

The Regular Monthly Meeting for the Moore Township Board of Supervisors (BOS) was called to order on Tuesday, October 4, 2022 by Chairman Daniel Piorkowski at 6:00 PM. The meeting was conducted at the municipal building. Members present were Chairman Daniel Piorkowski, Vice Chairman David Shaffer, Supervisor Michael Tirrell, Township Manager Nicholas Steiner, Township Solicitor David Backenstoe, and Township Engineer Kevin Horvath from Keystone Consulting Engineers (KCE).

WAIVERS & DEFERALS

#22-03P/F Muschlitz Excavation – SALDO Section 5.02.1.a

Mr. John Becker read the Planning Commission (PC) motion to grant the waiver request for section 5.02.1.a to allow an application for a Preliminary/Final Plan Set in lieu of the required Preliminary Plan and separate Final Plan. Mr. Horvath does not see any issues.

Mr. Shaffer made a motion to grant the waiver request for #22-03P/F Muschlitz Excavation to Section 5.02.1.a

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

This plan should be in front of Planning Commission this month following relief from the Zoning Hearing Board.

SUB-DIVISIONS AND LAND DEVELOPMENT

#22-15P Sullivan Associates/Mark & Kandy Stearns RV Repair Shop

Mark and Kandy Stearns are looking to rent the larger portion of Sullivan's building in Moorestown for a RV and Trailer repair shop. The PC approved the Site Plan. The PC didn't require anything with parking spaces noting it is drop off and pick up. People will not be waiting for repairs. Mr. Becker thought it was a good fit for the property. Mr. Horvath had minor plan related administrative comments. Mr. Tirrell asked Mr. Horvath if there would be issues with the driveway entrance. Mr. Horvath has no reason to suspect it would be a problem. Mr. Becker explained there has been a dual use of the property from the start. Sullivan uses one section to store equipment, and the Stearns will rent the other section.

Mr. Tirrell made a motion to approve #22-15P Sullivan Associates/Mark & Kandy Stearns RV Repair Shop with conditions set forth in Keystone review letter dated September 28, 2022

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Becker reported the PC was asked about submitting plans to the Land & Environmental Protection Board (LEPB) for review. A motion was passed to only submit for special instances where additional review is needed. The PC thinks the experience of the engineer and commission can cover 99% of the issues because they understand the ordinances and what can and cannot be done with the properties. They don't think it would be right for clients to be held up for another board to review. When the original

Environmental Advisory Council (EAC) was created, the PC was involved in its creation. At that time, the PC thought plans would be sent when necessary. The PC's recommendation is to keep it as it has been done in the past.

REGULAR BUSINESS

MINUTES

Mr. Shaffer made a motion to approve the minutes from September 6, 2022

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. Tirrell seconded the motion

Mr. Steiner noted bills for the month from General Checking are \$400,846.43. This includes police pension and the firemans relief payments. The Liquid Fuels bills are \$11,123.02.

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 report for September 2022.

Letter of Support for PCCD Grant

Chief West requested a letter of support for a PCCD grant in the amount of \$65,100 to purchase new tasers and a virtual use of force training simulator.

Mr. Shaffer made a motion to add the grant letter of support to the agenda

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Shaffer made a motion to have Mr. Steiner write a letter of support for the PCCD grant in the amount of \$65,100 for the Police Department

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FIRE & AMBULANCE

Mr. Harhart read the August 2022 report.

PUBLIC WORKS DEPARTMENT

Mr. Hoffman reported the E. Walker pipe project started Monday. Contractor indicated it shouldn't take too long to install pending the weather. Mr. Tirrell asked when the project on Church Road is planned. Mr. Hoffman said it depends on the pre-castor and are hoping to have it by December.

FIRST REGIONAL COMPOST AUTHORITY (FRCA)

Mr. Steiner reiterated only yard waste should be dropped off as more concrete and metal was caught in the grinder. This will break the teeth of the grinder. Mr. Tirrell asked if it was coming from the Moore site. Mr. Steiner does not know. Mr. Tirrell assumed they would see material as they load it. Mr. Hoffman said they should be able to. Mr. Steiner said it was a piece of concrete and metal less than a foot in length.

NAZARETH COUNCIL OF GOVERNMENTS (COG)

The COG discussed getting more involved within context of garbage and neighborhood watch. Mr. Piorkowski explained the garbage contract discussion noting one other municipality had tried that and it was a complete failure, and they went back to multiple collectors.

RECREATION COMMISSION

Snack Stand Annual Cleaning

Ms. Jodi Hartzell of the Recreation Commission reported they would like the Township in charge of the annual cleaning for the football and baseball snack stands. They have a quote for \$67 to clean the baseball stand and \$60 for football stand. The cleaning would be coordinated with MTAA. Mr. Piorkowski asked if that was at the end of the year or if it's multiple cleanings. Ms. Hartzell explained baseball would have two, one in the fall and one in the summer. They would occur at the end of the seasons. The football snack stands would have one cleaning in the fall after the season. Mr. Shaffer asked for the name of the company, and Ms. Hartzell indicated it's Hower Elite Cleaning. She provided the board with a quote and insurance information. Mr. Tirrell asked which was for \$67, and Ms. Hartzell reiterated baseball noting it's greasier. She wants to treat the cleaning in the same way the Township treats cleaning of the hoods. Once the stands open for the season, MTAA would be responsible for ongoing cleaning. Mr. Tirrell asked how they got the 50% discount. Ms. Hartzell explained it's a Township resident. Their kids and grandkids will be going through the programs. Mr. Tirrell spoke with the MTAA president, and they said MTAA would pay this from the pre-split money. Mr. Hoffman asked if the wooden stand would also be cleaned. Ms. Hartzell said they could ask noting they forgot to check it during the walk through. There isn't a lot to do with Mr. Tirrell noting it doesn't have fryers.

Mr. Shaffer made a motion to have Hower Elite Cleaning LLC to clean the football and baseball snack stands three times a year at \$67.50 for baseball and \$60 for football

Mr. Tirrell seconded the motion

Public comment

Mr. Piorkowski asked if they would do the cleaning after Community Days or a special event for the same price. Ms. Hartzell thinks they would, but she will ask.

Motion carried with all Supervisors present voting aye

Appoint Recreation Commission Member

Ms. Joi Adams sent a letter requesting to be a member of the Recreation Commission. The commission approved and is asking for the Board to appoint her. Mr. Piorkowski asked if she was going to be a one issue person noting she's involved with pickleball. Ms. Hartzell doesn't think so adding she wants to help with Playground in the Park and is not just focused on pickleball. Mr. Piorkowski said it's good to hear as a one issue person could hurt the board. Mr. Tirrell asked Mr. Steiner how many years this person would be on the commission since she would take over his former term. Mr. Steiner said the term would end December 31, 2023.

Mr. Tirrell made a motion to appoint Joi Adams to the Recreation Commission to finish the term that ends December 31, 2023

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Ms. Hartzell said the October meeting will be changed. They planned on October 27, but the Zoning Hearing Board meeting is that night. Mr. Steiner said they should look into a different date so the public has opportunity to attend both meetings. The commission has also been working on updating the mission statement. It was given to Mr. Steiner for review. They are also working on agreements with MTAA. The commission also agreed to participate in the Parks, Recreation, and Open Space plan formation if the Township proceeds.

HISTORICAL COMMISSION

Mr. Tirrell reported they are getting quotes and itemized bills for the floor. She will have information for the budget meeting. Oktoberfest dinner is next Thursday, October 13 at Holy Cross Lutheran Church.

LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)

Mr. Shaffer reported the LEPB held the open house. Ms. Dawn Gorham of Wildlands Conservancy presented on open space preservation. The board also answered farmland questions. Questions they could not answer were sent to Ms. Maria Bentzoni of Northampton County Farmland Preservation. The board received four or five open space applications to review next month.

COMMUNITY DAYS COMMITTEE

Trunk N Treat will be October 22. Those interested should contact Ms. Lois Kerbacher. Ms. Kerbacher invited the Police Department and Public Works to participate in the Trunk N Treat. On November 4, they plan to have a tool bingo. They plan on having two bingos in November, and they will be done for the year.

ZONING AND BUILDING OFFICER

Mr. Jason Harhart submitted his report for the month. The forestry ordinance and soil conservation E&S approval is the only other issue. Township ordinance currently requires an applicant get a soil conservation approval letter. However, it was brought to his attention they can no longer require that. He currently has four applications.

TOWNSHIP ENGINEER

Schiavone Farm Sediment Erosion Project

Mr. Horvath reported the contractor was supposed to be at Schiavone farm Monday to reseed bare spots. With the weather, it didn't happen. Once it dries out, they will overseed the area. Grass has been growing since last check, and this should be it.

MS4 Projects

No updates. The agreements are prepared and ready to go out to property owners. Once they're signed, they can start doing investigative work for improvements. Mr. Steiner is still planning to review.

Culvert Replacement Projects

The contractor started yesterday on the Walker culvert. It should be completed in approximately two weeks. Mr. Horvath asked if the creek came up with the weather. Mr. Hoffman said they removed the big tree yesterday and saw the increased water flow from the preconstruction meeting.

TOWNSHIP SOLICITOR

SALDO Amendment – Road specs, electronic communication, and electronic submission

Attorney Backenstoe explained a memo was written by Mr. Horvath concerning changes to plan submissions. In addition to submissions for preliminary and final plans, he would like the applicant to submit documentation in portable documentation format (PDF). Attorney Backenstoe created an ordinance to add that language. It also increases the copies of plans submitted from six to eight. The other changes had to do with road specifications as recommended by Mr. Horvath and Mr. Hoffman. The other item he requested was that the applications include email of the owner and licensed surveyor or engineer. Ms. Kerbacher would formalize the applications.

Mr. Shaffer made a motion to advertise the SALDO amendments

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Forestry Ordinance – Soil Conservation E&S Approval

An applicant is required to do a logging plan under state law. They are also required to do an erosion and sedimentation (E&S) plan under state law. The law is clear those plans are to be always with them on site. The Township had a provision, along with many other townships, requiring the owner to submit the erosion and sedimentation plan to the county and get a letter approving of the plan. One of the applicants brought up there had been several memos from the Attorney General to different townships with the same requirement recommending they didn't think it was viable or allowable under ACRE because it is not a regulation of the conservation district. If it's not something the conservation district requires of everybody, it isn't something that can be added by the municipality. Simply, they will not require applicants to submit their soil E&S plan to the conservation district. If the Township is concerned, the Township can submit, pay, and get a letter. An amendment will be made to the Zoning ordinance deleting once sentence. Mr. Piorkowski asked what the ACRE law is. Attorney Backenstoe explained the law deals with farming and ACRE is an acronym. It is also referred to as the right to farm law. He explained one of the provisions is they cannot cite a farmer for what otherwise would be considered nuisances when they are in a legitimate act of farming. For this issue, the Township cannot make someone who is logging, a subclass of farming, do something that other uses aren't required to do. Attorney Backenstoe and Mr. Harhart contacted the conservation district to see if they wanted the Township to require this, and the conservation district sent them copies of letters other municipalities

received indicating they cannot require this. The Township still can get a copy of the plan, and the engineer can still review it.

Mr. Tirrell made a motion to have the solicitor prepare a draft for amendments to the forestry ordinance

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

TOWNSHIP MANAGER

Mr. Steiner reported he applied for all three of the LSA grants discussed at the prior meeting with both the Northampton/Lehigh Counties and Monroe County program. He plans to have a budget draft by the weekend to discuss at the budget workshop.

RESOLUTIONS & ORDINANCES

Resolution 2022-18 Implementation of Act 57 of 2022

Act 57 of 2022 is a state law requiring all municipalities that levy real estate taxes to adopt a resolution or ordinance directing the tax collector to implement its provisions. A resolution needs to be passed by January 9, 2023 for the 2023 fiscal year. The act allows taxpayers who fail to receive a tax notice during their first year of occupancy to apply for a waiver from penalties and additional costs from the tax collector. DCED is required to create a standard waiver form.

Mr. Shaffer made a motion to approve Resolution 2022-18 Implementation of Act 57 of 2022

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Resolution 2022-19 American Rescue Plan Act Funds

Mr. Steiner explained there are different opinions of whether a resolution needed to pass to spend the American Rescue Plan Act funds when they were received in 2021, or if a motion is sufficient to spend the funds. The Board passed motions to spend the funds last year. After speaking with Attorney Backenstoe, they decided to draft a budget supplemental resolution for 2021 reiterating how the funds were spent in 2021.

Mr. Tirrell made a motion to approve Resolution 2022-19 American Rescue Plan Act Funds

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

OLD BUSINESS

Municipal Building

No updates.

Parks, Recreation, and Open Space Plan

Mr. Shaffer said the LEPB will participate in creating this plan.

Schiavone Farm

Mr. Steiner spoke to Agrarian Associates for the Schiavone farm appraisal. It would cost \$650 to use the old pictures and data completed before the property was subdivided. It would cost \$1,000 for a full inspection. Mr. Steiner told him to do the full inspection because of the drainage improvements, grass waterway project, and HOP. They should have an appraisal by next month.

The county contacted Mr. Steiner on September 14 notifying him the property needed to be mowed by September 15 per the agricultural easement. If it's not being farmed, it needs to be controlled for weeds. Since it would be very expensive to mow that acreage and would take the Township a long time to cut, the county suggested a local person who does herbicide for these properties. The company is GrowMark out of Lehigh Township. The work was completed last week at \$40.20 per acre or approximately \$2,000. It was a better option than about \$1,500 per acre to mow. They could have waited to see if someone submitted a bid to farm the property. After speaking with Mr. Ryan Shaw, if someone would plant the property for a winter crop, it would be harvested in July. This would create the timing issue the Board was previously concerned about. This addressed weed control and provides flexibility to sell the property after receiving the appraisal.

Farm Leases

Mr. Piorkowski opened a bid of \$60 per acre from John Valkovec for the municipal building property.

Mr. Shaffer made a motion to approve Valkovec Farming to farm the Township property behind the Township building for \$60 per acre

Mr. Tirrell seconded the motion

Public comment

Attorney Backenstoe asked for the term. Mr. Steiner said it's April 1, 2023 to March 31, 2024 with an option for automatic renewal unless either party submits notice in writing before lease end.

Motion carried with all Supervisors present voting aye

NEW BUSINESS

2022 Audit

If the Board intends to appoint a CPA to conduct the audit, it needs to be advertised at least 30 days in advance of the appointment of their intention. Mr. Steiner had a good experience with BBD, LLP noting it's the first time they've appointed a CPA since he has been at the Township. Their rates were very good with a second- and third-year option included in the proposal. The Board cannot approve appointing the auditor for the second and third year, but they can approve Mr. Steiner advertising their intention. Mr. Piorkowski asked if they need to be appointed every year. Mr. Steiner explained they need to announce the Board's intention to hire a CPA for the audit. It's a service agreement based on a RFP (request for professional services). Attorney Backenstoe explained they don't have to put out a bid but get a RFP. Mr. Piorkowski asked if they would be better off requesting for multiple years because if they did it last year, they would have been better off this year with pricing. Mr. Steiner said they did do that last year. The proposal included a second- and third-year option, and they would exercise the option if they choose to continue with the firm. Attorney Backenstoe confirmed. Mr. Tirrell asked if they were entering into a three-year deal. Mr. Steiner explained the Board chose to enter into the one-year deal. He assumes the Board could exercise the second- and third-year option at the December or January meeting. By law, Mr. Steiner needs to advertise every year the Board's intention to hire a CPA.

Mr. Shaffer made a motion to authorize Mr. Steiner to advertise for the 2022 audit intent to hire a CPA

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Appoint Planning Commission Member

Mr. Tirrell made a motion to appoint David Koder to the Planning Commission to fill the term vacated by David Frey

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

CORRESPONDENCE/MEMOS

OPEN TO THE FLOOR

ADJOURNMENT

Mr. Shaffer made a motion adjourn the meeting at 6:55 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.