-term rentals advertised on the internet, and the township didn't know they were there because they were so good. All of a sudden, a couple corporations from New Jersey or Philadelphia purchased some upscale residential homes in upscale residential neighborhoods and rented them to people who were a nightmare. Drunk, foul language, urinating on the neighbor's property. Police can arrest these people, but the township decided to look into this issue noting you hear about this in Bethlehem quite a bit. Lehigh Township is perfect spot because they have Blue Mountain. Families come in, which are no problem, but they also have other people come in who don't have respect for anything. Lehigh Township decided to regulate short-term rentals. The Planning Commission in Lehigh Township started to work on the issue several years ago and put a draft ordinance together. At that time, the Board of Supervisors didn't want to move forward. They felt it was overregulation. It makes sense until you get the bad apple creating a nightmare. Lehigh Township has now adopted an ordinance. He took some of the verbiage from the Planning Commission meeting, some verbiage from City of Bethlehem, and he spoke to the Zoning Officer in Lehigh Township to put together a comprehensive short-term rental ordinance requiring a yearly application. Pursuant to that application, they have to show they have insurance, get inspected, and make sure there's ingress and egress. The township found people would rent out basements with no exits in which people could be trapped if there was a fire, yet it was a commercial establishment. Mr. Harhart knew Attorney Backenstoe worked on this ordinance, so he asked him to talk to the BOS to see if they'd be interested in looking at it. He suggested if they are interested to assign it to the Planning Commission and see what they think as they've done in the past for the Township. It would then be presented to the BOS for

consideration and adoption if the BOS feels it's warranted. He isn't sure what the situation is in Moore Township or if the Township has any areas that would give rise to that situation. One of the most important things to think about is where to put them. Once the ordinance is adopted, if something was legally existed prior to the adoption, it could become a nonconforming use and has a constitutional right to carry on forever and expand. He said it's an interesting issue noting there are one or two of them cited in Lehigh who have filed an appeal. It is his position under the law they were not lawful nonconforming uses, they were irregular. The reason is, at the end of 2019, there was a Pennsylvania Supreme Court case called the Slice of Life which changed 30 years of law. The change was so significant because the courts in Pennsylvania previously said transients, meaning people who live there less than 30 days, are really like a family dwelling and they don't see it as a problem. For the first time, the Pennsylvania Supreme Court said transient is different than a family. If your definition says dwelling unit is for a family dwelling, and your definition exempts transient, hotel, bed and breakfasts, it does in fact meet the exact definition of Slice of Life. They will go to Zoning Hearing Board because appeals have been filed. They had 20 neighbors coming in complaining about what was going on which got this started. The Slice of Life case gives the Township the ability to say they were here illegally noting transient is different than families. The township has the right to put that kind of transient use in a zoning district you think is permissible. Lehigh Township does not let short-term rentals in the residential area. It does still allow bed and breakfasts. It only allows short-term rentals in commercial and village center districts where there would be more high density. In theory, you don't want these near people who have kids going to school. If the Board is ready to look at it, he's happy to spearhead it. He would take the Lehigh Township ordinance and give it to Planning Commission. Mr. Piorkowski asked if Attorney Backenstoe could share it with Planning to start looking at it because we could possibly run into this problem if it's blocked in Lehigh Township as they're about twelve miles from the mountain, if that. He also noted they have Evergreen Lake which is different but could turn into something. Mr. Gable said Mr. Jeffrey Ayers brought it up several years ago and thinks it should be brought up at the Planning Commission. Mr. John Becker asked if it could be mailed or emailed to the Planning Commission noting he thinks the meeting will be virtual this month.

Mr. Gable made a motion Attorney Backenstoe spearhead short-term rental issue and get an ordinance copy to Planning Commission for review

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

TOWNSHIP MANAGER

Mr. Steiner said they closed on the Moore Estates property. It is now owned by Weinhofer Farms. He also submitted the Northampton County recreation grant the prior week. They still need to do the final walkthrough, so hopefully they'll find out about it next month. He is also meeting with the conservation district to go over the issues at Schiavone and finalize what to do to solve the erosion problem.

RESOLUTIONS & ORDINANCES

Resolution 2021-04 - Non-Uniformed Pension Plan Rate

Mr. Shaffer made a motion to adopt Resolution 2021-04 Non-Uniformed Pension Plan Rate

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Resolution 2021-05 - Police Pension Plan Contribution Exoneration

Mr. Gable made a motion to adopt Resolution 2021-05 - Police Pension Plan Contribution Exoneration

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Resolution 2021-06 - Chief Administrative Officer Police Pension Plan

Mr. Shaffer made a motion to adopt Resolution 2021-06 - Chief Administrative Officer Police Pension Plan

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

OLD BUSINESS

NEW BUSINESS

Mr. Gable asked Mr. Steiner for a tax write off form for the gentleman who donated the roof. He doesn't know what it is he needs, but we have to get it together to fill out for him. He said it cost \$28,850. It was a free donation. Mr. Backenstoe said Mr. Steiner can call PSATS who can get him the form. Mr. Gable thanked Chad Brandon.

CORRESPONDENCE/MEMOS

OPEN TO THE FLOOR

Mr. John Becker said there is an opening on the Planning Commission. He asked if they can re-advertise. Mr. Piorkowski said they could re-advertise. Attorney Backenstoe asked who stepped down. Mr. Gable said Mike Wallery.

ADJOURNMENT

Mr. Shaffer made a motion adjourn the meeting at 7:40 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.