

The Regular Monthly Meeting for the Moore Township Board of Supervisors (BOS) was called to order on Tuesday, March 7, 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

SUB-DIVISIONS AND LAND DEVELOPMENT

#22-03P/F Muschlitz Excavation Land Development

Mr. Dick Gable, chairman of the Planning Commission (PC), reported the PC passed a motion to grant Conditional Final Approval of #22-03P/F Muschlitz Excavation Land Development with the conditions set forth in KCE's review letter dated November 23, 2022, along with the condition that they plant Thuja Trees and maintain them at a 10' level. Mr. Gable explained a couple years back, there was a bunch of evergreens and other plants. PPL cut them out from their right-of-way (ROW). They went to the Zoning Hearing Board (ZHB) to get a variance, but they were still having a hard time getting a response from PPL. The engineer for the land development plan said they received a response following a call from Mr. Horvath to PPL. The engineer described the only clarification on the latest plan was 57 Thuja, and Mr. Jason Harhart clarified a single row of evergreens was permissible in lieu of what they showed which was a staggered row. The plan shows 44 Thuja consistent with the ZHB and alternate planting. They did it on that plan which is attached to the existing ROW agreement with PPL. They will submit these plans and would like the condition to stand as is. They haven't seen an amended agreement language from PPL yet. Although they have their blessing for the plantings, he doesn't want to commit to submitting an amended ROW encroachment that wasn't the intent of the PC. Mr. Horvath asked clarification they didn't want to submit the application. The engineer doesn't want to commit to submitting a ROW encroachment amended. Their stance is they have an agreement that stands. It's a legal document. They blessed the plantings, but he has not seen an updated ROW encroachment agreement from PPL. The plantings were a placeholder with no species. In their mind, they are clarifying an existing agreement and will submit the existing encroachment agreement they have at a minimum. If they work it out, they work it out. They don't want to commit to what's in the Keystone letter which says to submit an amended or new ROW encroachment agreement. They are putting up Thuja on the adjacent property and their property along the fence line. Mr. Gable explained the adjacent Flood property also wanted Thuja trees on their property, and they have a separate agreement with Mr. Flood committing to planting them on his own. Those in the ROW have a height restriction of 10'. The engineer explained outside the ROW on the Flood property, they can go as high as they please. Mr. Tirrell asked Mr. Horvath if he needs to amend his letter. Mr. Horvath explained it technically says submit a copy of encroachment agreement. They still haven't submitted the original one which would technically satisfy his comment. It's up to the Board whether they want to ensure the new plantings are amended and incorporated into the current agreement. The engineer explained it's in the same configuration, species was not clarified in the agreement. They clarified noting he has an email from the PPL ROW department stating they approve the Thuja. Mr. Jack Muschlitz will plant them, and he has the right to plant them under the current agreement. Upon the approval, they have a landscaper ready to plant them within a week.

Mr. Tirrell made a motion to approve #22-03P/F Muschlitz Excavation Land Development per conditions in Keystone review letter dated November 23, 2022

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Gable reported the PC discussed the animal ordinance. Mr. Harhart looked at the surrounding municipalities' ordinances. They will continue the discussion at the next meeting.

REGULAR BUSINESS

MINUTES

Mr. Shaffer made a motion to approve one set of minutes from February 7, 2023

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FINANCIAL REPORT

Mr. Tirrell made a motion to approve the Financial Report

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

PAYMENT OF THE BILLS

Mr. Shaffer made a motion to pay the bills

Mr. Steiner noted bills for the month from General Checking are \$294,679.92. This includes the first payment to Professional Construction Contractors for the Church Road culvert in the amount of \$140,096.50. The Liquid Fuels bills are \$64,675.03.

Mr. Horvath provided a letter indicating Keystone reviewed the work done against requested payment. Everything is consistent with project specifications, and Keystone is recommending payment.

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

APPROVE PAYROLL

Mr. Tirrell made a motion to approve the payroll

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

POLICE DEPARTMENT

Chief Gary West read the February 2023 report.

FIRE & AMBULANCE

Mr. Harhart read the February 2023 report.

PUBLIC WORKS DEPARTMENT

Field Treatment

Mr. Craig has three quotes for the 2023 field treatments. After discussing with the Recreation Commission, they are not going to treat the Lower Road fields this year. The quotes are from Betterescapes, Keystone Landscaping, and Hahn's Lawns. Hahn's came in the lowest at \$9,500 for four applications. The second lowest is Keystone Landscaping, and the third is Betterescapes. Mr. Tirrell asked confirmation it would be Borek, Filchner, that whole area, and the main area. Mr. Piorkowski asked who they used last year. Mr. Hoffman said Betterescapes. Mr. Piorkowski asked if they were happy with them. Mr. Hoffman said they had some issues at the beginning of the year. The dandelions came out before they sprayed the fields and were a little lax with getting started. Cain Hahn who owns Hahn's lives in the Township on Beersville Road. Keystone is proposing three applications whereas everyone else is proposing four applications. Mr. Piorkowski said apples to apples would be Betterescapes and Hahn's. He asked Mr. Hoffman for a recommendation. Mr. Hoffman said based on each proposal, it's the same fertilizer and treatment. It comes down to price.

Mr. Shaffer made a motion to approve Hahn's Lawns for lawn treatment this year for \$9,500

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Biery Promotion

Mr. Brandon Biery applied for the open position at the Public Works Department. Mr. Hoffman would like to promote Mr. Biery from Municipal Worker to Municipal Laborer. Mr. Biery received his class A CDL and is able to do the job. He is looking to move from the park to the road department. He will still help train the new person at the park. If he has to work at the park, he is more than happy to do so. Mr. Piorkowski asked how long he's been with the Township. Mr. Hoffman said in the full-time job, two years. He started at the park in 2017.

Mr. Tirrell made a motion to approve the Biery promotion

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Street Sweeping

Mr. Hoffman reported street sweeping is planned for April 3-7, and April 24, 25, and 26.

Ford Ranger Sale

In November, the Ford Ranger did not pass inspection. One reason is the rear frame cracked where the leaf springs mount. Collis will give the Township \$650 for the vehicle.

Mr. Shaffer made a motion to sell the Ford Ranger to Collis for \$650

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

2023 Seal Coat Projects

Mr. Hoffman has been working with Mr. Horvath on the 2023 seal coat projects. He is looking for Board approval to have Mr. Horvath put the projects out to bid. The roads include Derhammer, N. Oaks, Bigley, Vista, Alpine, S. Mink between SR 946 and W. Scenic, Hillcrest, Applebutter, and Crestvue.

Mr. Tirrell made a motion to have Mr. Horvath put the projects out to bid

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

FIRST REGIONAL COMPOST AUTHORITY (FRCA)

Mr. Gable reported they have a large amount of mulch and compost is being made. They are having a Mulch Madness on March 24 and 25. People can go to the FRCA at Weaversville Road, receive a \$10 hand stamp, and come back as many times as a person wants. They will load whatever a person brings whether it's a trailer, pickup truck, dump truck, as long as it's not a triaxle or bigger. They need to move the mulch out because there's no place to put it.

NAZARETH COUNCIL OF GOVERNMENTS (COG)

Mr. Piorkowski said there was no meeting this past month but will have a meeting March 16.

RECREATION COMMISSION

Adult Men's Baseball League Field Rental

Mr. Steiner reported the Adult Men's League was approved to use the field on Sundays from 10am to 1pm from April to September. The schedule hasn't been fully established yet. They have insurance and a permit. Once a schedule is set and payment is arranged, the permit will be officially submitted.

Blue Mountain Soccer League

The Recreation Commission approved the Blue Mountain League use fields for four teams. The permit and check should be received by the next Recreation Commission meeting.

Mr. Shaffer made a motion to approve the Adult Men's Baseball League Field Rental and Blue Mountain Soccer League rental

Mr. Tirrell seconded the motion

Public comment

Mr. Tirrell wasn't sure they needed a motion noting they don't approve pavilion rentals. Mr. Steiner said this is what the chairman provided to him and thinks this is how she would like to do things going forward.

Motion carried with all Supervisors present voting aye

Mr. Steiner said they are also working on fields for the other adult baseball league. He also reported Chairman Jodi Hartzell also asked the Board to review and provide feedback on a draft description of the Recreation Center rules and responsibilities. They have a document for regular operations from 2016, and he thinks they're revisiting it to make sure it lines up with current operations. Ms. Hartzell is also getting a calendar of all the field requests and teams. Mr. Steiner put together an Outlook calendar that keeps track of pavilion rentals, Community Days events, and MTAA to make sure events don't bump into one another.

HISTORICAL COMMISSION

Mr. Tirrell reported the commission is putting together a list of what needs to be done at the schoolhouse to then be provided to Mr. Steiner for bids. There's a workshop coming up where the commission wants Mr. Hoffman to attend. They were happy to hear the Board wants to complete the project. Mr. Steiner reported he and Mr. Hoffman met with Ryan Christman of KCE to look at the schoolhouse today. Mr. Christman had a contractor who has done work on schoolhouses to get an estimate of what this would cost. Mr. Steiner gave him the list from last year's workshop as a starting point plus the floor. Mr. Christman or Mr. Hoffman will probably reach out to Mr. Bob Fedio or Mr. Jesse Longley to get a handle on what all needs to be accomplished.

LAND & ENVIRONMENTAL PROTECTION BOARD (LEPB)

Mr. Bob Romano reported they reviewed two open space preservation applications and are looking for approval.

Peters (Beersville Road) Open Space Preservation

The property owned by Andrew and Erica Peters at 3304 W. Beersville Road is 9.8 acres and has a tributary of the Hokendauqua running through it. It contains some wooded property and some wetlands. It adjoins another large, preserved property. It lies within the hundred-year floodplain. It's a 4th generation property. It probably can be subdivided for houses. They are looking for the Board's approval to move forward with preserving through Heritage Conservancy.

Mr. Tirrell made a motion to move forward with the Peters open space preservation

Mr. Piorkowski seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Hager (Keeler Road) Open Space Preservation

The Hager property is 25 acres along Keeler Road. It is mostly open area with wooded areas. It is surrounded by large parcels of property. Nothing is currently preserved around it. The owner has been approached by neighboring properties to purchase it. The property owner fears it would be more developable if a neighboring property purchases it. It applied for preservation several years ago, and the owner decided to put it on hold. They put in a new application. There is an appraisal for it, but they will probably need to do a new appraisal. The property owner is 100% sure they want to go through with it now. It's a bit of a flag lot, but the surrounding properties that would want to add to it would make it more developable. Mr. Rudy Klein said there isn't much possibility of developing the Mitch property alongside it. They got a variance to build the house in the middle of the field. He thinks part of the leniency was they couldn't do any more developing. Mr. Romano asked Mr. Harhart if he knew anything about that. Mr. Harhart said it's true they needed a variance to put the house on the property because of the access. Mr. Klein wanted to point out he wasn't sure the neighboring property could be developed. Mr. Piorkowski said the issue is whether they want to preserve the Hager property. Mr. Romano pointed out the development potential of surrounding properties was some of the reasoning for why they wanted to preserve the Hager property.

Mr. Tirrell made a motion to move forward with the Hager open space preservation

Mr. Piorkowski seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

George (S Penn Dixie Road) Open Space Preservation Appraisal

Mr. Shaffer reported they received the appraisal for the George property on S. Penn Dixie also known as Little Pond. The appraisal came in at \$160,000 which is the value of the conservation easement. This is about \$5,000 per acre which is typical for open space property appraisals. They are looking for approval of the appraisal. Mr. Piorkowski asked how big the property is. Mr. Harhart said 32 acres.

Mr. Tirrell made a motion to approve the appraisal for the George property

Mr. Piorkowski seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Member Resignation

Larry Bender is moving out of the Township, so he is resigning from the LEPB. Mr. Shaffer spoke on Mr. Bender's time with the Township. He had 28 years of volunteer service to Moore Township. Mr. Bender is one of the original members of the Farmland Preservation Board of which he was chairman. The board helped establish the land preservation program as we know it today. Mr. Bender continued on the Land Preservation Board following the name change and continued on to the now Land & Environmental Protection Board. Mr. Shaffer thanked Mr. Bender for his many years of service to the community. He will be greatly missed by the Supervisors and the LEPB. He wished him well in Lehigh Township.

Mr. Tirrell accepted the resignation of Larry Bender and thanked him for his service to the Township

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

An ad will be placed for a new member.

COMMUNITY DAYS COMMITTEE

Ms. Lois Kerbacher reported the first bingo of the year will be March 12, a households bingo. There is a lot of interest and should be a good turnout. In April, they will have a purse bingo. In May, they are having a spring yard sale. Concerts will start in June.

ZONING AND BUILDING OFFICER

Mr. Harhart submitted his February report.

TOWNSHIP ENGINEER

Church Rd Culvert Project

Mr. Horvath reiterated they received the payment 1 application for the Church Rd culvert project and recommended payment. The concrete culvert has been put in place and bypass pumps turned off. Water is flowing through the culvert. Wingwalls are up. The additional backfill, road resurfacing, and guiderails need to be completed. They expect the project to be completed by the end of the month if weather cooperates for paving, and the guiderail installers can get there.

Schiavone Farm Sediment Erosion Project

Keystone hasn't received the needed paperwork to recommend final payment. However, Mr. Horvath learned the issue is the contractor's landscaping person has billed the contractor in an amount the contractor feels is inconsistent with the contract. The dispute needs to be ironed out between them before

the landscaper furnishes the needed affidavits of payment to the contractors. Mr. Horvath isn't sure how that is going to shake out. If need be, he can consult with Attorney Backenstoe.

MS4

Mr. Horvath prepared a revised easement exhibit for the McMullen property. There was some overlap of the existing home with the easement. He asked Attorney Backenstoe to revise the easement agreement language to trim the existing easement off. The surveyors located the existing edge of the basin. There's room that they can slide it over and get the porch, swing set, and sand mound out of the edge of the easement by moving it about five feet. Once that's completed, he is hopeful Mr. McMullen will sign off.

They completed surveys on the other properties and are in their design group's queue. He hopes to have that underway soon. Mr. Piorkowski asked if they only have one agreement left. Attorney Backenstoe said there are three he's working on with property owners to finalize. Six of them have been recorded. The other three have concept issues Attorney Backenstoe is working with the property owners to address.

Drainage Issues-Trach Rd, E Scenic Rd

Mr. Horvath visited both roads with Mr. Hoffman. He explained E. Scenic was by the Jolly Joe Timmer property. He got the lay of the land, saw where the drainage is going and coming. As suspected, with E. Scenic there are private drainage pipes along the southside that are associated with Seneca St, Cherokee St, the private roads. They drain to an existing PennDOT culvert that crosses from south to north of the road. As described by the nearby property owner, that culvert is filled or nearly filled with sediment. Mr. Horvath contacted Steve Schippers, the maintenance manager for the area who indicated he would check the pipe. If needed, he would have a vacuum truck out as soon as he could. As far as the drainage pipes on the south side of the road are concerned, they're a mess and not within the Township's responsibility. Mr. Piorkowski said he at least helped in getting the state out there faster. Mr. Horvath said if the state opened up its pipes, it would facilitate flow through the other pipes which are filling with sediment and backflowing. The downstream pipe needs to work first, and maybe from there on up things could get better. He will follow up with PennDOT.

With regard to Trach Rd, Mr. Horvath took some video and put together a topographic map of the area to evaluate and assess some drainage areas. He had some reasonably long conversations with Ms. Maria Bentzoni and the conservation district specialist, Mr. Jim Lawrence. Mr. Lawrence is the conservation specialist in charge of the Dirt and Gravel Road Program. He provided Mr. Horvath some background on statements made last meeting about the Township having approvals for some grant money through the Dirt and Gravel Road Program. That was true. As some people guessed, there was some matching funds or services required, and that's where it fizzled out. There are a couple ways to look at this, and it depends on how the Township wants to proceed with respect to vacating the road. They can fix it either way. Depending on how they decide to do it would dictate how he recommends fixing it. If they'd like to fix the road, he has solutions in mind that would involve diverting the flow from the east end of the field. That's really what's concentrating and continuing to flow down the remainder of the road and exasperating the erosion issue. The road itself, he would recommend regrading rather than be recrowned. Tip it in one direction so water from one side of the road can pass across to the other lower side of the road into the field. Not necessarily in a concentrated fashion but along the length of the road at various points so it can do so in a diffused manner to not cause issues with the fields below.

His recommendation would be to make the road go away. The road is the root cause of the problems. It's creating a channelization and eruption of the natural drainage paths. If the road weren't there, this problem would go away. How that is accomplished could take a couple different tracks. If the road is vacated, there is no eligibility for Dirt and Gravel Road Program because it is strictly limited for public

road projects. However, there are agriculture conservation assistance programs with a pot of money doled out to private property owners for purposes like this, for facilitating farmable, tillable land, helping to eliminate problems like this. Both Ms. Bentzoni and Mr. Lawrence said this road remains a very high priority in their minds. Whatever approach the Township would like to take, they would fully support efforts to get funding for whatever needs to be done to correct the issue whether through Dirt and Gravel Road or Ag Conservation Assistance if it were to returned to private ownership. He asked if the Board needs to know what can be done before they decide, or do they have something in mind that they'd like to go one direction or the other. Mr. Piorkowski doesn't think the Board has anything in mind because they were waiting to see what Ms. Bentzoni had said, hear his opinion, and hear cost estimates for each project. In speaking with Mr. Hoffman, Mr. Horvath thought regrading of the road, if it were to be done in house, would take a couple guys and pieces of equipment about a week. That type of work, if it were to remain public, could be used as matching services toward the grant for Dirt and Gravel Road. They wouldn't necessarily have to put out their contribution in cash, it could be in services. From a long-term maintenance standpoint, the road will continue to be problematic. They can get it to a point where it's working, but every winter, if it's plowed, the plows will disrupt and create the conditions to channelize. In the spring, they'd have to fix it. Whether it's a channel along the side of the road, a trench drain or French drain filled with rock, eventually it will fill with sediment. Piping is probably the ultimate solution in terms of hands off maintenance, but from an environmental standpoint it's probably the worst. It's going to take all the water, concentrate it, zoom down the road, and out to the creek or into the wetlands before it gets to the creek. They're going to have a problem, it's just going to be somewhere else. However, it's manageable. If they want to keep the road, they can keep it and do it in a way that is better than it is today but will always require long-term care which is to be expected with any public road. This one might be more than others because of the drainage areas. In terms of cost to regrade, it could be \$50,000-\$100,000 easily in terms of the total project cost. In 2006 or 2008, they estimated \$34,000. \$100,000 comes and goes quickly when discussing nearly half a mile of road when it comes to grading and putting down new stone. It's an investment. The reason this came up was there's a question as to whether this road serves a public good. If it does, he suggests they move forward with making needed improvements. They can evaluate availability of funding. There's plenty of funding for gravel roads noting everybody takes the allotment of low volume roads. Gravel roads are less sought after in terms of those grants. The conservation district and farmland preservation would be advocates for this type of project. If they determine it's not necessarily for the public good and long term maintenance doesn't make sense, he suggests they look at solutions to remove the road, do some regrading, putting topsoil down, and allowing the return to normal, natural drainage patterns where the problem is essentially gone.

Mr. Piorkowski asked confirmation there's funds for returning it to farmable land. Mr. Horvath said there's funds for the conservation program. It would be unusual for a Township to be involved in something like that. It would usually be the homeowner. However, he thinks there would be some interest from the Farmland side of things if the Township were to say they are turning over this road, and they want to turn it over in a condition that is not going to be a burden or problem for the property owner. Maybe it wouldn't be the Township paying, but it would be facilitating getting the money or potentially putting forward some matching funds if that's such a thing. He doesn't have an answer because he thinks the question was, do they want to keep the road. Mr. Tirrell asked for the costs of the second option to turn it back to farmland. Mr. Horvath said they are looking at a similar cost. They'll have to do regrading and work around existing stone road. They'll be bringing in topsoil instead of stone to top dress. How much is difficult because they haven't done a real survey. Maybe they're only putting 8-12 inches of topsoil on. This may not be a productive stretch of farmland in the near future, but it's certainly not now. If the homeowner or farmer could pass across the driveway, it might change the conservation plan to be more conducive to slowing down the runoff. Right now, on the south side, they can see the fields are nicely planted along contour lines to prevent water runoff and soil erosion. On the north side of the road

because of the way the hill comes down and the road, there's a section which is planted perpendicular to the contours which means it's directing the water down the hill which is not ideal. He certainly would not imply he knows how to farm a property better than the people who are, but he would imagine the road provides an obstruction to farming the field in a certain way. In terms of cost, \$100,000 either way with the Township putting some services towards such work. Mr. Steiner asked confirmation it's \$100,000 in addition to the work or prep work provided by the Township. Mr. Horvath said that's how he is leaning with how much needs to be done and how out of whack it is, noting a curve in the road that is higher than the rest of the fields may require additional work. It's tough to put a number on it without looking at it more closely. In terms of stone surfacing and minor regrading of the surface of the road, that's how he came up with that number. Mr. Klein would like to see a plan of what the alternative would be as far as water control. At the last meeting, a sketch was brought up. Mr. Jeffrey Henderson said there was a sketch. Mr. Klein asked if there was some kind of proposal brought by Mr. Henderson. Mr. Henderson said there was. Mr. Klein said that would be a key factor in a lot of this water control. He hasn't spoken to Ms. Bentzoni yet, but he knows how much of a hot button it can be. He appreciates the research Mr. Horvath did on alternatives to back this up financially because he knows how critical it is, but he would definitely like to see some kind of sketch to see how this water is going to be controlled. Mr. Henderson would too. Mr. Klein said that's if the Board wants to leave it open. If they're going to vacate or reclaim, that's another ballgame. Mr. Henderson asked Mr. Klein what he thought about it. Mr. Henderson thinks it should remain open if only for the reason of access to the fields. Mr. Klein said he doesn't have to do this, but he recommended this to Mr. Dave Tashner and one of the other supervisors. At the end of his barn at the corner where the downpipe has always been an issue, there's a huge cistern at the corner of the barn, inside the barn. It's dismantled. It may not take a whole lot to refurbish and make it function again. Since the downpipe at the corner of the barn is somewhat of a culprit in this situation, he could divert some of the water into the cistern. He doesn't have to offer this option. Mr. Horvath said any little bit could help, but there's a substantial area that comes from his property, a little on north side of the road but more so on the south side of the road, that all funnels down toward the road. Mr. Klein said it's the natural topography, and Mr. Horvath understands. It's what Mr. Horvath outlined to get at what it is that's getting to the road. That's about 3.6 acres that hits east of the tree row, the crossing between the two properties. Mr. Klein said that's where the water builds its momentum, and that's why he's curious about the direction of this water. Mr. Henderson said that's where the road tilts, slants. Mr. Horvath's first suggestion would be all the water at the tree row should be diverted off the road to the north side, allowed to filter down through the tree row, and continue down it's natural path which is the north side of the road. Mr. Henderson said that's what's happening now. The only trouble is the water is discharging and permeating out as it goes down the hill because they're not containing it. Mr. Horvath said there's also a cross pipe at the accessway at that exact point. If that cross pipe were eliminated and a water bar put in its place, it would divert all that water out into the north field which would cut out about half the drainage area that makes its way currently down that road. Mr. Henderson asked if the pipe is running north-south. Mr. Horvath said it runs east-west. Mr. Klein said when they divert that volume of water into his fields, he's going to withstand very saturated conditions which will cause a major problem with the farming operation of that field. Mr. Horvath said if the road weren't there, that's where all the water would go. He recommends returning the water where it wants to go where it currently cannot because the road is there. If the road were to stay, he would still recommend a water bar at that approximate property line allowing all the water from the southside to the northside along the natural draw which the road prevents. It currently flows south, hits the road, and shoots down to Summit. Mr. Klein said they've had heavy snow pack in certain years, and a major warm up and super melt off. If he wouldn't practice hay farming to the level he does which is the best soil and sediment retention, they had a major ditch channel down through the field and breach the property line. He had a mini canyon running through the field. It's a major natural topography issue. He's afraid of bringing in water along the property line. Mr. Horvath is saying it wants to flow to the north. Mr. Horvath, Mr. Klein, and Mr. Henderson looked at Mr. Horvath's

sketch and discussed what they tried doing to regulate the runoff and discussed the flow paths. Mr. Horvath said part of the conservation district's plan was to get water over in the same regard Mr. Horvath recommends. Mr. Piorkowski recommended Mr. Horvath and the property owners discuss outside the meeting. Mr. Klein said Trach has been a major thoroughfare for years, and now they have this issue. It doesn't seem realistic to him. He knows it's not their problem and thinks over the years some of them have been created, but it needs to be addressed now. Mr. Piorkowski said they'll table it until they discuss more and bring more information back. Mr. Horvath asked if he's looking for defined plans for both scenarios. Mr. Shaffer said the two landowners need to understand completely what's going on, and the Board needs to completely understand what's going on. He wants Mr. Horvath to make sure the landowners understand both options and then present the plans back to the Board. They can go from there. Mr. Horvath said plan two is simple. Road goes away, dirt goes over it, and everything goes back to the way it was. Mr. Piorkowski said according to what he said earlier, there would be money for the property owners to apply for grants. Mr. Horvath said it was suggested by Mr. Lawrence, and Mr. Horvath has a call into Mr. Jim Clauser who is responsible for doling out money associated with that program. Mr. Piorkowski said it would be helpful to understand that part of the program as well. Mr. Tirrell said he wouldn't want to put it on the property owners to put it back to where it was if they decide to vacate it. Mr. Horvath understands which is why he wanted to investigate this possibility. He will explore more and hopefully he'll hear back from Mr. Clauser on how to go about getting funds if that were the direction.

TOWNSHIP SOLICITOR

Agritourism/Agritainment Ordinance

Attorney Backenstoe explained they considered some concepts and drafts of the agritourism/agritainment ordinance, sent it to PC who re-wrote parts of it and tightened up parts they wanted, and sent it back to the Board. They now have a draft which he tightened up since the last meeting. This is in a form the PC thought appropriate for the Board to consider. Mr. Shaffer thought this went well and feels like it's been a long time. Mr. Tirrell asked if there's a reason they limit to 150 people. He grew up on Seiple's. There could be 200-300 people there. Not saying they have a Seiple's in the Township, but he's looking at that possibility and would like to know where that number came from or why there is a number. Attorney Backenstoe explained the PC was thinking they start off with ideas that sound great, proposals come in, people start to use it, neighbors get upset because they're not accustomed to 200-300 people for a wedding, party or concert, so that was a number the PC thought was fair. If the Board wants to strike it and not limit to a number, the Board certainly could. Mr. Piorkowski asked if they considered parking and traffic in deciding on that number. Attorney Backenstoe said that is correct. They thought about average properties for parking and traffic. They also discussed the concept that if somebody came in with a plan where they wanted 200-300 people and had an appropriate layout, they could go to the ZHB. Both of these uses, the agritainment and agritourism, are special exceptions which means the use by and large is permitted unless an objector would come and show the particular proposal was more detrimental to the community than others like it throughout the state. He thinks the PC looked at it, thought 150 would be a big group and could facilitate a number of big functions. If a farmer wants to do this, but he wants to have a venue for 300-500 people, the PC thought it could be a great thing and they could lay out the plans to the ZHB explaining why it wouldn't be detrimental to the community and get the variance. Mr. Piorkowski said that would make them accountable for what they wanted to do when it came to traffic in the Township. Attorney Backenstoe explained the use is permitted with the special exception, and if they wanted to go above the number they can go to the ZHB with plans to show how they will accommodate that. Mr. Piorkowski said if they don't have the number, there would be no limit. Mr. Tirrell said it would be limited to the amount of parking available. Attorney Backenstoe explained they could have some people parking on the street. Mr. Tirrell said it's laid out they can't park on the street, so he thought it was already addressed. He's ok with the explanation.

Mr. Tirrell also asked about section 4, item F. He doesn't understand why they would be governing their employees asking why they would want to allow only four full-time employees. Attorney Backenstoe said it was simply a place to start. It's a special exception use. How big do they want it, how many employees do they want coming in and out with neighbors getting upset. This is on the same theory the PC looked closely at them having a nice agritainment business, like a you pick it, ice cream, wintery, corn mazes, or something like that, and they thought this would be an appropriate place to start with the number of employees with the understanding that a company coming in with a bigger operation can get a variance from the ZHB. If the Board wants to change it, they can. Mr. Tirrell asked if they tell any other business how many employees they can have. He doesn't think it's their job. Attorney Backenstoe said the only difference is somewhere like the pizza place is a permitted use, and this is a special exception use to which conditions can be attached. The PC thought this was a good place to start. Mr. Piorkowski said the owner and relatives aren't included. Attorney Backenstoe said that is correct. Mr. Klein thinks they should have some kind of acreage requirement. Mr. Tirrell said there is a minimum of 10 acres.

Mr. Tirrell asked about Section 4, item G. 50% of the products on display should be grown, prepared, or produced on the subject property. He has a real problem with this section. In the history of you pick it, Seiple's brings in truckloads of pumpkins from other counties. He'd say the number is 20% on the property. Mr. Klein said this year he did not have to, but on the average there's more years that he must transplant. Mr. Tirrell said things like Indian corn and apples that aren't grown there is being brought in from somewhere else. Mr. Klein said it becomes a supermarket type thing to some extent. Mr. Tirrell said Filchner's wouldn't be able to sell the stone statues out front if they had this percentage in there. He would like to see this go away. Mr. Piorkowski asked if they had this same requirement with Country Grapevine. Mr. Jeffrey Ayers said what got them in trouble was the hoop structures because they expanded despite signing a letter saying they wouldn't expand. Attorney Backenstoe confirmed they extended way beyond what the ZHB had allowed without ever coming to the Township. The neighbors got upset. Mr. Piorkowski thought there was a limit on what was sold based on what was produced on the property. Attorney Backenstoe asked if that limit is in other ordinances. Mr. Harhart said it's the Pennsylvania state agriculture law that states 50% of the products are supposed to be from the property. Attorney Backenstoe thinks the PC was thinking there's a farmer, and they want to help the farmer. There could be tough times farming, it's expensive, yields may not be what they were, and markets may not be what they were. Revenues might not be what they were. The question is what other kinds of businesses would make sense with a farm, and that's the genesis. They'd be growing this on their own farm, and the term 50% came up because they thought it would be reasonable. Mr. Ayers wanted to make it clear they're not trying to outlaw agritainment. They're looking for a starting point. For the small farmer in Moore Township, they could meet these requirements really good. They were concerned about outside influences coming in and creating large-scale agritainment businesses that would upset the community. As far as he's concerned, what's before them tonight is a starting point. If someone wants to come in and be bigger or sell more goods, they can come before the ZHB. Like other issues, if the Township feels this is too intrusive, the solicitor can represent the Township and make the case it isn't in the Township's best interest. The applicant can do the same to make their case. There's a whole section about home occupation and running a business from their home. The first thing they look at is parking, traffic, and number of employees. When a person starts to run a business, doesn't matter what it is, those are the things they look at. If something gets too big, they think the public should have a say. Mr. Piorkowski said if they implement it as is, they can amend it later. Attorney Backenstoe confirmed that if they adopt this, see a trend over a couple years, they can amend the ordinance. The idea was they weren't trying to keep uses out. They're really letting them in now. Before, they could have done it, but they would have had to get variances which would have subjected them to tougher standards. This way, the Township is telling the farmer they have a lot of uses that can be developed in the Township. Mr. Steiner

asked how an item like that would be enforced, would somebody make a complaint and an investigation ensue? Mr. Harhart clarified this is a special exception use, so every single one of these that comes in will be before the ZHB. If they can't meet the criteria, they'll be in front of the ZHB no matter what. If they want more employees or more people, they can ask for a variance at that same hearing. Attorney Backenstoe concurred noting the applicant still needs to go to the ZHB, and with a special exception, the burden is on the applicant or owner of the property to meet the general but has to put testimony on to meet the specific. That's when if they want to be bigger, smaller, provide more parking, less parking, don't have enough acreage and yet it makes sense to do it, that would be the time to fine tune things with a variance. Mr. Tirrell didn't have any more questions. Attorney Backenstoe said they were very good questions.

Mr. Shaffer made a motion to authorize Attorney Backenstoe to advertise the Agritourism/Agritainment ordinance

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

TOWNSHIP MANAGER

Mr. Steiner reported he attended the Livable Landscapes grant workshop with Mr. Harhart for the parks, recreation, and open space plan update for which they are looking to apply for a grant. They also spoke to Ms. Sherry Acevedo on the plan. He and Mr. Harhart will work on the grant application this month. They will need to pass a resolution at the next meeting authorizing the submission. It will be submitted March 30, but they can retroactively pass the resolution. Liquid Fuels and regular audits are coming up. He and Mr. Hoffman are still interviewing applicants for the open Public Works positions. There is an employee currently on short term disability with rumors he may retire, so they are continuing to interview applicants noting they have a few qualified applicants. Mr. Tirrell asked if it was for the Assistant. Mr. Hoffman said no, and Mr. Steiner explained it may be more valuable to get regular workers in now with the number of people discussing retirement to train and teach them especially with the quality found for that position. They think they could get a lot of work done noting there are a lot of eager people for those roles. They may need an executive session to discuss the applicants with the Board.

RESOLUTIONS & ORDINANCES

Ordinance 2023-1 Forestry Amendment

Attorney Backenstoe explained this ordinance came about from Mr. Harhart monitoring the zoning. There were a number of forestry permits that came in, and a couple of new forestry permits objected to certain standards in our ordinance. They researched and found the Attorney General had issued several opinions on several of the subjects. One of them is the Township ordinance requiring anybody coming in with forestry do an erosion and sedimentation control plan which is under Pennsylvania code. They still have to do that. The Township required the plan be submitted to Northampton County Conservation District getting a letter approving it. The Attorney General didn't think that was appropriate and thought it was overregulating silviculture which is forestry. They issued several opinions that although the plan is required, it is inappropriate to require them to submit to the conservation district. The Township can still submit it to the conservation district, but they can't be required to get a letter of approval. This ordinance eliminates the provision of submitting the erosion and sedimentation control plan to the conservation district. It also eliminates the requirement to require bonding for forestry. Most townships don't require bonding for anything including construction for land development or subdivision plans which could rip up the road as much or more than forestry, so the question was asked how municipalities can do that for forestry. The Attorney General issued a provision stating that isn't appropriate anymore. They left

language stating they would ultimately be responsible if they tore up the road, but they are not required to post a bond as the Township required for many years.

Mr. Tirrell made a motion to approve Ordinance 2023-1

Mr. Shaffer seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

OLD BUSINESS

NEW BUSINESS

Schiavone Farm

Mr. Steiner said they received an appraisal for Schiavone farm this past fall and discussed bringing it up again in the spring. He wasn't sure if they wanted to put it out to bid to farm or put it out to bid to sale. They had to treat the weeds in the fall and thinks they may need to do something with it in May. He would like to know if the Board thought about what they want to do with it. They thought the project would be closed out by now, but they might never get rid of it if they wait for that to happen. Mr. Tirrell thinks they should put it out to bid to farm. Mr. Piorkowski asked if they can put it out for both. Mr. Steiner said if they want. Mr. Shaffer said they put it out to bid twice, and they didn't come in the way they wanted. They were discussing using a realtor to sell the property. If they farm it, he doesn't see why they can't get a realtor involved as a contingency. Mr. Steiner summarized the situation to Attorney Backenstoe. They put the property out to bid to sell. They received bids that were rejected by the Board. They put it out to bid again, and they didn't receive any bids. They had an appraisal done, and asked Mr. Steiner to do research on auctions because Bushkill has had auctions. Bushkill had more success with the bid process than auctions. He asked Attorney Backenstoe if they have to go through the bid process again before they can sell through a realtor. Attorney Backenstoe said they would definitely have to readvertise. Mr. Tirrell asked how many times. Attorney Backenstoe has to look noting there's a whole other area of the law where if they bid it twice and don't effectuate any reasonable bids, there's a whole other subsection of procurement law on what can be done to sell it privately. Mr. Piorkowski said they just spent over \$100,000 to make sure the erosion didn't continue. Mr. Shaffer asked for Mr. Romano's opinion. Mr. Romano thinks they should do both. The only issue is if they lease it, he knows some farmers want more than a one-year lease. They couldn't do more than a one-year lease. He doesn't see a problem with doing a one-year lease and also trying to sell it. If someone wants it bad enough, they wait. Mr. Klein doesn't understand why that's an obstacle. He also mentioned residents like him are paying into the earned income tax for the preservation fund, and they have outside farmers outbidding local farmers by a lot. There's something wrong with that picture. Mr. Shaffer said they asked about that, and they can't be prejudicial to where a person comes from to farm. He understands what he's saying. Attorney Backenstoe said they can't discriminate between those farmers from the Township and outside the Township in the bidding process as they'd get sued. Mr. Klein understands but thinks there's something wrong with that. A lot of local farmers that bid on these tracts feel the same way he does. Mr. Ayers was reiterating what Mr. Romano said. They should put the bid out to lease and farm. If someone buys the farm, they need to honor the contract for the farm lease for that year. Mr. Klein said they should pay half in the spring and half in the fall not wait until paying all in the fall. There's a lot of volatility in the ag business with high production costs. When asked by Mr. Shaffer how the lease is structured, Attorney Backenstoe said they've been lucky and haven't had problems with people paying.

Farm Lease Payment Structure Changes

Mr. Shaffer made a motion to add farm leases to the agenda

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Shaffer made a motion to change all farm leases to two payments, once in the spring and once in the fall of each year

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

Mr. Shaffer made a motion to put Schiavone Farm out to bid and out to farm with a new lease

Mr. Tirrell seconded the motion

Public comment

None

Motion carried with all Supervisors present voting aye

CORRESPONDENCE/MEMOS

OPEN TO THE FLOOR

Mr. Bill Leiner of the Northampton Press asked if the agritainment ordinance is being put out for advertising. Mr. Piorkowski said yes. Mr. Leiner added, he's 69 years old and a lifelong learner. Almost every time Solicitor Backenstoe speaks, he learns something. Mr. Piorkowski said he's glad to see him noting it's been a while.

ADJOURNMENT

Mr. Shaffer made a motion adjourn the meeting at 7:31 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.