

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

The Regular Monthly Meeting for the Moore Township Board of Supervisors (BOS) was called to order on Tuesday, May 4, 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 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, June 1, 2021 at 6:00 PM at the Recreation Center pavilion.

WAIVERS & DEFERALS

Arthofer Waiver/Deferral

Mr. John Becker said two waiver requests were discussed at the Planning Commission (PC) for the Loren Arthofer major subdivision. The first motion authorized submission of plans for Preliminary/Final plan regarding sections 5.02.1a and 5.02.2a requiring a preliminary plan be submitted for all major subdivisions. The Arthofers are splitting 20 acres into two 10-acre lots. It should be a major subdivision. Because they're only creating two 10-acre lots, the PC felt it appropriate to allow them to submit a Preliminary/Final as if they were submitting a major subdivision. Mr. Shaffer asked Mr. Gable if they're ok with everything, and Mr. Gable confirmed. Mr. Horvath said they're submitting an entirely revised plan because initially it was submitted as two non-building lots. Now, they're submitting a plan that proposes two 10-acre building lots. Attorney Backenstoe said they'd like to submit as a Preliminary/Final as opposed to running through the entire preliminary process then come back and do a final process. The engineer thought it was appropriate.

Mr. Gable made a motion to accept the waiver request that allows them to submit a Preliminary/Final plan

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

For the second motion, PC made a motion to grant the deferral on plan #21-01P/F Arthofer Major Subdivision Section 5.03.5 which requires development improvements along E. Beersville Road and Buss Road with the following conditions: The applicant grant a right-of-way dedication along E. Beersville Road in accordance with the Township ordinance; the applicant dedicate a right-of-way along Buss Road in accordance with the Township ordinance regulations; the applicant re-design the plan to show and construct a swale in accordance with Township ordinance and engineer along Buss road; and that such deferral remain in full force and affect until such time as their property is further developed and at which time they have to return to the Township and comply with any Township Zoning and Subdivision Land Development regulations at that time. Because it's only two lots, they have a lot of frontage on both roads. The PC looked at Beersville Road, and the property is level or below the road grade. The PC felt because it's only one 10-acre lot on Beersville Road, as long as they dedicated the right-of-way for future widening of the road, they'd be ok because the rest of the road has not been improved. When they looked at Buss Road, a major portion of the property is higher than Buss Road. If they would cut the bank back

and cut a swale in along Buss Road, and dedicate the right-of-way, in the future if the Township wanted to widen the road it could. In the meantime, the swale gives water a place to go and snow has a place to drop off before it dumps out on the road and drifts the road shut. The PC wanted those improvements done on Buss Road at this time, but any other improvements in accordance with a major subdivision would be required if they subdivide either lot further. If the 10 acres on Beersville Road decided to subdivide further, the improvements would be on that property not the Buss Road property. Attorney Backenstoe summarized there are two 10-acre lots back to back, somewhat contiguous, one on E. Beersville and the other on Buss. The PC didn't required improvements at this time other than the swale on the second lot on Buss. However, this deferral was explicitly and unambiguously clear that if either lot is further developed in accordance with Township regulations, the Township has a right to request improvements be done on either E. Beersville or Buss Road. That protects the Township as they're large lots and someone could develop them, and they can't say the improvements were waived. If someone came in with a new development on either lot, or both, the road for which they're contiguous would have to be improved in accordance with Township standards at that time. Mr. Becker said it is considered a major subdivision because of the number of lots taken off the property already. Based on what they're creating on that property, current conditions of the roads, and the neighboring properties of those roads, the PC felt it's not fair to widen the road to full spec as it would be a big waste in that part of the Township at this time. Once they figure out their soil testing, they could probably put the house just about anywhere in that 10 acres. The PC didn't feel it was necessary to spend half a million dollars or more doing improvements for one house on each road. Mr. Becker asked Mr. Arthofer and Mr. Fox if they're ok with how it was explained. They said it was wonderful.

Mr. Shaffer made a motion to grant the deferral on #21-01P/F Lorin Arthofer Major Subdivision Section 5.03.5 as set forth in the Planning Commission report

Mr. Gable seconded the motion

Attorney Backenstoe recognized Attorney Fox present on behalf of Mr. and Mrs. Arthofer. He asked if those conditions for the deferrals and waivers were acceptable. Attorney Fox said they are.

Public comment

Mr. Mike Tirrell asked if this is subject to Enterprise Fund fees. Mr. Becker said there is a \$2,000 rec fee that applies to one of the lots. It only applies to one lot because they're creating one new lot.

Motion carried with all Supervisors present voting aye

SUB-DIVISIONS AND LAND DEVELOPMENT

Traffic Impact Study on Route 512

Mr. Horvath was asked at the last meeting to look further into the feasibility of conducting a traffic impact fee study and passing a traffic impact fee ordinance due to the potential of the development at Southmoore Golf Course. He provided information from a publication put together by PennDOT that describes the process in not too complicated terms. It includes the purpose of a traffic impact study, procedure for passing a traffic impact fee ordinance, and the circumstances when a traffic impact fee study might be beneficial or circumstances where it might not be beneficial. In addition to reviewing this document, he spoke to traffic engineers who have done traffic impact fee ordinances in the past. The general consensus is traffic impact fee ordinances are most appropriate for areas anticipating prolonged, moderate growth in a particular area. He contrasts that with a particular, singular development in an area. He isn't most familiar with the zoning and potential for development along the SR 512 corridor, but based on what he's seen the past ten or fifteen years is there hasn't been a lot of development. In this guidance document, they talk about 50-100 homes a year over the next five years for instance, or 50,000-100,000 sq ft of non-residential development a year over the next five years. Those are the generic thresholds that would probably be worth looking into further. He's seeing an 800,000 sq ft warehouse, which is nothing to sniff at, but doesn't generate the type of traffic a commercial center or 200 home residential

development might. According to the developer's application to PennDOT for a pre-application scoping meeting, they anticipate about 120 peak hour trips for the 800,000 sq ft of industrial space. That could vary depending on the final occupancy of the building. Based on the preliminary estimate of general warehouse space, about 120 peak hour vehicle trips which would be used as the basis for determining a fee. In this guidance document, and as the Township did last time when preparing a traffic impact fee ordinance, it recommends that once they establish their intent to move forward a provisional impact fee would be set as described the last couple meetings by Attorney Backenstoe. The \$1,000 provisional fee was set the last time they did the ordinance, and the actual fee was about \$147. In this guidance document, they estimate \$100,000 total cost to prepare a traffic impact fee study, all the associated investigations, attorney's time, drafting ordinances, and all the other people involved in the scope including the traffic impact fee advisory committee. The involved process takes over 18 months. He isn't saying \$100,000 is Keystone's fee just that this guidance document is indicating that is a reasonable ballpark estimate for making a preliminary determination. If you have a \$100,000 study, the hope is to offset with impact fee study. If it is \$1,000 fee, the warehouse could conceivably generate \$120,000 right off the bat if they assumed there was zero traffic from the start. That's yet to be seen considering it was a viable golf course for a number of years. He asked if the Township anticipates or foresees future development which would allow them to further accumulate those fees. If the fee is only \$500 instead of \$1,000, or a worst case scenario \$147 per trip instead of \$1,000, it will be a long time and development later until they get back to \$0 because of the cost of the study. At this time, Mr. Horvath doesn't feel strongly that a traffic impact fee study is appropriate. Without doing additional investigation, it's hard for him to say definitively either way. Unless there's potential for big potential growth in this area or some area contiguous with this corridor, which is what they need to do in defining the improvements and target growth area, beyond this particular development, it's probably not what this type of study was intended for. It was more for moderate growth. Mr. Piorkowski asked what they consider peak hours. Mr. Horvath said generally 4-6 pm or 7-9 am. It will vary whether it is the peak hour of the roadway vs peak hour of the generator. A generator could have a peak hour of 1 am if it is a truck operation. Mr. Piorkowski asked if that means traffic going into the golf course or traffic that goes up SR 512. Mr. Horvath said only traffic coming and going from the golf course. If, for instance, a Wawa would be considered, not everyone is driving specifically to go to the Wawa. Those drivers happen to already be on the road, so there's a pass by factor taken into account. For a warehouse, it is probably hard to claim any sort of pass by factor as it is the destination. Mr. Piorkowski thinks there's plenty of information they can review, but he agrees with Mr. Horvath in that he doesn't think they'd have the impact from the warehouse on that road to justify the study. Mr. Horvath said if they'd like to look into it further, or if they'd like Mr. Horvath to look into it further, PennDOT goes over an approximation of what will be the capital improvements. It takes the study and minimizes it using broad brush estimates of cost and impact to give a better idea if the cost of the study is going to pay off. He didn't do that here, he just went into a very high level look. The Board could take the next step and look closer to get a better idea of the feasibility of it. They could also determine there isn't much development happening here, review the document, and agree with Mr. Horvath. Mr. Horvath leans toward not doing the study. Mr. Piorkowski asked the Board if they'd like to table it for next meeting. Mr. Shaffer will read the information. Even if the warehouse would go through and broke even on the fee, it depends on what other development is possible. He asked what other areas aside from the golf course could be developed. Mr. Gable said there really isn't a lot other than the golf course. Mr. Shaffer mentioned the strip mall off of SR 512, and Mr. Piorkowski said Fox Road. Mr. Gable and Mr. Shaffer noted Fox Road isn't industrial. Mr. Gable said it's the golf course, strip mall, and area where Muschlitz is located. He noted there might have been something they could do before the housing development went in across from the golf course, but they didn't. Mr. Shaffer will read the information, but he doesn't think the study is feasible. Mr. Piorkowski tabled it for next meeting.

REGULAR BUSINESS

MINUTES

Mr. Shaffer made a motion to approve the minutes from April 6, 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. Steiner noted bills for the month from General Checking are \$132,046.93. The Liquid Fuels bills are \$1,730.70.

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 April. He is in the process of contacting a couple COSTARS dealers to purchase a vehicle budgeted this year, but he doesn't have pricing yet.

FIRE & AMBULANCE

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

PUBLIC WORKS DEPARTMENT

Trapper Road

Mr. Craig Hoffman said the condition Trapper Road is such that he isn't sure where the road is supposed to be. He was told it was brought up before that it was overgrown. If the Board would like for it to remain a road, he needs to know where the road is. Otherwise, he needs to know if the Board plans to abandon or vacate the road. It would be very time consuming to rebuild the road based on the current condition. Last year, they brush cut the road and made it wider, but to make the road, he needs to know where exactly it is supposed to be located. He looked at the corner of Seemsville (Allen) and Trapper, and he would recommend not allowing a left-hand turn because it's a blind corner. Mr. Piorkowski said they talked about it before and discussed vacating the road. Attorney Backenstoe said there was a dispute between neighbors over the use of the road. It's sort of a private, almost alleyway, which was ordained

back in the 1970s or 1980s. However, it was never maintained by the Township. While it may have been on Liquid Fuels, it was just an old path. The question was, do they want to cut it and build it up to standards, or do they want to vacate it from the Township books. Mr. Hoffman wasn't fully aware of the situation, but he has no idea where the road sits. Attorney Backenstoe said it doesn't look like a road. Mr. Hoffman said there's no stop signs. Mr. Piorkowski asked Attorney Backenstoe for the process to vacate the road. Attorney Backenstoe said the Township would need prepare, advertise, and hold a public hearing on an ordinance to vacate it. The neighbors would have a chance to object. By operation of law, the vacated road from the center portion to the east would go to that property, from center property to the west would go to the other property, or north/south depending on direction of the road. Mr. Piorkowski asked Mr. Steiner if it's listed on Liquid Fuels. Mr. Steiner said it is. Mr. Gable said they get roughly \$3500 per mile for Liquid Fuels. They get a little less than that for Trapper Road. For the cost to make it into road worthy shape, it isn't worth it. He went to Trapper and noted whoever cut the trees down left the stumps and can hardly plow. To be fiscally responsible, Mr. Gable thinks vacating the road is the proper thing to do. Mr. Piorkowski agrees. Mr. Becker said this was brought up about a year ago, and the owners of most of the property around the road presented paperwork to Attorney Backenstoe. Attorney Backenstoe said the paperwork was an agreement between the Township and residents at the time that it would be a road. Mr. Becker asked if that affects this. Attorney Backenstoe's opinion is no. Mr. Becker said those people aren't here tonight. If they vacate it, Mr. Steiner will receive phone calls. Attorney Backenstoe said they aren't vacating tonight. They'd be putting an ordinance together to vacate it, and they can notify the property owner about it and why. They have a right to be here and be heard, and they can object to it. Mr. Becker didn't see the papers, but he knows there was a lot of argument noting they gave Mr. Steiner a hard time until the meeting. They wanted the road open. Mr. Shaffer asked if they're required to do anything with the road given the state it's in. Mr. Gable said they can't even plow it. Mr. Hoffman said if it rains, a car might get stuck. It's not addressed as a road. When people are using the GPS and are told to make a left, it's the only time someone would know it's a road. Mr. Piorkowski asked if they'd be responsible because of negligence if an accident occurred on the road. Attorney Backenstoe said it's possible but will not decree that there would be liability to the Township. Particularly in light of the condition it's in because anyone who uses it can see the condition, and they're on notice. Mr. Harhart said there are two mailing addresses that come off the road that would need to be addressed. Attorney Backenstoe said the fact they vacate it doesn't ameliorate any private rights people have. It takes it off the Township books. If there was a private right before, there would be a private right after. Mr. Piorkowski asked Attorney Backenstoe if he can start putting an ordinance together. He said he would start looking at it and gathering as much information as he can for the Board to look at next month. They can decide where to go from there. If he finds anything else in the meantime, he'll let the Board know.

Dell Road

Mr. Hoffman said they plan to do a lot of work on Dell Road as it's one of the roads he plans to pave this year. With the amount of traffic, let alone truck traffic, he would like to do a traffic study to not allow trucks except local deliveries. If they fix the condition of the road, he wants to see what they can do to prevent the cut through traffic avoiding the light. He's assuming they would need a traffic study and asked if Mr. Horvath could look into it for them if possible. He observed, the amount of dump trucks in a four-hour time was significant. If they are fixing the road and it gets truck traffic like that, they might need to do something different to fix road. Mr. Shaffer asked what the traffic study would cost noting it's a short road. Mr. Hoffman said it's mainly residential. Mr. Horvath said PennDOT has a publication outlining the parameters for this type of study to post for no trucks or trucks for local deliveries. The determination needs to be made in accordance with certain criteria. Reasons include conditions that are dangers for trucks including a dangerous curve, geometric concerns, pavement concerns, etc. There are a variety of reasons to prohibit trucks. As far as cost goes, he doesn't know off the top of his head. It's not an involved study. They've done speed studies before for a few thousand dollars, but he will get an actual

estimate for the next meeting. Mr. Hoffman said that's fine noting if they're going to fix the road, he'd like to preserve the road. Mr. Horvath thinks they could post it immediately for construction purposes for their safety, and Attorney Backenstoe agreed. They couldn't do that generally, but they could for the Township workers' safety. Mr. Piorkowski asked Mr. Hoffman if there's a lot of trucks going through there now, and the study shows we can't close the road to truck traffic, would that alter the way he would construct the road. Mr. Hoffman said it would determine how he would fix the road. Mr. Piorkowski asked if they'd be better off if Mr. Horvath came back with information on the study before wasting time and resources. Mr. Hoffman backed off his initial timeframe to ask about the study. They saw cut the road to patch it as it's in bad shape. Anything they do will make the road better, but to do the surface he would wait until Mr. Horvath looks into the study. Mr. Shaffer said there are two businesses at the bottom of Dell with Sunnyside Landscaping requiring dump trucks. He doesn't think the other business on the road has major trucks. Mr. Horvath asked if the business is the main source of truck traffic. Mr. Shaffer said Dell is a shortcut between SR 512 and SR 946 to avoid the light. Mr. Horvath asked if it's an ongoing issue or if there's a temporary condition causing it. Mr. Shaffer said it's been like this forever. Mr. Horvath asked if cutting off the truck traffic would prevent anybody from getting anywhere. Mr. Shaffer said no, it allows them to avoid sitting at the light.

FIRST REGIONAL COMPOST AUTHORITY (FRCA)

Mr. Gable said everything is going good. A couple years ago, they applied for a 902 grant to purchase a new grinder. The new grinder is \$850,000. They got approved for \$350,000 in the first round. After they were approved, the governor decided they needed the money somewhere else, and the 902 fund was raided. The money has now been put back, so they will get the \$350,000. In two years, they could reapply again for another \$350,000 and add it to the grinder. They would have to pay \$150,000 for a new grinder. The current grinder was bought in 2006, so it's old and beat.

Yard Waste Site Hours

Mr. Gable said the other problem is they're getting commercial dumping at the Township site. They could tell it's a commercial dumper because it looks like a blocks where they dump it off and comes out of a trailer. Commercial dumping is not allowed. He isn't sure if changing the hours will help. Allen Township is open from 7am-3pm. Once Public Works goes home, the site is closed. Mr. Hoffman was going to recommend the Public Works hours. When they're around, they keep an eye on who is coming in and who is coming out. If they could have it open their working hours, 7am-3pm, he would still be ok with having it open Saturday and closed Sundays. They notice the commercial dumping the next morning when they come to work. Mr. Shaffer doesn't have a problem with that. In addition, he thinks they need a camera on the corner of the Public Works building. They need to go in and out the same direction. Mr. Gable asked if there is a camera for the kennel that isn't being used. Someone said it isn't being used and wasn't hooked up. Mr. Shaffer said cameras need to be put up if they're having issues and it's happening every year. Mr. Hoffman understands it's a large Township, but they make sure it's cleaned up Friday. Monday morning, it's full. Mr. Gable said it started as brush coming out of a person's yard, not cleaning their whole lot. They're getting long and heavy stuff noting he saw a root ball the other day. Mr. Hoffman said this can be done without having someone man it and watching all day long. The FRCA is open, and residents can bring yard waste to them after 3 pm. Mr. Gable said it's open Tuesday, Thursday, and Saturday. Mr. Piorkowski asked what they do when a Township resident who has a commercial business says they're bringing brush from their yard. Mr. Hoffman said it happens, and he's questioned people who had commercial trucks and live in the Township who say they're dropping personal yard waste. What can he say to them? Mr. Piorkowski said they need to check their license. Mr. Gable said they cannot allow dump trailers. It would be the way to alleviate the dump trailer problem. If they have a dump trailer, they can take it to the FRCA. Mr. Shaffer said in the City of Bethlehem, they do not allow any vehicles with lettering which means a business. If they're a resident, they must provide their license

to the director of compost authority or recycling, and they receive a written letter from the director stating they have permission to use the facility. They make them cover up the lettering. They have a letter to question if they get caught. If there's a camera at our site, the Township can see how many times they're coming. If the person has an acre lot, and they're coming three times a month with only three trees in the yard, it's a problem. Mr. Hoffman said there's other issues. For example, they receive compost and it doesn't last long as someone may get a pickup full of compost. Mr. Gable said there was a point in time they allowed four 5-gallon buckets to stretch it out. He knew a person who would fill up his pickup who was using it as his farm commercially. The FRCA brings a load up, and it's gone immediately. Mr. Piorkowski asked if Mr. Shaffer could email the regulations from the city and maybe put a comprehensive plan together. Next meeting, maybe they can ask Attorney Backenstoe to write an ordinance. Attorney Backenstoe said they have regulations that need to be amended. Mr. Piorkowski thinks they should look at best practices from all surrounding areas. Attorney Backenstoe doesn't think they need an ordinance. It's their facility, and he thinks they could make a motion tonight. Ultimately, they could put some type of resolution together. Mr. Hoffman said if they want him to change the hours, they could close at the end of the day. Mr. Piorkowski asked why don't they do that with Mr. Gable and Mr. Shaffer noting that's what they think should be done and see how it works.

Mr. Shaffer made a motion to change the compost site hours from 7am to 3pm Monday through Friday and Saturday from sun up to sun down, and have a camera installed to monitor the compost area

Mr. Gable seconded the motion

Public Comment

Mr. Mike Tirrell thinks they're going to make a lot of people mad who work daylight hours that can no longer go at 5pm or 6pm to drop off brush or pick up mulch. He thinks it has become very popular in the Township, and he doesn't agree with this change. Mr. Piorkowski said they can monitor the push back noting when it first started, the Township loaded the mulch. They stopped doing it and received a little pushback. Ultimately everybody accepted it. Mr. Gable said they had no problem closing Sundays. Mr. Shaffer thinks it's a trial period. Mr. Gable noted they can take it to the FRCA. Mr. Hoffman said if they're a resident of the Township, they won't charge at the FRCA. Mr. Steiner said it's creating a real problem especially this time of the year. Even if they had cameras, they then need to go through the cameras and try to identify the person who is doing the dumping. The gate doesn't always get closed at night by the Police Department which could create other problems. Mr. Tirrell doesn't disagree that there's an issue, he just thinks it's going to cause a problem. Ms. Lois Kerbacher said it might only take a person getting caught a couple times for it to go away. Mr. Piorkowski said they can see how it goes and refine it going forward.

Motion carried with all Supervisors present voting aye

NAZARETH COUNCIL OF GOVERNMENTS (COG)

Mr. Piorkowski said there hasn't been a meeting in quite some time. Mr. Steiner asked Mr. Harhart if he has any updates regarding the NazCOG comprehensive plan. Mr. Harhart attended all the regional comprehensive plan meetings since they've been having them. He forwarded to the Board the most recent draft of the goals, policies, and actions the Lehigh Valley Planning Commission (LVPC) worked on as the first step of this process. They talked about seven main overriding goals. Everyone on the Board should review it. If they have any questions or concerns, they can contact Mr. Harhart or the LVPC. They have meetings the second Monday of the month. This is part of the COG, but it's the regional comprehensive plan commission. Mr. Piorkowski said maybe it should fall under another category.

RECREATION COMMISSION

Pickleball

Mr. Hoffman said it costs \$426 for everything needed to line the pickleball courts. The Township would paint them, and SealMaster will guide the workers. Mr. Tirrell asked if it was for both courts. Mr. Hoffman said it is enough for both courts so if one court is being used by tennis, it can still be used to play pickleball on the other. Mr. Piorkowski said it still allows them to play tennis. Mr. Hoffman said yes as they're just painting lines. SealMaster has done this at a few different places. He spoke to the Public Works Director at Williams Township who lined their tennis courts. They need to pick out a separate color for the lines for the pickleball court and put up a sign noting the colors for each court. Mr. Piorkowski said if they're a pickleball player, they'd know what size they'd be playing on. Mr. Steiner played tennis in high school and noted it would be very distracting as a tennis player if they're playing a match. They have to call balls in and out. If you're playing with somebody who hits hard with a lot of spin, it's going to be more difficult with the extra lines on the courts. He wasn't sure if they were dead set on painting the lines on both courts, or one of the courts. As a tennis player, he would have been frustrated playing on a court with extra lines. If there is a scenario where one is being used by a tennis player, and the other pickleball, the tennis player will definitely let them use pickleball. It'll be tough if they want two groups playing pickleball in that scenario. Mr. Tirrell said that's his concern as well. Mr. Steiner said growing up, most places only had one court. If someone was playing on it, they had to go to a different park. If someone is learning how to play, it could be distracting with extra lines with serving in particular. Mr. Gable asked why don't they paint one side and see how it goes. Mr. Piorkowski asked if that means they pay for half the supplies. Mr. Hoffman said SealMaster is recommending five gallons for both courts. Mr. Piorkowski asked if they've done both courts at the same time if there's more than one court. Mr. Hoffman said they paint them on both courts if there's more than one court. If they only want one done, he can see if they can buy only in gallon cans. Mr. Piorkowski thinks if they're going to do it, they should do both at the same time. Mr. Shaffer said he should get the big pale and if they see an issue, they paint the other court. Mr. Gable agreed. Mr. Shaffer knows pickleball is popular, but he wishes someone who played would come and note the problems. Mr. Tirrell said they have residents who came to the Recreation Commission who requested it. Once they're painted, he'll ask them to come out. Mr. Steiner said there was a person who came to the office about the lights who played pickleball a lot.

Mr. Gable made a motion to purchase enough paint to paint pickleball courts on both tennis courts, but for the time being only paint one court to see if it works out

Mr. Shaffer seconded the motion

Public Comment

None

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

Mr. Piorkowski isn't opposed to painting the pickleball courts. He thinks both the tennis courts should be painted at the same time.

Skate Park

Mr. Tirrell said Mr. Steiner received insurance information, but the family doing research wasn't at the last meeting. He asked to table until the next meeting. The insurance laid out signage and verbiage. It didn't seem like a major issue with the insurance company. Mr. Piorkowski said only if they're negligent does it matter.

Field Treatment

Mr. Hoffman received three different quotes from three different companies to treat the fields with fertilizer. All the companies said it depends on how in depth they'd like to get with field treatments. The Township doesn't have an applicator's license, so he went this route to put fertilizer on fields. The Township is otherwise liable if they do it. He isn't sure how many treatments were done before. Mr.

Tirrell said it wasn't done at all. Mr. Gable said they fertilized themselves. Mr. Piorkowski said before that, they had ChemLawn or TruGreen. Mr. Gable said it was expensive, but they did it a long time ago. Mr. Hoffman said all the quotes note the fields they would spray. If they only want certain fields treated, they would spray those fields. They're willing to work with the Township. They all think at least three treatments a year would be preferred. If the Township wants more, they can do more. If they only want one treatment in the spring and one in the fall, they can do that as well. TruGreen per application was \$2,495 per application. Moyer Outdoor was \$3,500 an application. Joshua Tree was \$3,800 per application. If they want more treatments on some fields than others, they could do that. It depends what the Rec wants to do. Mr. Tirrell said the Recreation Commission recommends these four ballfields in the complex would get done. Not worried so much about football or soccer. They had a licensed person do the football fields last year, and it looks pretty good. These ballfields have a lot of dandelions, broadleaf, and Zartler is really bad with weeds. Brandon seeded them last year which helped, but it doesn't get rid of all the seed. Mr. Hoffman said if he wants him to get quotes on just these fields, he can do that. Mr. Shaffer asked if there's somebody in the Township who has an applicator's license. He asked Mr. Tirrell if somebody did soccer. Mr. Tirrell said somebody did football. Mr. Shaffer asked if there's any Township resident willing to do it. Mr. Tirrell said the person who applied the treatment wasn't a Township resident. He was the field maintenance person for Emmaus high school who was friends with someone from MTAA and was willing to do that field. Mr. Shaffer said they need to have their Park and Rec category. Mr. Tirrell said that's the problem. People have their applicator license for residential, but they don't have it for parks and rec. Mr. Shaffer said somebody needs to get certified next year. It's a \$60 test that's taken at the Graystone building. Mr. Gable said they have the books, and Mr. Piorkowski said Mr. Biery was supposed to be working on that. Mr. Steiner said there's some concern with test taking. Mr. Hoffman said he took the test, and the parks and recreation is a lot of calculations. He passed the core, but he did not pass the parks and rec test. Mr. Gable asked if the \$2,000 per application was per field. Mr. Hoffman said that's for the whole park. Mr. Gable asked if four fields would be less. Mr. Hoffman said yes, if it was only four fields it would be substantially less. Mr. Gable said lets get the four done. Mr. Piorkowski asked what they would do. Mr. Shaffer read TruGreen's quote which included for a late spring, fertilizer, broadleaf, weed, crabgrass, and pre-emergent weed control. Their early summer is a fertilizer broadleaf weed control. It's basically all fertilizer, broadleaf, weed control. They do a final treatment, which Mr. Shaffer thinks is very important, to spray for grub. Mr. Hoffman said he can get a quote for just the four fields for next meeting. Mr. Tirrell asked for the timing as he said late spring. Mr. Shaffer said late spring is round 2, so they already missed round 1. Mr. Shaffer feels there has to be someone in the Township who has a lawncare business who would be willing to help them out. Mr. Tirrell asked three, but they did not have the license for parks and recreation. Mr. Shaffer said if Mr. Hoffman can come back with the four-field quote, that doesn't seem unrealistic.

HISTORICAL COMMISSION

Mr. Gable said Historical is working on the school. They started taking the grout out of the bricks, power washing, and they'll be painting the soffits. Then they're going to paint the ceiling and walls. They're getting a door donated from another schoolhouse, but it hasn't been taken out yet. They tore out the window frames, and the window frames are being built to get the windows and shutters installed. Mr. Piorkowski asked if the new member came to the meeting. Mr. Gable said they got a new member who came to the meeting and he's a good guy.

LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)

Mr. Bob Romano said they discussed the open space rating sheet. Once that's finished, it will be provided to Attorney Backenstoe for review. They have three farms that applied for farmland preservation this year. It will be a total of 110 acres. The three farms are 28 acres, 54 acres, and 28 acres.

Electronic Recycling Event

There's an electronic recycling event in Bath on June 12. Mr. Steiner received an email from Mr. Bradford Flynn of Bath in the evening regarding the event. The event is at the borough office. He will advertise on the website. Bath is partnering with Moore Township and East Allen Township. Mr. Steiner and Mr. Shaffer said Bath hasn't been communicating with them. Mr. Romano said people should arrive early.

Mr. Shaffer said they're down one member on the board. The Township received four letters of interest. He asked the Board if he or the LEPB could speak to these prospective members to make sure they know of the qualifications and can attend the meetings. He wasn't expecting to get four noting they usually get one and vote on it right away. He wanted to make sure it was ok they went back to the LEPB and got a recommendation. Mr. Gable and Mr. Piorkowski agreed to it. Mr. Piorkowski noted some talented people applied for the board.

COMMUNITY DAYS COMMITTEE

Ms. Rebecca Miklas said Community Days is on for August 20 and 21. They locked in most of the bands. For the yard sale on May 15, they have 44 spots filled for people willing to set up their yard sale. She's been mailing out applications and registration forms. On June 11, they have their first band night in the park with the band Social Call. June 25 is the movie night, but they do not have the movie yet. The next meeting is May 13 at the Township building. Mr. Tirrell asked Mr. Hoffman to keep track of that date as the stage will need to be put up for June 11.

ZONING AND BUILDING OFFICER

Mr. Harhart submitted his report. Attorney Backenstoe will go over three ordinances later in more detail.

TOWNSHIP ENGINEER

Schiavone Farm

Mr. Horvath said Keystone is looking over the conservation district's design for the vegetated swales at the farm to cut down on the erosion and sedimentation issues. Keystone is preparing plans and specifications for bidding out the work. They expect to have it completed by the end of May for bids early June.

Municipal Separate Storm Sewer System (MS4)

The Township's NPDES permit which regulates the operation of the municipal storm sewer in the Township includes certain requirements and conditions. The Township is required to implement during this current five-year permit period a number of capital improvements projects designed or intended to reduce the amount of sediment transported through the storm sewer systems and into the streams. As part of the permit application process about a year and a half ago, Keystone designed in a very schematic way a number of those improvements. Mr. Horvath, Mr. Steiner, and Mr. Hoffman met to discuss the status and plans to move forward as they're a year and a half into a five-year implementation period. The improvements involved five or six existing detention basins that need to be modified or retrofitted to not only slow down the rate of water leaving but also reduce the sediment of the water leaving the basin. These improvements would include four base, which is a little deeper in the front, might involve more vegetation, and might involve increasing the path of the water flow through the basin so the sediment has time to settle out. There are various, different means to accomplish the goal of reducing sediment output from the basins. The application process was not intended as a full design review process. They now need to do the engineering design, get the easements in place, evaluate existing easements on these basins to see what kind of authority the Township has to go in, and probably talk to property owners because a lot of these basins were attached to a larger residential property. They need to get started at the ground level seeking out information on these properties, pulling out subdivision plans, looking at the design of

the basins, and looking at what they can do to retrofit these basins as well as getting easements or whatever necessary authority to allow for these upgrades to take place. At that same time, the Township will need to consider ongoing maintenance plans for these basins. If the system works as planned, they'll be collecting sediment in these basins which will need to be emptied out. In Mr. Horvath's opinion, this is beyond the capabilities of a typical homeowner. Maintenance agreements will need to be put in place and will be an involved process. He's recommending they get started doing preliminary evaluation and identifying which ones might be less difficult to go forward with and get started on those while they pursue the others simultaneously. This would involve working with Mr. Steiner, the Board, Attorney Backenstoe, and Public Works. It's a far-reaching process they should get underway. Mr. Shaffer asked if the Schiavone project would count as MS4. Mr. Horvath said unfortunately not. It's outside the urbanized area of the Township which are the higher density areas where they have subdivisions. Mr. Piorkowski agrees they probably need to get started. Mr. Horvath will present back to the Board at next month's meeting when he has more specifics he can talk about. They're not going to go full bore from now until the next 30 days without the Board being involved in the process.

TOWNSHIP SOLICITOR

Bamboo Ordinance

At last month's meeting, the Board started to discuss whether or not they were interested in a bamboo ordinance. Attorney Backenstoe looked at other Township ordinances. Bamboo is an incredibly invasive species. Once it grows, it can be a nightmare encroaching to the neighbors and causing a lot of problems. He doesn't know if Moore Township has had that problem, but other townships have had serious problems and adopted ordinances. He was asked to look into what type of barrier might prohibit bamboo from encroaching on another property which would allow one neighbor to have it without entering the neighbor's property. He didn't find any ordinances that provided for that, but he is embroiled in litigation over bamboo in another Township. He has an expert on bamboo who told him a person would have to go subsurface four feet of filled cinder blocks, and one foot above the service, to contain bamboo from encroaching on a neighbor. Attorney Backenstoe doesn't think that's practical to put in an ordinance, but this is what he was told is needed to stop bamboo from spreading. Mr. Shaffer sent him some information regarding the City of Bethlehem bamboo ordinance. Attorney Backenstoe asked if they want him to put together a generic bamboo ordinance for the Township to look at, or if the Board wants to think about it more. He asked if the Township has a problem which requires an ordinance. Mr. Shaffer said they received a complaint. Ms. Kerbacher asked if they need a permit to plant bamboo currently. Attorney Backenstoe said not right now. Mr. Piorkowski asked if the gentleman who made a complaint was present. Mr. Harhart spoke to him yesterday on the phone. The gentleman works a nightshift job and is unable to be at the meeting. However, he submitted a letter. Anybody from the Board is welcome to call him at any time regarding the issue. He doesn't want bamboo banned from the Township. He thinks there should be a set back from the neighbor's property line and some sort of barrier. He doesn't want his neighbor to remove the bamboo, he just doesn't want it encroaching on his property. Attorney Backenstoe asked his expert about a contractor's mesh. The expert said bamboo will go right through it. Mr. Harhart said this is the only person that has ever contacted him about the issue in all the years he's been here. Mr. Piorkowski asked confirmation he doesn't want an ordinance to stop bamboo from being planted but an ordinance to block the neighbor's from encroaching on his property. Mr. Harhart said yes, he'd like for it to be maintained on the person's property. Mr. Piorkowski said even if there's a setback, it wouldn't do any good. Mr. Shaffer said the setback wouldn't be any good unless they require a setback and a barrier. Mr. Harhart said that is what the complainant is suggesting. He did not want it to be banned. Attorney Backenstoe said they could require to have it removed from the neighbor at a fairly significant cost. Mr. Shaffer said it's an issue, but he doesn't think it's a huge issue in Moore Township. Attorney Backenstoe said if they want him to put something together that the Board can review at another meeting, he can do that. They don't have to adopt it. Mr. Piorkowski asked him to do that, and Attorney

Backenstoe will put something together. Mr. Piorkowski said without a barrier, it's almost a frugal attempt to stop it. Mr. Shaffer said the City of Bethlehem ordinance requires a barrier, but it doesn't state what barrier is defined as.

Livestock Ordinance

Attorney Backenstoe said the livestock ordinance has generated a lot of conversation. The chief received numerous calls there were goats on Township roads and state highways, and they're going to cause an automobile accident. For the safety of the goat who can be killed by an automobile, and for the safety of the drivers, they would like to adopt an ordinance that says goats should be kept on their property. They received comments it may violate the fair farming act, but it doesn't. The right to farm act provides they can't interfere with, or cite for nuisance purposes, the right to farm. He assures allowing a person's goats onto the Township throughways and roads is not reasonable farming. In fact, this ordinance would do the opposite requiring a person to keep their goats on the farm which would be better protection, hygiene, and safety for the goats. He prepared a draft ordinance and included any provisions he could think about. Since then, they removed some of the revisions. They don't want the police to pick up and store the animals. They want the owners to get noticed and cited if they continue to violate it. Since that revision, Chief West sent further definitions. Livestock was liberally defined, but the chief wanted to add a few more animals like mules, bulls, steers, ox, calves, and poultry. Chief West said they received numerous calls about goats. They also get calls chickens are free roaming around the property, but they're then wandering the roadways. Off SR 987 was an example. Attorney Backenstoe currently defined livestock as horses, cattle, jacks, burros, sheep, and goats. He can add ox, steer, bulls, mules. He asked if the Township is also interested in incorporating poultry. Mr. Shaffer said yes. Mr. Gable asked if chickens fell under zoning as they're supposed to be housed in a pen a hundred feet off the property. Mr. Harhart confirmed. Mr. Gable said they're not supposed to be free roaming and wouldn't that fall under zoning. Attorney Backenstoe said yes. Mr. Harhart said it's written the same way as the large animals currently. It should be amended if they want as it's always been an issue. Attorney Backenstoe thinks the Board is trying to handle in a reasonable manner a very real problem which could be a real safety concern that came to their attention by way of the police chief. He received a call from a resident today who reviewed the constables guidelines throughout the state. He admits, it was interesting there's a provision in the constables act which allows constables to regulate trespassing livestock. If an owner of livestock allows their livestock to trespass on a neighbor's property, that owner could call the constable and ask the constable to remove the livestock. The constable also has authority to fine the person. If there's significant damage to the neighbor, this statute allows the constable to get three neighbors from the community to look at the damage and assess it to determine the appropriate fine. He said this is right out of 1841, is interesting, and is good law. He continued, there's practical problems. Attorney Backenstoe doesn't think Moore Township currently has a constable. If the constable isn't available, they're supposed to use the county constable. They don't have a county constable system in Northampton County. Furthermore, there isn't anything wrong with the police chief to ask for the ability to enforce these issues quickly as he isn't sure how long it takes a constable to arrive. Attorney Backenstoe was asked to bring this up to the Board's attention. Mr. Shaffer asked if this is just trespassing onto someone else's property, not a public roadway. Attorney Backenstoe said that's how he read it and that would be the distinction. It seems to say, the constable would have no authority over the Township roads, only the police would. He was asked why would the Township have an ordinance allowing the police to act when this statute is already in place that lets constables to react to it. For all the reasons mentioned including not having a constable, although there might be people running for it, they don't have a county constable, and he doesn't know how a constable would react. Furthermore, the statute deals with private property not public rights of way. Mr. Piorkowski agrees and thinks they should move forward with the ordinance. Attorney Backenstoe will put together a further draft that will include additional definitions requested by

the chief, and he will have it for the next meeting. If they're satisfied with the ordinance, they can authorize him to advertise for adoption at a future meeting.

Open Space Earned Income Tax (EIT)

Attorney Backenstoe received a call from Mr. Piorkowski noting the open space EIT program has been very successful, they purchased a lot of land, partnered with entities to acquire easements including the county, and is it possible to modify the current EIT tax. The Township adopted an ordinance pursuant to a referendum in 2005 to impose a .25% tax which has filled the open space funds so the Township could put aside open space and preserve the integrity of the community. A lot of farmland has been preserved, and the Township has partnered with entities to create open space easements as opposed to just buying the land. They could modify the tax, but any ordinance approved by referendum would need to be modified by referendum. If they wanted to change the tax, even if they want to reduce it, it must be done by referendum. The next election they could have this referendum is November 2. They would need an adopted ordinance to the election board 13 Tuesdays before the election which would take them right before July. If the Township wanted to do this, they would have to react quickly. They could always do this next year, and they'd have plenty of time. If they want to do it this year, he would need input tonight to put together a draft ordinance. They'd have a special meeting at the end of June to authorize it, unless the Board wants to authorize him to draft and advertise tonight, because the timing gets tricky with the 13 Tuesdays before the election. The Board has a little bit of time. With this type of ordinance, it isn't the standard once a week, or like Zoning, successive weeks. It's three weeks because of the taxing issues and also a review by the Department of Revenue. Mr. Piorkowski asked the Board for their thoughts. Mr. Gable asked Mr. Piorkowski for his thoughts. Mr. Piorkowski spoke to the Township Manager and looking at the rate being taxed, the properties coming, and how much money is on hand, they have quite a few dollars. He doesn't think they're getting a lot of interest, but he could be wrong. They're only getting two or three people interested in farmland preservation, so what do they do with all the money. Mr. Romano said before they start defunding the program, the Township residents want this. Before any of the three Board of Supervisors want to do that, they should start by coming to a LEPB meeting to discuss. Mr. Romano asked if Mr. Gable wants to start rolling back and defunding the program. Mr. Gable said no, he agrees with Mr. Romano. He asked Mr. Shaffer what the LEPB feels about this. Mr. Romano said they don't know anything about it. Mr. Piorkowski said that's why they're hearing about it now. Mr. Steiner said they currently have about \$2.5 million in C/Ds and \$2.5 million in the account. Mr. Romano said they have been fortunate the county administration has been funding farmland preservation very well. This won't go on forever, and maybe next year it will change. They could get back into maybe only \$300,000-\$400,000 going into the county farmland preservation budget. He said Mr. Gable knows this as he was here, but Mr. Steiner does not know this because he wasn't here, and Mr. Steiner doesn't know how this works. A few years back, they were struggling for money. Mr. Romano continued, it looks like there's a lot of money. If they get a enough farms coming off it may not be, it's cyclical. This year, they have 110 acres, and next year they could have 500 acres. As long as the county is funding it, they're in good shape. The other thing that's happened is they haven't pursued open space because they didn't know they could do soft costs for open space. That held them back from open space preservation which was part of the open space plan they should have been pursuing from the beginning. What held them back is no one would pay the soft costs. For farmland preservation, no one would pay anything. If someone wanted to preserve open space, the soft costs would cost half of what they'd get in open space. Now, they have a couple hundred acres in the books, so that's going to keep taking away from the fund. His big fear is, and this is why Mr. Piorkowski should come to a LEPB meeting, is the county has helped out tremendously in that they're funding the program well. Even when they're funding the program well, they get farms that can't use county or state money because of the qualifications of the farm. Moore Township's largest farm doesn't qualify for either one of those funds, so they're going to have to use all Township funds to preserve that farm. That could happen year after year. He knows it

looks like a big chunk of money, but that money can go back. As he said, they have townships like East Allen who are trying to get the program going because they're so far behind. Moore Township is fortunate they started in 2005. East Allen is almost coming into this too late, and he commends them for trying to get them on board. The warehouses are scaring everyone, so everyone is trying to preserve what they have left. The Township residents here should be commended for starting this so early, and that's why our program is the best of the bunch as no one is doing what we're doing. He understands he's looking at a lot of funds. But if you were with the program for the last thirteen years like he has, the funds go fast. Now they're buying farms, and they have \$825,000 in the Schiavone farm. Who knows when that will be sold. Sometimes it works out, and sometimes it doesn't. Mr. Steiner said the tax itself generates about \$700,000 per year as it's currently set. He doesn't think it's anybody's intention to eliminate the program. Mr. Romano asked how much it would cost each resident if it went from .25% to .125%. He asked Mr. Steiner to give the number as he is the numbers person. Mr. Steiner said he wasn't prepared to discuss this. He said they have \$4.5 million and will be getting money from the sale of the Gum property, sale of the Schiavone property, preservation of Herd, and sale of Herd. Every time they purchase farmland, they receive funds for preserving and selling. Mr. Romano said warehouses are taking over the Lehigh Valley and asked if it was good timing for something like this. Mr. Piorkowski said the reason it was brought up was to initiate the conversation. If they wanted Mr. Romano to be arrogant and yell at the Board, they wouldn't have brought it up at a public meeting. He knows this is near and dear to Mr. Romano's heart, but at some point they need to start a conversation. They're adults. If they can't talk to each other as adults without any animosity, what's the point in being here. If he had to come to every LEPB meeting, why would they have a liaison? Mr. Romano said it would be nice to start it at their meeting and not a BOS meeting. Mr. Piorkowski said it has to start some place, and maybe they picked the wrong venue. They talked about it. They didn't say they were doing anything. The solicitor said the method by which they could do it. He told us the deadlines. He doesn't think anybody sitting at the BOS is saying they're going to do it this year. Mr. Romano said it was looking pretty close. Attorney Backenstoe said he was asked what the process was. Mr. Piorkowski said he asks a lot of questions about the process. Mr. Romano said it would be nice to know how much they save each resident if they go from .25% to .125% each year. He asked for the number for their next meeting. Mr. Piorkowski said they will. Mr. Romano said he's right in that it is near and dear to his heart. Mr. Piorkowski knows this, and he doesn't do this to antagonize him. Mr. Romano said it would have been nice to have this start at their LEPB. Mr. Piorkowski said in fairness, he was surprised they were talking about it tonight. He asked Attorney Backenstoe but didn't expect an answer tonight. Attorney Backenstoe apologized and thought he wanted an answer tonight. Mr. Piorkowski didn't want to do it tonight, but he does want to look at the facts and figures to see where they want to go. They can use some of that money to update things in that property, and they didn't know they could use it. Attorney Backenstoe said the statute was changed. It was changed twice, two critical aspect in which he takes credit for one as he lobbied the legislators. The first is to allow soft costs to be paid out of preservation funds. The second allows them to upgrade and plan for preservation aspects of the land as opposed to just acquiring it which was heretofore all that was allowed. Mr. Romano thinks there were 200 acres being preserved that would have never happened if it didn't change. Mr. Piorkowski said this topic wasn't to anger anybody but to get the conversation started.

PennEast Pipeline

Attorney Backenstoe said the Township doesn't have much involvement. There's the Iasiello lawsuit filed by PennEast against the Iasiellos. They finally retained an attorney, and they're working with the attorney to get an appraisal. The attorney sent a date by which appraisals were to be obtained which is the end of May. By June 1, the expert reports are supposed to be supplied and parties negotiate to try and settle it. The Iasiellos have property which will be significantly impact. The Township decided not to get

an appraisal because they own a minute right-of-way on a state highway, but he wanted to update the Board.

TOWNSHIP MANAGER

Additional items to be discussed will be covered later in the meeting.

RESOLUTIONS & ORDINANCES

Resolution 2021-10 Recreation Center Rules – Horses

Attorney Backenstoe was asked to prepare a resolution which amended the park regulations regarding horses. The Board wants to prohibit horses from being anywhere on the Recreation Center property including the private road, Township lands, and the path. The Board looked at it last month and sent it to the Recreation Commission for review. The Board can adopt it tonight as it's on the agenda and is a resolution. Mr. Tirrell said the Recreation Commission recommends passing it as written. It's more of a safety concern. He spoke to Mr. Biery. The bridges on the walking trail aren't meant to hold that much weight and somebody can get hurt. They're not wide enough as well. It's more of a safety and policing issue to try to control, so they recommended to pass it as written.

Mr. Piorkowski made a motion to pass Resolution 2021-10 Recreation Center Rules – Horses

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Ordinance 2021-01 Short-Term Rentals

The Board, pursuant to the input from the zoning officer, asked Attorney Backenstoe to draft a short-term rental ordinance. The Board reviewed it on at least one or two occasions and authorized the advertisement. It was advertised and is ready for approval. It regulates short-term rentals. AirBnB is a brand people may have heard of, but it's actually a short-term rental as opposed to a normal residential unit which doesn't permit transient rental periods of less than 30 days. This requires anybody who wants to have a short-term rental apply for a permit, and comply with regulations. There's a limitation on the number of units they can have. It's a relatively comprehensive ordinance which allows the Township to regulate the use. Mr. Piorkowski asked confirmation it was advertised. Attorney Backenstoe said it has been properly advertised. It was sent to the LVPC, and they didn't receive any comment from the LVPC. He's surprised they didn't noting the Township delayed passing this another month for them to comment. The Township PC highly recommended it.

Mr. Shaffer made a motion to adopt Ordinance 2021-01 Short-Term Rentals

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Attorney Backenstoe said they now allow short-term rentals in the Village Center district and in the Industrial District in accordance with the requirements set forth in those two provisions. Existing short-term rentals are not necessarily grandfathered. The case law from the Pennsylvania Supreme Court was clear that just because they are operating a short-term rental that was transient in a residential district does not mean they're operating it lawfully. Lawful is the important part. You can have a non-conforming use which isn't lawful, an ordinance changes the ability to use that particular use, and it's not suddenly a lawful non-conforming because it's wasn't lawful prior to enactment of the ordinance. They've had much litigation over that in Lehigh Township because there were a number of short-term rentals that qualified

as Bed and Breakfast, and they got special exceptions. There were also a number of short-term rentals that were not operating in accordance with the Slice of Life case, so they were cited, went to the Zoning Hearing Board, and were denied at this point. Some of those cases will be on appeal, but at this point the Township has a right to enforce their ordinance.

OLD BUSINESS

Schiavone Park Pond Improvements

Mr. Hoffman met with Med-Ed. There is a pole in the park to get power out there. He was given a load sheet, and they need to figure out how much power they want. If it's just to run the pumps, they need that amount. The need to know if the Township wants a meter on a pedestal or a structure to give us a cost. They need to know if it's going to be underground or overhead. Mr. Piorkowski asked for his recommendation. Mr. Hoffman said they can be put along the pond with the boxes. If they want them on a shed, then they can run power to the shed without digging up Schiavone anymore than it needs to be. The future plans need to be considered as well as far as what more do they want out there and how much power they want. Met-Ed will then come back with a cost for us to put a transformer there. Mr. Shaffer said if they're going through with putting power out there, they should put as much as would be realistic for a park. If they do any future plans with it, they have it. Mr. Hoffman said he will get in contact with him and get a better price and idea. Mr. Shaffer said once they get the power to the pond, how are they getting power to the compressors if approved. Mr. Hoffman said they can put a pedestal in and run the pedestal to each pond to wherever they want the boxes to go. Mr. Shaffer asked if they would need the electrician to run those lines. Mr. Hoffman said they can do it, but it would be them going underground. Mr. Gable asked if this is for the aeration. Mr. Shaffer said yes, but if they're bringing in power for this purpose, they might as well bring in enough power if they wanted something like a pavilion. That way they wouldn't have to go back and redo it. Mr. Hoffman confirmed he was told it's easier to put in now then do this ten years from now and ask for another transformer. Mr. Piorkowski thanked Mr. Hoffman.

NEW BUSINESS

Certificate of Deposit

Mr. Steiner said they have two C/Ds. The first was withdrawn from BB&T. He assumes they want it moved to Embassy with the rest of the C/Ds. The current rate for the 3, 6, and 9 months is .1%, and the 12 month rate is .15%. He thinks this is a Recreation related C/D. Mr. Gable confirmed it is and asked if they wanted to put it with Embassy at .15% for 12 months. The Board agreed. Mr. Steiner said there's another C/D maturing in a month that auto renews. He wanted confirmation the Board is ok with it auto renewing at the current rates. Mr. Piorkowski asked if it is at Embassy. Mr. Steiner confirmed it is and will auto renew May 9 at same rate. Mr. Gable asked if they pulled everything out of BB&T. Mr. Steiner said this will put everything with Embassy.

Mr. Gable made a motion to take the funds withdrawn from BB&T and put into a 12-month C/D at Embassy Bank

Mr. Shaffer seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Attorney Backenstoe said they don't have to vote on the C/D that auto renews as it will auto renew without action.

Gum Property

Mr. Steiner said the Gum property is now preserved and can be put out for sale. He prepared the ad. It has bids due the last Friday of the month before Memorial Day weekend. Bids would be opened June 1. This would give them enough time to advertise and receive bids to be opened at the next meeting.

Mr. Shaffer made a motion to put the Gum property on Copella Road out to bid

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Repository Sale

Mr. Steiner said they received a repository sale at 3115 Applebutter Road, Parcel ID H4 8 7-24. The county received a bid of \$300 and feel it is acceptable. They are looking for approval from the Township.

Mr. Shaffer made a motion to approve the repository sale for property H4 8 7-24 0520C in the amount of \$300

Mr. Gable seconded the motion

Public Comments

None

Motion carried with all Supervisors present voting aye

Mr. Gable said Historical is looking at having Med-Ed put power back to the school. He asked Mr. Hoffman if he could call to find out what's needed to get power back into the building. Mr. Harhart said that would be PPL. Mr. Hoffman will contact PPL.

CORRESPONDENCE/MEMOS

Mr. Steiner received the auditor's report from Ms. Lois Iasiello for 2020 as well as the Zoning Hearing Board memo from this past meeting.

OPEN TO THE FLOOR

Ms. Kerbacher asked if they were doing a newsletter noting they started asking for articles. Mr. Gable asked if they're ok with doing it the same way as last year with it coming out October/November. Mr. Shaffer agreed because he doesn't think it will be done any sooner. Mr. Gable said he would do it for November like they did before. Mr. Shaffer understands the Community Days Committee would want to use it to promote Community Days, but he doesn't see it getting done in time. Ms. Miklas said it was a thought, but they can put in a recap like they did last time. Mr. Gable received a call from the person who produces the newsletter, so he will follow up with him.

Ms. Miklas said the Board may want to follow up with Mr. Flynn on the recycling event. She received a flyer that said it would only be for the 18014 zip code. She is trying to verify, but the Board may want to follow up. She informed the person at Bath of the different zip codes that make up Moore Township with Mr. Steiner and Mr. Piorkowski noting they have five or six.

ADJOURNMENT

Mr. Shaffer made a motion adjourn the meeting at 7:55 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.