

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

### **SUB-DIVISIONS AND LAND DEVELOPMENT**

#### **#21-03P/F Nancy Landis – Minor Subdivision**

Conditional final approval was granted with conditions set forth in Keystone’s review letter dated March 16, 2021. A one house plot is being created out of the farm. Mr. Horvath said the plan was clean, and the resolution addresses any outstanding conditions that would be recommended. Attorney Backenstoe asked if a copy of the resolution was here. Mr. Horvath submitted a copy of the resolution to the applicants’ engineer, he signed it as their agent, and he emailed it to Mr. Steiner.

**Mr. Shaffer made a motion to grant final approval for 21-03P/F Nancy Landis with the conditions set forth in Keystone’s review letter dated March 16, 2021**

**Mr. Gable seconded the motion**

#### **Public comment**

None

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

#### **Short-Term Rental Ordinance**

Attorney Backenstoe explained they have to send a copy of the final revised draft to both the Lehigh Valley Planning Commission and Moore Township Planning Commission (PC) to hold a proper hearing on any ordinance. The Planning Commission reviewed it and provided recommendation to the Board of Supervisors. Unfortunately, it takes the Lehigh Valley Planning Commission longer to review, and they did not get input in time to advertise for tonight’s meeting. It will be placed on the agenda for adoption at next month’s meeting. Mr. Becker said the Planning Commission recommended approval of the ordinance.

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

Mr. Becker said the Planning Commission recommends the Board think about a traffic impact study on the SR 512 corridor as well as Moorestown and Yost Road area. Three people from the Planning Commission are interested in being on the board including Mr. David Frey, Mr. Michael Kuchavick Jr, and Mr. Mike Wallery. There’s interest in a traffic study with all the traffic starting to move in the area, and maybe they should think of a study to charge traffic impact fees for any new development in these areas. Attorney Backenstoe said if a development, whether commercial or residential, comes in, there’s a question as to why the Township can’t charge the developer fees with more police protection and fire protection being needed. The state legislature won’t allow it as the Municipalities Planning Code (MPC) only allows the municipality to assess the fees that are authorized. They can’t be assessed for extra police or fire coverage. Townships can do no more or less than what is provided by statute. This is the one area

where a township can collect fees for the impact it has on a community. This section is called offsite capital improvement impact fees. It's a special section in the Municipalities Planning Code 500-A which authorizes the institution of impact fees. Impact fees are an assessment to a developer for traffic which they will create. The impact fee is to be used by the Township to offset the cost for improving the road, infrastructure, or using the fees to put up a traffic signal. Before you can have an impact fee ordinance allowing an assessment of fees on a developer based on the traffic generated by a particular development, the Township has to go through a process creating an impact fee ordinance. The Township creates a corridor or an area where the study is conducted, a traffic impact fee plan, and a capital improvements plan. Fees can be assessed against a developer who builds in that area or whose development will directly impact that area. For the Township to do this, they have to reconvene the advisory impact fee committee. The committee consists of no less than seven, or more than fifteen, members. 40% of those members must be involved with either commercial or residential real estate in the community, or the building industry. There can't be a bunch of people who don't like a developer or development on the committee looking to punish development. The engineering firm, Keystone, drives the research and studies. The engineer will sit with the committee and lead them through the process. There should be a planner, noting Charles Schmeling, a very well known, local planner retained by many townships for planning and creating zoning or SALDO ordinances, or to create and help run an impact fee committee. Once they impanel the impact fee committee, they'll come up with assumptions and recommendations. They have to create a land use assumption report to depict an area, determine the area they want studied, and make recommendations with respect to land use and assumptions associated with the land, recommendations that approve and disprove certain capital improvements they may be interested in, and monitor and evaluate the implementation of the improvements over time. The process, from beginning to end, usually takes between 16 and 18 months because there are a significant number of studies and reports that have to be prepared. It may be less if they focus on a smaller area, but it will be about \$50,000 in engineering and consulting fees to do the proper analysis. They'll have to do roadway analysis and projected development analysis, studies that take time and costs money. However, it could be fruitful for the Township if they create this ordinance and district where they can assess fees. If a developer comes in, residential or commercial, and starts to develop in the area, they can require that developer to pay quite a number of fees based on traffic in and out the traffic will generate. Some will note the developer will pass it onto the homeowners he sells to or the developers. This is true, but it is out of the Township's control. If a township picks an area which becomes extremely developed, they may have \$600,000 to \$800,000 very quickly. If they have to put a signal up at a four-way intersection, which costs about \$400,000, they have the money to do it. Other things that become part of the impact fee are credits and offsets. If the developer understands he has to pay the fees, he may widen the road and install the turn signal at the cost of \$400,000, and the township can maintain thereafter. They would then get a credit off the fees because they're paying directly, and it's not being done and paid for by the taxpayers. What triggered the Planning Commission to discuss is there's been some talk of development along the SR 512 corridor in Moore Township. Mr. Becker said that's part of what triggered noting some of them realized there wasn't an impact fee study done on Moorestown and SR 512. It was only in Klecknersville. Mr. Piorkowski asked if they can expand the existing traffic impact fee zone to include this area. Attorney Backenstoe said they would amend their current impact fee ordinance by creating a new district, and they're not starting from scratch. Mr. Piorkowski asked confirmation they'd have to reevaluate all the fees for the new area. Attorney Backenstoe said yes, based on new development projection, data, and costs associated with those. Mr. Piorkowski asked confirmation the current ordinance wouldn't help them if a developer came in before the study was completed on an area that hasn't been included. Attorney Backenstoe said that is correct noting once they start the review of this new section, it can trigger a process, and they can implement fees which would have to come to fruition later on when the program was done. In other words, there is a way to implement interim fees if a developer comes in. However, if the fees were less or more at the end of the process, the Township may have to pay money

back or provide credits. Mr. Piorkowski asked, based on the original ordinance for Klecknersville, if they could see what the fees are and put in an interim plan together until the study is completed. Attorney Backenstoe's understanding is they can do an interim fee. Mr. Piorkowski asked if that would be the best way to get it started especially with the talk of development. Mr. Gable said the impact fee currently is \$174. Mr. Horvath doesn't think the way to proceed is taking the existing study and increasing or expanding it. They are doing a new study area. The impact areas are limited to seven square miles. The current is 6.6 or 6.8 square miles, so it can't be expanded to include the designated SR 512 area because they need to be contiguous and can't exceed seven square mile area. They can, as Attorney Backenstoe said, assess a provisional traffic impact fee. A committee would need to be formed first, and from the date they created the committee, you can establish a provisional impact fee. There would be a period of 18 months to complete the study to determine the actual impact fee. Going by the current study of \$174 per trip, that's really low compared to a lot of other areas. He might see \$800 to \$1200 per trip. Some general advice would be to look at growth in a particular area. If they're striving to encourage growth or see a high growth area, they should look at that area closely. A lot of times targeting an individual development, which Mr. Horvath isn't saying is the case here but may have prompted the discussion, doesn't pay off especially if the capital improvements come out to be less significant relative to the number of trips already on the road. It shouldn't be looked at as they could use some money to upgrade traffic signals. They could establish a committee to look at the pros and cons going forward rather than hit the ground running. He reiterated there's a lot to it. The payback period is a consideration. At \$174, maybe this warehouse generates 100-150 peak hour trips. They're going to going to pay for the study based on that unless they expect more development down the line. Mr. Piorkowski asked with the current impact study for the Klecknersville area, would they have to do another study to increase those fees to a more appropriate rate? Mr. Horvath said they'd have to reevaluate the study which should be done every ten years or so. It might have been 2006 when this initial impact fee was looked at and determined. He said they are due for a re-evaluation, but it's not to say they won't come back with the same number. There's push and pull from a number of different factors that goes into deciding the fee amount. Mr. Piorkowski assumes the \$174 was based on costs of improvements at that time. Mr. Horvath said the improvements generated by the anticipated traffic in that area is due to development. The impact fee is not meant to pay for general increase in traffic. Traffic increases whether there's development or not. The study takes into account how much the traffic is going to increase whether there's development or not. That traffic is washed out of the study, and they're left determining the development of Moore Township's traffic area will have on the roadways. If they have very low development in these areas, they're going to have fewer capital improvements triggered as a result of the development which would lower the fees to a certain point. Mr. Piorkowski asked if his recommendation would be to put together a committee to study whether or not they need an impact fee study. Mr. Horvath doesn't know that they want to make a decision tonight in terms of committing to \$50,000 and a study because they're going to get paid back tenfold. Mr. Horvath thinks at minimum, he and Attorney Backenstoe can talk a little further, and he can speak with his traffic staff at Keystone. Keystone has done a number of different traffic impact studies, but he hasn't done them personally. He would like to investigate in further detail the areas they're considering as far as future projected traffic generation. As far as he knows, the Township doesn't have any changes to the Zoning ordinance that will trigger a lot of development along the corridor. Mr. Shaffer asked if the impact fee for that seven-mile radius has to be used on just that seven-mile radius. Mr. Horvath said yes, it has to be used toward improvements that were needed as a result of the study due to the development in the area. Mr. Shaffer said the Township doesn't own SR 512 and wouldn't do any improvements to SR 512, so it would just be roads in that seven-mile radius. Mr. Horvath said there may be intersection improvements leading to SR 512 other than the Moorestown intersection, not necessarily in SR 512. He isn't sure if those fees go to improve the road themselves. PennDOT doesn't generally make the improvements, they put it on the developer. Mr. Piorkowski thinks Mr. Horvath should talk to Attorney Backenstoe and make a recommendation based on more information.

He understands they may spend a lot of money on an impact study but never recuperate the money based on the number of trips generated. Mr. Horvath reiterated this would be additional trips. The golf course currently has baseline trips. It isn't like developing a cornfield. Mr. Piorkowski is thinking truck trips may not increase because it's already a significant thoroughfare for truck traffic to get to SR 33 and Interstate 80. They may not see a significant increase. Mr. Shaffer and Mr. Gable agreed to table it until they provide more information. Mr. Becker thinks the Board is going in the right direction after listening to what was said tonight. SR 512 traffic is going to increase if warehouses go in, but there's a lot of traffic already. He doesn't know if they'll recuperate the cost of the study for the impact fee noting there isn't a lot of room left to develop on SR 512. Mr. Gable said the golf course is really the only thing he could see in that area with Mr. Becker noting one other property. Mr. Horvath said they can have these areas meander to what they think is high growth areas. It doesn't have to be a seven square mile circle. It can be gerrymandered as long as it's contiguous. Mr. Piorkowski said they're going to table it so Mr. Horvath and Attorney Backenstoe can do more research. Attorney Backenstoe said it is possible once they've adopted a resolution creating a committee, they can advertise the township's intent to adopt an impact fee ordinance. They have to do it twice within one week and no less than three weeks from the committee. If they do that, they can assess impact fees retroactively as long as they assess impact fees eighteen months from that date. They can assess up to \$1,000 per trip. However, if the ordinance would be \$700, they would refund the difference. They can charge impact fees retroactively without the ordinance. Mr. Piorkowski asked confirmation they can ultimately not adopt the impact fee and would need to return the fees. Attorney Backenstoe confirmed.

#### **WAIVERS & DEFERALS**

#### **REGULAR BUSINESS**

#### **MINUTES**

**Mr. Shaffer made a motion to approve the minutes from March 2, 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 \$118,655.66. The Liquid Fuels bills are \$62,774.99.

**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 West was absent, report will be provided next month.

**FIRE & AMBULANCE**

Mr. Harhart read the fire and ambulance reports for March 2021.

**PUBLIC WORKS DEPARTMENT**

Mr. Craig Hoffman said street sweeping is this week, and will be back the end of the month to finish. They are going to start roadwork this month, and he asked people to slow down if they're seen working.

**FIRST REGIONAL COMPOST AUTHORITY**

Mr. Gable said everything is up and running. A big piece of steel went through the grinder, and it ripped the teeth out of the grinder. It has been repaired, and Mr. Bill Bedics is working hard noting he's the only full-time employee right now. Mr. Gable thinks their brush pile looks good in the back. The rest in the area are also in decent shape.

**NAZARETH COG**

No meeting.

**RECREATION COMMISSION****McCandless Field Lights**

Mr. Mike Tirrell has been working on grants. They need an engineered drawing for how the lights will be on the field. He noted they spoke about the lights a couple times, and it's been put on hold. Mr. Shaffer asked if he's applying to the grant or if they got the grant. He said they're applying, but they need an engineered drawing as part of the application.

**Mr. Shaffer made a motion KCE create the drawing for the McCandless Field Lights**

Mr. Gable asked if Keystone can create the drawing, or if that's something the light company needs to do. Mr. Horvath said they've done this for other municipal clients. They have already been in contact with the lighting supplier when discussing the item previously. They have some basic drawings they can utilize to put something together that would suffice for the grant application.

**Mr. Gable seconded the motion****Public comment**

None

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

**Pickleball**

Mr. Tirrell had a couple residents request a pickleball court. They're requesting they paint the lines on the tennis court. This was brought up a couple meetings ago, and they received an official request. The recommendation from the Recreation Commission is they paint the lines on the tennis courts that way both courts can be used for tennis or pickleball. There seems to be quite a bit of interest from residents to have that done. He is asking for approval to move forward. Mr. Shaffer recalls discussing one of the courts being pickleball and the other tennis. Mr. Tirrell said that was discussed, but the commission recommends both because it can be dual use. The thought was they can paint both and can use for both activities. Mr. Piorkowski doesn't think it'll be that much difference in cost. Mr. Gable asked who is

going to paint them. Mr. Piorkowski asked Mr. Shaffer who painted them in City of Bethlehem. Mr. Shaffer thinks their parks crew painted and asked Mr. Hoffman if that's something they could look into. Mr. Hoffman assumes Sealmaster sells the paint as they do everything for courts. He wasn't ready to do paint it, but they'll do it. Mr. Piorkowski said they'll table it so Mr. Hoffman can look at the cost of paint, hours, etc. Mr. Tirrell asked Mr. Shaffer to forward the pictures from the other complex to Mr. Hoffman.

### **Skate Park**

A couple residents requested a skate park. Nothing was decided by the commission. They want to know the Supervisors' opinion on whether it was something they want to look into. The residents would do the grant work. Mr. Piorkowski couldn't remember discussing at a Rec meeting or Supervisors meeting, but they suggested the lady whose son is interested in doing it go to parks in existence, such as Nazareth, to get all the insurance and other relevant information. He doesn't know if that has happened. Mr. Tirrell said she didn't have insurance info, but she got information from other municipalities. He could ask her to get insurance information if that's what they wish. He doesn't want to waste the commission's time if it's something the Board is completely against. Mr. Gable said this was discussed many years ago, and it was decided no because of the liability and insurance. It's still the way he feels asking if they need more risk and liability with a skate park. Mr. Shaffer said he'd want to know more about the liability insurance, where it would be placed, and maintenance requirements. He's not familiar with how skate parks work. Mr. Tirrell will take the feedback to the next meeting. Mr. Piorkowski said the resident should be able to go back to Nazareth and ask about pitfalls they ran into. They don't want to reinvent the wheel. He agrees with Mr. Gable and Mr. Shaffer. He'd like to know more about the costs and liabilities before moving forward. Mr. Steiner will ask Brown and Brown about the insurance liability.

### **Disc Golf**

Mr. Tirrell said the commission received a request to install a practice tee for the disc golf course at no cost to the Township. They have the basket, and it will be paid for as a donation. The commission needs permission to add the practice tee to the golf course near hole 1 as a warmup area. Mr. Shaffer asked if they're asking for the Township to install. Mr. Tirrell said no. Mr. Piorkowski asked confirmation he's asking for approval to allow it because the golfers are going to install. Mr. Tirrell confirmed. Mr. Shaffer asked if there's any issue with them installing the tee. Attorney Backenstoe said no as long as carrier is put on notice, and Mr. Steiner said they have volunteer insurance. Mr. Piorkowski asked confirmation it won't take up any additional parking spaces. Mr. Tirrell said no, and they can be removed temporarily if they need the parking. It's like a flag in a golf course that slides out.

**Mr. Shaffer made a motion to approve the practice tee at the Recreation Center disc golf course**

**Mr. Gable seconded the motion**

**Public comment**

None

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

### **HISTORICAL COMMISSION**

Mr. Gable said they started contacting people who own the one room schoolhouses that have been changed to residences or other use. They installed a sign at Little Mexico school on Pine Road. They're in the process of putting one together for the Graver school. There were fifteen schools. They lost a couple, but they're trying to get historical signs up on as many of them as they can.

They have a plan for work on the Edelman School building. They started grinding some of the mortar so they can be repointed. They took out one of the window frames and are starting to put together at a lot less cost than the \$7700 discussed last year. There are nine shutters done with nine more to go. Those

are being made and donated. The front door is being donated as soon as it comes out of the school it's currently in.

### **New Member**

Mr. Edward Marshall looks to be a very good addition to the Historical Commission. He would be the ninth and final member. Mr. Gable asked for a motion to appoint Mr. Marshall to the commission.

### **Mr. Shaffer made a motion to appoint Edward Marshall to the Historical Commission**

#### **Mr. Piorkowski seconded the motion**

#### **Public comment**

None

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

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

Mr. Bob Romano reported they closed on the preservation of the Jarinko property, approximately 28 acres along Smith Gap Road within the boundaries of the Kittatinny Ridge. It brings the open space preservation to 190 acres. If the other properties the conservancies have been with go through, they'll be adding another 100 acres into preservation. Open space is woodlands, wetlands, and other natural areas. With regard to farmland preservation, they're up to about 2,658 acres.

On April 10, there's going to be a shredding event at Northampton Memorial Community Center on Laubach Avenue between 10 am and 12 pm. These events get crowded and are very popular, but they're run extremely efficiently. If the line looks long, it moves fast so it shouldn't scare anybody away.

### **Electronic Recycling Event**

Mr. Romano said there's an electronic recycling event on June 12 that the Township is going to be a part of in some way. Mr. Shaffer said Bath reached out to Moore Township and several other neighboring municipalities. They're looking to do a conjoined electronic recycling event. The county is not doing one this year, but he thinks the county is looking to provide funding for this event. He's waiting to hear back from a council member with the Borough of Bath on what they're requesting from Moore Township for the event. Moore Township has hosted an electronic recycling event in the past and have been involved in other municipal events. He thinks next month he'll ask for approval with more information.

### **Schiavone Park Pond Improvements**

Mr. Romano said they've been looking to improve the quality of the ponds at Schiavone Park. Mr. Shaffer sent the Board several emails regarding Aqualink Inc, a company in the Doylestown area whose expertise is in ponds, lakes, and reservoir treatments. Bushkill Township uses them to treat their ponds open to the public. Aqualink met with Mr. Romano at the park. There is algae and other grasses that are starting to impede on the ponds. Aqualink provided three options recommending option 2 or 3. Option 2 is a five-year non-copper based algaecide concentrated bacteria additives to the ponds, and option 3 would be eight times a year. There are permits involved through Pennsylvania Department of Environmental Protection (DEP) for treatment. Aqualink will do that at no additional costs, and the chemicals are environmentally safe and will not harm the fish or any other pond organism. Option 2 would be \$3,595 for five treatments throughout 2021, and option 3 would be \$5,650 for eight treatments. Last year, they stocked the ponds with bass. We already know there are carps and sunnies. This would help protect the investment and make the ponds more enjoyable. He doesn't think they have to go with option 3, but he thinks option 2 would be sufficient enough. After this year, they can evaluate to determine if they'd like to do this in the future. This is phase one. Phase two would be aeration due to wanting a good fish population in the ponds. On the date they were out, some fish kill was observed

likely caused by oxygen depletion from the ice melt on the ponds. Aeration helps break down organic nutrients on the bottom of the ponds and increase dissolved oxygen which is required for fish to survive properly. There's no electricity in the water. There's warranties on the aeration systems. They're recommending three aeration pads in the larger pond for \$3,610.89, and two aeration pads in the other pond for \$3,101.56. There's more information Mr. Hoffman needs to look into including running electricity from one of the poles to the park, so they're holding off on it. He wanted to bring up phase two. He's looking for a motion for treatment of the ponds option 2 for \$3,595. Mr. Gable asked confirmation it's one time shot for five treatments. Mr. Shaffer confirmed it is for five treatments for this year to get rid of the algae blooms and grasses much of which is caused by the herbicide and chemicals used on the adjacent field. Mr. Piorkowski asked if this can come out of the land preservation EIT costs. Mr. Shaffer confirmed noting the fund is for preserving properties, maintenance of the park, and improvements of the park. Mr. Steiner asked if they have to do this every year. Mr. Shaffer said if they can get more information on aeration, it should prevent the need for treatments and the algae created. Mr. Gable said it would get the water moving. Mr. Shaffer said they have the park, they have the ponds, and they want people to catch and release. Lets make it as best as possible, noting funds are available.

**Mr. Gable made a motion they proceed with five treatments for the first year at \$3,595 for treating the ponds**

**Mr. Piorkowski seconded the motion**

**Public comment**

None

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

### **Resignation**

Mr. Steiner received a letter from Mr. David Frey resigning from the LEPB. Mr. Gable asked if there was a reason. Mr. Steiner said there's no specific reason, and Mr. Shaffer said there was some conflicts with meetings.

**Mr. Gable made a motion to accept the resignation of Dave Frey from the Land & Environmental Protection Board**

**Mr. Shaffer seconded the motion**

**Public comment**

None

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

Mr. Shaffer requested they advertise for a ninth member for the Land & Environmental Protection Board. Mr. Steiner will advertise.

### **COMMUNITY DAYS COMMITTEE**

Ms. Lois Kerbacher said Bath is not doing Suds and Spuds this year, so they would like to partner with the Township for Community Days. Martin Guitar is going to provide some funding to Community Days. They're also looking into a Community Yard Sale at the Rec Center. Starting in June, they're going to have bands one night of the month until September. The first band is June 11 with Social Call. They're still working with the other bands. More information will be had Thursday night. Mr. Piorkowski asked when the Community Yard Sale was taking place. She said May 1. Mr. Piorkowski asked if there's a charge to participate. Ms. Kerbacher said they're going to charge everybody who sets up a table. They didn't decide on the fee amount, but there will be a fee. Mr. Piorkowski said they're cutting it close, but Ms. Kerbacher said they don't need that much prep. They have a meeting Thursday night, and they're going to see how things go because they need to advertise and sign up people. Mr.

Gable asked if it was a Saturday, and Ms. Kerbacher confirmed. He asked if there's any problem with baseball. Mr. Tirrell said they're doing it on the football field and will be run a lot like Trunk N Treat. Mr. Piorkowski asked if the bands would be different every month until Community Days. She said it will be every month until September which will be Steel Creek. She doesn't have the date, but it's a Friday night. They're going to do a band at the beginning of the month, and a movie at the end of the month. They're working on the booking for July.

### **ZONING AND BUILDING OFFICER**

Mr. Harhart referenced items later in the agenda. The first is the proposed utility substation at Point Phillips Road and Williams Road. First Energy reached out to him and Mr. Steiner for an informal conversation. He told them they need to come in as a special exception due to the Zoning ordinance having utility substation in rural residential zoning districts as special exception use. They later sent Mr. Harhart various correspondence stating under the state law, they felt they did not have to come in under special exception. Attorney Backenstoe who will have a much more in-depth discussion later in the agenda.

The second item is the letter of agreement for a developer on Fox Road proposing a major subdivision which would require a number of major road improvements under the Subdivision and Land Development Ordinance (SALDO). At the Planning Commission meeting, he requested to set up an escrow account to meet with Township Engineer Kevin Horvath to determine the extent of the road improvements for this project. Mr. Harhart thinks Mr. Gable will speak on this later in the agenda.

The third item is the bamboo ordinance request. He received a letter from a Township resident on Keeler Road requesting the Township pass a bamboo ordinance. Mr. Harhart attempted to look at surrounding municipalities similar to Moore to see if they have bamboo ordinances, and none of them have those types of ordinances. He wasn't sure if Attorney Backenstoe or Mr. Shaffer may be more familiar with ordinances in different, less rural communities.

The fourth item is the appointment of a new Zoning Hearing Board (ZHB) member. There is a ZHB meeting tomorrow night. Hopefully, the Board will be able to appoint the individual tonight to attend the hearing and provide input. He and the ZHB would like the other member to stay on as long as possible as an alternate as he's a very valuable person on the ZHB. Mr. Harhart thinks he would be willing to do that, but right now he has a work conflict.

### **TOWNSHIP ENGINEER**

#### **Schiavone Farm**

Mr. Horvath was forwarded a designed report from the Conservation District recommending the installation of a couple grass line channels. In the upper reaches of the field, there's an existing tree row they're proposing to remove and create a shallow grass line channel that would eventually discharge toward the rear of the properties to the north of the park. He thinks there's a swale or grass line channel that runs between the Pagano and Shoemaker properties. They're suffering from muddy discharge water from the farm field. They would grass line the channel and discharge cleaner water to those two properties. The other channel would run along the northside of the farm closer to Bushkill Drive in the area that's more naturalized, maybe 100 ft wide. There would be a shallow grass line channel constructed. Those are the two channels the conservation district is recommending at this time. He had a chance to review the work, but he didn't assess it from a detailed, engineering standpoint. Their intention is, as expected from the conservation district, to reduce the runoff of muddy water, not necessarily alleviate a flooding condition. It would improve the quality of the water because it's currently running through eroded ditches in the field bringing sediment and muddy water with it. Their proposals would be

strictly limited to erosion and sediment controls. It may have the added benefit of slowing the water as increasing infiltration could possibly reduce volume and flow rates. He wouldn't count on any measurable improvement on Bushkill Drive which he understands the Board is considering possible improvements to help. The proposal is not going to change conditions along Bushkill Drive where they have standing water and flooding. The Board's intentions will drive how they proceed. If they just want to clean the muddy water, they can install the grass line channels as proposed. If they wanted to alleviate some of the flooding or roadway overtopping below, there would need to be additional improvements. Mr. Shaffer asked confirmation the only thing being asked of the Township by the conservation district is the grass swale. Mr. Horvath said that is correct noting he just got involved within the last week or two. Mr. Steiner explained the increased water flow from some of the recent water events led to a neighbor asking the Township to try and alleviate the amount of water. This resident also sent emails to the other levels of government. One of the alternatives to this grass waterway plan was to divert the water across the field toward the woods of the pond area. However, it would create a potential water and sediment issue for the Township. As that plan was being put together, Mr. Steiner asked Mr. Horvath to get involved to determine impacts to the park. As soon as the Township started asking questions, the county abandoned this alternative plan and went with the original plan focusing on the erosion and sedimentation issue. Mr. Steiner would still like to alleviate the water flow with this project if possible. He thinks it would be ideal to try to fix the amount of water in addition to the dirt in the water if there is a way. At this point, the project is ready to be handed to Mr. Horvath to look at the engineering of this project. Once the plan is put together, it should go out to bid. The Boards needs to decide if they would like to also look into ways to eliminate the volume of water within this general plan the conservation district has provided. If Mr. Horvath is looking at the property through scope of the conservation plan, Mr. Shaffer said maybe he can look at other ideas for the water. Mr. Gable asked where they would run the water. Mr. Shaffer that's the problem, this is a sloped hillside coming down to a PennDOT road with our property on the other side which is a creek. They have two ponds on the other side. They also have two neighbors on same side of the Schiavone property the Township owns. He thinks they're going to push the water to someone else. Mr. Gable said they're going to run it down to the other end of the road to the Bushkill potentially polluting it that way. Mr. Shaffer isn't sure how it's possible. Mr. Shaffer doesn't have a problem with Mr. Horvath looking to see what it would take while he's out there. Mr. Gable agreed. Mr. Horvath said the goal of the Township is to resell this property, so the improvements for the property should be as little of an encumbrance on this property as possible or within reason. The grass way channels are in the area that isn't farm and are along the perimeter. If they want to alleviate the condition at Bushkill Drive, it's going to involve more than some channels. They can deepen it and cause it really to encourage infiltration, but it's going to be geared to one- or two-year storm events. The problem below is really the larger storm events. Shorter than a full-fledged basin, he doesn't think it will alleviate that condition through detention or infiltration measures on the Schiavone property. He could design a basin that eliminates the problem. However, it might take up five acres of land. There's a balance between the encumbrance that will be created on the Schiavone property and the benefit it provides for the flooding condition. He continued, alleviating the flood condition includes alleviating the dam which is Bushkill Drive. It takes all the water, blocks it, and causes it to overtop the road. The culverts beneath Bushkill Drive are deficient in size as are the roadside channels to get the water to the culverts. To prevent the overtopping of the road, they'll need to upsize pipes or install a grass line channel along Bushkill Drive to those culverts, but most likely a combination of the two. They can do limited things on the property to maybe reduce the runoff volume or rate to Bushkill Drive but nothing that's going to make a real difference without a significant impact on that property. He isn't sure they can do that with Farmland Preservation which would be another matter to consider. Upsizing pipes across the road might help. As far as onsite improvements that will help, he doesn't think there is one thing unless, as Mr. Steiner mentioned, they take all the water from the area where the new driveway is and divert it into the park property. If they're trying to improve water quality for those ponds, the last thing they want

to do is dump run off from an agricultural field into those ponds. If they want him to come up with a little more than what the conservation district is proposing without a little investment, he doesn't think such a thing exists. Mr. Shaffer said that's fair and probably what everyone here is thinking. Mr. Piorkowski noted they didn't create the problem of increased water, and it's a problem that's existed forever. There's a property surrounded by a creek and a hill with water running down the properties. He thinks maybe people think the Township has funding to solve the problem noting this wasn't pursued before the Township owned the property. He suggests doing what the conservation district demands and maybe increasing the size of the pipes. Other than that, he doesn't know if they'll ever get the correct solution without spending a fortune and putting in a retention pond. Mr. Horvath said if they want to get the water across the road, a construction for roadside ditch and couple of cross pipes might be \$1,000 plus not including engineering and permitting for DEP discharges and PennDOT road crosses. There isn't a good solution that doesn't involve some of that work. To really make an impact, they're looking at \$50,000 ballpark to get started. That can be done in right of way, and it wouldn't impact cultivated areas of the property. The money would be best spent upgrading drainage on side of the road to get the water across. Mr. Shaffer said if they're starting with \$50,000, he would stick with the conservation district's recommendation on the grass swales. Mr. Horvath doesn't want to dissuade from making improvements, but it isn't going to be an easy fix. Mr. Piorkowski doesn't think he dissuaded them, but they all know the problem existed before they bought the farm. Mr. Horvath said they could take the conservation district's 30 ft wide channel and make it 75 ft which could create pockets and be a slow draining, naturalized area. It could not be planted, but it would be wet. There could be more done within those areas, but it would be more of a small storm improvement. He isn't sure if the road overtops during the smaller events. He hasn't been out enough to know when the road is taking a beating from run off from the field and how frequently that occurs.

**Mr. Shaffer made a motion to authorize Keystone to look into several options regarding the conservation district's recommendation on the grass swales at Schiavone property**

**Mr. Gable seconded the motion**

**Public comment**

None

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

Mr. Horvath asked clarification that he is to take a closer look at what the conservation district is suggesting and let the Board know of any concerns he has with it. Mr. Steiner asked Mr. Horvath if they have to do a lot more work before putting the project out to bid. Mr. Horvath said more work, but maybe not a lot more. They'd have to put together a bid package, and he would use information provided as basis for the package. It's certainly not suitable for bidding as it currently is.

**Mr. Shaffer amended his motion to authorize Keystone to look into several options regarding the conservation district's recommendation on the grass swales at Schiavone property and create any other drawings needed to go out to bid**

**Mr. Gable seconded the motion**

**Public comment**

None

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

## **TOWNSHIP SOLICITOR**

### **Livestock Ordinance**

Attorney Backenstoe noted at the last meeting the issue of maintaining livestock has become a problem. Somebody has goats that aren't penned up, and they access the road. This could cause automobile

accidents, hurt the goat, or the hurt the driver. He was asked to determine if it's something they can regulate. Most townships in the area do not have such regulation likely because they're rural in nature. He drafted an ordinance which would require the livestock be properly fenced and housed so they don't create a nuisance. He defined animals and noted the guts of the ordinance would be running at large, no owner, custodian, or keeper of livestock shall permit such livestock to run at large at any time either upon any street or public grounds of the township or upon the property of any other person other than the owner, custodian, or keeper of the livestock unless such livestock is accompanied by or under immediate control of the owner. This ordinance would allow the police to issue citations. He suggests if they want these regulations implemented, he would do it in two separate ordinances: one would be a nuisance ordinance allowing the matter to immediately be addressed by the police, and two would be to put it in the Zoning ordinance. If Mr. Harhart gets a zoning violation notice, they have 30 days to file to the zoning board and could take months to resolve. He put in provisions that if the livestock is really creating a problem, they can be confiscated. However, the police would then need to retain them. Mr. Piorkowski asked if this gives them the ability to hire another farmer to pick up the animal and store it noting this happens in cities. Attorney Backenstoe said they could with Mr. Piorkowski noting any cost would be recoverable. Attorney Backenstoe said that could be easier said than done when you have a private person acting under the Moore Township Police to confiscate an animal, but the police aren't going to have a place to hold it. It's up to the Board, and he asked if the Board wants it in the final form. The chief is unavailable today, and he can work on it with Chief West over the phone. Mr. Shaffer asked if Chief West had any comments and asked if Mr. Harhart spoke with him. Mr. Harhart had comments, and he did talk to Chief West about it. His main concern is that when the animals are in the roadway causing a safety hazard, they want to immediately have the ability to address the hazard. Mr. Shaffer said if they're all concerned about not having a place to put the animals, he thinks it should be removed. Mr. Piorkowski thinks there's got to be a vehicle to hire someone to take it off the roadway. If it's on the roadway, what would the cops do? Attorney Backenstoe said the cops would walk it off, put it back to property owner, and issue a citation. It could be criminal and up to \$1,000 crime which would be up to the magistrate. The property has to be fenced in a clean, proper fashion. Mr. Shaffer said all they'd be able to do is scoot it off the road if they can't find the owner and do the best they can in this situation. Attorney Backenstoe asked if he should put this into a nuisance ordinance for adoption at the next meeting. Mr. Piorkowski thinks a nuisance ordinance would make it easier to enforce, so he would do that. Mr. Shaffer asked if he would do it in Zoning as well. Attorney Backenstoe can place it in zoning as well, but it will take a little longer for requirements. Mr. Piorkowski said nuisance ordinance would take effect immediately and zoning would take longer. Mr. Gable said Mr. Harhart would have to give the person thirty days, but with nuisance it's immediate. Mr. Gable and Mr. Piorkowski said they'd go nuisance.

### **Letter of Agreement with Nico Delserro**

Attorney Backenstoe continued, a developer came to the Planning Commission with a sketch plan. A sketch plan is not a formal submission, a land development plan, and they don't pay any fees. They come to the PC to get some ideas. The PC reviewed the sketch plan submitted by Nico Delserro. His attorney and the owner want to work with the Township engineer to come up with some concepts the Planning Commission could further look at before submitting a full blown development plan. Attorney Backenstoe's initial reaction was the taxpayers aren't going to pay for it, so as long as an escrow account is set up with a letter agreement it should be fine. This isn't something specifically authorized in the Township's ordinance. Assuming the Board has no objection, they can set up a letter agreement and have him post maybe \$5,000 in escrow. That way, their engineer can contact our engineer to draw up some concepts. If they're done and money is left over, they return the money. Mr. Gable thinks it's a good idea that way taxpayers aren't paying. Mr. Piorkowski and Mr. Shaffer agreed. Mr. Piorkowski asked if he had any idea what the value would be. Attorney Backenstoe thinks about \$5,000 and mentioned it to

PC as well. Mr. Piorkowski asked if the developer offered an amount, and Attorney Backenstoe said no. Mr. Piorkowski asked Mr. Horvath if \$5,000 would be appropriate or if it should be more. Mr. Horvath would need to look into it further as he's not familiar with the situation. Attorney Backenstoe said he'll put in the letter they need an initial \$5,000. If they need more, they'll need to replenish the fund.

**Mr. Gable made a motion Attorney Backenstoe write a letter to Mr. Delserro to have them establish a \$5,000 escrow account for work being done by the Township engineer to be replenished if it becomes depleted**

**Mr. Shaffer seconded the motion**

**Public Comments**

None

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

### **Schiavone Park Tax Exemption**

Attorney Backenstoe said Mr. Harhart is going to take Schiavone Park to the county to have it declared exempt, so he worked with him to get some statutory language to note it is used exclusively for municipal purposes, is owned by the municipality, and therefore shouldn't be taxed.

### **PennEast Pipeline**

Attorney Backenstoe had a conference call with the judge assigned to the case concerning the PennEast pipeline. He participates because the Township is a party, but as previously discussed, the Township doesn't really have a horse in the race. They were notified because the Township has a right of way on a tiny edge of the property the pipeline would run through which wouldn't have any value. Because they entered our appearance, he's invited to participate in conversations. After almost a year or two, the property owner did retain an attorney to look out for their interest which he thinks is a good thing. They're probably entitled to be compensated, and it didn't work out before in negotiations.

### **Recreation Center Rules – Horses**

Attorney Backenstoe was contacted to prepare a resolution amending the Recreation Park Rules and Regulations. In 2016, the Board adopted an ordinance regarding the Recreation Center rules. Knowing those have to be amended over time, he put in a provision stating they can amend the rules and regulations by resolution. He was asked to put a resolution together which confirmed horses would not be permitted in the Moore Township Recreation Center including the Recreation trails. They can either approve it as is, or they can do a new resolution for next month if they'd like different provisions. The resolution adds rule 14 that horses are not permitted in the Moore Township Recreation Center including the recreation trails located on English Road. There's a private Township road that runs through the park. He doesn't know if they can keep horses off public roads, but they can be kept off the private Township roads accessed by people who use the park. He understands the big problem is horses on the trail because people don't clean up after them which makes walkers and bikers upset. Mr. Shaffer said the biggest issue was horse manure on township trails which led to horses on the trails. The trails are not capable of holding a horse with a rider. It's a liability issue more than it is a manure issue. There are two or three horse owned farms, or properties where people have horses, that abut the Rec Center on Beersville and English. He has no problem with them not being on the trail, but he thinks it's harsh to not allow them trot or ride the Township's paved asphalt roads as long as they're cleaning up after the horses. He doesn't know if it can be adjusted to where there's a fine for leaving horse manure behind in the Rec Center. Mr. Gable said horses are being brought in trailers, it's not just the people abutting the Rec Center. They're going around the football field track with the horses. In summer time, the Rec Center has more kids and people. Now they'll have horses walking around until someone gets hurt, and the Township will be liable. That's his problem with even having horses on the main roads. He thinks Jacobsburg has a place

to ride horses on trails. The Township trails aren't made for it, and he doesn't think they should be on the roads. Mr. Piorkowski thinks they talked about this a year or two ago, and at that time, there was only one person riding in the park. They would ride over from Beersville Road. He hadn't heard anything in almost two years, and now they're hearing they're on the track around the park and coming in on trailers. He doesn't know what the increase number of horses is. If they're bringing a trailer in the park, they're not abutting the park. He's good with the resolution as is written. He doesn't think the park was ever constructed to handle horses. With it being a private road, it might be easy to detect if someone's horse dumped on the road. If they get in a trailer and drive away, how do they know who did it? Mr. Shaffer thinks it's the same people riding whether they're coming in a trailer or from abutting properties. He understands both of their opinions. He thinks they should also be excluded from the football track. He hasn't received or heard of many complaints concerning the horses. He doesn't know if the traffic has picked up. They have two gentlemen there from April to November for eight hours a day. If they saw any of that, they'd be able call Township police if there was a fine. Mr. Piorkowski asked about the ordinance for Appalachian Park and whether horses are allowed there. Mr. Shaffer and Mr. Gable don't think they allow horses. Mr. Shaffer said nothing is really enforced, and they don't really have a trail system. Mr. Steiner thinks horses are restricted from the trails at Appalachian Park. Mr. Shaffer said they can walk along Skunk Road and in the parking lot, but they don't really have a trail system at Appalachian Trial Park. Nobody is maintaining those trails. He continued, he understands where Mr. Gable and Mr. Piorkowski are coming from, but he thinks restricting them from the park is harsh. If this becomes a problem, he would possibly change his mind. Mr. Piorkowski asked where they go with the horses from the park. Mr. Shaffer doesn't know noting banning them from trails might keep them from coming to the park. Mr. Steiner wasn't sure if they do a loop from Beersville to English using private roads. He thinks enforcement restricting them to the private road and enforcing no horses at all in the park would be similar enforcement in that if you see horses on private drive, you know where they are. If they're on the trail or track regardless, it would be a violation. He'd be curious to hear if there would be a difference in enforcing either of them. He asked if this was part of the conversation when they passed the rules in 2016. Mr. Gable and Mr. Piorkowski didn't think so. Attorney Backenstoe noted the Recreation Commission provided them with rules. Mr. Piorkowski said they received complaints, but it was never formally discussed. He said they can adopt the resolution as is, or they can talk to Chief West on his opinion. Maybe they can ask the two guys who work there how many horses they see coming through. Mr. Tirrell asked if it can be given to Recreation Commission to provide recommendation. Mr. Gable thinks this should be a Supervisors' decision. Mr. Piorkowski can understand if they can come back and tell them who is using it, how they're using it, where they're using it, and advantages of cutting through the park. He doesn't want them on the trails or the fields, but he isn't sure if he's that hard against them riding through the park as long as they know the destination and end point. Mr. Hoffman said their biggest issue is cleaning. When this happened, Mr. Biery spent a couple hours cleaning it up. He doesn't think that's what they should be doing. Mr. Shaffer asked where the manure was. He said on the trail and football field. He sometimes finds it on the road. Mr. Piorkowski asked if this has happened more than one time. Mr. Hoffman said yes, Mr. Biery takes care of it. Mr. Piorkowski asked Attorney Backenstoe if they could pass the resolution then come back and amend it. Attorney Backenstoe said they can pass it or wait. Mr. Gable doesn't think they should pass it if they're thinking about changing it. If they want to leave them on the roads, he can be ok with that. Mr. Shaffer said this isn't a dire situation, so if we want to table and hear from Gary, that's fine. If the two of them are alright with just restricting them from trails, they can pass that tonight as they all agree on that point. If they want to allow on the roadways, he's ready to vote. Mr. Piorkowski would like to table and see where they're going through the park. Mr. Jeff Ayers asked if there's a nuisance ordinance like when the owners walk dogs and don't clean after them. Mr. Piorkowski said yes. Mr. Ayers asked if that can be applied to horses. Mr. Steiner said the bigger issue is the damage to the trails and fields due to the use of the horses, not just the waste. Mr. Piorkowski asked if they want to table it. Mr. Steiner said if they do, it would give the Recreation

Commission time to discuss as well. Mr. Piorkowski asked if they can get it by next month. Mr. Tirrell said absolutely noting he's in agreement with the issues concerning the horses. His sister had horses and rode off English Road and would clean up after themselves. He agrees the trails are not made for horses. In the state of Pennsylvania, manure from a horse is considered as emissions from a car so may run into issues with that possibly. Mr. Gable read they do not have to clean up the horse manure. Mr. Piorkowski asked for their thoughts next month and will table it for now.

### **Utility Substation**

Attorney Backenstoe said Mr. Harhart and Mr. Steiner received communications from First Energy who wants to put a substation in Klecknersville. Mr. Harhart correctly pointed out electric substations are permitted by special exception noting special exceptions are neither special nor an exception. It's a permitted use which conditions can be attached. If objectors can establish criteria, it's possible a ZHB can deny a special exception in unique circumstances. However, public utilities are completely exempt from Zoning and SALDO on the theory the public utility code demonstrates without question the legislature of the Commonwealth of Pennsylvania has expressed its policy they want everything regulated specifically by the Public Utility Commission (PUC). There's one exception of the MPC which talks about if a public utility is going to erect a building, not a structure, then the Township can require the utility apply to the PUC for a permit of public convenience. A structure is defined under the MPC as a manmade object having an ascertainable stationary location on land or water whether affixed or not to the land. Building is not defined under the MPC. The courts have said they can't use the Township's definition for building. He found cases which provide the following to be structures and not under the purview of the PUC hearing process. They include a water tower, emergency siren tower, electric transmission lines, and railroad tracks. However, he found a case from 1991, Newton Township case which said an electric substation control house was a building. They didn't define what it is, but part of the electrical substation was to be housed in a closure with four walls and a roof. They don't really know what kind of electric substation is being proposed by First Energy. They have no plans or real information, and nothing has been submitted. He thinks it would be fair for Mr. Harhart or himself to write to them and indicate that to the extent there's going to be a building, they think First Energy has to apply for a permit and petition the PUC. They may come back and say theirs doesn't include a building. One of the important things he wants everyone to know, which is going to be disheartening, is the fact that they have to apply for a permit of public convenience is a little misleading. People and neighbors who object may show up to the hearing noting it isn't convenient at all for them. That's not what they mean by public convenience. They mean public convenience in that the public utility substation serves the community at large meaning anyone in the First Energy service area. If First Energy proves to the PUC they're going to be serving the greater community with better electric, then the PUC will issue the certificate. The Township and residents would have a right to be present, and residents could hire a lawyer. It's possible they can request certain conditions be put in place. If the Township were to object, he could go to Harrisburg and put on an engineer showing why certain regulations should be implemented. For example, maybe they want a land development plan or buffering. They're allowed in the district anyway, so if a private company wanted to put in an electric substation, they probably could as a special exception. The fact it's a public utility unequivocally exempts them from any SALDO or Zoning except for the provision under Section 619 in which they need to apply and get a permit. They may have done that, but it would be odd because we would need to be noticed. Mr. Harhart hasn't had further conversations with the public utility. However, he has had conversations with adjoining residents and property owners asking what we know about this proposal. They're very concerned with their property values especially on Tomic Place subdivision. He does think it's important and a good idea if Attorney Backenstoe drafts a letter citing those court cases and decisions to understand from the start this is the direction they're looking at. Attorney Backenstoe was going to draft a letter to the utility company that if they expect there's going to be any kind of building, they'll need to file for PUC approval.

## **TOWNSHIP MANAGER**

Mr. Steiner said the Parks Improvement Grant applied for and approved through Northampton County in 2017 was closed in December. It was a 50/50 grant, and they received \$45,171.36. The project is now closed. There are a couple more improvements needed at Schiavone including the fence being put back.

The other grant was the 2018 LSA grant for a police car. Chief West announced last meeting or two meetings ago that the Township received the vehicle. They now received the reimbursement, and the grant is closed. They're still working on the grant for computer equipment and installation. Once that is complete, they'll submit for reimbursement.

## **American Rescue Plan Act**

Mr. Steiner said people have probably heard through the American Rescue Plan Act, the federal government decided to distribute funds directly to municipalities. The first estimate for Moore Township is over \$900,000. PSATS and the county held townhall meetings regarding the act. The county townhall meeting had elected officials, and the information wasn't the same as that presented at the PSATS townhall meeting. Examples of what the funds can be used for include assistance to households, small businesses, and nonprofits; aid to industries impacted by COVID; premium pay to Township employees (the Township did not provide this pay); lost revenue replacement (example, compare amounts of Liquid Fuels or EIT received in 2020 to 2019, and if there's a difference, those funds can be backfilled); and infrastructure specifically for water (including stormwater), sewer, and expanded public broadband. It doesn't include roads and bridges. No funds can be used for pension funds, and no funds can be used to offset revenue loss from a state tax cut. This was a preliminary, information webinar. They're still waiting for Treasury regulations, rules from the Commonwealth, and accounting requirements. They may receive 50% of the funding this year and 50% next year, but he's also heard they may receive the lump sum this year. He isn't sure what is right, and what is not. He was told there will be a certain amount of time it can be spent and thinks it is 2024. At the same time, he heard from the elected officials there is no time period. They're still waiting for formal rules and regulations from US Treasury and the Commonwealth. The Township is limited to what they can spend the funds on, but they can start thinking about it within these categories.

## **RESOLUTIONS & ORDINANCES**

### **Resolution 2021-08 Governor Wolf State Police Proposal**

Resolution 2021-08 is in regard to Governor Wolf's state police proposal. Mr. Steiner said this resolution would authorize him to send the resolution to local state officials voicing opposition to the state police fee proposal. This fee was initially proposed to those municipalities who rely solely on state police. This year, it was proposed there would be a formula in which municipalities with police departments, or who have entered into agreements with other police departments, would also be subject to a fee. It would be less than the municipalities without any coverage, but it would be an additional charge to the Township. If it were to go in effect, the additional amount would be about \$40,000. This resolution is asking our local state representatives and senators to oppose the proposal.

### **Mr. Gable made a motion to adopt Resolution 2021-08 Governor Wolf State Police Proposal**

### **Mr. Shaffer seconded the motion**

### **Public Comments**

None

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

### **Resolution 2021-09 COVID-19 Policy Update**

This resolution further updates the personnel policy concerning COVID. The state removed the fourteen-day quarantine following travel, so they needed to update the policy.

**Mr. Shaffer made a motion to adopt Resolution 2021-09 COVID-19 Policy Update**

**Mr. Gable seconded the motion**

**Public Comments**

None

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

#### **OLD BUSINESS**

Mr. Piorkowski said they voted on a generator last month. They assumed they had all the pertinent information for the quotes. After the motion was made, and they voted, they saw the specs weren't all the same. To be transparent and fair to all those providing quotes, they asked for the same information from all three. He's going to ask Mr. Gable who made the motion to accept to rescind the motion to accept the bid.

**Mr. Gable made a motion to rescind his motion purchasing the generator at last month's meeting**

**Mr. Shaffer seconded the motion**

**Public Comments**

None

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

Mr. Piorkowski asked if they had the current information to make a decision. Mr. Gable said not yet. Mr. Piorkowski tabled the discussion. He apologized to the vendors noting they went off the information they had and thought it was all the same.

#### **NEW BUSINESS**

**Zoning Hearing Board Member**

Mr. Piorkowski said they have a vacancy for ZHB. Mr. Steiner said they received a letter of resignation from Freddy Lutz.

**Mr. Shaffer made a motion to accept the resignation of Freddy Lutz from the Zoning Hearing Board**

**Mr. Gable seconded the motion**

**Public Comments**

None

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

Mr. Steiner said they received a letter of intent from Lyle Woodard to fill the unexpired term previously held by Freddy Lutz on the ZHB.

**Mr. Shaffer made a motion to appoint Lyle Woodard as the Zoning Hearing Board member**

**Mr. Gable seconded the motion**

**Public Comments**

None

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

**Northampton County Repository Sale**

Mr. Steiner received a repository sale from the county. The bid was \$3,200 for a property on Elm Street. Parcel ID G5SE3 16 1B-1 0520C. This is the only bid received and are looking for approval of the bid.

**Mr. Gable made a motion to authorize Mr. Steiner to send a letter to the county accepting the offer on the repository sale for \$3,200 on Parcel ID G5SE3 16 1B-1 0520C Elm Street**

**Mr. Shaffer seconded the motion**

**Public Comments**

None

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

## **CORRESPONDENCE/MEMOS**

### **Bamboo Ordinance**

Mr. Harhart received a written letter from a resident on Keeler Road requesting the Board of Supervisors consider adopting a bamboo ordinance. He attempted to look at similar, surrounding municipalities, but they either did not have or he could not find a bamboo ordinance. The Township does not regulate any planning of trees, vegetation, or bushes. The only vegetation they do anything with is high grass as do the surrounding municipalities. The resident's reason includes an ongoing issue with an adjoining property owner. He has attempted to speak to the neighbor, but the conversations didn't go anywhere. The bamboo is encroaching on his property, and he heard there are other municipalities with regulations. If the Board does want to consider an ordinance, it would go to the PC for discussion. Mr. Piorkowski asked Mr. Harhart about how the resident saw other regulations regarding bamboo. Mr. Harhart said the resident was looking online and saw regulations in other communities. He did not submit anything else to review. Attorney Backenstoe is aware of a number of municipalities with bamboo ordinances in Lehigh and Northampton counties. It's a brutally invasive species. It looks nice and provides a camouflage, privacy screen. It spreads like wildfire and will spread under a fence, over a structure into a neighbor's property and keep going. It's incredibly damaging. Roots can destroy water lines and other trees. Bethlehem and Williams Township has had issues with it. Mr. Shaffer thinks they should look into it noting in the City of Bethlehem, being the city forester, he knows they have a bamboo ordinance, and it is an issue. When it goes onto the neighboring property, they can't stop it. If there's anything they can do with regard to regulating the planting, he'd be interested in hearing more. Mr. Gable asked if the ordinance in the city doesn't allow it planted at all. Mr. Shaffer said it falls under the Health Department, not under his forestry ordinance. He believes there's no bamboo in city limits. Mr. Piorkowski said there are some places it can be planted, but a divider needs to be planted into the ground. Attorney Backenstoe said at least six feet. Mr. Shaffer said Round Up and cutting it down doesn't eliminate it. Attorney Backenstoe said a professional contractor has to come and rip it out at the roots. Mr. Shaffer said even then, there's a good chance it's missed. He understands it's an invasive species and can be a problem. He hasn't seen it in the Township, but if they're having issues, it should be addressed. Mr. Piorkowski remembers talking about it in the past. Mr. Gable said this person was in once before with the same problem. Mr. Piorkowski asked if it needs to be tabled for more research. Mr. Shaffer can look for information. Attorney Backenstoe will send the Williams Township ordinance to the Planning Commission.

Mr. Steiner said they received a notice of sheriff's sale at 656 Creek Road. It is on Friday, July 9, 2021. They also received a letter from PennDOT regarding SR 946 at N. Mink and S. Mink roads. The department will conduct a traffic study related to the brake retarder prohibition. It should be done within three to five weeks depending on weather. They'll notify us of the findings. They also received correspondence related to an alert system for displays and were cc'd by AquaPA regarding a well station filter addition for both Christian Springs and Evanwood sent to Planning Commission.

## **OPEN TO THE FLOOR**

Mr. Matt Flower of 2648 W. Scenic Drive wanted to speak briefly about the possible goat livestock ordinance. He's in contact with a number of local farmers in the Township. There had been some information regarding this possible ordinance on social media. There's some concern among farmers that this ordinance may violate the Right to Farm Act. If they're going to have the police enforce a local ordinance, established farms would be exempt if what they're doing falls under normal farm operation. The concern is police may come out, not know if the person with goats has them as pets or maybe they have a dairy operation as a hobby but aren't a legally operated farm. How do the police make that differentiation? Attorney Backenstoe said it's a good question and doesn't think the Right to Farm allows livestock to enter onto public roads or a neighbor's property against their will. He's very familiar with the Right to Farm Act, and he's familiar that nuisance ordinances cannot be applied against farms. He's been involved in a lot of litigation where farmers had corn stalks blowing onto a neighbor's property pursuant to farming it, and he's told townships that is normal farming protocol. On the other hand, he doesn't believe there's anything that indicates farmers can allow their cattle, goats, or horses to roam freely on public streets, thoroughfares, or highways, or onto a neighbor's property. Mr. Flower said he's absolutely right. Attorney Backenstoe said unless that happens, the police aren't going to do anything with livestock. It would only be if the livestock were on a thoroughfare, highway, public highway, involved in an automobile accident, and he doesn't think those are normal farming operations, or the Right to Farm would prohibit enforcement of this ordinance. Mr. Flower thinks he hit the nail on the head. He isn't familiar with this person or their operations, but these goats are apparently on the road pretty regularly. The concern is more so for the guy with a 100-acre dairy farm, and two cows get out. Now they could be looking at some kind of summary citation or criminal action. That's the real concern. Attorney Backenstoe said that's a legitimate concern. The police will go out on that situation, find the owner, and give the owner a warning noting they could lose the life of one of their valuable animals if they don't keep them out of the road. If they have to come back again and again, they might cite them. Our police are not going to look for livestock on public roads and citing people. Mr. Flower said as long as they have that differentiation, nobody is going to get worked up about it. In a regular farming operation, from time to time, noting it's happened to him twice, animals do get out. They want to make sure if it isn't a regular occurrence, they aren't going to get cited. Attorney Backenstoe said that's an excellent point, and he can assure him as solicitor of the Township it will not be an issue here. Mr. Flower appreciated that, thanked him, and said he would pass the information on. Attorney Backenstoe thanked him for the insight.

Ms. Cheryl Ferris of Vista Drive was wondering if there was an update on the short-term rental ordinance. Attorney Backenstoe said the final short-term rental ordinance has been drafted and advertised. The problem is it's a tough coordination effort when drafting an amendment to Zoning ordinance. It has to be advertised within so many days before the meeting, but not too many days before the meeting. At the same time, they need to allow comment from the Township Planning Commission and Lehigh Valley Planning Commission (LVPC). The LVPC is a large entity that doesn't always get to everything right away. The MPC previously gave them 45 days to review, it only gives them 30 days to review. He finds very seldom do you get the input from the LVPC in 30 days. They pushed the adoption of this ordinance to the May meeting. Ms. Ferris was under the impression it was going to be for tonight, but she completely understands. She didn't understand the complete process he explained. Attorney Backenstoe said originally, it was placed on the agenda for tonight. He realized they weren't going to get the review letter from LVPC, and they don't want to pass the ordinance then get the review letter. They moved it to the May meeting. Ms. Ferris thanked Attorney Backenstoe.

## **ADJOURNMENT**

**Mr. Shaffer made a motion adjourn the meeting at 8:30 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.**