

The Regular Monthly Meeting for the Moore Township Board of Supervisors (BOS) was called to order on Tuesday, June 6, 2023 by Chairman Daniel Piorkowski at 6:00 PM. The meeting was conducted at the municipal building. Members present were Chairman Daniel Piorkowski, Vice Chairman David Shaffer, Supervisor Michael Tirrell, Township Manager Nicholas Steiner, Township Solicitor David Backenstoe, and Township Engineer Kevin Horvath from Keystone Consulting Engineers (KCE).

WAIVERS & DEFERALS

#23-05P/F Estate of Louise Wright Minor Subdivision Waiver Section 504.4.a & b (Items 3 & 4)

Mr. Richard Gable reported the Planning Commission (PC) passed a motion to grant a waiver request for #23-05P/F Estate of Louise Wright Minor Subdivision Waiver Section 504.4.a & b (Items 3 & 4) with the exception the streams be put on the plan. Mr. Gable explained the sections deal with natural features and manmade features within 100 ft of the subject property. Mr. Ken Hahn confirmed that was correct.

Mr. Shaffer made a motion to approve the waiver request for #23-05P/F Estate of Louise Wright Minor Subdivision for sections 504.4.a & b (Items 3 & 4) of the May 18, 2023 review letter with the exception the streams be put on the plan

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

SUB-DIVISIONS AND LAND DEVELOPMENT

#23-05P/F Estate of Louise Wright Minor Subdivision Conditional Approval

The PC passed a motion to grant conditional final approval to #23-05P/F Estate of Louise Wright Minor Subdivision per the conditions set forth in Keystone's review letter dated May 18, 2023. Mr. Tirrell asked Mr. Horvath if there are any issues. Mr. Horvath indicated there were a couple items to be cleaned up but nothing insurmountable.

Mr. Tirrell made a motion to grant conditional final approval to #23-05P/F Estate of Louise Wright Minor Subdivision per conditions set forth in Keystone's letter dated May 18, 2023

Mr. Shaffer seconded the motion

Mr. Horvath has a recommendation for an additional condition of approval to note the waivers as approved on the plan.

Mr. Tirrell amended his motion to grant conditional final approval to #23-05P/F Estate of Louise Wright Minor Subdivision per conditions set forth in Keystone's letter dated May 18, 2023 as well as the waivers approved

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

#22-16P/F Wayne Cacciola Minor Subdivision Revised Final Plan Conditional Approval

The PC made a motion to grant conditional approval to #22-16P/F Wayne Cacciola Minor Subdivision Revised Final Plan per the conditions set forth in Keystone's letter dated May 18, 2023. This plan was

previously approved by the Board on December 6, 2022 as a non-building lot. The subdivision will create a 10.6 acre building lot and a 1.4 acre lot containing a single family dwelling. All setbacks were met, and the Board had no problem passing it. Mr. Shaffer asked confirmation this property was preserved, and Mr. Gable said it was. The engineer for Mr. Cacciola explained it was tracted into two tracts to make the larger tract available for future development while keeping it preserved. Mr. Gable said it's the exclusion. Mr. Tirrell asked confirmation this would be the last time it could be split, and a number of people said that is correct.

Mr. Shaffer made a motion to grant conditional final approval for #22-16P/F Wayne Cacciola Minor Subdivision Revised Final Plan per conditions set forth in Keystone's review letter dated May 18, 2023

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

#21-11P Water's Edge at Wind Gap/Southmoore Business Center Land Development Extension of Time

The PC passed a motion to accept the request for an unlimited extension of time, by the applicant, for Water's Edge Business Center Land Development. Attorney Backenstoe explained they have to grant the extension because the applicant is processing the plan in good faith, filed an appeal to the Zoning Hearing Board (ZHB), the ZHB denied their request, and they filed an appeal to the Court of Common Pleas. The matter is now pending in the Court of Common Pleas, so they can't deny a plan for which they are filing a lawful and proper appeal. They will see what happens with the Court of Common Pleas and if it goes to Commonwealth Court. Because the applicant understands it is going to take a while to process before the court, they granted an unlimited extension. Attorney Backenstoe did send a clarifying letter that the 90 days would start when they resubmit a new plan if they do so pursuant of any new court rulings or within 90 days after they would give the Township notice they would proceed. A question was asked what if nothing happens. The court rules, and they don't do anything. Like any other planning sitting for a long extended period of time, the Board has a right to make a motion to deny on the recommendation of the PC. They've had plans sit on the agenda for a year, receive a last minute extension, but not new plan, explanation, or appearance by the applicant. At that point, they're not processing the plan in good faith and motions have been made to deny the plan. It could happen here if they don't prosecute and process the plan. Otherwise, they definitely want to accept the extension because it protects the Township from a deemed approval.

Mr. Tirrell made a motion to approve #21-11P Water's Edge at Wind Gap/Southmoore Business Center Land Development request for unlimited extension of time

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

#22-08P Ashwood Construction/Whitetail Acres Major Subdivision

The PC made a motion to deny the plan for #22-08P Ashwood Construction/Whitetail Acres Major Subdivision based on conditions set forth in Keystone's review letter dated September 20, 2022. The PC feels this plan has been on the agenda and nothing has been happening. They think it's time to move it off the agenda and deny it. A person from Ashwood spoke asked what was the question. He explained they filed for the NPDES permit as required. They had a review and resubmitted revisions this week.

When they first spoke to the county, they weren't required to file a NPDES permit. DEP changed the regulations. Lehigh Engineering told him they now need to file for a NPDES permit, and it takes time. Mr. Tirrell asked if anybody came to the PC and told them what's going on. The representative said he came for the extensions. He calls Ms. Lois Kerbacher to find out when the extension is good until. She said it was good until June. He goes to every meeting to sign an extension. Mr. Gable explained the PC needed to make a decision because the time runs out by the June meeting. Nobody was there, so they made a motion to deny the plan. Mr. Horvath said they received information from the applicant's engineer a day or two ago. The information submitted indicated the plan had been back and forth several times to the conservation district. There were several review revision dates on the plans. It is evident things have been happening, but the PC's position was they hadn't seen or heard anything new. The representative apologized and said he didn't know he had to go to the PC meeting. He explained they can't just submit to NPDES. Once they get into the filing, they need to do the bog turtle study. That carried them over to the NPDES. They won't accept it until they have the bog turtle study which was done in January. That's when they entered into the pipeline with the conservation district. Attorney Backenstoe explained what happened at the May PC meeting was his extension was going to run into June. PC wouldn't hold a meeting until after the Board of Supervisors, so they had to make a motion that night. Nobody was here, and they didn't have an extension. If they didn't deny it, this Board would have missed it, and they would have a deemed approval situation which the Township doesn't want. The representative said he spoke to Ms. Kerbacher noting he speaks to her every couple months to see when the extension is due. She said not until June. He's here to sign his extension. Attorney Backenstoe explained he has to go to the PC before the Board meeting. It always works a month back. The representative said Ms. Kerbacher didn't say anything about that and asked why Lehigh Engineering wouldn't tell him to go to the PC meeting. Attorney Backenstoe said that's an awesome question, and he should ask Lehigh Engineering. The representative said Ms. Kerbacher could have also told him to go to the PC meeting because that's where he signed the other extensions, but he was told he needed to show up to the Supervisor's meeting. Attorney Backenstoe doesn't know what happened, but if he asked Ms. Kerbacher when his extension runs, and she said it's June, it doesn't mean Ms. Kerbacher is going to plan for him noting the representative is coming down hard on the Township. The PC had no choice legally but to make a motion to deny. Fortunately, he is here tonight and can rectify the problem. The Township engineer also attends the PC meetings. He didn't receive anything or have any updates, so he couldn't report anything either. The representative got an email from Lehigh Engineering noting he speaks to them every couple weeks. He thought they copied the Township office on the NPDES. Mr. Horvath received a forwarded email yesterday. Attorney Backenstoe noted this is two weeks after the PC meeting, and he's glad he's here to clarify. Mr. Piorkowski asked how they rectify the situation. Attorney Backenstoe said he would grant an extension tonight. Mr. Piorkowski asked if they had to do anything with the PC recommendation. Attorney Backenstoe explained the PC makes a recommendation to the Board. They don't have to take any action. If the gentleman wasn't here, the Board would make a motion to deny the extension. Since he's here, he's going to grant the extension. Mr. Steiner said they received the extension yesterday, and it goes through November 30.

Mr. Shaffer made a motion to accept the extension for #22-08P Ashwood Construction/Whitetail Acres Major Subdivision until November 30, 2023

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

REGULAR BUSINESS

MINUTES

Mr. Tirrell made a motion to approve one set of minutes from May 2, 2023

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FINANCIAL REPORT

Mr. Shaffer made a motion to approve the Financial Report

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

PAYMENT OF THE BILLS

Mr. Tirrell made a motion to pay the bills

Mr. Steiner noted bills for the month from General Checking are \$197,525.90. This includes the final payment for the Church Rd culvert project as well as the LSA trailer grant. The Liquid Fuels bills are \$7,383.09.

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Payment No. 3 Final Church Road Culvert

Mr. Horvath said the Church Rd culvert project has been completed. In early May, they received a request for final payment in the amount of \$12,150.49. Work has been completed in accordance with the contract, and they received the required maintenance bond and all necessary closeout documents. In addition to recommendation of payment, they also recommend the project be placed in its 18-month maintenance period. If they are so inclined, they can begin the period as of May 2 or this date, June 6.

Mr. Tirrell made a motion to start the maintenance period for the Church Rd culvert beginning today, June 6, 2023

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

APPROVE PAYROLL

Mr. Shaffer made a motion to approve the payroll

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

POLICE DEPARTMENT

Chief Gary West read the May 2023 report.

FIRE & AMBULANCE

Mr. Jason Harhart read the May 2023 report. Mr. Gable asked what the process is for putting on a burn ban in the Township. They have to do something because it is dry out there. Lehigh had it on for today, Monroe County has signs up. Attorney Backenstoe said the Township enacted an ordinance that authorizes the placement of a burning ban. Mr. Steiner thought it was the fire department who made the call. Mr. Harhart said perhaps the fire chief can make the call. Mr. Piorkowski said they put signs up a couple times. Attorney Backenstoe thought they instituted an ordinance which authorized the Board to also request it. He could be wrong as it was years ago. Maybe it was pursuant to the direction of the fire chief. It can certainly be looked into or under the auspices of the Second Class Township Code which allows for emergency action. Mr. Piorkowski asked if we had signs, and Mr. Craig Hoffman confirmed they do. Mr. Tirrell asked Mr. Harhart if he's heard anything from the Northampton County. Mr. Harhart said no. Mr. Tirrell thinks they usually do something that covers everybody. Attorney Backenstoe thinks they did at one point with Mr. Gable agreeing they had done that in the past.

PUBLIC WORKS DEPARTMENT

Mr. Hoffman said they are prepping for the 2023 seal coat projects. Last week, they began installing exercise equipment at the park. They have a couple things to touch up before that's complete. Mr. Tirrell asked when they will get the trailer. Mr. Hoffman said by the end of the week.

FIRST REGIONAL COMPOST AUTHORITY (FRCA)

Mr. Gable reported everything at the authority is going well. They got rid of all the first ground compost they had. They have compost being processed now, so hopefully they'll have compost in a month or so.

NAZARETH COUNCIL OF GOVERNMENTS (COG)

No meeting this past month.

RECREATION COMMISSION

Brick Program Update

Ms. Jodi Hartzell thinks they'll have the link for the brick update available at the end of the month. They'll wait until they have a certain amount and order it as a whole to hopefully have it installed by Veterans Day. It will be open for anybody, however long they want. Mr. Tirrell also had some people approach him. Attorney Backenstoe asked if it is something to memorialize somebody, and Ms. Hartzell explained it's a Veteran Memorial. She has a message in the newsletter but will get it on the website.

Park Signs – Tennis and Basketball

The commission approved putting signs at the tennis and basketball courts. The signs would have no cleats, no food, no glass, no alcoholic beverages, no bicycles, no rollerblades or skates, no tobacco products, and no abuse of the net. They want to make the same sign and place on each court as they don't have any signage currently. She wasn't sure if they needed additional approval for signs. Mr. Shaffer asked if this is part of the park signs. Mr. Steiner thinks it says to obey all posted signage. Mr. Tirrell noticed people roller skating and asked if that won't be allowed now. Ms. Hartzell said rollerblades will ruin the court, but roller skates will not. She wasn't sure if they should include skates or just no roller blades. They also don't want anybody playing hockey which would be more inline skating. Mr. Tirrell asked if they had an actual list. She does have it. Mr. Piorkowski asked if they need to amend their current rules to add these. Attorney Backenstoe thinks they just need to make a motion to authorize the signs. If they look at it and think further action is needed, they could go back and amend the ordinance if needed. He doesn't think they need to though.

Mr. Tirrell made a motion to approve the signs for the tennis and basketball courts with the rules from the Recreation Commission

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

HISTORICAL COMMISSION

Mr. Tirrell said they are planning the Oktoberfest on October 12.

LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)

Open House Electronic Recycling Event

Mr. Bob Romano reported the LEPB would like to, once again, have an open space open house at the pavilion. They would like to bring in a representative from the Heritage Conservancy, Mr. Matt Babbitt. It would be Monday, September 11. They plan to have it from 7-9pm. It will be approximately \$250 for Heritage to do the presentation. They usually have good turnout as they educate everyone on preservation and allow people to ask questions. They are looking for approval of the charge to have Heritage Conservancy present. Mr. Tirrell asked if \$250 is a high number. Mr. Romano thinks it is, but maybe we approve \$300 in case questions run over.

Mr. Shaffer made a motion to have Mr. Babbitt of Heritage Conservancy attend the LEPB open house on September 11 with the cost to not exceed \$300

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Newsletter

Mr. Shaffer said he and Ms. Kerbacher got all the articles into the company. The Hometown Press will be working on it over six weeks. They should hit mailboxes in early August.

Electronic Recycling Event

Mr. Shaffer reported an electronic recycling event has been scheduled for November 11, 2023 from 9-11am at the Recreation Center for Moore Township and Chapman Borough residents only. RRS, the same company from last year, will be doing the event. This is fully refundable from the County. Mr. Steiner explained this was the only date left noting at the last meeting the plan was to have it in September.

George (S. Penn Dixie Road) Open Space Preservation Agreement of Sale

Attorney Backenstoe explained Heritage Conservancy was approached concerning the George property. They've worked out a number of issues concerning the conservation easement. Before the Board for approval is an agreement of sale (AOS) to purchase a conservation easement. The AOS is for when you want to buy any interest in real estate, and the Township is buying an interest in real estate in the form of an easement which is not fee simple but nevertheless an interest in real estate. The primary holder of the easement is Heritage Conservancy because they have the wherewithal and ability to monitor and do the things that need to be done on a weekly, monthly, annual basis. The Township, as the purchaser, is also a coholder. If the Township is not happy with the holder, the Heritage Conservancy has the right to step in and act on behalf of the Township's best interest. The Township is purchasing a conservation easement for 32 acres located on 92 S. Penn Dixie Road, Nazareth with tax parcel J6-12-17 0520. The purchase price is \$160,000. It was properly appraised, and the Board approved the appraisal a couple months ago. Township costs include the funding and underwriting of the soft costs including title insurance and other closing costs. They are also going to pay a \$15,000 one-time stewardship fee to the conservancy as they will be overseeing

the work done. The Township is purchasing the open space, development rights. The reason they can use the EIT money is they want to keep it open and preserved. The purpose of the easement is to preserve water resources, biological resources, soil resources, scenic resources, ecosystem resources, and changes in resources effective to that area. There are two tiers being preserved: the high protection area and the minimal protection area. There's a baseline study, but Heritage doesn't have the baseline study complete yet. Heritage does a comprehensive review and analysis of the property. They do a study, take samples, take pictures, and document the land in a book so they can see what's there on the day they purchase it, and it better be what's there in the future unless this somehow gets set aside by court order. They have a program which confirms, and the sellers are aware, that limited events of up to 35 people at one time can come onto the property and have functions, nature hikes, conservancy lectures, things like that up to ten times a year. Mr. Babbitt said the conservation easement document can get negotiated up until closing noting there will be at least one other change. Once the survey is done, the correct acreage could alter the purchase price as well since it was appraised on a per acre value. He thinks the settlement date is set for early to mid-November noting there is still work to be done.

Mr. Tirrell made a motion to approve the open space preservation agreement of sale for the George property pursuant to any changes from Heritage Conservancy

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Neff (Delps Road) Open Space Preservation Appraisal

Mr. Shaffer reported Wildlands Conservancy submitted the appraisal for the Neff property. The before easement value is \$446,292, and the after-easement value is \$391,009. The effect of the conservation easement is \$55,283.

Mr. Shaffer made a motion to approve the appraisal for the Neff property with Wildlands Conservancy

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

COMMUNITY DAYS COMMITTEE

Ms. Kerbacher reported there will be a concert featuring The Buzz on Friday. They had a profit at their last bingo, so their balance is looking decent for Community Days. They have two concerts next month. They welcome anyone interested in volunteering.

ZONING AND BUILDING OFFICER

Mr. Harhart submitted his May report.

Concordia Lutheran Church

Mr. Harhart reported they received a letter from a prospective buyer for Concordia Lutheran Church. They receive a lot of requests for the Township to give a letter stating they would be ok with a proposed use on a piece of property if it is similar to the use that was there prior. This is more complicated. Concordia Lutheran Church would sell the property to Providence Hybrid Academy in which they would operate a school in the existing classrooms at the church, and Concordia Church would lease the church area to conduct services as they do now. Unlike the past, the school will not be operated by the church. The

question is whether or not this is a continuation of an existing use or something different. Attorney Backenstoe is speculating the reason they're asking is they want something in writing from the Township confirming they'll be able to use the property for that which they're buying it. When this was originally created, it was Concordia Lutheran Church who had the property. They had a church which was a permitted use. They had a school which was part of the church. When the whole subdivision and use permits came in, it was reviewed as a church. If another church were buying it and were doing the same thing as Concordia Lutheran Church, it would be simple. This is unique. The entity, Providence Hybrid Academy, is not going to operate a church. They want to operate a school. They want to purchase the property, lease the church, and run a school. That's different then when it came in as a church with a school as part of it. If the church wasn't there, the school is permitted as a conditional use. A conditional use is a permitted use to which conditions can be attached unless somebody objects and shows that particular use is more detrimental to the community than at other places. The only other difference is it's the only time in all of zoning in Pennsylvania that it comes to the Board as opposed to the ZHB. He thinks the Board should have input. If the Board was comfortable with the memo, they can authorize the Zoning Officer to give them a permit. His concern is there's certain representations that were made, but what if they get a different situation and neighbors get upset. If Mr. Harhart says they probably won't have a problem with this but need to file an application to hold a hearing in front of the Board of Supervisors, then they have a stenographer, there's a record made, they tell the Board exactly what they're going to do, and if the Board decides to approve it in connection with the testimony and any conditions attached, Attorney Backenstoe thinks that would be the safer route. If it were a church operating another church, he wouldn't think they should be concerned, but the fact it's a school and not a church is his concern. If they operate as a school and the lease for the church doesn't work out, then there's no church at all. It's pure school. Those are all the things to discuss if they came in with a conditional use hearing. He thinks the direction from the Board would be they looked at it, think it's a good use, but in order to provide written approval, they have to file a zoning application and hold a conditional use hearing. They get the approval after the hearing in writing, and it protects the buyer as well as the Township. Mr. Piorkowski asked how much different the school program would be from what Concordia is doing right now. According to their statement, Mr. Harhart said they would use the exact same classroom space, but their school is not related to Concordia Church. Concordia Church was a Lutheran school, this would be whatever is described. Mr. Piorkowski said the letter describes they would only be doing this two days a week and a summer camp. Mr. Harhart said yes. Mr. Piorkowski asked if it would be five days a week. Mr. Harhart said the letter doesn't mention how long. Mr. Piorkowski said the letter doesn't talk about that, and Mr. Tirrell said that's why you have a conditional use hearing. Mr. Piorkowski asked if Concordia had a summer camp, but Mr. Harhart wasn't sure.

Mr. David Gogel asked about the ages and type of children going to the school. Mr. Harhart said preschool to high school. Mr. Gogel asked confirmation it doesn't say the type of students in any way, shape, or form. Mr. Harhart said up to 17 students per classroom, subjects ranging from bible study to art, math, language arts, history, science, and much more. Mr. Gogel asked how many days a week. Mr. Harhart said two, and the rest would be on the computer. Mr. Piorkowski said it would be based on kids being homeschooled the other three days. Mr. Gogel doesn't know if they fall under the charter school regulations for the type of school they want to have because it's all inclusive from preschool to high school. If he's not mistaken, they would have to come to the school district for charter school approval if it's called that. He doesn't know if that's how it's going to be legally looked at. Going from experience of previous years, if they want to establish a school that covers that type of ages, he thinks they're going to need approval from the school district because they're inside the school district boundaries. He could check it out further if they need it. Attorney Backenstoe said that's another reason to have a conditional use hearing. Mr. Tirrell said from what he understood from the letter, the two days would be a religious school like bible school or church study. Mr. Gogel said if the costs go through the pipeline and gets approved, the cost of transporting

children to that school is borne by the taxpayer in the school district because the school district must transport these students whenever they have school. That is an expense that has to be realized. If it's a regular church school, he doesn't think it applies. This type of activity, if it goes the final route to get approved, could cost the taxpayer money. If it goes to school approval, they have to follow everything in line for the state Department of Education to have that school. He thinks they have a long road ahead of them. They have to get past the Township, then the school district if it's applicable, and if that's through it goes to Pennsylvania Department of Education. Attorney Backenstoe said this is why they hold a hearing as a conditional use to gather all the information.

TOWNSHIP ENGINEER

MS4

Mr. Horvath reported they received a signed agreement for Mr. McMullen for the fourth of six properties. He had a meeting with Mr. Barnes and got additional information about what he's looking for as far as agreement language and the easement restrictions. Attorney Backenstoe has been in contact with his attorney and drafted another revised agreement based on Mr. Horvath's revisions to the plot. Mr. Horvath said they were given verbal approval to do some sitework and keep things moving while they get hashed out over the next month. If the Board would like, he thinks they achieved the critical mass as far as the number of properties with this use of easements. Keystone could do some further evaluations of the detention basins, infiltration capacities, etc which would be the next step prior to getting underway with the actual design of the BMPs. They're trying to get everything moving in a similar direction to keep costs down and as efficient as they can, but he thinks continuing to wait for the outliers may needlessly prolong the process. Mr. Piorkowski asked if they got five of the six. Mr. Horvath said they have four of the six basins. They can get the survey for the fifth with Mr. Barnes. If they would like further information, he can provide details. Mr. Piorkowski said they need to get this done for the MS4 program. Mr. Horvath said to get to design, they need to get these soils for the foundation of the design. Mr. Piorkowski said before they agreed to move forward, they were waiting until he had enough to get started. He thinks they have enough now. Mr. Tirrell agreed.

Schoolhouse Renovations

Mr. Horvath recalled from the prior meeting, they met with two contractors. One did not submit a quote. The second company, Restoration Services, provided a partial quote for just the flooring in the amount of \$12,500 for just that item of work. The Board's direction was to speak with Mr. Bob Fedio, which he did, and aligned his estimate with the scope of work that was proposed to the others. He came back with an estimated cost of approximately \$21,900. He apologized as he forgot his briefcase at the office and is going off memory. The public bid threshold for municipal projects is \$22,500. An additional firm recommended by a member of the audience at last month's meeting, Tactical Construction and Electrical, came in with an estimated price of \$23,500. They are straddling the public bid amount. He spoke with Attorney Backenstoe who said if the Township is interested in going with Mr. Fedio who has been doing a lot of the work on the project thus far, that would meet the requirements for a non-public bid since they requested quotes from four contractors, one they didn't receive a quote, one was partial, one was full under the public bid threshold, and a fourth full quote above the threshold. He felt it satisfied the requirement, and if they felt comfortable going with Mr. Fedio, they could do that. Mr. Piorkowski wanted to know what he meant by partial regarding the company at \$12,000. Mr. Horvath said they would only do the floor. They could get in there within the next six months. Mr. Piorkowski asked if Mr. Fedio broke down what the floor would be in his quote. Mr. Horvath said he did. He offered to put together a memo with this information and send it to the Board. If the Board decides to go with Mr. Fedio for the entire scope of work, or any of the work, he suggests they put together a contract. It won't be as intense as a publicly bid contract, but they put together a more descriptive scope of work, timelines,

costs, change orders, insurance, etc. to get this on track in a timely manner. Mr. Shaffer said the memo will work to make sure they have all the numbers correct.

TOWNSHIP SOLICITOR

Ordinance 2023-3 Cable Franchise Agreement – Blue Ridge

Attorney Backenstoe explained the Blue Ridge cable agreement is acceptable after some back and forth. At the last meeting, he was authorized to advertise the ordinance for adoption. If adopted, he will send the original agreement to Blue Ridge for signature, and they will have a fully executed agreement with Blue Ridge in addition to any other executed cable franchise agreements in operation.

Mr. Tirrell made a motion to approve Ordinance 2023-3 Cable Franchise Agreement with Blue Ridge

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

TOWNSHIP MANAGER

Electronic Locks RFP

Mr. Steiner prepared an RFP to look at electronic locks for the building. He and Mr. Hoffman looked at it last year and placed it in the budget after speaking with BEI. The quote was around \$13,000 for part of the building. They would like an apples-to-apples comparison, so they put together an RFP with the help of Attorney Backenstoe, Chief West, and Mr. Hoffman. He would like to submit to a couple companies recommended to him as well as placing it on PennBid to see what it would cost to make the external locks electronic. It would be a key or fob access system. It has been some time since locks have been replaced, and these systems are designed in a manner that they can be attached to existing doors but removed and replaced to new doors if necessary. For now, he is seeking approval to seek additional proposals for that budgeted project.

Mr. Shaffer made a motion to allow Mr. Steiner to seek proposals for electronic locks at the Township building

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

CDs Renewal

The Township has three Certificates of Deposit (CDs) maturing this month. Two of them are preservation funds. One is about \$1.1 million and the other is \$1.4 million. The third CD he thinks is related to the Rec Center at about \$6,700. The rates have changed from the prior month. The 12-month rate increased from 4.75% to 5.05% for a 12-month CD. He is looking for their thoughts on how long the Board would like the CDs renewed for. They could do another year, or they could do six months and see if the rate increases. Mr. Tirrell asked if these are fully insured. Mr. Steiner explained municipalities don't have a Treasury, so they use a bank. They follow the same FDIC rules. However, banks also have to hold collateral that they submit in a monthly report regarding the types of investments. Mr. Tirrell asked if the bank goes out of business, do they only get \$250,000. Mr. Steiner would have to ask. Mr. Tirrell said that's a lot of money to put in one account, and if it's only insured at \$250,000, maybe they should look at putting it in other banks. Mr. Steiner said they'd have to have a few accounts at the Township if they did that. Mr. Jeffrey Delogolos explained for government funds, it's incumbent upon

the bank to provide additional insurance. With their investment, they should not only have FDIC but the entity they're investing with should provide a document that says they're protected above \$250,000 under the auspices of government funds. Mr. Steiner thinks that is what he receives each month but would need to check. When Silicon Bank collapsed, he reached out to Embassy about two to three months ago. He doesn't have the exact language, but he gets a statement each month from the bank now.

Mr. Shaffer made a motion to renew the CDs for 6 months at a rate of 4.5% APY

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

RESOLUTIONS & ORDINANCES

Resolution 2023-13 Agricultural Security Area (Fox Road) – Nico Delserro

Mr. Shaffer made a motion to approve Resolution 2023-13 Ag Security Area for Fox Road Nico Delserro

Mr. Tirrell asked Attorney Backenstoe the difference between what they did with Heritage and this. Mr. Peter Locke explained a conservation easement is a more protective document. Attorney Backenstoe explained many years ago, every Township adopted an ag security area. Then every year, a property owner can offer and ask to be placed under the umbrella of ag security protection. If you're a farmer, it gives certain entitlements or protections to avoid nuisance ordinances and things like that. They're not giving the Township anything. They're registering the fact they want to be an ag security area. The conservation easement is different in that the Township is acquiring an interest in real estate. There the Township is purchasing something, here it is a declaration from the landowner which grants them certain protections. Mr. Harhart explained this particular property wants to go into farmland preservation, so they must enter into this first.

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

OLD BUSINESS

NEW BUSINESS

Appoint Township Secretary

Mr. Steiner explained following departure of the Police Secretary, the Board wanted to combine the police secretary role with the township secretary duties particularly regarding the Board minutes and helping the administrative side of the municipal building. He and Chief West interviewed candidates and recommended Katherine Yost.

Mr. Tirrell made a recommendation to appoint Katherine Yost to the Township Secretary position

Mr. Shaffer seconded the motion

Mr. Piorkowski asked if they should include the rate, and Attorney Backenstoe said they should.

Mr. Tirrell amended the motion to appoint Katherine Yost to the Township Secretary position at \$20 per hour plus benefits consistent with the Teamsters contract

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

CORRESPONDENCE/MEMOS

Monocacy Drive School Bus Signage

Mr. Steiner explained they have been trying to get a response from PennDOT regarding school bus signage on SR 987. For a state road, they need to get approval from PennDOT for any kind of signage and agree to purchase, erect, and maintain the signs. For this particular case, it would be a "School Bus Stop Ahead" sign, and approval needs to come from the governing board to make a request to PennDOT. They will do a study and let the Township know if it's approved. If the Board would like to add it to the agenda and allow him to send an official letter to PennDOT requesting they do this study, they will move forward with it.

Mr. Shaffer made a motion to add Monocacy Drive signage to the agenda

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Tirrell made a motion to approve the Township Manager send a letter to PennDOT requesting signage on Monocacy Drive

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Shaffer thanked everyone who took the time to write newsletter articles, especially Ms. Kerbacher who helped him organize everything.

Mr. Shaffer announced he has an employment change. He is now employed by PP&L. As part of his employment and holding office at the same time, he was asked to give a statement. He stated he will not vote on or participate in any matters that are involving relationships between PP&L and Moore Township.

OPEN TO THE FLOOR

Ms. Dolores Krauss of 244 Smith Gap Road explained her property lies in front of a property purchased by Mr. Brian Szabo. He purchased the property around 2016, and over the years her property has gotten wetter. He decided to put an additional road in. He has a road coming in from Millheim, and he also has a road coming in from Smith Gap Road to his property. When they had the last rain, the water backed up from the road onto her property. She knows the land because it's been in her family for over 100 years, and that never happened before. She knows Mr. Szabo because he was her neighbor in Klecknersville. When he was putting the road in, she told him he's putting in shale which he said would be anywhere from twelve to eighteen inches as a base on the road. She told him he was going to backflow the water onto her property and create a hardship for her. He told her the water would go through the shale. She was surprised when the permit was issued. For the Millheim Rd permit issued by Mr. Taschner, it said follow the grading plan discussed at the first inspection. Secondly, notify the Public Works Director when ready for the next inspection. When she looked at the drawing, there was a possibility of a pipe or a swale being put in. When the permit was issued for Smith Gap Rd, Mr. Szabo never put anything about a swale or a pipe. Her concern is the water can't run down through, and they just put in a big pipe at the end of Millheim and Smith Gap for that purpose. It seems like the McMasters put four pipes in on the lane going back to their property across the street by the club. When they had the last rainfall of three inches, she still gets water coming in the back side of the property by Hokendauqua Creek, but it was not

near as bad. The property down below where the road is, this is the first time it's ever happened because of 50 or more loads of shale, stone, and topsoil that was put on Mr. Szabo's property. Various people have said to her the property was never that wet before. She doesn't understand why he wasn't required to do something in the front to keep the swale the way it always was, and that's her concern. Mr. Gogel said when he put the second road from Smith Gap into his dwelling or whatever is back there, he put a damn at the end of Ms. Krauss's property to hold all the water in. The water can't get through the shale because it's pretty heavy. He asked why he needs two driveways to get into the same property, the original from Millheim installed in 2016, and the second from August 2021. It upset the flow of water coming down the mountain and the road, and it runs into the shale property which is six to eight inches higher than the surrounding property creating a dam. The dam backs up into Ms. Krauss's property rather than going to its normal flow for a long time. He is thinking about the number of loads, and did he extend or expand over the 10,000 sq ft land disturbance noting that will kick in more than normal stormwater management practices. Mr. Horvath said 10,000 sq ft is the minimum threshold for stormwater management under Act 167. With two driveways and the disturbance around the property around the house, Mr. Gogel is sure Mr. Szabo exceeded his stormwater management threshold. It also compounds her problem by creating a dam because water can't get out of there due to the change in elevation of the road. As far as he's concerned, one driveway is enough, and he upset the flow of the water going down Smith Gap which has been a problem for years noting Mr. Taschner put up signs "roadway subject to flooding." He's seen how it floods, and now there's a driveway catching it all on Ms. Krauss's property and pushing it toward the road because it can't go its normal course down the back of the property. He's sure Ms. Krauss would be happy if the road would be removed and the topography put back the way it was because of upsetting the stormwater. Ms. Krauss wasn't sure if a pipe should be put in noting a number of people have said a pipe should be put in so the water can flow down through. From the picture given, they can see it's a lot of water. She had to spend money to put fill in the front yard. Mr. Gogel said the neighbor after the driveway doesn't have a pipe in his driveway either. Mr. Paul Cuva of Dannersville Road said when he put a driveway in the back of his garage, which he was before the Township for a variance to put up the garage, he was told whatever he does don't mess with the swale. He remembers that ten years ago. The swale is very important to everyone. The adjacent driveway next door did have a small swale to it, but in recent times they raised the driveway and water can't get passed. There should be a pipe or swale underneath both driveways. Mr. Piorkowski asked Mr. Hoffman if he'd been out there. Mr. Hoffman and Mr. Horvath were out there. Mr. Hoffman met Mr. Szabo when he put the application in for the driveway. He was told the driveway was needed to bring his manufactured house in as he couldn't do it off Millheim Rd. He didn't know if it was going to be a permanent driveway and told him to put in a swale because he can't block the path of water. He and Mr. Horvath looked at the driveway, and Mr. Szabo could dress the swale to get water flowing better. The pipe would lead to the next driveway, and there aren't pipes under the other two driveways. He wasn't around for those driveways. He told Mr. Szabo it is important to leave the swale there for the flow. Ms. Krauss walked Millheim Rd, and all the newer roads have a pipe underneath their driveway. She described the driveways with pipes on Millheim. Mr. Piorkowski asked Mr. Horvath if the swale needed to be reinvigorated. Mr. Horvath said it can be cleaned up. There's evidence of an effort made to mimic the roadside. A swale is a strong term. It's more of a slightly depressed area along the side of the road. It's not a big gorge where they could put a pipe in. If they put a pipe in, the driveway will end up humped at the front. He thinks Mr. Hoffman made the right call. If a depression could be properly graded along the road and across the driveway, he thinks that's the better way to do it. They raised the point that visually the next driveway down looks high. It looks somewhat recently paved. Once it gets past the stone driveway, what happens there is tough to tell. This is all being looked at after the fact. It's hard to say what was happening before versus now. Looking at things after the fact, it appears the driveway could be cleaned up and the water could flow past the edge of the road in a similar manner as it travels along the rest of the road north of there. Whether it gets past the next driveway is unclear. With respect to the rest

of the driveway, there is some evidence the driveway sits slightly higher than surrounding grade. If the driveway were to be removed, it's unclear if water were to flow through because it looks like there were obstructions that had been around for quite some time on the downhill side of the driveway. He can't speak to what the driveway created or caused, but his observations are that along Smith Gap Rd, the new stone driveway could be dressed up to a point to allow the water to flow better across or along the roadway. Mr. Piorkowski asked if they can contact Mr. Szabo as a first step. Mr. Hoffman said he could. Mr. Gogel said all the water comes on the backside of Ms. Krauss's property, the driveway creates dam effect, and runs along the driveway to the front where a swale could be to get rid of the water. Before the road was put in, the water kept running down the same course behind other people's house towards the creek. Now it's being channeled to the driveway, out to the road, and backs up into her yard creating a pond because of the elevation change. If he just wanted the driveway to put his house in, as far as he's concerned, he should remove the driveway because he doesn't need it anymore and has an access on Millheim. Ms. Krauss spoke to the Troxells up the street. They had a modular put in, and they had a skinny lane to get in. She doesn't have a problem he put the road in. She doesn't appreciate the fact it's creating a hardship for her with the water backing up because it messed with the swale. Mr. Piorkowski said they'll try the first suggestion and go from there.

Mr. Jeffrey Ayers asked permission from the Supervisors to use the meeting room to meet with state representatives Zach Mako and Ann Flood. It came to his attention Harrisburg is looking to alleviate the housing crisis by allowing people to use their accessory buildings and other buildings on their property as granny flats. He would be providing information that already exists in their zoning books. The ZHB members are comfortable with what they have already. Part of it is called eco units or elderly college housing opportunity units. They've been dealing with this for ten years or more. All they're doing is meeting with the state reps to show how they've been handling this. They're not trying to create anything new. If they're going to do something in Harrisburg, they want to prevent Township laws needing to be re-written. Both Rep. Flood's and Rep. Mako's offices were receptive. He invites anybody to attend the meeting, but it will not be an open forum. They have about an hour to spend with them. They want this information so when it comes up in Harrisburg, they can point to what Moore Township is doing. On June 23 at 9:30 am, if the Board allows, they would like to meet for an hour or so at the Township building and give them this information. Mr. Cuva asked what is a granny flat. Mr. Ayers explained a granny flat is where someone has a detached garage and goes to the ZHB to convert it into a living unit for an elderly relative, usually someone they need to watch. They put a lot of conditions on these buildings noting it can't be rented and is for this person specifically. The SEO makes sure sewer can handle the excess, can this person drive, etc. They always make sure to have it attached to the deed to make sure people know it can't be rented out as an apartment. He applauds people willing to take care of their elderly family members, but they must make sure it doesn't disrupt the community and that it's possible. Mr. Piorkowski and the Board said it's ok. Mr. Cuva said his concern would be, what is to stop it from becoming section 8 as worst-case scenario.

Mr. Stephen Hilburg of 453 N. Cigar Rd explained he was here several years ago when the state closed SR 248. Now they closed Hokendauqua, and he appreciates the effort to close the road. It has no effect on the traffic whatsoever. He has 70, 80 cars going up and down the dirt road. He is five feet off the dirt road. Everything he owns is covered in dust. Last time, nothing happened. He appreciates the signs. If someone comes down Valley View, they can't turn left onto SR 248. There's no other way to go than up and down the dirt road. He asked if there's anything that can be done as far as dust control. There are tractor trailers and buses going up and down the dirt road. Mr. Steiner explained that while they have road closed, local traffic only signage, it's to deter traffic and is not enforceable. Like the last time, they can't close the public road. He explained Mr. Hoffman tried using brine on the road, but they would have to spend a lot of time every day especially with how dry everything has been. It was almost a lost effort,

so they got signs from PennDOT. Mr. Hilburg asked how long the bridge will be out. Mr. Steiner said the end of November. It didn't pass inspection. Mr. Hilburg asked if there's any possibility of having N. Cigar paved noting it's big money. Mr. Steiner said it's something they would have to look at. They drove through it with Keystone last year and were looking at alternatives with Keystone to build a better gravel road. Mr. Hilburg said the road is so narrow two cars can't pass each other. The dust is phenomenal, everything he owns is covered. He bought the home because it was rural and not much use. Had he known what he would be dealing with, he probably wouldn't have bought the property. Mr. Steiner doesn't think they were considering paving that section of Cigar at all, but they were looking at millings or different aggregates to make the road better than it is now and try to alleviate some of the dust. He also sent a PSATS conversation where people were asking for solutions, and there is an oil-based solution. Mr. Hilburg said someone told him that when Lehigh County has a dirt road, they put down the oil base and stone it. There's a base from years of being maintained. Mr. Steiner said they can speak with Keystone to get moving on the alternatives to alleviate the problem. Mr. Tirrell asked if the traffic comes mostly one way. Mr. Hilburg said in the morning, they can't turn left onto SR 248 so they go down N. Cigar Rd to get out of the area. Mr. Tirrell asked if he gets the reverse in the afternoon. Mr. Hilburg said yes, but not as much. He thinks they take a detour or another way. Most of the traffic is in the morning. Mr. Tirrell asked if it's an option to make the road one way. Mr. Hoffman said it's so hard, he doesn't want to regrade. Mr. Tirrell said he didn't say that. He's asked about making the road one way only. Mr. Hoffman said if people would drive 25 mph, it wouldn't be as terrible. Mr. Gogel asked what the speed limit is on the road. Mr. Hilburg said it's 40 mph because there's no signs. Mr. Hoffman has been in contact with PennDOT to try and set up a better detour route. He is told that's the detour route. When they first did it, he received a call out of the blue it was being closed because it failed inspection and couldn't even be taken down to one lane. Mr. Hilburg said there's a big pipe at the end of N. Cigar Rd, and there's no weight limits. He's had tractor trailers going up and down that road, and it's just a pipe. Mr. Piorkowski asked Mr. Hoffman if PennDOT has recommended anything that could be put down on the road. Mr. Hoffman did ask, but PennDOT doesn't have stone roads, so they don't use anything like that. He is very familiar with this issue since it happened when SR 248 was closed. Mr. Steiner said they tried to be quicker than last time. They were able to get brine down and experiment early on, but it's too dry. Mr. Hilburg asked if it would be a problem if he put down calcium chloride where his house and barn is. Mr. Horvath said he has to be careful with putting down calcium chloride and other chemicals if within the flow of a stream as it's very detrimental to the quality of the water. Mr. Hilburg said they use it all over the place in winter. Mr. Horvath said it's used in a controlled manner in a particular concentration. He asked if he's talking about putting down rock salt. Mr. Hilburg said anything that keeps the dust down, but he can water it in. Mr. Steiner said they tried putting salt down before the brine. Mr. Horvath will dig into alternatives.

Mr. Bill Kukor of 562 Carol Lane lives near where it was just paved. At his driveway, there's a little hump to get onto the road surface. Since it was paved, there's a lip maybe an inch high. He took a hose and a five-gallon bucket of water, dumped it down the roadway. It ran into the driveway rather than be diverted where the hump used to be because the inch lip keeps the water on his driveway instead of going back out onto the road. It puddles at the end of his driveway now. He has pictures and pictures of the roller marks from where they rolled in his driveway. He wants something done before winter because he doesn't want ice forming in his driveway where it never did before. There was never an issue there with his house having a little hump at the end of his driveway and about four other houses going along that road. They all have a little hump to keep the water from going into their driveway. With the inch lip, it created a little valley or little gully, and the water stays in because it can't go back out onto the road. Mr. Piorkowski asked if there was a hump at the end of the road. Mr. Kukor said when going up the driveway, there's a little hump at the edge of the driveway to keep water from coming in. Now since there's a lip, the water does not go back out. He showed Mr. Hoffman. Mr. Hoffman said he's had

numerous conversations with Mr. Kukor over the phone. They haven't sealed the driveways yet. Mr. Kukor said sealer is not going to take care of it. He showed where the roller marks are in his driveway, where roller marks are in the street, and the one-inch lip keeping the water from going onto the road to continue down the road. Mr. Hoffman asked if his water runs down his driveway onto the road. Mr. Kukor showed how it runs into a puddle on his driveway. When it was flush, it continued down the road. Now it puddles because it can't get down the road. Mr. Piorkowski asked Mr. Hoffman if he'll take care of it, and Mr. Hoffman said he would.

ADJOURNMENT

Mr. Shaffer made a motion adjourn the meeting at 7:54 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.